

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2010/03999	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site J, Land East of Brighton Station, New England Quarter, Brighton		
<u>Proposal:</u>	Mixed use development comprising 2973sqm commercial office space (Class B1), 94 bedroom hotel (Class C1), 147 residential units (Class C3) and 255sqm retail floorspace/café/office (flexible use Class A1/A2/A3/B1) accommodated within 3 blocks (6-8 storey southern block and 5-8 storey central and northern blocks), Southern Site of Nature Conservation Interest, public square, private and public open spaces, associated landscaping, access, servicing, car and cycle parking, and provision of station link, including lift and stair access.		
<u>Officer:</u>	Paul Vidler/Maria Seale,	tel:	<u>Valid Date:</u> 21/01/2011
	292192/292322		
<u>Con Area:</u>	Adj West Hill/North Laine/Valley Gardens	<u>Expiry Date:</u>	13 May 2011
<u>Listed Building Grade:</u>	Within setting of Brighton Station (Grade II*) & St Bartholomews Church (Grade I)		
<u>Agent:</u>	Drivers Jonas Deloitte, Athene Place,66 Shoe Lane, London		
<u>Applicant:</u>	Square Bay Properties Limited, c/o Agent		

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 that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 legal agreement with the following Heads of Terms and subject to the following conditions and informatives:

Section 106 heads of Terms

- 36% affordable housing (53 units, 45% of which are social rented, 55% are intermediate);
- Local training and employment strategy to include a commitment to employing a percentage of construction workforce from the local area (20%) and contribution of £95k towards Constructing Futures;
- Education contribution of £199.884k;
- Construct and implement Southern SNCI prior to occupation of the development and Southern SNCI contribution of £23.75k for ongoing maintenance;
- £146.775k for the enhancement of recreational open space activities at The Level;

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- Secure access to childrens play space;
- Sustainable transport enhancements including £10k towards pedestrian improvements along New England Street, £75k towards enhancement of bus stops in Fleet Street, New England Street and Brighton Station stops, provision of car club and parking space and funding of occupiers first 2 years membership of car club; secure Travel Plan in accordance with the agreed Travel Plan Framework for the New England Quarter;
- £10k towards shopmobility;
- Secure detailed design of highway works including creation of new vehicular access and submission of Stage 2 Safety Audit and any necessary requirements to enter into a Section 278 Agreement. Secure cost of any TRO's. Secure details of visibility splay for traffic emerging from Mangalore Way prior to any development;
- Secure public square, lift access and stairway link to station to be publicly accessible at all times 24/7 – and Walkway Agreement to secure as unadopted public right of way;
- Secure maintenance plan for lift and its maintenance in perpetuity;
- Contribution of £337.25k towards the provision of public realm enhancements at the rear station entrance, conceived under the 'Brighton Gateway' project, or should this project not come forward the money would be put towards other public realm enhancements in immediate vicinity of the site;
- Ensure residents rights to parking permits for the CPZ are removed;
- Secure a Construction Environmental Management Plan (CEMP);
- Artistic 'influence' integrated within the public realm including the public square equivalent to £137.75k, with involvement of the NEQ Art Steering Group.

Regulatory Conditions:

1. BH01.01 Full planning permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings. [The full list shall be updated on the Late List].
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No intoxicating liquor shall be sold or supplied within any A3 unit of over 150sqm, 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.
4. The area shown as Southern SNCI shall be used as an informal wildlife and amenity space with public access, and shall not be used for any other purpose and, 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 buildings, fences, walls or other structures shall be erected, or surfaces

laid, without the prior express written consent of the Local Planning Authority.

Reason: To conserve and enhance the wildlife and nature conservation interest of the site and in the interest of visual amenity and to comply with policies QD19 and EM13 of the Brighton & Hove Local Plan.

5. BH11.02 Landscaping/planting (implementation / maintenance).
6. The use of the commercial premises located at ground floor level in the central block, within Use Classes A1, A2, A3 and B1, shall not be open or in use except between the hours of 07.00 and 21.00 Mondays to Fridays, 08.00 and 21.00 hours on Saturdays, Sundays and Bank Holidays.
Reason: In the interests of protection of amenity, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
7. Vehicular movements for the purposes of loading and unloading, and loading of vehicles for commercial units, shall only take place between the following hours: 07.00 and 19.00 Mondays to Saturdays, and at no time on Sundays or Bank Holidays.
Reason: In the interests of protection of amenity, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
8. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. Unless otherwise first agreed in writing by the Local Planning Authority, the acoustic protection of the buildings and end residents shall be as per figure 5.11, page 31 of the RSK Group Plc Noise and Vibration Assessment Report, reference: 291667-2, dated 15 April 2011.
Reason: In the interests of protection of amenity, and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. The crime prevention measures contained within the Design and Access Statement shall be implemented within the development and a Secure By Design (Part 2) certificate for each respective block in the development shall be submitted to and approved in writing by the Local Planning Authority before first occupation of each respective block.
Reason: In the interests of crime prevention, to comply with policies QD2 and QD7 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 first agreed in writing with the Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: To protect groundwater quality and to comply with policy SU3 of the Brighton & Hove Local Plan.

12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the approved details.
Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
13. 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, HE3 and HE6 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 and 7 of the affordable dwellings shall be constructed to wheelchair accessible standards. The dwellings 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 sustainable measures contained within the development as indicated within the application and on the drawings, including the 904sqm photovoltaic panel array on the roofs, brown roofs, air source heat pumps and rainwater harvesting system for the residential blocks shall be implemented within the development unless otherwise approved in writing by the Local Planning Authority.
Reason: To ensure an appropriate mix of sustainable measures to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08.
16. No parking shall take place within the site except in those dedicated spaces identified on the submitted plans and no vehicles shall access or park within the public square from Fleet Street or Mangalore Way except for refuse collection and general maintenance vehicles.
Reason: To ensure the public square and realm is prioritised for pedestrians and cyclists and in the interests of visual amenity and highway safety, to comply with policies QD15 and TR7 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions

17. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- i) Details of the hard and soft landscaping, surfacing materials, lighting, street furniture, balustrades and signs, handrails, boundary treatments within the proposed areas of public open space and courtyard;
 - ii) Detailed specification for the external stairs and lift (which shall be capable of carrying wheelchairs, mobility scooters, bicycles and

prams) and bridge, forming the station link, including maintenance proposals;

- iii) Detailed specification for the provision of the equipped children's play area, which shall include a permanent covered, illuminated area and a minimum of 10 pieces of play equipment including bouldering wall and general seating and litter bins.

The development shall be carried out in accordance with the details hereby approved prior to the occupation of the development and retained as such thereafter.

Reason: To secure a satisfactory external appearance and to comply with policies QD1, QD2, QD3, QD4, QD15, QD25 and EM13 of the Brighton & Hove Local Plan.

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

- i) Details and samples of all materials to be used in the external surfaces of the buildings;
- ii) Details of fenestration and entrances;
- iii) Details of brise soleil, balconies and solar panels;
- iv) Details of external lighting to be affixed to the buildings.
- v) Details of entrances and shopfronts to the commercial buildings

The development shall be carried out in accordance with the details hereby approved prior to the occupation of the development and retained as such thereafter.

Reason: To secure a satisfactory external appearance and to comply with policies QD1, QD2, QD3, QD4, QD15, QD25 and EM13 of the Brighton & Hove Local Plan.

- 19. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping within the Southern SNCI as defined on the DHA drawings. The scheme shall include the following elements:

- i) A planting plan at a suitable scale to show the location, extent and type of all tree, shrub and other new planting, with areas of current SNCI to be retained unchanged;
- ii) A list of plant species,
- iii) A method statement with appropriate techniques for plant establishment to include land forming, soil preparation, use of materials, types of plant material to be used (eg seed, plant plugs) and timing of works;
- iv) An aftercare statement to describe the operations to be carried out following creation in order to maintain the SNCI in good condition and to ensure all trees, structures and other features on site are maintained in a safe condition for public access;
- v) Construction and lighting details of the footpath/cycle path link through the SNCI to ensure it is accessible for less mobile and disabled people and buggy users including dimensions, gradients, materials, tactile paving, signage handrails, street furniture and details of the steps. The details shall include channels for bicycles;
- vi) Details of any seating and other features to be provided, to include

- designs, locations and materials to be used;
- vii) Type, location and number of nest/bird/bat/insect/bumble bee boxes to be installed;
- viii) Details of existing and proposed ground levels from a fixed, known Ordnance Datum Point.

The landscaping scheme shall be implemented in accordance with the agreed details prior to the occupation of the development and retained as such thereafter.

Reason: To enhance the landscape and ecological value of the site, and the appearance of the development in the interests of visual amenity, in accordance with policies QD1, QD15 and QD17 of the Brighton & Hove Local Plan and SPD11

20. No development shall take place until a Wind Mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the development before first occupation of each respective block. The Scheme shall include the provision of screens, tree planting, canopies where necessary to mitigate against adverse wind effects identified within the application.

Reason: In the interests of amenity and good design, to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan and SPGBH15.

21. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To prevent pollution of groundwater within the underlying chalk aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

22. No development shall commence, until the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

- i) A preliminary risk assessment which has identified:
- All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination of the site.
- ii) A site investigation scheme, based on i) to provide information for assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment ii) and based on these, an options and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iv) A verification plan providing details of the data that will be collected in order to demonstrate that works set out in iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- iii) A verification report, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The scheme shall be implemented in accordance with the approved details.

Reason: Previous historical activities associated with this site may have potentially caused, or have potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

23. No development shall commence until details of the external lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) Guidance Notes for the Reduction of Light Pollution (2005) for zone E or similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details. 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.

24. No development shall commence until details showing the type, location and timescale for implementation of the compensatory bird, bat, bumble bee and bug boxes included within the development hereby approved 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.

25. No development shall commence until details of the construction of the brown 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, in accordance with policy QD17 and SU2 of the Brighton & Hove Local Plan.

26. No development shall commence until details of the green walls 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, in accordance with policy QD17 and SU2 of the Brighton & Hove Local Plan.
27. Unless otherwise agreed in writing by the Local Planning Authority, no development of the residential units shall commence until:
- a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code Level 4 for all residential units has been submitted to the Local Planning Authority;
 - b) a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code Level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.
- 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.
28. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a BREEAM buildings scheme or bespoke BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the offices and 'Very Good' for the hotel, have been submitted to the Local Planning Authority; and
 - b) a BRE 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 the offices and 'Very Good' for the hotel, 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.
29. Within 6 months of commencement of development, a feasibility study for rainwater harvesting and grey water recycling for the residential units and commercial units shall be undertaken and submitted to the Council for approval. The agreed details/measures shall then be incorporated fully into the construction/operation of the development.
Reason: To ensure that the development is sustainable and makes efficient use of water, and to comply with policy SU2 of the Brighton &

Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

30. No development shall take place until a scheme demonstrating the accessible measures to be incorporated within the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all entrances (including those to roof terraces and balconies) with level thresholds, all stair handrails extending 300mm beyond the top and bottom risers of each flight; details of lift sizes, details of car park roller shutter controls, details of access to all communal facilities such as refuse storage and gardens, provision of a wheelchair/scooter storage & charging facility (1.7m x 1.1m open on a long side) within each of the wheelchair accessible units. The approved measures shall be implemented.
Reason: To ensure the development is accessible to all, to comply with policies QD1 and HO13 of the Brighton & Hove Local Plan.
31. Within 6 months of commencement of development of the hotel, a feasibility study for renewable forms of energy for the hotel, shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The agreed details/measures shall then be incorporated fully into the operation of the hotel.
Reason: To ensure that the development is sustainable and maximises the use of renewable forms of energy, and to comply with policy SU16 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
32. BH06.02 Cycle parking details to be submitted
33. Seven of the disabled parking spaces in the undercroft parking area shall be allocated and used solely by occupiers of the 7 wheelchair accessible units hereby approved.
Reason: To ensure there is satisfactory disabled parking for occupiers of those units, in accordance with policies TR18 and TR19 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

34. BH02.07 Refuse and recycling storage (facilities)
35. The development hereby permitted shall not be occupied until the vehicle parking areas, including disabled bays, and cycle parking facilities shown on the approved plans, have been fully implemented and made available for use. The cycle parking facilities and parking areas shall be retained for use by the occupants of, and visitors to, the development at all times thereafter. The cycle parking in the public square shall be covered.
Reason: To ensure that adequate parking provision is retained and satisfactory facilities for the parking of cycles are provided, to comply with policies TR14 and TR19 of the Brighton & Hove Local Plan.
36. Details of how the 7 parking spaces and 'no parking' area to be provided on Mangalore Way to serve the hotel and B1 uses in the southern block shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the spaces are labelled, signed and designed for disabled users. The approved spaces shall be solely used

for use by disabled drivers and shall be implemented before the hotel and B1 southern blocks are first occupied.

Reason: To ensure that adequate parking provision is retained for those with disabilities to serve the demand created by the occupiers of those blocks, to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan.

37. Notwithstanding the details shown on the submitted plans, the development shall not be occupied until details of a minimum of 3 bollards on Mangalore Way and the undercroft of the Southern block have been submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be implemented and retained as such thereafter.

Reason: To ensure satisfactory access for refuse vehicles and to prevent general parking in the undercroft and public square, to comply with policies TR7 and QD15 of the Brighton & Hove Local Plan.

38. 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 Code for Sustainable Homes rating of Code level 4, has been submitted to and approved in writing by the Local Planning Authority.

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

39. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the offices and hotel has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment, within overall 'Excellent' for the offices and within overall 'Very Good' for the hotel, 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:
(See section 7 of the report for full list); and

(ii) for the following reasons:-

The proposal provides a mixed use development including employment generating uses and affordable housing. It makes effective and efficient use of a city centre site. The proposal would complete the final phase of the New England Quarter Masterplan and bring forward this vacant, city centre site for development. The proposal would enhance the character and appearance of the surrounding area, and would regenerate the locality and the wider city centre. The proposal would provide community infrastructure and includes the completion of the Southern Site of Nature Conservation Interest, the provision of children's equipped play space and key pedestrian routes across the site, with lift and stair access linking Brighton Station to the London Road. The proposed scheme would improve permeability and access across the Masterplan area and the wider area. The proposal would a mix of housing tenures and sizes. The proposal makes adequate provision for private amenity space and communal space, and includes roof top allotments for residents. The proposed traffic impact is considered acceptable with adequate compensatory measures to provide for more sustainable modes of transport. The proposal would not compromise highway safety. The proposal makes provision for on site recreation in the form of an equipped children's play area. The proposal would incorporate sustainable measures and would enhance biodiversity. The proposal makes provision for disabled access. The proposal would not harm the setting of nearby listed buildings and adjoining Conservation Areas, and would preserve long distance views. The development would provide satisfactory refuse and recycling storage, and would deal with contaminated land and noise. The impact on the amenity of neighbouring properties is acceptable. The proposal meets the demand created for various services and infrastructure. The proposal provides for public open space on and off site.

2. A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, or www.southernwater.co.uk.
3. The applicant is advised to have regard to HSE publication HSG47 "Avoiding danger from underground services" for safe digging practices.
4. Should any piling be proposed through made ground, the applicant is advised to have regard to the Environment Agency document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" NGWCL Centre Project NC/99/73.
5. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system

(entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

6. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is recommended that in submitting details in accordance with conditions that applicant has reference to CLR11 Model Procedures for the management of land contamination, available on the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk). The phased risk assessment should also be carried out in accordance with the procedural guide and UK policy formed under the Environmental Protection Act 1990.
7. The grant of planning consent does not automatically infer the grant of any licensing consents. It is the applicant's responsibility to ensure that all appropriate licences and applied for and held.
8. Whilst noise, dust and light issues have been considered, the grant of planning permission does not preclude an investigation being carried out should complaints be received either during the construction phase or post completion.
9. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information at Environmental Health and Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (01273 294429, ehl.safety@brighton-hove.gov.uk, www.brighton-hove.gov.uk/licensing).
10. The development is to be located on an area of land previously under the ownership of Network Rail. The applicant is advised to contact Network Rail's Operational Portfolio Surveyor to understand further the implications this may have. These sites are often the subject of a demarcation agreement, which may include particular rights in relation to safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time.
11. 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.

12. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
13. 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 SITE

The application site consists of cleared land to the east of Brighton Station that was formerly part of a railway goods yard. The goods yard was laid out in the 1840s to serve the Station and finally closed in the 1970s. The site forms the largest and the last block without an extant planning permission within the 8.9 hectare Brighton Station Site Masterplan area – New England Quarter – and is referred to as Site J. The site area is 0.86 hectares (8,600 sq m).

Site J comprises two main levels: an elevated plateau on the western edge level with the station, which lies behind a red brick retaining wall constructed at the same time as the Grade II* listed station building. This area would form part of a designated 'Site of Nature Conservation Interest' (SNCI) known as the Southern Greenway. The lower portion of the site, located 9 metres beneath the retaining wall, would accommodate new development. The upper tier of the site is located 40 metres AOD; the lower portion of the site at 30.5 metres AOD.

The site currently comprises areas of hard standing and vegetation. The site is used as a carpark and is enclosed by site hoardings to the north, south and east, with a mesh fence separating the site from the motorcycle park and bus/taxi set down area at the rear station entrance. There are a number of poles across the site with lighting and CCTV cameras mounted on them. Prior to this, the site was used as a construction compound for the initial NEQ enabling works.

Site Surroundings

All other sites within the Masterplan area, with the exception of the southern portion of Block K adjacent to the Jury's Inn hotel, have been built and occupied. Phases 1 and 2 of the highways infrastructure, including Fleet

Street, immediately to the east of the application site and Stroudley Road to the north, are adopted by the Highways Authority. The Northern Site of Nature Conservation Interest, running parallel with Block G (Gladstone Row) to the listed former railway bridge over New England Road is complete and open to the public.

There is currently no direct access between the application site and Brighton Station located to the west of the site. An existing (private) service road, Mangalore Way, abuts the site to the south, beyond which is the 8 storey office development, Trafalgar Place. The 5 storey Jury's Inn Hotel and a further site, with permission for commercial office space, abuts the site to the north (Block K). To the east is located the Core Site (Blocks A-D), comprising residential development, a training centre and Sainsbury's supermarket. One Brighton (Blocks E-F), comprising flats, B1 office space and a new community centre, is situated to the northeast of the site. Bellerby's Language College (Blocks L-M) is located further north.

The application site is located adjacent to three conservation areas: West Hill, North Laine and Valley Gardens. West Hill lies to the west and includes the Grade II* listed Brighton Station and nineteenth century housing. Valley Gardens lies to the east on low lying ground. To the south of the site, the land slopes down towards the North Laine Conservation Area, characterised by a linear grid pattern of streets. The Grade I listed St Bartholomew's Church is prominently positioned in views to the east of the site.

3 RELEVANT HISTORY

The New England Quarter Masterplan area has an extensive planning history.

The most relevant planning history in respect of the application site is summarised below.

BH2001/01811/OA Masterplan: In August 2001, an application for a Masterplan outline planning permission, with certain reserved matters approved, was submitted for the redevelopment of the 8.9ha Brighton Station Site. The mixed use scheme included retail, hotel, offices, food and drink, community facilities, housing, a training centre, public open space and associated highway works. The Masterplan consent divided the site into 15 blocks and was generally in accordance with the Brighton Station Development Brief (SPGBH3).

The application was approved 9 September 2003, following the signing of a Section 106 Agreement.

In respect of Site J, the Masterplan granted outline permission for a 250 bedroom, 4 star hotel with ancillary facilities and linked health and fitness facility of 1,500 sq m, fronting a new public square of 1,826 sq m to the north of the existing Trafalgar Place development. It included lift and stair access from the rear of the station to the public square, leading down towards

London Road.

The Masterplan consent set a height threshold on Site J of 7 storeys (54 metres AOD) and an indicative floor area of 17,000 sq m. These provisions are set out in the Section 106 Agreement in connection with the Masterplan consent.

BH2005/00136/FP Block J (Beetham scheme): Mixed-use development incorporating a public square; a 42 storey northern building comprising 146 residential units (class C3) and a hotel and ancillary facilities including restaurant, cafes, conference facilities and health and fitness centre (class D2); a 6 storey southern building comprising retail (class A1) and café (class A3) uses and 25 residential units (class C3), the enhancement of a site of nature conservation interest; provision of a station link; and associated landscaping and conservation features, servicing, access and parking.

The application was refused at Planning Committee on 29 April 2005. The reasons for refusal were:-

- The proposed scheme would have an adverse impact on the adjoining West Hill, North Laine and Valley Garden Conservation Areas, the Grade II* Listed Station Building and the Grade I listed St Bartholomew's Church;
- The proposed scheme was considered to be an inappropriate location for a tall building that would have been harmful on views into and out of the historic core of the city;
- The proposed scheme would have provided a poor level and quality of public civic space, and inadequate provision of outdoor recreation space.

An appeal was subsequently lodged and the appeal dismissed following a Public Inquiry on 15 May 2007. The Secretary of State agreed with the Inspector's findings and refused the application on the following grounds:

- The new public square would have provided a lively civic space with adequate sunlight and the southern block, by enclosing the square, would improve the townscape and define the route to the station.
- The proposed scheme would deliver and improve the Southern Site of Nature Conservation Interest.
- The proposed scheme would deliver much needed affordable housing.
- The Secretary of State concluded that the proposed scheme would have no harmful impact on the provision of the Site of Nature Conservation Interest, but the increased housing densities proposed would have created inadequate provision of outdoor recreation space.
- The detail and quality of the design of the Beetham scheme was undisputed, but the Inspector concluded that a 42 storey tower in this location would have had a significant harmful impact on the character and appearance of the surrounding area, including the setting of nearby listed buildings and Conservation Areas.

4 THE APPLICATION

The application seeks full planning permission for the redevelopment of Site J within the Brighton Station/New England Quarter Masterplan. The application seeks a departure from the provisions within the previously approved Masterplan and the subsequent mixed use scheme by Beetham. The changes are summarised in the table below:

	Masterplan approval	2005 Beetham scheme	Proposed scheme
No. of Blocks	1	2 (north and south)	3 (north, central and south)
No. Storeys	7	6 - 42	5-8
Maximum indicative Height	54 metres AOD	153 metres AOD	57.4 metres AOD
Employment Floorspace (B1 commercial office)	None	None	2,973 sq m
Total no. of residential units	None	171	147
Affordable units	30% site wide	38% (69 units)	36% (53 units)
Mix of units (affordable units)	None	59 x 1 / 2 bed 90% 6 x 3 bed 9.2%	22 x 1 bed 42% 25 x 2 bed 47% 6 x 3 bed 11%
Wheelchair accessible units	None	10%	10%
Hotel provision and floorspace	4*, 250 bed 17,000 sq m including 1,500 sq m ancillary leisure and conference facilities	4*, 196 bed 13,817 sq m including ancillary leisure and conference facilities	3*/4*, 94 bed 3,029 sq m including food and beverage offer
Uses falling within 'A' use class	None	A1 / A3 South building	A1/A2/A3 255 sq m
Total no. of car parking spaces	4	52	50
On street spaces	4	0	7
Off street spaces	0	52	43

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Disabled spaces	4 on street	10	19
Total no. of cycle parking spaces	Not specified	146	197 +20
Size of public square	1,826 sq m (594 sq m upper level; 1,232 sq m lower level)	800 sq m	756 sq m

The application proposes three blocks on the site: a southern block comprising commercial uses, including offices and a hotel, and two further blocks (central and north) containing 147 residential units and 255 sq m flexible 'A' class uses or small business units. The scheme includes the provision of public open space, a large part of the Southern Site of Nature Conservation Interest and a new vehicular access onto Stroudley Road.

The southern block contains commercial uses comprising 2,973 sq m B1 commercial office space arranged in a 6 storey block with lift and stair access from the bottom three levels leading to the rear of Brighton Station. The block includes a 3*4*, 94 bedroom hotel with café/restaurant at ground floor level arranged in an 8 storey block, fronting onto the corner of Fleet Street and the proposed public square. The block runs along the southern edge of the proposed square and contains a pedestrian undercroft, connecting the public square with Mangalore Way and the North Laine beyond. The blocks are arranged in a rectangular shape. Brown roofs are proposed on the commercial units.

The central and northern blocks contain 147 residential units with 255 sq m retail unit/café located in the central block at ground floor level, at the corner of the public square and Fleet Street. The central block encloses the northern edge of the proposed public square and contains a proposed communal roof terrace at fifth floor level. The central block would be 5-7 storeys in height and contains the affordable units. 53 affordable units are proposed within the scheme, which equates to 36% of the total units overall.

The northern block would run parallel with the western retaining wall and the Southern Site of Nature Conservation Interest. The block would rise to a maximum height of 8 storeys, with building set backs and private roof terraces at sixth and seventh floor level. 21 communal roof top allotments are proposed at sixth floor level. The northern block contains the market units.

A courtyard would be located between the central and northern blocks with an equipped children's play area and bouldering wall. All the proposed units would have private balcony space, gardens or terraces, or access to a shared communal roof terrace.

A yellow multi-stock brick is proposed, similar to that used on the Core Site (Blocks A-D) and other materials include glazed facades, incorporating solar photovoltaic panels at upper floor levels in the central and northern blocks (residential blocks) and glazed balconies. The proposed office block incorporates timber brise soleil on the west facing elevation opposite the listed station shed.

Undercroft parking is proposed in the north block with 43 parking spaces (including 15 disabled bays and one bay for a car club) 197 cycle spaces, with a new vehicular access onto Stroudley Road. Seven on-street parking spaces, including a drop-off point and disabled parking for the commercial units, are located at the southern end of the site on Mangalore Way. 20 cycle spaces are proposed within the public realm for non-residential users.

New England Square is a new public square located between the central and southern blocks. The square would contain seating, planting and cycle parking (for use by the hotel) with lift and stair access at the western end linking the rear station entrance. The square is intended to be a pedestrian hub, with active uses including hotel, offices and café/retail at ground floor level fronting onto the square and a stopping point on the way to the station. The square would act as a 'feeder' to the proposed main square at the rear station entrance, conceived as part of the Brighton Gateway Project.

Southern Site of Nature Conservation Interest (SNCI) would run the length of the western retaining wall from the rear of the station to Stroudley Road. The southern-most part of the SNCI as identified in the Masterplan does not form part of the scheme. The SNCI is intended to enhance the biological value of the area and to provide an important element of public realm. The SNCI would contain hard and soft landscaping, seating, a pathway and cycleway includes two small sets of steps connecting the rear station entrance with Stroudley Road and the Northern Greenway beyond.

Environmental Statement

An Environmental Statement has been submitted with this planning application. Prior to the submission of the planning application, a screening and scoping exercise was undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 [since superseded by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 on 24/8/11] The Environmental Statement has the component parts required by the Regulations and is considered robust.

The Environmental Statement discusses the potential environmental impacts of the proposals and the means by which these should be mitigated: planning and land use, socio-economic, townscape, heritage and visual impact, traffic and transportation, noise and vibration, air quality, ground conditions, water resources and flood risk, microclimate, ecology and nature conservation. The submitted EIA information, the planning application and submitted

representations have been used to assess the matters identified within the report.

Amendments to the Scheme

The proposed scheme has been revised from that originally submitted and has been subject to further re-consultation. The revisions relate primarily to the design, with set backs at 6th and 7th floor level of the proposed hotel in the south block and the replacement of brick with glazing; the removal of lift overruns in the central and north blocks; and the removal of galvanised metal balconies with glazed balconies. The revisions also include re-configuration of the proposed parking layout at ground floor level in the north block to enable provision of 15 disabled parking bays close to residential lift cores, and re-provision of parking spaces along Mangalore Way to provide additional disabled parking spaces for the proposed office block. Further revisions include: recessing the building line of the hotel in the south block at ground floor level to enable adequate visibility splays; increasing refuse storage; the addition of glazed windows at ground floor level in the central block fronting Fleet Street; and the removal of communal roof space at seventh floor level, following amendments to the roofline and silhouette of the north block.

Further amendments/additional information include indicative plans demonstrating how the children's playspace could be equipped and covered, details of light received to playspace, a revised ground floor plan to accommodate refuse collection and to clarify the footpath and steps in the SNCI (with ramps now omitted) with supporting information to justify steps. Further information regarding the type of hotel operator proposed and the potential impact on the city hotel market has also been submitted.

5 CONSULTATIONS

External

Neighbours: One letter of support from **68 Brighton Belle, 2 Stroudley Road** and one letter of 'no objection' from **Flat 45 Brighton Belle, 2 Stroudley Road**.

Two letters of comment from **16 Kingscote Way** and **Brighton Belle 2 Stroudley Road** stating:

- Advice should be taken to prevent public areas attracting skateboarders, scooter users and street drinkers, and there should be a statement of designs adopted to prevent such uses.
- It is hoped the amended scheme still includes a play area.

A total of 9 letters of objection from **30 Horstead Court (x2), 60 Horsted Court; 30 Goldstone Road, 43 Sharpthorne Court, 2 Fleet Street, Flat 40 Horstead Court; Mott MacDonald (occupiers of Victory House), 32 Stepney Court, 2 Street Barns, Metfield** on the following grounds:

- Excessive height and bulk
- Detracts from visual character of area, potentially an eyesore
- Materials not in keeping

- Loss of daylight and sunlight
- Overshadowing to existing and prospective residents
- Loss of amenity/unneighbourly
- Creation of wind tunnel along Fleet Street
- Poor design of greenway footpath
- Poor fenestration/balcony design
- Excessive activity and intensity of use resulting in Increased noise, dust, vibration, drainage, traffic movements, impact on existing means of escape in case of fire and impact upon Victory House servicing arrangements
- Increase in antisocial behaviour eg skateboarders
- Potential disruption during construction
- Layout and orientation of buildings to the Fleet Street frontage must be designed with breaks to allow courtyards and green niches, and avoid a wall of buildings.
- Entrance to carpark will create traffic queues on Fleet Street and Stroudley Road, resulting in a negative impact in air quality and increase in traffic noise;:
- Deviation from Masterplan and loss of public open space, notably size and position of New England Square. Application limits the square to a narrow corridor. South block abuts Fleet Street with no set back. Application therefore contravenes Masterplan principles, as buildings should respect building lines established under the Masterplan and New England Square should be a 'focal point' along Fleet Street;
- Environmental studies are invalid;
- Devaluation of property
- Welcome the well lit and safe green spaces. Hope that the public will be allowed to use them and suitable access to the station.
- Insufficient private recreational space.

Brighton & Hove Bus and Coach Company: No response received.

Brighton & Hove Business Ltd & Economic Partnership: No response received.

CAG: No comment with regard to its impact on heritage assets. With regard to the design, the general view is that it is suitably urban in character and appropriate. Some concern was nevertheless expressed regarding the blank frontage to the northern residential block where it faces Fleet Street.

County Archaeologist: Although this application is situated within an Archaeological Notification Area, I concur with the findings of the archaeological desk based assessment, in that the site has been heavily disturbed and truncated in the past and has a low below ground archaeological potential. There is also no evidence of any survival of historic buildings or structures relating to its former use as a goods yard and carriage workshops. There I do not believe that any heritage assets are likely to be

affected by these proposals. For this reason, I have no further recommendations to make in this instance.

East Sussex Fire Brigade: The Design and Access Statement, Section 16 – Access, refers to emergency vehicle access across pedestrian ways maintaining 3 metre clear width. Approved Document B, table 9 clearly requires 3.7 metre minimum between kerbs for pumping appliances and I also remind you of the of the current weight limit for ESFRS pumping appliances being 17.5 tonnes.

The development would appear to require rising mains in order to satisfy the requirements of Section B5 of Approved Document B to the Building Regulations as it would appear from the deposited plans that a pumping appliance cannot approach to within 45 metres of any point within each proposed dwelling and other buildings, and the appliance would require access to site within 18 metres of any riser main inlet. Whilst this will be enforced at Building Regulations stage, the developer should be aware of this at planning stage.

When considering fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire and Rescue would recommend installation of sprinkler systems.

English Heritage: Do not wish to comment in detail on this application. We note that previous decisions have been made to approve in outline redevelopment of the site and this application provides further detail on the approved scheme. We have previously written with our comments on the outline scheme and expressed the view that there would be no significant adverse effects on heritage assets. We would suggest that you are advised by your own specialist conservation advisor and to determine the application accordingly.

Environment Agency: Planning permission should only be granted if the following planning conditions are imposed relating to surface water drainage, site investigation and remediation works for site contamination and piling operations. Any unsuspected contamination to be subject to further remediation. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

EDF Energy: No comments received.

Highways Agency: No objection. The Highways Agency, on behalf of the Secretary of State for Transport, is responsible for managing and operating a safe and efficient Strategic Road Network. In this instance, our interest is in the A27. We have had pre-application discussions with the applicant and we are generally satisfied that the development would have no material impact on the A27 trunk road.

Health & Safety Executive: No comments concerning the application itself, as it is not within the Consultation Distance of any Notifiable Hazardous Installation or Notifiable Pipeline.

Natural England: We would expect the Local Planning Authority to assess and consider the possible impacts resulting from this proposal. Natural England has considered the landscape and visual impacts of this proposal and concluded that this application does not meet our criteria for involvement with casework. If the proposal is on or adjacent to a local wildlife site (SNCI or LNR) the County Ecologist and/or local Wildlife Trust should be contacted. If representations from other parties highlight the possible presence, or the Council is aware of protected or Biodiversity Action Plan (BAP) species on the site, the Council should request survey information from the applicant before determining the application. The Council should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Network Rail: The development is to be located on an area of land previously under the ownership of Network Rail. The applicant should contact Network Rail's Operational Portfolio Surveyor to understand further the implications this may have. Often these sites are sold and are the subject of a demarcation agreement which may include particular rights in relation to safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. Network Rail considers that accessibility is a significant issue when determining where developer contributions are utilised. Support is given to contributions that fund the cost of providing infrastructure needed as a result of the development proposed.

North Laine Community Association: No response received.

Prestonville Community Association: No response received.

Southern Gas Networks: The presence of Low/Medium/Intermediate Pressure Gas Main is noted in proximity to the site. No mechanical excavations are to take place above or within 0.5 metres of the Low pressure and medium pressure system and 3 metres of the intermediate pressure system. You should, where required, confirm the position of mains using hand dug trial holes. Safe digging practices 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.

Southern Water: Southern Water requires a formal application for connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative is added. This particular area in question has sewers, which are currently private and are proposed to be adopted under a sewer 104 adoption agreement. The developer will need to confirm with the owners of the adoptable sewers that

this particular development has been catered for within their strategy.

Sussex Police – Community Safety: The level of crime at this location is high when compared to the rest of Sussex. Pleased to note that the Design & Access Statement, submitted in support of the application gave full details of the crime prevention measures considered in the design and layout of the development. There has been pre-application consultation with the applicant and I fully concur with the measures mentioned in the Design & Access Statement.

Doors and windows in the retail floorspace, café and office areas are to conform to LPS 1175 with ground floor and easily accessible glazing to be laminated. Consideration to be given to the installation of monitored intruder alarm system. As a percentage of the development will be social housing, these will require to be Secured by Design Part 2 compliant. It may be beneficial if the whole development were to achieve the award. Front doorsets and all external doorsets not designated as the main access/egress route are to conform to PAS 024 with any glazing including sidelights to be laminated. Any outward opening doors would benefit from hinge pins. Basement, ground floor and easily accessible windows are to conform to BS 7950 and be laminated. Any openers are to be fitted with restrictors.

The Regency Society: No response received.

The Brighton Society: No response received.

UK Power Networks: No objection.

Internal:

Access Officer:

Lifetime Homes

It would be useful to have a note confirming exactly how the 16 Lifetime Homes Standards are to be addressed, but the current plans suggest that the following specific issues need to be considered.

- Confirmation is required that all entrances, including those to roof terraces, balconies, etc. will be accessible with level thresholds.
- The stair handrails should extend 300mm beyond the top and bottom risers of each flight. It is not clear that it is possible for the central handrails of some stairs to do so within the space currently allowed.
- Further details of lift sizes and controls should be provided when available.

Wheelchair accessible housing

All of the wheelchair accessible units are in the affordable sector, which is a deviation from policy HO13, which would indicate a 5/2 split. The following, more general points should also be noted.

- Confirmation is required that seven of the accessible parking bays will be allocated to the wheelchair accessible housing units.
- Car park roller shutter controls should be easy to reach and operate from

the car or from a wheelchair. (BS8300 4.3.2)

- Confirmation is required that 2.6 m headroom will be maintained throughout the car parking from the entrance to all the designated bays. (BS8300 4.4.3)
- Confirmation is required that wheelchair users and other with impaired mobility will be able to access all communal facilities such as refuse storage, gardens etc.
- Where external seating is provided, consideration should be given to providing some with arms to aid standing up (this also applies to the commercial sector)
- Because it is frequently found to be difficult to accommodate, particular attention is drawn to the need for a wheelchair/scooter storage & charging facility (1.7m x 1.1m open on a long side) within each of the wheelchair accessible units.

Commercial Premises

The following points are not subject to a specific local plan policy relating to access for disabled people, but are offered as advice.

- Handrail projections on stairs also apply in commercial premises.
- More detailed designs of the external stairs should be provided to show compliance with BS8300.
- The landscape drawings show a number of stainless steel fittings (bike racks, lights, bins etc) these can be very confusing for partially sighted people and should not be positioned anywhere they are likely to be within a potential line of travel.
- If setts are to be used as the paving material, close attention should be paid to the jointing details to ensure they are comfortable to use. Wheelchair users and some ambulant disabled people can find them quite difficult to negotiate if the joints are not filled flush.
- Confirm that the showers in the accessible hotel bedrooms are level entry.

Access through SNCI

This falls outside the scope of Building Regulations and is clearly a difficult issue. Is there a policy basis relating to general access (as opposed to buildings)? If relying on Equalities Act the Council needs to 'consider the needs of disabled people', but does not necessarily have to result in positive action and may result in a conclusion that providing access for everyone is just not feasible. The applicant has produced a fairly strong justification that providing wheelchair access would be disproportionately expensive. Wheelchair users are 10% of disabled population and need to make sure other 90% catered for (ie suitable ramp gradients, surface materials, handrails, signage, tactile information, street furniture etc. Applicant should set out how these people will use the path conveniently and independently.

Arboriculture: The site has lots of self-sown sycamore and buddleia etc that will be lost, however, there is nothing of site of any significant arboriculture value and therefore the Arboriculture Section has no objection. The landscaping scheme submitted appears to contain ample tree planting

proposals, which is to be commended.

Building Control: Any ramps of slopes controlled by Building Regulations should be 1:15 gradient and limited to 5m. The topography of site (SNCI) does tend to suggest that compliance with Building Regulations would be difficult.

Children and Young Peoples Trust (education): Any development needs to be able to provide for the education infrastructure that it requires. The Council has a statutory duty to provide a school place for every child that wants one. This proposed development is a mixed development of private and affordable housing and therefore £219,270 is requested and is effectively already discounted by approximately £140,000 as a result of the regime in place that only calculates contributions based on the pupil product ratios for housing.

The closest school to the development is St Bartholomew's CoE primary school which at the last surplus places return had 7% surplus capacity. While the school could take some additional children (notwithstanding the fact that they are their own admissions authority and have a requirement that children are practising Christians) it is unlikely to be popular with all parents as it provides a faith based education and some parents may not want this for their children. The closest primary schools are Downs Infant and Junior Schools, Carlton Hill Primary School, Fairlight Primary School, Elm Grove, Middle Street Primary and St Luke's Primary. Of these schools, only Fairlight has any significant surplus places and even these are only in Years 4-6, the lower years of the school are now full and we anticipate this being the case for the foreseeable future.

Consequently, it is considered entirely appropriate to request a sum of money for primary and secondary education in respect of this development. There is concern that if a development of this size is allowed without securing funds for providing the necessary infrastructure, the Council will be unable to meet the statutory requirement for school places. It is expected by the DfE that we should maintain between 5-10% surplus places to allow for parental preference. Taking the schools mentioned there is nothing like this level of surplus capacity and the proposed development will worsen the situation.

With regard to secondary education, a catchment area system operates within Brighton & Hove and the development falls within the catchment area served by Dorothy Stringer and Varndean Schools. As with primary phase schools, both of these secondary schools are full and oversubscribed at the present time, so there is no spare capacity within the catchment area at all. It is considered that development should not be allowed to erode away what little capacity there is without providing funding, to ensure that developments are sustainable in the broadest sense of the word. This has to include funding the education infrastructure that the development demands.

City Clean: With reference to the Bin Provision Schedule (23 March 2011) I

can confirm that the provisions for recycling and refuse suit our requirements. Following negotiation regarding collection from Managlore Way and position of refuse store in northern residential block, Operations raise no objection.

City Neighbourhood Coordinator: None received.

City Parks: We are still in the position of requiring funding for The Level. The two elements which are not being funded by the Heritage Lottery Funding bid are the skatepark and the play area so the most appropriate targets for this 106 would be these as it covers youth/adult sport, casual informal and children's play. If we need to at this stage an equal split would work, however it would be better if the actual spend was left open as we are still working on raising additional funding so retaining flexibility would be useful. If there is the requirement to allocate more on the informal aspects there is still plenty of scope to assist with funding both the green elements and hard landscape works e.g. Petanque and activity area which will be used for wheelchair sport as well as able bodied activity. We also require funding for a changing places toilet in the main café and public toilets. The space has been allowed but we have yet to fund the specialised equipment.

Demographer:

Population figures: The figures used are mainly taken from the 2001 UK Population Census. While there are more up to date projections and estimates available, in the context of the document this is not a problem.
Population yield: Table 7.10 in section 7.79 sets out the child yield per housing size and tenure. I would consider it an appropriate methodology for determining the approximate numbers of children that the development will house. There is an error in the sub-total of the number of secondary school aged children. It should read 13.39, not 26.85. This would lower the total number of children (section 7.124) to 42 from 55 and the total number of secondary school places (section 7.127) to 15 from 28.

Design and Conservation:

Summary:

The townscape and visual effects chapter within the Environmental Statement has provided a balanced assessment of the potential impact of the proposed development on heritage assets, key views and the wider townscape of the area. Overall, the scheme is seen as beneficial in terms of its relationship to the Station. The height of the development exceeds that previously agreed for the site, and in so doing diminishes the contribution that both the Station and St Bartholomew's Church make to the wider townscape. Justification is required for this non-compliance.

Original scheme:

The development by virtue of its height, mass and form will have a potential visual impact on various heritage assets nearby. An assessment has been made by the applicant of the wider townscape and visual effects of the development, and, on the whole, this is considered balanced and objective,

despite the muddle between named views and illustrations in the Design and Access Statement. The development is not judged to have any impact on the setting of the Valley Gardens or North Laine Conservation Areas; nor on the setting of the Grade II listed St Peter's Church.

The development will be visible from Buckingham Place and Howard Place on the higher ground in the West Hill Conservation Area to the west. The station shed has a very prominent and strong presence from here; its unbroken silhouette will be preserved. From these viewpoints long views across the valley to the hillside and open downland beyond will be preserved. The large plain slate roof above the nave of the Grade I listed St Bartholomew's Church is visible on lower ground in the middle distance. Plant/lift tower and the top attic storey will cut across views of this roof, which is both harmful and an unwelcome addition to the skyline. The effect is to disrupt the focus of the rail shed, the church roof and the One Brighton tower as the established landmark features in the middle distance. Opportunities to modify the silhouette and height of the northern residential block should be investigated so as to remove its adverse effect.

On the westward walk from the Level, via London Road, Ann Street and Fenchurch Walk, the side elevation of the station shed and its roof is seen in part of a framed view with the shed in the skyline, visible above and between the foreground buildings in the New England Quarter. It provides the backdrop. St Bartholomew's Church retains its pre-eminence. Whilst views of the station shed are of townscape value, and the framed view could usefully be enlarged, by adjustments to height and silhouette of the hotel block and the alignment of the office block, significant weight is given to the enhanced near setting of the station, which is considered sufficient to outweigh any harm caused by the more contained longer view of the rail shed.

Careful selection of materials and careful attention to detail will in part mitigate against visual harm.

(Amended scheme):

The adjustments to the scheme go some way to addressing previous concerns. Whilst the amendments to the hotel block and central housing block do not go as far as recommended, the remaining impacts on the wider historic townscape and the local built environment are judged slight, and likely to be mitigated by the delivery of the new routes through the site ie greenway, square, steps and lift, which will enhance the setting and approach to the railway station. That said, the attic storey to the central block, which will be prominent in views from West Hill, requires a clean silhouette free of all roof top 'clutter'.

With regard to the public realm, the lift is key to a successful outcome, yet will be vulnerable to vandalism and possible neglect and require regular maintenance. Clarity is required as to responsibilities for the future maintenance of these routes and spaces; a condition requiring public access

at all times and a legal agreement carefully worded so as to secure the maintenance of the lift and its successful long term operation.

The proposed yellow Terca Hurstwood Multi brick is considered acceptable.

Ecologist: The landscaping proposals appear to generally accord with the objectives of the Brighton Station Masterplan and the Outline S106 Agreement. Concern that :

- Choice of planting may not work well, given the degree of shading the southern green corridor will receive (ref. sun path analysis diagrams). The original Masterplan referred to creating a 'woodland floor' community, adapted to high levels of shade. A comparison of the amount of sunlight reaching the northern SNCI (which has similar planting to that proposed for the Southern SNCI) with that predicated to reach the Southern SNCI. Further meetings with the applicant's landscape consultant will be required, to ensure that the planting is fit for purpose. This could be dealt with post determination by way of a condition.
- The ecological measures do not appear to take account of SPD11 Annex 6 (which quantifies the amount of new nature conservation features developments are required to provide under Local Plan policy QD17). Ideally, the developer should be required to show how the requirements of Annex 6 have been addressed, although the landscaping proposals certainly appear to be the kind of measures the Council would want to see.
- The Outline S106 Agreement requires a payment to be made to the Council of £25,000 index linked, to maintain the Southern SNCI in perpetuity, on completion of this development.
- Should the application be recommended for approval, details of the design, construction and aftercare for the proposed green roofs/walls to be submitted for approval by way of a planning condition. Details such as irrigation, the soil to be used, the size of the planting stock and the aftercare arrangements, all need to be carefully specified, to minimise the risk of difficulties after construction is complete. A similar condition is required for the landscaping details of the Southern SNCI.

Economic Development: Support the application.

The application brings forward the final block for development for the New England Quarter and provides some 2,973 sq m B1 office accommodation together with a hotel, retail space and 147 residential units.

The office development is a 6 storey building adjacent to the hotel providing 2973 sq m (32,000 sq ft) gross internal high grade office accommodation with floorplates of circa 500 sq m (5,400 sq ft) which are the ideal size to meet the various demands for office space within the city providing the flexibility to meet either a single end user or a number of users. It is noted that the applicant has been in detailed discussions with a tenant for the whole space which is welcomed. Should these discussions progress, a higher level of surety of build will be achieved.

Based on the offPAT employment densities for office space of 5.25 jobs per 100 sq m if space, the proposal has the ability to provide 156 jobs. The hotel development provides 98 bed spaces and the applicant states that this will be a 3* hotel. Based on the offPAT employment densities of 1 job per 2 bed spaces this equates to 49 jobs, which again is welcome. The retail space allows for a mix of uses including retail/café/office (A1/A2/A3 or B1) allowing a high flexibility between the various proposed uses depending on demand. The potential job provision of the offPAT employment densities for town centre retail and B1 office are very similar. Therefore, 225 sq m of space will provide up to 12 jobs.

In total, the proposal therefore has the ability to provide employment space for 217 jobs in a city centre location, which is welcome and fully supported.

With regard to the construction phase, the applicant states that the development will provide 84 FTE jobs during the development. Based on 32,000 sq ft, this reduces the number to 68 during the construction phase, which again is welcome and supported.

The Local Employment Scheme which is being delivered at other major developments within the city is considered to be appropriate for this proposal because of its size. The Economic Development Team would require through the S106 Agreement and Employment Strategy providing as part of the overall Employment Strategy an agreed percentage of the construction work to be carried out by local labour. A meeting with the developer will be welcome and it is proposed that the economic development team will be requesting a contribution that 20% of the construction phase jobs are taken by Brighton & Hove residents.

The Council and its partners have developed a successful model called 'Futures', which seeks to ensure that employers influence the design and delivery of training in the City. Building Futures has been successful in providing accredited training places, work placements and employment, and is set to provide job matching services and training for local builders wishing to tender for sub-contracts on major sites. The overall contribution to the Futures programme would total £105,780.

Environmental Health: Approve, subject to conditions.

Air Quality

There is no issue for air quality or emissions from energy provision. There are no congested or very busy roads bordering the development site. Traffic flows on Fleet Street are reasonably steady and uninterrupted therefore vehicle emissions are lower than at congested junctions. Queuing, idling and accelerating vehicles are more likely to the east of the vicinity of Cheapside (A270) and London Road (A23) junction.

The proposal does not include biomass or CHP boiler with emissions to air. The parking provision at the site is not deemed to be significant in terms of

additional vehicle emissions and local air quality.

The developers consultants chapter on air quality utilises the Atmospheric Dispersion Model System (ADMS) and predicts no exceedance of the EU and English Air Quality Strategy (AQS) standards at the development site; both now and at the time of occupation. The chapter references the Council's own further assessment of air quality. The level of air quality improvement predicted by the consultant between 2010 and 2015 is somewhat optimistic, but this does not affect the final decision.

The developer is commended for proposing a building façade that is not continuous and is to some extent set back from the Fleet Street carriageway. Without these breaks and variations in the building line, a street canyon would have been created. Such a scenario is not advisable for effective dispersal of vehicle emissions.

Contaminated Land

The proposed development area is currently a pay and display car park with reported made ground over white chalk. Intrusive sampling has identified lead, poly aromatic hydrocarbons, total petroleum hydrocarbons, copper and zinc across the site. It is proposed to carry out further deep borehole monitoring and sampling to characterise a baseline for the ground water and to continue investigation post completion. A condition is therefore required to secure this and ensure that the site is fit for end use.

Noise

The revised noise report is robust. Given the location of the site, the main sources of noise are the station, associated noise (trains idling and PA announcements to the west) and road traffic noise to the east. The majority of the site is noise category A/B with the eastern façade noise category C under PPG24. The acoustic report demonstrates that enhanced glazing requirements are necessary for this build and trickle ventilation is required throughout. Depending on the façade and orientation, a variety of enhanced glazing measures are needed. The report uses standard such as British Standard BS8233 to ensure that end users of the development are appropriately protected against various noise sources. The report assesses open spaces and balconies. It is noted that at ground and first floor level, balcony locations at the eastern façade for all three blocks would exceed the World Health Organisation standard for annoyance in outdoor living areas. This is stated as being 50-55, whereas the noise model levels indicate 60dB.

Plant equipment

Plant is proposed for the south building, which is to be roof mounted. Since the actual plant specification is unknown, the report provides a critical level to be designed against. It is therefore necessary to condition that noise from building services plant, and indeed all external plant and equipment is capable of meeting the City Council's noise standard of 5dB(A) below background.

Vibration

The acoustic report concludes that vibration impacts upon the proposed site from railway passes are not anticipated to be significant and as such, no mitigation is necessary.

Construction Noise

With a proposed four year build time until 2015, and the size and complexity of this build, it is entirely appropriate that a construction environmental management plan be secured through the S106 process. The CEMP should be agreed prior to commencement and agree measures aimed at protecting residents around the build and provide a form for stakeholders. It should provide a joined up approach with statutory utility providers and highways. I would also expect to see a commitment to a Section 61 prior consent agreement under the Control of Pollution Act 1961.

Lighting

Given the mixed use and potential for overlooking, it is appropriate that a condition be applied to ensure that lighting is agreed prior to commencement.

Head of Tourism (VisitBrighton):

The Hotel Futures Study shows that there is a considerable amount of hotel stock in the City. Since the study was commissioned, permission has also been granted for an additional 150 rooms at Mitre House, increasing further the available stock in the City. In the face of the current economic uncertainty, the City must look to support the existing stock and independent businesses we have, in order to maintain our position as a top visitor destination. We suggest that under the recommendations of the Hotel Futures Study, taking into account the current economic situation, we are currently at saturation point with regards to hotel stock and therefore should reject the application.

Housing Strategy: Support and welcome the scheme which will provide 147 new homes of which 53 will be for affordable housing, which equates to 36% of the homes being provided. Our preference would be for 40% affordable housing but this figure accords with the Planning Note September 2010, which states up to 40% affordable housing and exceeds the 30% provision that was allocated in the wider NEQ within the outline planning permission and Station Brief.

Given the current market conditions, tenure mix in the area and local priorities/housing need, we would have no objection to the proposed mix of 45% affordable rented homes and 55% intermediate/shared ownership. This is a town centre site with direct access to public transport in the form of trains, buses, with access to shops and other amenities.

The affordable flats are in the middle cluster of the development, and are visually indistinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. This will ensure that the affordable housing is tenure blind and fully integrated with the

market housing to enable the creation of mixed and integrated communities.

Pleased to note that the scheme will be built to meet or exceed the Homes and Communities Agency's current Design & Quality Standards (April 2007) incorporating Building for Life Criteria and we understand the scheme will meet the Code for Sustainable Homes Level 4. The scheme will need to meet Secure by Design principles, as agreed by the Police Architectural Liaison Officer. Pleased to see that the homes meet the Homes and Communities Agencies minimum internal space standards, which will ensure the new homes are of a good standard, are flexible, adaptable and fit for purpose.

Most of the units have some form of private outdoor amenity space provided in the form of balconies and terraces, and we understand that there is access to ground floor space including semi private communal play area. We understand that at least 10% of the affordable units will be built to the Council's wheelchair accessible standard as set out in PAN03.

For the City as a whole, the preferred affordable housing mix in terms of unit size and type to be achieved is : 30% 1 bed, 45% 2 bed and 25% 3 bed or larger. The scheme will provide: 42% 1 bed (22 units), 47% 2 bed (25 units), 11% 3 bed (6 units). The mix of units is acceptable on this site. Up to date assessments of housing need (Strategic Housing Market Assessment April 2008) show that although the greatest need numerically is for smaller one and two bedroom properties, there is significant need for larger family sized homes, as we have much less of this type of accommodation in our affordable housing stock. Welcome the addition of 6 x 3 bed units in the scheme and will ensure that the smaller units are marketed at those downsizing from larger family homes to make best use of stock.

% for Art: The planning statement acknowledges the relevance of Local Plan policy QD6 (Public Art). No details are provided as to how this may be incorporated in the design of the development. There appear to be a range of opportunities, including within the public realm. The public art element based on the standard formula equates to £145k.

Planning Policy:

Summary

Office / Hotel

The Adopted and Emerging plan policies for this site (Local Plan policies EM1, EM9, EM13 and policies DA4 and CP16 of the Emerging Core Strategy) is to seek significant employment floorspace. Taking into consideration that this scheme will deliver additional employment floorspace above that indicated in the Masterplan consent, that it will help deliver wider aspirations for the site as outlined in the Masterplan and informal planning advice note and do so through a deliverable and viable mix of uses. The provision of 2,973 sq m of B1a office floorspace would accord with Adopted Policies for the site.

LP Policy EM13 allows for the provision of leisure uses, including hotel. The principle of a high quality, 4 star hotel with ancillary facilities and linked leisure and fitness facilities was established on Site J under the masterplan consent. The site is not within the LP Hotel Core Area but it was within the updated Hotel Core Zone (in now withdrawn Core Strategy), therefore a sequential test was not required at time application originally submitted.

The Hotel Futures Study (Jan 07) included block J as a potential to meet demand for future 4* hotel (based on scenario of redevelopment of Brighton Centre). No need identified to seek more 3* hotels and since a number more have been built or gaining consent. The Core strategy approach was to require applicants to provide a market assessment, and the applicant has provided this and some further clarification. Of concern is that a further 3* hotel could lead to an oversupply in short to medium term, when there is a downturn to economy. Notwithstanding this, the principle of a (4*) hotel on the site is accepted through masterplan consent and Hotels Future Study. There is nothing to stop a hotel moving between different gradings and we cannot pick an independent operator over a chain. Recent evidence does seem to suggest homogenisation of the hotel sector in any case. Many authorities have had hotel demand assessments and where there is concern of oversupply and the advice seems to be, particularly where development sites are scarce, to prioritise those hotel proposals on sites where hotel accommodation has been accepted as appropriate (ie identified sites). If the market assessment provided is considered robust and does not demonstrate any significant impacts to the accommodation sector, not just budget, it would be difficult to refuse the application.

Retail

In essence, the proposed retail space is considered to accord with supplementary planning guidance and the aims of policies EM13/EM9 and SR2, as it is providing ancillary space to support the overall mixed use development and creating active frontages. The proposed space should be conditioned if its end use is retail, to stipulate that it should not be used for convenience retail, as this floorspace is catered for already in the form of a supermarket at NEQ.

Residential/Outdoor Recreation Space

The affordable housing requirement under policy HO2 for windfall sites is 40%. Site J is the last site to come forward as part of the wider New England Quarter Masterplan consent, which set a quote of 30% affordable housing. The target is reflected in policy H01, which identified the provision of 270 dwellings and also within SPGBH3. Policy EM13 also identifies the station site as appropriate for residential development.

Policy CP11 of the Emerging Core Strategy seeks to provide 8,500 new homes for the period 2010-2025, 875 of which are identified for the New England Quarter and London Road area under policy DA4. Whilst the Emerging Core Strategy target of 40% affordable housing as outlined in policy

CP12, is not achieved, Adopted Local Plan policies and the Masterplan consent anticipate 30% affordable homes. Therefore the proposal to deliver 36% is welcome.

The Council's Housing Needs Survey has identified a shortfall in affordable 1 and 2 bed units along with larger affordable family housing. The proposal seeks to alleviate this shortfall by proposing six (11%) 3 bed family units allocated for affordable rent. The provision of 147 units responds positively to a shortfall in housing provision, particularly of 1 and 2 bed units, but also of family sized units. The housing mix proposed is suitable for a town centre location such as site J.

In terms of private amenity space (HO5); most units appear to have some useable form of private space either in the form of balconies, a private garden or communal amenity space.

Applying BHCC's occupancy rates into the original 'Ready Reckoner' formula (prior to revised open space standards) a contribution sum of £154,482 is considered appropriate to make up for the shortfall of on-site outdoor recreation provision. The total contribution for children's play space for the volume of development proposed would amount to 828 sq m. The proposed 491 sq m of equipped children's play space is deducted from the overall 828 sq m anticipated by this quantity of residential units. As the ready reckoner only allows for a minimum of 500 sq m of children's equipped play space the final figure was manually adjusted to allow for the difference between 500 sq m and 491 sq m. As the scheme does not make provision for casual informal play space and adult/youth outdoor sport facilities, the calculations in the ready reckoner allow for a total contribution of £36,189 and £42, 378 respectively. In arriving at the sum of £154,482, the total amount for each type of open space is as follows:

Children's equipped play space $(828.75 - 491) 337.75 \text{ sqm} \times £224.76 = £75,912.69$

Casual informal play space $1491.75 \text{ sq m} \times £24.26 = £36,189.86$

Adult/Youth outdoor sports $3635.5 \text{ sq m} \times £7.52 = £42,378.96$

Brighton Gateway

Over the past year, the Council has had a number of meetings with the applicant, regarding the Council's emerging Brighton Station Gateway project. This seeks to provide a much improved public realm and point of arrival and departure around the Station. As well as providing a 'southern' gateway at the top of Queens Road, the project envisages a 'northern' gateway (the area perceived as the back entrance). New land uses around a greatly improved public realm will combine with the completion of the final section of the pedestrian link between the station and London Road. This is a requirement of any development coming forward on Site J. The applicant has been co-operative in taking on the Gateway scheme and developed their own proposal, taking this emerging project in mind.

Brighton Station Gateway was formally recognised as a council project by

Cabinet last November. This is currently being developed in partnership with Network Rail, Southern (the leaseholder of Brighton Station) and Square Bay (as owners of site J).

In discussions, the applicant has agreed in principle to making a financial contribution towards the public realm works to the northern gateway. This has potential to act as a modified public realm solution to the wider New England Square envisaged in the original outline planning permission for the NEQ. The public realm would be located between the rear of the station, railway, southern greenway and would encompass the turning circle. A detailed design would need to be agreed in due course with stakeholders.

The benefits of the Gateway project providing the principal public square:

- the site is a natural point of convergence for pedestrians and vehicles, as well as a destination;
- completion of the station link will assist in providing a safe public environment; the scale and location of the public square envisaged in the Masterplan poses design challenges arising from topography;
- the public realm within site J would provide the 'missing link' in the pedestrian route to the station. The reduced size of the square provides the applicant with greater development potential and therefore greater assurance that Site J will be developed and not left vacant.

Costings have been based on New Road, where a high quality design and use of materials achieved a public realm of similar standard to that sought for Brighton Gateway. These costings are to compensate for the shortfall in area within the public square on the original masterplan approval and amount to £425,544 (including 20% contingency and inflation). If planning permission is granted, it is recommended that this sum is agreed via a planning obligation.

Private Sector Housing: No comments under the Housing Act.

Sustainability Officer:

Summary:

Policy requirements for standards of sustainability recommended in SU2 and SPD08 have been met on the office and housing development, but the hotel development does not comply with key standards in SU2 and SPD08. The applicant has failed to provide robust justification as to why the Hotel is not expected to meet the standards of SPD08 for BREEAM 'excellent' to be achieved with 60% score in the energy and water sections. It is therefore recommended that in the absence of justification why this standard should not be achieved, the standard model condition should be applied. This states that for major developments BREEAM 'excellent' should be conditioned and 60% should be achieved within the BREEAM energy and water sections.

As a major mixed use development on previously developed land, the standards expected to be achieved for SPD08 include: BREEAM excellent for non-residential; CSH Level 4 for housing; feasibility study of rainwater

harvesting/grey water recycling; considerate constructors scheme; minimise heat island effect. The Section 106 Agreement for NEQ sets targets including: BREEAM very good standard; 40% carbon reduction, green procurement strategy and energy modelling report. The standards have now been superseded by SPD08.

An Energy Statement lays out baseline levels against which the development proposals achieve 40% CO2 reduction to meet the S106 Agreement. This target is exceeded in the office and met for the residential, but not for the hotel. The baseline date uses Part L 2002 compliance which is now out of date. As a consequence, the development overall, improves on current Part L regs by just 6.82%.

Positive aspects of the scheme include: Code Level 4 predicted to be met for residential; BREEAM Excellent predicted to be met in the office and meeting 60% for energy and exceeding 60% for water; Renewables – air source heat pumps in the office and residential and a 940 sq m photovoltaic array for the housing; water energy efficiency predicted to be delivered through Code and BREEAM water sections; rainwater harvesting referred to, but no study developed.

Aspects requiring improved standards:

- hotel not predicted to achieve BREEAM 'excellent' and 60% in energy and water (SPD08);
- no renewables are currently proposed as part of the Hotel development (SU2 expects renewables to be integrated into new developments);
- feasibility study for rainwater harvesting and grey water recycling not submitted (SPD08).

A Code Pre-Assessment has been submitted, which confirms a score of Code Level 4. BREEAM – whilst the office development is on track to achieve BREEAM 'excellent', the hotel development is not predicted to achieve this. Since no justification is given, this is not compliant with policy. Two hotels have been built to this standard in 2010, but these are high end hotels. The Jury's Inn hotel was built to an 'excellent' standard, although this was under the 2005 version.

Clarification is therefore sought on:

- commitment to achieve BREEAM 'excellent' with 60% in the energy and water sections in the hotel development, or provide justification why this standard is not met;
- commit to considerate constructors scheme;
- clarification on provision of solar shading to reduce overheating;
- feasibility study for rainwater harvesting and grey water recycling systems to comply with SPD08.

Additional comments:

Following the submission of further information, the applicant has cited financial and technical reasons for not committing to BREEAM 'Excellent' under the hotel assessment tool. This is considered reasonable to grant flexibility under SPD08. There is a commitment to achieving 60% in the energy and water sections of the BREEAM hotel assessment. It is recommended that the aspiration for BREEAM 'excellent' be maintained but, 'very good' is acceptable if this is not viable. A feasibility study for rainwater harvesting and grey water recycling is produced for the office and hotel development. This document provides some outline calculations, but makes no firm recommendations. It is recommended that the proposed rainwater harvesting system for irrigation uses be developed and incorporated into the scheme, and the feasibility of a grey water recycling and rainwater harvesting scheme be further investigated when the hotel tenancy is secured. It is recommended that a renewables feasibility study be undertaken for the hotel and recommendations incorporated into the hotel scheme.

Sustainable Transport:

The application is supported by a Transport Assessment as required by national and local plan policy. The TA has been revised and improved to reflect comments made by officers prior to submission.

Car Parking – SPG4 suggests that the maximum acceptable levels of general parking would be 176 for the residential units, 49 for the hotel, none for the retail use and operational parking for the office. 28 spaces are proposed for the residential use and none for the other uses. The total residential provision is about 1 space per 3.5 units. This is justified by the applicants' reference to national and local policy, and the high standard of sustainable modes in the surrounding area of the site. Measures proposed will contribute to the improvement of these facilities.

Concerns have been expressed about potential displaced parking. The applicants submit that this will not be a problem because of the above considerations, the operation of a CPZ around the application site and the availability of a substantial amount of off street parking near the site. These points are accepted. As elsewhere in NEQ, residents will not be allowed to buy residents parking permits.

Disabled Parking – SPG4 suggests minimum provisions of 15 spaces for the residential use, 1 for the hotel, 30 for the offices and 1 per unit for the retail use. The applicants propose to provide 15 spaces (the minimum) for the residential use, 3 for the hotel and 1 for the office. Following discussion with officers mainly prompted by the severe shortfall in office provision the applicants have agreed to rearrange parking in Mangalore Way so as to result in 4 disabled parking spaces. Clearly this remains very substandard and given this continuing shortfall and in accordance with policy TR18, a contribution of £10,000 to shop mobility operation is required. The use and availability of disabled parking should be subsequently monitored as part of the travel plan

process and provision altered, if problems arise.

Cycle Parking: The proposed residential provision of 197 places is acceptable as it is exactly the minimum required by SPG4. It is not possible to apply SPG4 exactly to the other uses but the number proposed, which is 20 in total, seems acceptable. However, this non-residential provision needs to be covered and it would be desirable for the amount of clutter in the square to be minimised, so alternative sites should be considered if possible, and revised plans for the non-residential cycle parking provision should be required by condition.

Access arrangements and traffic impact- The position of the vehicular access to the residential car park would be unlikely to be approved under traditional design guidance but the approach used in the 'Manual for Streets' is more flexible. There has been substantial pre application discussion of this arrangement. The main 'traditional' concern would be the proximity of the proposed access to the junction of Fleet Street and Stroudley Road and to the greenway crossing of Stroudley Road but MfS does not prescribe minimum distances between junctions and indeed states that 'research in the preparation of MfS demonstrated that more frequent (and hence less busy) junctions need not lead to higher numbers of accidents'. The position of the access is therefore acceptable in principle. In response to officers' concerns, the applicants have considered other possible access sites, which it is accepted are not feasible, demonstrated acceptably that the visibility splay from the access will meet MfS standards, demonstrated that there is no existing pattern of accidents in the vicinity of the application site, and commissioned a stage 1 safety audit for the arrangement. A condition should be attached to any consent requiring the submission by the applicants of a stage 2 safety audit of the detailed design and any alterations required as a result of this prior to construction. The S106 agreement should include a requirement for the applicants to enter into a S278 agreement for construction of the access works. The visibility splay for traffic emerging from Mangalore Way is unsatisfactory on the submitted plans and revised plans showing adjustments to the building line to provide the required 2.4*43m. splay should be required by condition. The applicants have successfully demonstrated using the TRICS database and local census information that the number of trips likely to be generated by the development will not cause peak hour congestion. The applicants have demonstrate that that they have a guaranteed right to use and allocate parking on Mangalore Way, which is a private road- this is important as this road will be where all the disabled parking is provided.

Refuse collection- The proposals as originally submitted were unsatisfactory in requiring RCV access from Fleet Street at the pedestrian crossing across the square from the east. Cityclean and the applicants have subsequently agreed a satisfactory arrangement involving controlled access across the square from Mangalore Way to the south. Revised plans showing the parking changes which are necessitated by this arrangement should be required by

condition. The plans should also provide for the installation of posts at the east end of the square to prevent hazardous and environmentally unattractive vehicular access to the square.

Sustainable modes and contributions- The TA demonstrates that existing sustainable modes provision in this area is to a high standard and the applicants propose to provide a car club and travel plan. The point has also been made and is accepted that provision of the square and a more direct pedestrian and cycle access to the station from the north east will benefit existing as well new residents and encourage the use of sustainable modes. A framework travel plan and draft agreement between Streetcar and the applicants have been submitted with the application and details of both of these items should be subject by condition to approval prior to occupation. The travel plan should be integrated into the wider NEQ travel plan process. Notwithstanding these proposals, infrastructure is in constant need of improvement and maintenance, there are positive transport initiatives for the area around the applicant site and contributions are considered appropriate. Application of the standard formula to the trip estimates provided by the applicants indicates that the amount in this case should be £354,750 which should be reduced by the estimated(in the TA) £9000 cost of the car club provision (This discounting should not apply to the shopmobility contribution as this is required separately to meet policy TR18). This formula has been approved by the local cabinet and includes a discount for the centrality of the site. It is not considered appropriate however to mechanically apply the formula to major applications and in this case aspects of the application as discussed at the start of this paragraph suggest some reduction would be appropriate. The local improvements required which are closest to the application site and need little or no design work are bus stop improvements at the Fleet Street, New England Street and Brighton Station R stops (est. cost £75,000) and pedestrian improvements along New England Street (est. cost £10,000). Other beneficial and relevant proposals could be improvements in the Providence Place/ Elder Place area, improved cycle permeability in the North Laine, and ped/ cycle improvements at Ditchling Rise. There are also a series of initiatives which were recently identified as part of the wider continuing NEQ travel plan process. The extent of access rights proposed across the square does not seem to be clear. This east-west pedestrian /cycle route was seen as important for the permeability of the area in the original master plan consent and this stairway and lift link should be available as described in the S106 agreement attached to the master plan consent i.e. access should be 24 hours per day, 7 days per week, and subject to closure for security reasons, maintenance and repair, or one day per year to prevent the creation of public rights of way across the land. These arrangements should be secured by a walkways agreement. The lift should also make provision for bikes and wheelchairs and cycle channels should be provided alongside the steps.

Urban Design (Original scheme): The application site is located in the central character area of the London Road Corridor neighbourhood, as defined by the

Urban Characterisation Study.

The site sits in the Brighton Station East node, as defined by the Tall Buildings SPG. The SPG notes that 'this node has the potential to invigorate this part of the city with a high quality public realm, to support the development approved and in part already constructed on former station land'. Any building of 6 storeys or above is considered to be a 'Tall Building' and will require a Tall Buildings Statement.

The Tall Buildings SPG demands high quality public realm. SPG states that tall buildings 'need to provide the public realm with a strong sense of spatial definition and robust character. At a detailed level, individual proposals should seek to create well orientated and lively spaces that contribute positively to the wider public realm. The SPG also requires in 7.4.7 that applicants will need to 'describe how the proposal has been designed to create high quality public spaces within the site and nearby. Particular consideration should be given to: high quality design, climatic comfort, need for light, sun and shade, adjacent uses, quality of materials', and, 'describe the arrangements for long term maintenance and management'.

A Masterplan for the New England Quarter was granted outline planning permission in September 2003. The outline application showed a large square with a link up to the higher level of Brighton Station and the continuation of the Southern Green corridor through the SNCI. The square, the link to the station, and the route through the Southern SNCI are all expected elements from the outline permission.

The applicants presented an earlier proposal, which was the subject of a design review by the South East Design Panel. Although generally supportive of the proposal, the review panel has criticisms of the public spaces, particularly a lack of sunlight to the children's play area and the relationship of the lift and stairs to the changes in level. The lack of active frontages was highlighted as cause for concern.

The Applicant has provided a comprehensive Design and Access Statement, which includes a Tall Buildings Statement,

The layout and general massing of the buildings is considered to be acceptable and makes efficient use of the land, as required by QD3, while providing attractive and interesting frontages to the street as required by QD5. It is noted that parts of the station retaining wall are removed or lowered, which could be the subject of a listed building consent.

The application significantly reduces the size of the square as demonstrated in the original Masterplan. Nevertheless, this is considered to be useable and safely overlooked, while retaining the vital link to the station. The smaller size will limit activities which could take place in this area, which is disappointing. It appears more of a pedestrian street than a useable square, and the impact on

the nearest neighbours of not having a more open square should be considered. It is understood that contributions to a new Gateway Project, to improve the station linkages, are offered as mitigation against the loss of the area of the square. This will require conditions. The lift and stair access will allow all users to access the station from this square, which is considered to be essential to the success of this space, and to the wider site. The thoroughfare of passengers accessing the station, provided the route is well lit and reasonably overlooked, will ensure the area is constantly in use, and is therefore a welcome and positive contribution to this part of the city. Details of the management and maintenance of the lift and other elements of the public realm will be required. Improvements have been made following the pre-application proposal to increase overlooking of the lift, and to remove hidden areas near or under the staircase. Lighting of the lift shaft and a wider staircase are both considered to be an improvement to the earlier proposal.

There is some concern about the relative levels of the apartment balconies in relation to the levels of the SNCI and sections to show this have been produced. Some of the balconies appear to be low off the ground and, coupled with the slope, this could allow unwanted intruders to climb in. Mitigation measures may be necessary.

The children's playspace is essential for the proposed housing, but would also expect to benefit the wider community. It is well overlooked and would be expected to have an unlocked gate. A route through the site, which includes this area is not considered essential, although this space is expected to be accessible to all. Lack of direct sunlight remains an issue for the public realm, which has not been altered in line with comments from the South East Design Panel. The smaller public space to the northeast of the site could soften the appearance of the block, although its amenity value may be low.

A plan and schedule of materials and planting for all the public spaces has been produced. Surfaces, seating, lighting, trees, planting, as shown in the landscape proposals is generally of good quality and complements the buildings and urban spaces elsewhere. The proposal shows a large area of outdoor seating for the hotel, but only 2 permanent seats. This balance is not considered acceptable. The space is intended for public amenity, and whilst some restaurant activity on the street may add to the feeling of safety, this place is intended for the public at large, not as an extension to the restaurant. Sufficient public seating would reasonably be expected in the square, in the playground, at the northern housing entrance area and along the Southern Green Corridor, positioned to allow the public to benefit from either direct sunlight or shade. Cycle stands and trees are both seen as making a positive contribution to the square. Signage will be expected to marry up with that elsewhere in the development. The Council's Ecologist should be consulted on the planting of the Southern Green Corridor. The maintenance, general rubbish collection and general repair of all the outdoor areas will be expected to be carried out by the applicant. In areas which the council will be expected to take ownership, the elements and materials should be agreed with the

relevant highways, lighting and refuse collection officers to ensure maintenance.

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 (PPG's) and Planning Policy Statements (PPS's):

PPS1	Delivering Sustainable Development
PPS	Planning and Climate Change : Supplement to Planning Policy Statement 1
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning and the Historic Environment
PPS9	Biodiversity and geological conservation
PPG11	Regional Planning
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

Brighton & Hove Local Plan 2005

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR13	Pedestrian network;
TR14	Cycle access and parking
TR17	Shopmobility
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU1	Environmental Impact Assessment
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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SU8	Unstable land
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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Tress and hedgerows
QD17	Protection and integration of nature conservation features
QD19	Greenways
QD20	Urban open spaces
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable Housing – windfall sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential dwellings
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car-free housing
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
SR2	New retail development beyond the edge of existing established shopping centres
SR12	Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
EM1	Identified employment sites (industry and business)
EM2	Sites identified for high-tech and office uses
EM9	Mixed use and key mixed use sites
EM13	Brighton Station – mixed uses
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological sites (RIGS)

Supplementary Planning Guidance: SPG's & SPD's
SPGBH03: Brighton Station Site Brief

SPGBH04:	Parking Standards
SPGBH15:	Tall Buildings
SPGBH09	Draft: A guide for residential Developers on the Provision of Outdoor Recreation Space (Draft)
SPD08:	Sustainable Building Design
SPD03:	Construction and Demolition Waste
SPD10:	London Road Central Masterplan
SPD11:	Nature Conservation and Development

Brighton Station Site (SPGBH03): The Brighton Station Site Brief was adopted in 1998 as supplementary planning guidance (SPG BH03) to be read in conjunction with policy EM13 of the Brighton & Hove Local Plan.

8 CONSIDERATIONS

The report considers an application for full planning permission (including an Environmental Statement) on land immediately to the east of Brighton Station. The site is the last remaining block to come forward for development within the 8.9ha Brighton Station Site Masterplan area – New England Quarter (NEQ) – and is referred to as Site J.

The main considerations in the determination of this application include:

- The context of the original Masterplan and previous applications on the site
- Principle of the type and mix of land uses;
- Proposed housing provision and mix;
- Demands created by new residential population;
- Employment
- Section 106 for services and infrastructure;
- Visual Impact, Conservation and Design;
- Public realm, open space
- Amenity;
- Transport and Parking;
- Environmental matters: Noise, Air Quality, Contamination;
- Sustainability and Ecology;
- Other issues: refuse, recycling, servicing, public art, crime prevention.

Principle of Development and Type and Mix of Land Uses

The Brighton Station Site (New England Quarter) including Site J, is designated as a mixed use site in the Adopted Brighton & Hove Local Plan (policies EM1, EM2, EM9, EM13). The site also formed part of one of seven growth areas identified in the (recently withdrawn) Core Strategy, as capable of accommodating significant new housing and employment growth over the period 2010-2026 (growth area DA4 – New England Quarter and London Road). The principle of a mixed use development in this central, sustainable location is considered acceptable.

Outline planning permission was granted in 2003 for the redevelopment of the

entire quarter with certain reserved matters approved. A regulatory Masterplan was approved with the outline consent, which set the framework for the redevelopment of the site. Development approved as part of the Masterplan commenced on site in 2004. A series of separate full planning permissions for individual blocks have subsequently been granted across the Masterplan area and these permissions implemented.

Following the outline consent in 2003 for a 4*, 250 bedroom hotel and new public square on Site J, a separate full planning application was submitted in 2005 for a mixed use scheme to provide a 4* hotel with ancillary leisure and conference facilities, 171 flats, public square and Southern SNCI, known as the Beetham scheme. The scheme proposed a 42 storey tower in the podium (north) building and introduced a 5 storey block in the southern half of the site, enclosing the public square. The application for full planning permission was refused at Planning Committee in April 2005, principally for the adverse impact on adjoining Conservation Areas, the Grade II* Listed Station Building and the Grade I listed St Bartholomew's Church. The site was considered to be an inappropriate location for a 42 storey building with a harmful impact on views into and out of the historic core of the city. The proposed scheme would have failed to provide adequate outdoor recreation space. The application was dismissed at appeal by the Secretary of State in November 2007. Both the Masterplan consent and the Inspector's appeal decision are material considerations.

The red edge of the application site covers an area of 0.86ha. The application seeks to depart from the Masterplan through the mix of uses proposed. The Masterplan granted outline consent for a 250 bedroom, 4 star hotel with ancillary facilities and linked health and fitness facility of 1,500 sq m, fronting a new public square of 1,826 sq m to the north of the existing Trafalgar Place development. It included lift and stair access from the rear of the station to the public square, leading down towards London Road. The Masterplan consent set a height threshold on Site J of 7 storeys (54 metres AOD) and an indicative floor area of 17,000 sq m.

This current application seeks consent for the introduction of residential units (147), 2,973 sq m B1 commercial office space and a 3*, 98 bedroom hotel with a new public square (of 756sqm) and part of the Southern SNCI. The proposed heights of the blocks vary from 5 to a maximum of 8 storeys. This is a departure from the height threshold established under the Masterplan consent of 7 storeys.

Office

The application seeks consent for a 6 storey office block comprising 2973 sq m office space located in the southern half of the site. The applicant is in advanced negotiations with a single tenant to occupy the entire building.

The site is strategically located close to the retail and commercial core of the City in a central, sustainable location. The potential of the Brighton Station

site for attracting major commercial investment was identified as a key objective in the original development brief for the site (SPGBH03). Policies EM1, EM2 and EM13 of the Local Plan identified a floorspace target of 19,843- 26,941 sq m for business, industrial units, workshop and starter units across the Station Site. The withdrawn Core Strategy reaffirmed the need for high quality employment floorspace in the city and identified the employment potential of the NEQ in DA4 and policy CP16, and this is likely to remain a key priority for the locality.

The applicant has submitted an office market assessment in support of the planning application. The assessment concludes that whilst demand for Grade A office space remains strong across Brighton (and such space is limited in the City) demand is strongest for smaller office schemes of 1,000 sq m. The report highlights the difficulty of securing finance in the current economic climate, with speculative development for larger office schemes being rare. This accords with the City Council's Employment Land Study 2009, which concludes that the majority of current demand is focused on office smaller units.

Given the existing market conditions and the proposed net gain of office/employment floorspace, the provision of 2973 sq m commercial office space as part of a mixed use development is welcome and supported. The proposed office space has potential to provide approximately 200 new jobs at the operational stage and would represent cumulative employment provision of circa 11,230 sq m across the wider Masterplan area. The proposal is therefore in accordance with Adopted Local Plan policies and likely emerging policy.

Hotel

The concerns of VisitBrighton regarding potential saturation of the hotel market in the city are noted, and it is acknowledged that the site is located outside the Hotel Core Zone as identified under current adopted local plan policy SR14. However, the principle of a larger (4*) hotel on the site is established under the Masterplan consent, which is a material consideration. This was taken into account when the Hotels Futures Study (an LDF background paper) was written. The site is located in a central, sustainable location which is considered appropriate for a hotel. For the reasons set out in the Planning Policy comments, it is considered that a refusal of permission of a hotel in principle cannot be justified.

The concerns regarding another budget hotel are noted, however, the grading of a hotel cannot be controlled through planning. The applicant has submitted a hotel market assessment in support of the application, which states that demand is buoyant in the branded budget hotel sector. The information also supports the overall case for hotels within the city and cites PPS4 and the draft National Planning Policy Framework which encourages Councils to take a positive and constructive approach towards applications for economic development. The proposed hotel would provide 49 jobs, which is welcome.

Retail

The proposal includes a unit of 255 sq m, located at ground floor level in the central block, with flexibility for a range of uses, including retail (A1) café' (A3) (A2) or small business units (B1).

The applicant states that flexibility in the range of permitted uses would maximise occupation by a range of tenants. The proposed unit would be prominently positioned at the junction with Fleet Street and the public square in the central block, in order to maximise footfall.

Due to the small amount of commercial/retail floorspace proposed, the flexibility intended for this space and its ancillary nature, it is not considered to prejudice the viability of London Road Town Centre. The proposed retail space is considered to accord with supplementary planning guidance and the aims of Local Plan policies EM13, EM9 and SR2. It would provide ancillary space to support the overall mixed use development and would help create an active frontage in the square. Given the small scale of the units, it is not considered that a condition restricting the sale of convenience food (on basis there is already a supermarket within the NEQ) is reasonable or necessary.

With regard to the proposed A3 use (café/restaurant), local plan policy seeks to control larger A3 units in excess of 150 sq m, in order to protect the local amenity of the area. Exceptions to the policy apply, provided service is for seated customers only and that consumption of alcohol is taken with a meal. In line with policy SR13 and provided the unit is not sub-divided, a condition is recommended to ensure that no alcohol is served unless to customers seated and taking a meal.

The provision of this amount of commercial/retail floorspace is anticipated to provide 14 FTE jobs, which is welcome.

Housing

The Masterplan consent secured 355 residential units located variously across the site, of which 30% were affordable. Policy EM13 established no specific housing target on the Brighton Station site, but the site brief SPGBH03 and policy HO1 established a target figure of 270-400 units.

The introduction of housing on Site J is a departure from the Masterplan, however, additional housing has since been approved at One Brighton (172 units) and Gladstone Row (35 units). In total 454 residential units have been built across the wider New England Quarter, of which 141 are affordable units. The site was identified as being located within a Development Area (policy DA4) in the withdrawn Core Strategy, with scope to accommodate new development, including housing, and this is likely to be the case in emerging policy. Given the national shortage, particularly for affordable housing, there is no objection in principle to housing on the site.

Introducing a residential population from 147 units does create significant

additional demands for services and infrastructure. The submitted Environmental Statement envisages the socio-economic effects as being local (i.e. less than 10 mile radius) although employment impacts may extend into the wider sub-region. It is considered that the demands will be satisfactorily met (see later sections). The residential element is not considered to undermine the Masterplan objectives for the site or the NEQ as a whole. See 'Proposed Housing Provision and Mix' in next section for assessment of the detail of residential proposal.

Public realm and open space

The proposal would make effective and efficient use of land in accordance with national and local planning policy, however, the proposal is considered to include a significant amount of public open space. This accords with the objectives of the Masterplan and is welcomed in this high density, central location.

The vast majority of the Southern SNCI would be provided, which is welcomed, and it would complete the link to the station. There are concerns regarding the fact that the southernmost part of SNCI is not provided but on balance this is considered acceptable -see later section 'Public Realm and Open Space'.

There are concerns that the public square proposed is somewhat smaller than the Masterplan (by 476sqm), however, on balance, this is considered acceptable. This will be partly compensated by a financial contribution towards public realm enhancement in the locality, and the square does still provide an attractive usable space and completes the important link to station. See later comments for more detail.

Proposed Housing Provision and Mix

Density

PPS3 and Local Plan policy HO4 supports residential development at higher densities provided that the development is of a high quality; includes a range of dwelling types; is well served by public transport; and respects the capacity of the local area.

The application seeks consent for an additional 147 housing units. The proposal represents a density of 173 dwellings per hectare, which is comparable with housing densities elsewhere across the New England Quarter; for example, 171 dwellings per hectare on the Core Site. Such density is considered appropriate in a city centre location and makes effective and efficient use of land.

The proposed scheme would provide a range of dwelling types in a location that is highly accessible and well served by public transport. Planning obligations will ensure the capacity of the area is able to satisfactorily accommodate the additional housing proposed.

Affordable Housing

Whilst policy HO2 applies, which seeks target of 40% affordable housing, of consideration is also Policy EM13 which identifies a minimum affordable housing target of 30% across the Station Site, as is secured under the Masterplan. The provision of 36% (53 units) is therefore welcomed.

Housing Mix and Size

Policy HO3 seeks to ensure that proposals for new residential developments incorporate a mix of dwelling types, sizes and tenures that reflects and responds to Brighton & Hove Housing needs. The most up to date assessment of housing need (Housing Needs Study 2005 & Strategic Housing Market Assessment 2008) indicates the greatest numerical need is for smaller one and two bedroom units. However, there is significant pressure for larger, family sized accommodation.

The mix of units proposed for the affordable units is considered acceptable and is supported by the Housing Strategy team: 42% 1 bed (22 units) 47% 2 bed (25 units) and 11% 3 bed (6 units). In particular the provision of 6 x 3 bed affordable units is welcomed by Housing Strategy.

The proposed tenure mix for the affordable units is 45% social rented and 55% intermediate forms of housing, which is supported by the Housing Strategy team. The site is located in the City centre in a highly sustainable location, where levels of owner occupation fall below the City Average (49.5%, compared to 60% City-wide). The slightly higher proportion of shared ownership units that this scheme would deliver is therefore welcome to help balance the situation.

In terms of unit size, all the proposed affordable units would meet the Homes and Community Agency internal minimum space standards. This also applies to most of the private units. The affordable units would be 'tenure blind', and visually indistinguishable from the private units in terms of build quality, materials, details, levels of amenity space and privacy – which accords with planning policy.

Lifetime Homes

Policy HO13 requires new residential dwellings be built to Lifetime Homes standards with a proportion built to a wheelchair accessible standard. All the units would be built to Lifetime Homes Standards, to comply with policy. Following negotiations with the applicant, 7 units are identified as fully wheelchair accessible in accordance with policy HO13.

Private Amenity Space

Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development, in the form of balconies, front or back gardens. There is no quantitative standard applied for private amenity space.

It is considered that the amenity space provision for residents is acceptable.

Of the 147 units proposed, the vast majority (127) would have access to a private balcony, roof terrace or garden with room for a table and chairs. The remaining 20 units would have access to private, communal roof terraces. In total, the proposed scheme would provide 1167 sq m private amenity space and 675 sq m private communal amenity space located in the north and central blocks. 21 roof top allotments are also proposed at sixth floor level for use by residents in the north block, which is welcomed and accords with sustainable principles. Lift access would be available to all the communal roof areas.

There would be a degree of inter-visibility between some of the private balconies in the scheme, specifically some units facing onto the proposed courtyard area containing the equipped children's play space, however, this is not unusual for high density, city centre developments and screens are proposed on those most affected.

Demands created by residential population

Outdoor recreation space

Policy HO6 requires the provision of suitable outdoor recreation space split between children's equipped play space, casual/informal play space and adult/youth outdoor sports facilities. The policy states that where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, financial contributions to their provision on a suitable alternative site may be acceptable. A standard formula is applied to establish the level of contribution

A shortfall of on site recreation provision was accepted at the time of Masterplan consent: policy required 32,417 sq m and 8,235 sq m was provided on site. This was due largely to the site topography with significant level changes in a city centre location. The principle of commuted sums towards off site recreation provision to compensate for on site deficiencies was therefore established under the Masterplan. In city centre locations it is considered appropriate to secure a degree of off-site provision, however, given the substantial scale of the scheme and the distance to nearby parks, it is deemed important to at least secure some on site provision for younger children. As noted by the Inspector on the Beetham scheme, it is essential that some provision for younger children be made on site; children should not have to go to local parks to play.

There are constraints within a mixed use city centre site with significant level changes across the site, however, the proposed scheme does make some on site provision for young children. A 496 sq m equipped children's play area is proposed, located centrally within a courtyard between the central and north block. This goes some way to meeting the overall demand for outdoor recreation space created by the new population, however, falls short based on policy HO6 and the 'Ready Reckoner' in Draft SPG9. A S106 contribution of £146.775k has therefore been secured towards enhancement of all types of outdoor recreation space at the Level by way of compensation. The

financial contribution could help achieve match funding for a current Heritage Lottery Fund bid and is welcomed by City Parks.

There are some concerns regarding the microclimate within the play area, as the microclimate assessments indicate that up to 77% of the space would be in permanent shadow all day in early Spring (21 March). The result is considered to be 'moderate adverse' and does not meet the BRE recommended guidelines (no more than 40% in shade), as three quarters of the space would be in permanent shade. Additional information supplied by the applicant indicates that the level of permanent shade to this internal courtyard reduces by mid-summer to 8% (21 June). The degree of overshadowing is a significant issue, however, it is acknowledged that in order to effectively and appropriately develop a high density city centre site a degree of compromise is required. The play area is well located in the centre of the development and benefits from natural surveillance. Seating and landscaping within the courtyard would also provide opportunities for residents to meet and socialise. The applicant has indicated that the space could incorporate a permanent illuminated covered area, which will allow for greater usability of the space in poor weather and for longer periods. Therefore it is considered that this innovative solution will address the objectives of the planning policy and help meet the demands of the population. The precise design will be subject to condition to ensure it is sufficiently weatherproof. An illustrative landscaping strategy is submitted with the application, which shows a variety of equipment to stimulate young children and makes imaginative use of the space, including a bouldering wall on the west elevation.

The proposed Southern SNCI, roof top allotments and communal roof terraces do not cater specifically for 'recreation'. However, their value in providing opportunities for passive amenity / recreation space and leisure should be recognised. The proposed Southern SNCI also represents an opportunity for food growing.

Community use

Policy HO21 seeks to ensure residential schemes meet the demand they create for community uses. On balance, it is not considered necessary to include such a use within Block J, given that it forms part of the wider NEQ masterplan area, where such uses have been secured. In addition, this is a city centre site where there are numerous venues in the locality capable of accommodating community uses.

Education

The ES assesses the likely demand on education services and the number of primary and secondary school children likely to reside in the development. The submitted ES identifies a child yield of 55 children requiring educational provision between nursery and sixth form age. The report identifies a surplus of primary school places within a 2 mile radius of the site, but a deficit of secondary school places. The socio-economic impact therefore identifies

‘minor adverse’ impact on secondary school provision.

The Council’s Children and Young People’s Trust comment that a further 147 residential units within the Masterplan area would place considerable demand on school places. There are only two primary schools within the catchment area of the application site with any surplus capacity and one of these schools provides a faith based education.

In accordance with policy QD28, it is therefore considered appropriate to offset the demand created by the development in primary and secondary school provision, with a financial contribution of £199,884k.

Health

In relation to health care, the submitted Environmental Statement estimates demand for primary healthcare services from an additional 307 residents living within the proposed development. The Environmental Statement concludes that there is sufficient capacity of hospitals, health centres and GP surgeries currently accepting new patients within a 0.5 mile catchment area that would accommodate the demand created by the development. No mitigation is proposed.

Employment

With regard to employment provision, the Environmental Statement identifies job creation of 84 full time equivalent jobs during the four year construction phase, and a further 214 full time equivalent net local jobs created at the operational stage. The provision of jobs and the impact on the local labour market is identified as ‘minor beneficial’ and no mitigation measures are identified.

The potential job creation to the local labour market is fully supported by the Council’s Economic Development Team. The level of job creation is assessed as being higher at the operational phase, with potential for 217 jobs, but lower at the construction phase, with 68 jobs created. The Economic Development team has requested that a percentage of construction jobs (20%) be secured for local people as has been the case on other major developments. This would contribute towards the Local Employment Scheme which is identified as a corporate priority. The applicant is agreeable in principle to this which is welcomed and would meet planning policy aims of promoting economic activity. A Construction and Employment Strategy is to be secured via a S106 planning obligation.

In addition, a contribution to the ‘Future’s’ programme, which seeks to ensure that employers influence the design and delivery of training in the City, through the provision of work placements, accredited training places and employment has been secured.

Section 106 for infrastructure & services

In accordance with national and local planning policy, including LP policy

QD28 and the Cabinet paper of 17/2/11: Developer Contributions-Interim Guidance, the development is considered to satisfactorily meet the demand it creates for various services and infrastructure. A total of £909,654 has been secured, together with other 'in kind' contributions, to meet demand created for sustainable transport, disabled facilities, education, public realm, employment, outdoor recreation and SNCI maintenance.

The final sum has been considered against the benefits delivered by the development as a whole including delivery of 36% affordable housing (above 30% required in masterplan), delivery of key linkages to and from station and within NEQ and the need to get this important vacant site developed. This has resulted in a reduction on the sums originally requested by consultees in some cases, but is considered a robust and reasonable approach.

Visual Impact, Conservation and Design

Visual impact has been assessed within the application. A Design and Access Statement and accompanies the Environmental Statement, as well as a Townscape and Heritage Impact Assessment. The assessment is robust and in line with the requirements of SPG15 (Tall Buildings).

Policies HE3 and HE6 state that development having an adverse impact on the setting of a listed building or affecting the character and appearance of a conservation area should not be permitted. Policies QD1-QD5 collectively seek to ensure that all new development enhances the positive qualities of local neighbourhoods, uses sites efficiently and effectively, ensures that strategic views remain unobstructed and presents attractive and active street frontages.

At the time of the Masterplan consent a height threshold was established for the various blocks within the Masterplan area and set out within the Legal Agreement. In relation to Site J, a height threshold of 7 storeys or 54 metres AOD was established. This stemmed from the Planning Authority's and English Heritage's view that a building over 7 storeys on Site J could be harmful to the setting of the Grade II listed station and the Grade I listed St Bartholomew's Church.

By contrast, the mixed use scheme by Beetham sought consent for a 42 storey tower at a height of 153 metres AOD - a radical departure from the height threshold established under the Masterplan. The Inspector concluded that a 42 storey tower would compete with St Bartholomew's Church and would have a very significant detrimental impact on its setting and on the Valley Gardens Conservation Area. Despite the Inspector's conclusions he did consider that the boundary of the Brighton Station East Tall Buildings Node, as identified by SPGBH15, was loosely defined. In the Inspector's opinion, the site was therefore considered to be located within the Brighton Station East Node, as one of the very few locations potentially suitable for tall buildings in proximity to the retail and commercial core of the City - subject to a detailed urban design analysis of its impact.

The current proposal seeks to comply as closely as possible with the height threshold of 7 storeys (54m AOD) established under the Masterplan. The blocks range in height from 55.5 metres AOD (south block) to 53.2 metres AOD (5-7 storey central block), up to a maximum of 57.4 metres AOD (8 storey north block). The heights proposed under the current application are therefore defined as 'mid-rise' under SPGBH15.

Matters of significance when considering the visual assessment are:

- The delivery of the urban regeneration project, which is nearing completion;
- The setting of the adjoining conservation areas within the centre of the city and adjoining listed buildings, particularly the Grade II* listed Brighton Station and the Grade I listed St Bartholomew's Church.

In the context of the application site, 8 key strategic views have been selected for assessment: the eastern entrance of Brighton Station; Ann Square and Fenchurch Walk within the Core Site; the edge of The Level looking west towards the Station; across the valley from Albion Hill; and from within West Hill Conservation Area at Buckingham Place at the junction with Clifton Street and Buckingham Road.

The Design & Conservation Manager considers the submitted Townscape and Visual Impact Assessment to be a balanced, objective assessment of the potential impact on heritage assets, key views and the wider townscape of the area. He is satisfied that the proposed development, by virtue of its height and scale, is not judged to harm the setting of the Valley Gardens or North Laine Conservation Areas, or the Grade I listed St Peter's Church.

Overall, the scheme is considered beneficial in relation to its impact on the listed station. However, given the departure in height from that agreed under the Masterplan, the proposed development is considered to slightly diminish the contribution that both the listed church, St Bartholomew's, and the station make to the wider townscape. In respect of views from West Hill Conservation Area, the proposed development would appear visible from Buckingham Place and Howard Place. From these viewpoints, the station is a prominent landmark. The proposal would not impact on the silhouette or profile of the listed station shed at this location, and views across the valley towards to the hillside and downland would be preserved. The amendments removing lift overruns are considered a significant visual benefit to the wider area and views of the distinctive grey slate roof of the Grade I listed St Bartholomew's Church. Whilst some of the PV's and roof terraces on the central block may add some visual 'clutter', on balance this is considered acceptable given the benefits of these features. The amendments to the hotel (introduction of glazing and set backs of upper floors) reduce the bulk and dominance of the upper storeys satisfactorily.

With regard to westward views from the Level via London Road, Ann Street and Fenchurch Walk, the side elevation and roof of the listed station building

would provide the backdrop in framed views between foreground buildings of the New England Quarter. St Bartholomew's Church would retain its pre-eminence in these views and the impact of the proposal on these views is identified as 'minor beneficial' to 'negligible' based on the submitted ES.

The precise materials will be controlled by condition. The proposed use of yellow multi-stock brick is considered acceptable and will provide a visual link with the Core site within the NEQ.

English Heritage has indicated that they do not wish to comment in detail on the application and is satisfied to leave the assessment to local advice. English Heritage has commented previously on the outline scheme and expressed the view that there would be no significant adverse effects on heritage assets. CAG make no comment with respect to the impact on conservation areas or listed buildings. In respect of the design, CAG comments that the proposed scheme is suitably urban in character and appropriate, but concern is expressed regarding the blank brick frontage in the north block onto Fleet Street. In response, windows have been inserted at ground floor level fronting Fleet Street, in order to create a more animated street frontage.

Public Realm / Open Space

Policies QD3, QD5 and QD15 collectively seek to ensure that new developments create lively and attractive street frontages, with suitable public open space to a high standard of design. Particular attention is to be paid to the design and quality of spaces created between buildings, and, where appropriate, retain or create new nature conservation features.

The Masterplan consent secured areas of public open space and community infrastructure on Site J, including a new public square, pedestrian route running east – west through the site, lift and stair access to the station, and the Southern Site of Nature Conservation Interest. In total, an area of 5,388 sq m was secured as public open space on Site J under the Masterplan consent, divided between the public square (1,826 sq m between an upper and lower tier) 375 sq m fronting onto Fleet Street and 3,187 sq m designated as Southern SNCI.

By contrast, the current scheme would provide less public open space than secured under the Masterplan. Discounting the communal roof terraces and roof top gardens and allotments, the current scheme proposes 2,861 sq m public open space in the form of an enclosed courtyard and children's play space, public square, Site of Nature Conservation Interest and a smaller public space within the north east of the site. This is a significant shortfall and is accounted for by the introduction of the south block with a reduction in the size of the public square to 756 sq m and a reduction in the size of the SNCI to 2,105 sq m.

It is considered that the shortfall in public open space should be partly

compensated for by way of planning obligation and this is to be secured (see Brighton Gateway section below). Of consideration also are the comments of the Council's Urban Designer, who is satisfied that the square would be useable and safely overlooked. The square may act as a pedestrian thoroughfare, owing to its size and configuration, rather than an open square but it would provide retail, café and hotel uses along the edges which enliven the space, bringing an element of vibrancy to the square and encouraging footfall, in accordance with policy QD5. The proposed layout of the square also responds to the Inspector's decision on the Beetham scheme by enclosing the square and defining the route to the station. The station link would include lift and stair access, to allow all users to access the station, including buggies and wheelchairs, which is considered to be essential to the success of the space, and to the wider site. A pedestrian undercroft is designed into the south block, to improve pedestrian access and permeability from the south via Mangalore Way and to the North Laine beyond.

The BRE recommended standards state that at a maximum, no more than 40% of an external area should be prevented from receiving sunlight at all on 21 March. In relation to the public square, the assessment shows this space would receive no afternoon sunlight which is not ideal, however only 2.6% would be in permanent shadow on 21 March, the extent of which is considered to be 'negligible' and meets the recommended BRE guidelines. The assessment also considers the plaza area in the Jury's Inn Hotel. The results show that there will be no areas of permanent shade on 21 March, which exceeds the BRE recommended guidelines.

A detailed Landscape Strategy is submitted with the application. The Council's Urban Designer comments that the proposed planting, surfacing, lighting and trees indicated are of a high quality. Materials proposed for the public realm include flamed granite for the staircase, hardwood benches under lit at night, toughened glass balustrades and a glazed lift shaft. The Council's Urban Designer has commented that sufficient public seating would be required in the square, the Southern SNCI and the playground to be positioned to allow the public to benefit from either direct sunlight or shade. Cycle stands and tree planting would make a positive contribution to the square. The pedestrian walkway within the Southern Site of Nature Conservation Interest would be on a gentle gradient, rising 8.5 metres, with level resting areas, benches and cycle channels provided at the side of steps. The staircase leading to the rear station entrance has been designed, in order to discourage anti-social behaviour and prevent the mis-use of this space. Details of the hard and soft landscaping within the public realm would be secured by condition.

Brighton Gateway

The applicant is currently engaged in discussions regarding public realm improvements, conceived as part of the wider Brighton Gateway Project. The Brighton Gateway was formally recognised as a Council project at Cabinet in November 2010. The project envisages a much improved public realm and

point of arrival and departure around the station, and is being developed in partnership between the City Council, the applicant, Network Rail and Southern.

The project envisages a 'northern gateway' (the area perceived as the back entrance of the station) where new land uses around an improved public realm would combine with the completion of the final section of the pedestrian link between the station and London Road within the application site. The northern gateway public open space would be located beyond the application boundary, between the rear of the station and the southern greenway. It would encompass the turning circle of the vehicular drop-off/pick-up point.

In order to offset on site deficiencies in the level of public open space provision, the applicant has agreed to a financial contribution of £337.25k towards public realm improvements at the northern gateway. The off site public realm enhancements envisage the creation of a new public square at the upper plateau at the rear station entrance, which would provide a natural point of convergence for pedestrians and vehicles, as well as a destination in its own right. The completion of the strategic pedestrian route across the site, connecting the station to the London Road, would generate significant footfall that would assist in creating a safe public environment in this location. Should the Gateway project fail to progress within a reasonable time period, the financial contribution will be secured towards alternative public realm enhancement in the vicinity.

Amenity & Microclimate

SPGBH15 notes that proposals for tall buildings should describe the climatic impacts of the proposal on the surroundings, with particular regard to: overshadowing, heat islands, glare reductions, the impact of high speed winds to ground level. Policy QD27 seeks to protect the amenity of the proposed, existing and / or adjacent users, residents, occupiers and to ensure that there is no material harm through loss of daylight, sunlight or outlook.

The impact of the proposal in terms of microclimatic effects has been assessed as part of the submitted Environmental Statement. The assessment is based on best practice guidance in the Building Research Establishment (BRE) publication '*Site Layout Planning for daylight and sunlight: a guide to good practice*'. The impacts include wind, daylight, sunlight and overshadowing. The assessment considers the impact on both neighbouring residential and non-domestic properties, to reflect the scoping opinion issued by the LPA and the BRE best practice guidance. The impact on future occupants of the development and areas of public realm within the proposed scheme is also assessed, and a comparison made between the proposed development and the consented Masterplan. The assessment is generally considered robust.

Sunlight/Daylight – Impact on Neighbouring Properties

On the basis of BRE best practice guidance, Vertical sky component (VSC) is

used to assess daylight impacts on nearby sensitive properties. In relation to sunlight, Annual Probable Sunlight Hours (APSH) is used to assess the impact. A comparison is made with the consented Masterplan scheme, as these conditions and the impacts on neighbouring properties were deemed acceptable at that time. Commercial uses (hotel and offices) are ranked as being less sensitive than nearby residential development at One Brighton and the Core Site.

Overall, three quarters of windows assessed (76%) in neighbouring residential properties fall below the recommended BRE minimum standard for daylight. Those most adversely affected include Horsted Court, Sharpthorne Court and Stepney Court within the Core site, directly opposite the site to the east, where daylight levels are already low in some cases, owing to the site topography and the design of the buildings, featuring overhanging projections and balconies.

In terms of sunlight, the results indicate that just under two thirds of all windows (60%) in neighbouring residential properties would meet the minimum BRE standards with the construction of the proposed development. The greatest impacts would be on properties to the east in the Core Site.

Of the 24 windows assessed in Brighton Belle at One Brighton, all meet the minimum sunlight standards, and only 5 at first and second floor level fail to meet the recommended minimum standards in relation to daylight.

With respect to commercial properties, the impact on Jury's Inn is considered 'negligible', as results show that all windows assessed would receive adequate sunlight, and only 4 would fall below BRE minimum recommended standard for daylight. It is noted that of the 10 windows assessed facing the application site, 8 serve corridors. The plaza area within the hotel would also receive adequate daylight.

The results are similar for the consented office scheme, immediately to the north of the application site. No adverse impact is identified in terms of loss of sunlight, as all windows assessed meet minimum BRE recommended guidelines. Four of the seven windows assessed fail to achieve minimum VSC of 27%.

A representation has been made from the occupants of Victory House, Trafalgar Place, immediately to the south of the site, regarding loss of sunlight and daylight. In accordance with BRE guidance, there is no requirement for sunlight, as the windows assessed are within 90 degrees of due north. Of the 27 windows assessed in the north elevation of the building, 19 do not meet the recommended BRE minimum standard and would therefore experience loss of daylight (at ground, first, second, third floor levels). In the case of the Masterplan, all north facing windows met the minimum standard, as the building faced a large public square, which is replaced by the bulk and mass of the proposed south block.

However, most windows facing the site also failed the minimum daylight standards with the proposed Beetham scheme, but the impact was considered acceptable by the Inspector. The surrounding commercial uses are deemed 'less sensitive' than residential properties, and in some cases, commercial offices rely on artificial lighting during the day, such is the case with Trafalgar Place.

It is clear that the proposal would result in reductions of daylight and sunlight to neighbouring residential and commercial properties, notably Brighton Belle at One Brighton, Horsted Court and Stepney Court to the east. The impact to Sharpthorne Court and Victory House is greater than the consented Masterplan with the introduction of a south block.

The site is currently a large vacant plot with exceptional levels of daylight and sunlight to neighbouring properties in some cases. This represents an unusual situation for a city centre location. As noted by the Inspector on the Beetham appeal scheme, many of the windows to dwellings, notably in Sharpthorne Court and Horsted Court facing the site, would have failed the recommended BRE minimum daylight standard, as a result of the redevelopment of the site with the Beetham scheme and the Masterplan. The Inspector added that this is not a reflection that a scheme would be unacceptable in terms of its impact on the living conditions of occupiers of nearby dwellings, but more a reflection of greater densities in a city centre location. The Inspector also noted that the BRE guidelines have been interpreted flexibly by the Council on the Masterplan consent. Having regard to the Inspector's appeal decision, a refusal based on loss of amenity to neighbouring properties is unwarranted.

Sunlight/Daylight – Impact on Proposed Occupants

In relation to the quality of the accommodation for proposed inhabitants and occupants of the development, the assessment determines the level of interior daylight (Average Daylight Factor) to habitable accommodation at ground and first floor level in the central and north blocks, where levels of obstruction would be greatest. In addition, the assessment determines daylight levels to first floor bedroom windows in the hotel.

The submitted assessment shows that of the 27 kitchens/living rooms and 45 bedrooms assessed, all proposed habitable accommodation meets BRE minimum recommended targets. This is with the exception of three bedroom windows, located at ground, first and second floor level in the north block, facing directly onto the courtyard. Following further negotiation, two bedroom windows have been enlarged, in order to receive adequate daylight and to comply with the minimum standard. Overall, the results demonstrate a good level of compliance with BRE guidelines for a high density scheme in a city centre location.

In respect of sunlight, the proposed development incorporates a number of north facing windows and balconies that would not receive direct sunlight,

which is not unusual in a high density city centre location.

Wind

In relation to the wind microclimate, the assessment identifies several locations within the proposed scheme where the wind environment would be windier than desired.

Two building entrances located on the north elevation of the central block and the northwest corner of the south block, including the lift entrance, experience conditions that are windier than desired. Mitigation is proposed in the form of screening or recessing the entrances by 1 metre in order to create a suitable environment for standing. Tree planting is recommended along the west elevation, or a horizontal canopy erected along the west and north elevations of the south block, in order to improve the wind microclimate and create leisure walking conditions.

In relation to proposed amenity areas, the roof top terraces located in the north block would require mitigation in the form of parapets 1.8 metres high with hard/soft landscaping to create sitting conditions during summer. The balconies along the south and west facades of the north and central block, and balconies adjacent to corners on the north block, would require screens to create suitable sitting conditions during summer. The two ground floor terraces located in the courtyard, would require either planting or fencing at a height of 1.5 metres running north-south, to create conditions suitable for sitting. The proposed mitigation measures would be secured by condition.

Transport and Accessibility

The priorities identified in the site brief for the New England Quarter include an overall reduction of traffic impact, through a reduction in the use of the private car and a modal shift towards more sustainable forms of transport: walking, cycling and public transport. This is reinforced by policies TR1 and TR2, which require that all new development should provide for the travel demand it creates, with a particular emphasis upon promoting sustainable modes of transport. Supplementary Planning Guidance 4 specifies the Council's adopted parking standards.

A Transport Assessment is submitted with the application, to comply with policy TR1, and is generally considered robust.

Traffic Impacts and Sustainable Modes

The submitted Transport Assessment concludes that the overall traffic impact from the development would not be significant – and this is broadly agreed. The TA demonstrates that the site is in a central location with a high standard of sustainable modes in the vicinity of the application site. Limited car parking will be provided on site and the wider area is subject to a Controlled Parking Zone (CPZ).

Whilst overall sustainable transport provision is generally good in the area,

the Transport Team do identify areas where demand created by new development needs to be met, and where further promotion of sustainable modes is required. A financial contribution is therefore sought for bus stop and pedestrian improvement works, which is considered reasonable and proportionate. In addition, the application is supported by the submission of a robust Travel Plan and a Car Club is proposed for use by residents and occupants of the development, which shall be secured. Across the wider New England Quarter, a Travel Plan Framework was secured with the Masterplan consent, the purpose of which is to ensure that more sustainable modes of transport are positively promoted and implemented and this will feed into that.

Access Arrangements

The proposed scheme includes a new vehicular access to the undercroft carpark in the north block onto Stroudley Road. The submitted TA demonstrates no existing pattern of accidents in the vicinity of the site and a Stage 1 Road Safety Audit is submitted with the application. Some concern is however expressed regarding the proximity of the proposed access to the junction of Fleet Street and the greenway crossing of Stroudley Road. The Traffic Engineer is satisfied that under current design guidance (Manual for Streets) the design and position of the access is likely to be acceptable, with sufficient visibility splays. For the avoidance of any doubt to ensure highway safety, a further Stage 2 safety Audit is requested prior to the access design being finally agreed. Some concern is expressed regarding the design of the visibility splay off Mangalore Way and further details/amendments are requested prior to any development taking place.

The Traffic Engineer has confirmed that the applicant has provided sufficient information to demonstrate that they have a right of access along Mangalore Way (which is a private, unadopted highway). Conditions can therefore be imposed to ensure access for deliveries, dropping off and disabled parking for the commercial blocks.

With regard to the proposed stairs and lift access to connect the public square with the rear station entrance, the Traffic Engineer notes that this key route would improve permeability and accessibility in the area, and should be subject to a legal agreement, requiring it to remain unadopted pedestrian walkway for use by the public 24/7.

Revised refuse collection arrangements has been agreed in conjunction with the Traffic Engineer.

Parking Provision

The undercroft carpark located in the north block would provide 27 general parking spaces for residents, compared with a maximum provision of 176 as required by SPGBH04. A further 15 spaces would be dedicated disabled parking bays for residents, which is the minimum policy requirement. One car club bay would be provided.

In respect of the commercial units, 7 spaces were initially proposed on Mangalore Way: 3 disabled bays for use by the hotel, 1 disabled bay for the office, 2 drop off bays and a further space for use by the car club. The level of disabled parking provision for the commercial units in respect of the offices does not meet the minimum standard as required by SPGBH04, which seeks 30 disabled spaces.

The applicant has therefore sought to address this shortfall, by increasing the level of disabled parking for the commercial office space to 4 spaces, with potential for a fifth disabled parking bay at Brighton Station carpark. Step free, gradient free access from the development to the carpark would be available via the proposed public lift. The revised scheme now makes provision for 7 disabled spaces for the commercial units along Mangalore Way, with a dropping off point. The car club bay is re-located to the entrance of the undercroft carpark. Given the identified shortfall in disabled parking for the commercial units a contribution of £10,000 is sought towards shop mobility, in accordance with policy TR18.

Some concern is expressed regarding potential displaced parking (the site is currently used for commuter parking). The submitted TA demonstrates that given the central location of the site with excellent transport links, the operation of a controlled parking zone, and the provision of 1,500 public car parking spaces within a 400 metre radius of the application site, there would be limited impact. Residents will not be able to obtain permits to the CPZ.

Cycle Parking

The scheme as originally submitted proposed 224 cycle spaces for residents. Negotiation with the Traffic Engineer has improved the location of the proposed cycle spaces in the undercroft carpark and resulted in a loss of a number of spaces. The remaining level of provision for the residential units would meet the minimum required by policy (197 spaces). With respect to the commercial units, 20 cycle spaces are proposed to be located in the public square. This level of provision is considered acceptable and details would be secured by condition.

Environmental Matters

The Environmental Statement addresses the following environmental impacts associated with the proposed development at the construction and operational stage:

- Noise impact and vibration in relation to nearby roads and the railway line;
- Air quality, having regard to the site's location within a designated Air Quality Management Area (AQMA); and
- Site contamination, having regard to the site's previous historic use as a railway goods yard.

Noise

Policy SU10 requires new development to minimise the impact of noise on future occupants, neighbouring properties and the surrounding environment.

The submitted Environmental Statement assesses the potential noise impacts associated with the proposed development and outlines mitigation measures. Additional baseline noise monitoring data has been submitted by the applicant at the request of Environmental Health Officers, to accurately reflect road traffic noise created by Fleet Street. Given the location of the site, the main sources of noise are the station, associated noise from the station, such as trains idling and PA announcements to the west, and road traffic noise to the east. The existing noise levels at the site are predominantly within Noise Exposure Category A-B of PPG24, with the exception of the eastern façade of the proposed development fronting Fleet Street, which falls within noise category C.

Within categories B and C, advice states that planning conditions may ensure a commensurate level of protection against noise. There is some concern regarding the facades within category A however, on balance, given the city centre location and fact the site has been identified as suitable for development in principle, it is not considered that a refusal of permission on noise grounds could be justified. The acoustic report demonstrates that a variety of mitigation measures are necessary throughout the development to ensure that residents and occupants of the offices/hotel are not adversely affected by road traffic noise and railway associated noise. Dependant upon the façade and orientation of the buildings enhanced glazing requirements and trickle ventilation would be required throughout the development. This would be secured by planning condition. With respect to external roof mounted plant equipment and machinery located on the south (commercial) block, a condition is recommended to ensure that this is capable of meeting the Council's relevant standard.

Construction Phase

Three representations have been received regarding the impact of the proposed development during the construction phase, and the potential for disturbance from noise, vibration and construction traffic.

The applicant has identified potential environmental impacts during the construction phase (anticipated to be up to 4 years) and identified appropriate mitigation measures in the Environmental Statement. The measures include the preparation of a Construction and Environmental Management Plan (CEMP) setting out the methodology to address all aspects of the construction phase, including supply chain management, access for construction traffic and hours of site operation.

The CEMP would be complied with during all phases of the construction process and a dedicated point of contact would deal with all matters arising from construction related issues. The applicant intends to produce a regular news letter as part of the CEMP process, to be circulated to all neighbouring properties and authorities, and to maintain a regular dialogue with the Council and local community. The CEMP would be secured and enforced via S106 Legal Agreement.

Air Quality

The site is located within a designated Air Quality Management Area (AQMA) which is monitored for levels of nitrogen dioxide. The Environmental Statement includes an assessment of the potential impact of the development on air quality within the AQMA.

The Council's Environmental Health Officer is satisfied that the assessment is thorough and robust, and there are no implications with regard to air quality or emissions arising from energy provision. There are no congested or very busy roads bordering the application site, and traffic flows along Fleet Street are steady and uninterrupted. Vehicle emissions are lower than at congested junctions to the east of the site, in the vicinity of Cheapside (A270) and the London Road (A23) junction.

The proposed development does not include a biomass or CHP (Combined Heat and Power) boiler with emissions to air. The proposed parking provision at the site (50 spaces) is not deemed significant in terms of additional vehicles emissions on local air quality. The design of the proposed development is commended by Environmental Health Officers, as the scheme includes breaks and variations in the building line along Fleet Street, which is more effective for the dispersal of vehicle emissions. Environmental Health Officers have requested a contribution towards electric vehicle charging points to improve air quality in the future. However, it is not considered that there are sufficient grounds to insist that this is necessary to mitigate the impact of the development.

Ground Conditions / Site Contamination

Given the site's previous historic use as a railway goods yard, there is potential for contamination. The submitted Environmental Statement provides an investigation of ground contamination and initial sampling has identified traces of heavy metals and contaminants across the site, such as lead, copper and zinc. Environmental Health officers and the Environment Agency raise no objection to the proposal, subject to conditions to ensure that appropriate ground contamination remediation strategies are agreed and implemented, and any unsuspected contamination is subject to further remediation to comply with policy SU11. Conditions are recommended with respect to surface water drainage and methods of piling.

Southern Water has confirmed that sewers in the vicinity of the application site are privately owned and are proposed to be adopted. Conditions are recommended to ensure controlled waters are protected, to comply with policy SU3.

Sustainability

Central government guidance (PPS1) and policy SU2 of the Local Plan encourages development to be sustainable and to demonstrate a high standard of efficiency in the use of energy, water and materials. Due regard should be had to the Sustainability Checklist and the Council's Supplementary

Planning Guidance: SPD08, Sustainable Building Design Guidance.

SPD08 recommends the following for a major mixed use development on previously developed land:

- BREEAM Excellent with a score of 60% in the water and energy sections;
- Rainwater harvesting and grey water recycling system feasibility studies;
- Level 4 of the Code for Sustainable Homes;
- Lifetime Homes Standards;
- Sustainability Checklist;
- Membership of the Considerate Constructors Scheme.

The S106 Agreement signed with the Masterplan identified a number of targets, in order to achieve improved environmental design. These targets include: BREEAM/EcoHomes 'Very Good' standard, 40% reduction in carbon emissions savings, green procurement strategies and energy modelling reports. These standards have now been superseded by SPD08.

An Energy Statement is submitted in support of the application, accompanied by a BREEAM Pre Assessment Estimator for the hotel and offices, completed by an accredited BRE Assessor, a Code for Sustainable Homes Pre Assessment, as well as the completed sustainability checklist.

The proposed residential units are designed to achieve Code for Sustainable Homes Level 4. Renewable energy would be generated by Air Source Heat Pumps and a 904 sq m array of PV panels, located at roof level and the south facing facades of the central and north blocks. Example Energy Performance Certificates are provided, which indicate that the residential units would achieve middle 'A' rating. The energy modelling shows that the 40% target in carbon emissions savings would be achieved.

Brown roofs are proposed on the north and central blocks beneath the array of PV panels to collect rainwater, to be taken to a storage tank located beneath the proposed children's equipped play area. It is proposed that rainwater would then be harvested for watering the amenity areas. The Sustainability Officer has requested a feasibility study of rainwater harvesting, which the applicant has subsequently undertaken. The applicant is committed to undertake construction works in compliance with the Considerate Constructors Scheme.

In respect of the commercial use, BREEAM 'Excellent' is predicted to be met for the offices, with 60% targets met for energy and water use (61.9% for energy and 83.3% for water). Renewable energy would be generated by a 160Kw Air Source Heat Pump. Further proposals for energy reduction within the office block include energy efficient lighting, daylight sensors located in appropriate zones of the office, regenerative lifts with potential to reduce energy demand by 70%, a thermally efficient building fabric, natural ventilation and no use of mechanical cooling. The carbon emissions reduction target would be exceeded within the proposed office, achieving 58%

reduction, against a baseline of 40%.

The hotel is predicted to achieve BREEAM 'Very Good'. The proposed hotel would incorporate a number of energy efficient measures, including natural ventilation and no use of mechanical cooling; a thermally efficient building fabric, highly energy efficient lighting and heating controls to avoid use when rooms are vacant. However, no renewable forms of energy generation are incorporated into the design and the BREEAM pre-assessment indicates that the hotel would not achieve a 60% target for energy and water. The applicant states that no 3* hotels have achieved BREEAM 'Excellent' standard 2008.

SPD08 states that where it can be demonstrated that the standards are not technically or financially feasible justification should be given. The applicant has cited technical barriers for not committing to BREEAM Excellent for the hotel, but there is a commitment by the applicant to achieve 60% in the energy and water sections of the BREEAM hotel assessment. The sustainability officer is satisfied with this justification and recommends conditions to ensure that the aspiration for BREEAM 'Excellent' is maintained, but at least a minimum standard of 'very good' is achieved for the hotel. The applicant has provided an initial rainwater harvesting and grey water recycling feasibility study for the residential units and commercial units. The sustainability officer recommends that the proposed rainwater harvesting system for the residential element is developed further and incorporated into the scheme, and that the feasibility for rainwater harvesting and grey water recycling for the hotel is investigated further once a tenant is secured.

Ecology

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. Features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated. The application site includes a designated Site of Nature Conservation Interest (Southern SNCI) that would continue the Northern Site of Nature Conservation Interest, recently opened to the public.

The site brief established the purpose of the SNCI as being a wildlife habitat that people could enjoy. The Masterplan recognised the importance of the SNCI as providing an element of green space and passive amenity space. However, the overriding purpose of the SNCI is to protect and to enhance the biodiversity value of the site.

The southernmost part of the designated Southern SNCI, as secured under the original Masterplan consent, is not within the red line of this application. As a consequence, the area proposed as Southern SNCI under the current application of 2,105 sq m, is less than the approved Masterplan by approximately 1,082 sqm. There is some concern regarding this significant omission from the Masterplan given that there is unlikely to be further development in the NEQ coming forward that could address it, however, on balance, it is considered that significant ecological and public access benefits

will nevertheless be delivered by this application. Importantly, the SNCI link through to the station from Fleet Street would be delivered, as the remaining land in question is in effect a dead end. In addition, the remaining land is not owned by the applicant and would require a rather onerous negative obligation to secure its delivery as part of this application. Also, the Masterplan and SNCI will remain a material consideration should any development proposal come forward for this remaining piece of land in the future so it is by no means 'lost' to the NEQ..

An ecological report is submitted as part of the Environmental Statement. The report assesses the existing nature conservation value of the site, including the SNCI, and proposes mitigation measures to enhance and support nature conservation and species protection.

The site has been the subject of extensive clearance and the submitted Ecological Report identifies limited ecological value within the existing site. Habitat within the area of the site currently used as a car park is limited to colonising plants, non-native shrubs and short perennial plant species. The old railway sidings, along the western edge of the site forming the designated SNCI, contain developing calcareous grassland, which is identified as having local ecological value. The survey identified no significant nesting or roosting opportunities for bird or bat species, and, given the level of disturbance and lack of connecting habitat, the site is too isolated for reptiles.

Given the presence of contaminated land across the site, notably along the upper plateau forming the route of the designated SNCI, remediation would be required, requiring the removal of contaminated topsoil and replacement with clean topsoil. As a result, limited areas of calcareous grassland habitat that currently exist would be lost.

By way of mitigation, an illustrative landscape strategy is submitted with the application. The scheme indicates the creation of areas of calcareous grassland meadow, similar to the Northern SNCI, with shrub and herbaceous planting on the east facing slopes of SNCI, and groups of native trees planted to create new nesting and foraging habitat. Elsewhere across the site, the proposed landscaping scheme includes:

- The provision of brown roofs located beneath photovoltaic panels on the roof of the north and central blocks, and the creation of calcareous grassland habitat on the roof of the south block,
- Green walls located on the eastern face of the proposed north block;
- 28 nesting boxes to be incorporated within the external walls of the proposed development to encourage known BAP species, including house sparrow, black redstart, swift, and bat boxes. The scheme includes the incorporation of 10 insect and bumble bee boxes in the sunny, sheltered areas of the Southern SNCI, with a viewing chamber to provide an educational resource;
- Basking and nesting opportunities for insects, bees and bugs to be created within a 1.2 metre gravel strip within the SNCI.

The Council's Ecologist considers the landscaping proposals generally accord with the objectives of the Brighton Station Masterplan. Some concern is expressed regarding the choice of planting, given the level of potential shading to the SSNCI. However, it is proposed that a detailed landscaping and management plan is secured by condition, along with a financial contribution for ongoing management and maintenance of the SNCI by City Parks. Details of the design, construction and aftercare for the proposed green walls, brown roofs and nest/bat boxes would be secured by planning condition.

Refuse/Recycling

The development includes storage for refuse and recycling for the residential and commercial elements, which is considered satisfactory in accordance with policy SU2.

City Clean raised an initial objection regarding the size and capacity of refuse/recycling storage in the north and central blocks and their location. Following further negotiation, the capacity of refuse storage for the residential blocks has been increased and is now considered acceptable by Cityclean.

Cityclean have reached agreement to collect refuse from the central block across the public square, which on balance, is considered acceptable for users of the square given it is for a short time once a week and this is a challenging site. Access would be from Managlore Way and the Transport team raise no objection. A refuse door in the northern block has been relocated and Cityclean are now happy with the distance for collection. In respect of the commercial refuse storage, Cityclean would not be responsible for collections and private waste collections would need to be contracted.

Public Art

The Section 106 Legal Agreement signed in connection with the Masterplan established a Public Art Steering Group comprising of local artists, developers and the Head of Arts and Creative Industries. Public art has been incorporated throughout the development and is incorporated along the Northern Greenway in the form of benches, sculptures and the proposed 'Ghost Train'. In accordance with LP policy QD6, the applicant has agreed to incorporate public art 'influence' into the detailed design of the scheme, details of which would be secured by obligation.

Crime Prevention

In accordance with policy QD7 the proposal will incorporate crime prevention measures. On this basis Sussex Police raise no objection. These measures will be subject to condition.

9 CONCLUSION

In summary, the proposed scheme represents a departure from the approved Masterplan consent, in terms of the proposed mix of land uses and the layout, with the inclusion of employment generating uses, including commercial office

space, and introduction of housing.

The proposal would meet the demand it creates for infrastructure and includes a substantial part of the Southern Site of Nature Conservation Interest and completes the link to the station, the provision of children's equipped play space and key pedestrian routes across the site, with lift and stair access linking Brighton Station to the London Road. The proposed scheme would improve permeability and access across the Masterplan area and the wider area.

The proposal would provide new employment opportunities and deliver over 300 new jobs.

The proposal would provide 53 units for affordable housing (at a level of 36%, above the 30% in the masterplan) and is particularly welcomed. It includes an adequate mix of housing tenures and sizes. The proposal makes provision for private amenity space and communal space, and includes roof top allotments for residents.

The proposed transport impact is considered acceptable with adequate compensatory measures to provide for more sustainable modes of transport. The proposal would not compromise highway safety.

The proposal makes provision for on site recreation in the form of an equipped children's play area. Public open space is adequate and financial a contribution would be secured towards the Brighton Gateway project, to enable environmental improvements at the rear station entrance.

The proposal would incorporate sustainable measures and would enhance biodiversity. The proposal makes provision for disabled access.

The proposal would not harm the setting of nearby listed buildings and adjoining Conservation Areas, and would preserve long distance views.

The development would provide satisfactory refuse and recycling storage, and would deal with contaminated land and noise. The impact on the amenity of neighbouring properties is considered acceptable for a dense city centre site.

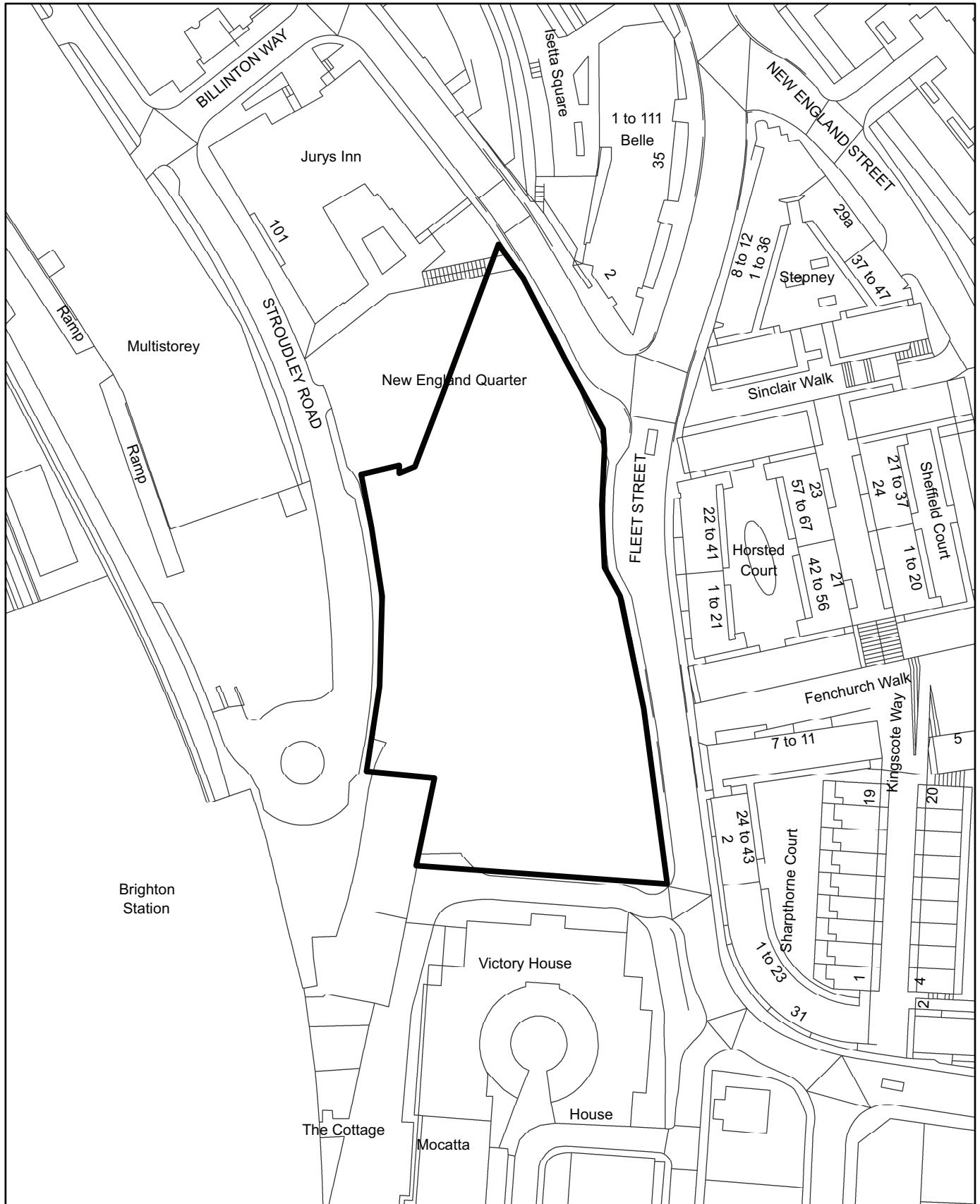
The development accords with Central Government Guidance, Adopted Local Plan policies and Supplementary Planning Guidance for the Brighton Station Site.

The proposal would enhance the character and appearance of the surrounding area, and would regenerate the locality and the wider city centre. The proposal would complete the final phase of the New England Quarter Masterplan and bring forward this important vacant, city centre site for development, and is welcomed.

10 EQUALITIES IMPLICATIONS

All units would be constructed to Lifetime Homes Standards, with a proportion of units, 7 in total, fully wheelchair accessible. Dedicated disabled parking would be provided across the development for the commercial office space and the hotel and the residential units. The development makes a contribution towards shop mobility to compensate for underprovision for office use. Lift access would be provided in the public square to enable access to the Station for people of limited mobility. Lift access would be provided to all floors and communal roof spaces of the development. The final design of the pedestrian walkway within the Southern Site of Nature Conservation Interest will be subject to condition to ensure accessibility. All stairs, ramps and lifts within the public open space and common areas are designed in accordance with Part M of the Building Regulations.

BH2010/03999 Site J Land East of Brighton Station New England Quarter Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2011/02181	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Training Centre, Rosaz House & Cottage 2-4 Bristol Gate, Brighton		
<u>Proposal:</u>	Demolition of Rosaz House and Rosaz Cottage and erection of a three storey building to accommodate the Sussex Macmillan Cancer Support Centre incorporating new vehicular accesses off Bristol Gate, 25 parking spaces and landscape works.		
<u>Officer:</u>	Kathryn Boggiano, 292138	tel:	<u>Valid Date:</u> 28/07/2011
<u>Con Area:</u>		<u>Expiry Date:</u>	27 October 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	David Morley Architects, 18 Hatton Place, London		
<u>Applicant:</u>	Macmillan Cancer Support, Mr Malcolm Barnett, The Old Courthouse The Crescent, Bromsgrove, Worcestershire		

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 drawings no. 0-001 A, 0-002 Rev A, 0-003 Rev A, 01-004 Rev M, 01-001 Rev K, 01-002 Rev K, 01-003 Rev M, 01-010 Rev E, 01-030 Rev D, 01-031-P Rev C, 01-035 Rev C, 18099/D01/SK1, 01-010 Rev E LA/WS/90/02 Rev H, LA/PS/90/02 Rev A, LA/PS/90/02, 090193 Rev A Rev H, received on 21 July 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 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.

4. 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.

5. Unless otherwise agreed in writing with the Local Planning Authority, the lighting shall be implemented fully in accordance with the details contained within the 'External Lighting Concept' document produced by Hoare Lea which was received on the 21 July 2011.

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

Pre-Commencement Conditions:

6. No works shall take place until full details of new pedestrian crossing facility on Bristol Gate has been submitted to and approved in writing by the Local Planning Authority. The crossing shall be implemented fully in accordance with the approved details prior to the building hereby approved being first brought into use.

Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

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

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

8. Contaminated Land

(i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and

monitoring. Such scheme shall include 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) (b) above that any remediation scheme required and approved under the provisions of (i) (b) 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) (b).

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.

- 9. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM Healthcare rating of 57% in the energy section and 60% in the water section of the relevant BREEAM Healthcare assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 57% in the energy section and 60% in the water section of the relevant BREEAM Healthcare assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 10. No works shall take place 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.

11. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
12. 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.
13. 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.
14. 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.
15. No development shall occur until full details of the solar thermal heating system and a rainwater harvesting system have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
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.
16. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including

- details of any considerate constructor or similar scheme)
- b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- c) details of hours of construction including all associated vehicular movements
- d) details of the construction compound
- e) a plan showing construction traffic routes

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

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

17. No development shall commence until full details of the bin store and trellis (including elevational details) 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 retained as such thereafter.

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

Pre-Occupation Conditions:

18. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

19. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM Healthcare rating of 57% in the energy section and 60% in the water section of relevant BREEAM Healthcare 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.

20. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

21. 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 principle of the use is acceptable and would provide a valuable community facility. The proposal would not adversely impact on the local highway network nor would it jeopardise highway safety. The loss of the protected tree is acceptable and subject to conditions there would be no adverse impacts on ecology. The proposal would not give rise to any significant adverse impacts on the amenity of neighbouring properties.
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).
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that the condition 8 on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with condition 8 the applicant has reference to the procedural guidance and UK policy formed under the Environmental Protection Act 1990 and also to the Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. Contaminated Land Report 11 is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

5. The applicant is advised that the Construction Environmental Management Plan required by condition 16 should contain a commitment to apply to Brighton & Hove City Council's Environmental Health Department for a section 61 prior agreement under the Control of Pollution Act 1974.

2 THE SITE

The Rosaz House site comprises No.s 2 and 4 Bristol Gate. No.4 (cottage) is two storeys in height and is the smaller property. No.2 (Rosaz House) is also two storeys but has accommodation within the roofspace with gables on the south-western and south-eastern facing roofslopes. An external staircase is located on the south-eastern elevation of No.2. No.4 is set back from the Bristol Gate frontage.

There are small grassed areas in the north eastern corner and south western corners of the site. There are 23 parking spaces on site which are primarily used by cancer patients.

Historically Rosaz House was a Children's Home. Its current use is for staff training facilities and doctor's accommodation. The grounds used to include amenity areas and a tennis court prior to change of use to the car park.

Boundary walls are present on all boundaries. There is a protected Sycamore within the south west corner of the site adjacent to the vehicular access. Other trees exist along the southern boundary and to the west of No.4.

The site slopes up approximately 5 metres in a south to north direction. Directly to the south of the site are the gardens of Nos. 185 to 193 Eastern Road which are approximately 2 metres lower. A playing field also borders the site to the south. To the east is the former St. Mary's Junior School which has recently been acquired by Brighton College. Directly to the north is a narrow strip of land which is used for car parking in connection with the Junior School. To the north of this are two storey residential properties located on Bristol Gate, which are in an elevated position when compared to the application site.

On the opposite side of Bristol Gate is the Sussex Cancer Centre, and further to the north is the A & E Building and access which is set behind a large retaining wall.

3 RELEVANT HISTORY

BH2005/02097/OA: Renewal of outline planning permission BH2002/01059/OA for the retention of a medical unit with parking spaces below, including retention of existing access and seven parking existing parking spaces. Approved 16/01/2006.

BH2002/01059/OA: Outline application for the erection of a medical unit with parking spaces below, including retention of existing access and seven existing parking spaces. Approved 03/07/2002.

BH1999/01985/FP: Formation of car park at rear with 23 parking spaces and landscaped areas. Approved 05/04/2000.

BH1997/00594/FP: Formation of car park at rear with 32 parking spaces, involving removal of 7 trees. Refused 30/04/1997.

95/0566/OA: Demolition of existing buildings and erection of 26 sheltered flats and one wardens flat together with 15 parking spaces (renewal of outline consent granted 12/06/90 ref: BN/90/0211/OA). Refused 14/05/1996.

95/0527/FP: Change of use of ground floor crèche to doctor's on call rooms involving new window openings to west and south-east elevations. Regularisation of first floor training rooms and fire escape to east elevation. Approved 18/07/1995.

94/0480/FP: Erection of 3 storey rear extension (2nd floor within roof) to No.4 (400 sqm floorspace) and provision of 13 parking spaces. Withdrawn 04/07/1995.

92/0135/FP: External alterations to north-east elevation to provide new staircase, doorway and blocking in ground windows. (Amendments to approved application Ref; 91/0381/GD). Approved with conditions 02/03/1992.

91/0381/GD: Conservation of ground floor to crèche. No objections. 21/05/1991.

4 THE APPLICATION

The proposed building would be three storeys in height.

Lower ground: mainly staff facilities, including staff entrance, Macmillan and pathway offices, individual offices for managers, office for research and radiotherapy nurses, WCs, restroom and plant rooms.

Upper ground: main entrance and reception to the north of the building, volunteer room, 6x quiet rooms, 3 x therapy rooms, hair salon, benefits and admin rooms, 1 x quiet room, café, roof terrace area and WCs.

First floor: Large and small group rooms, family quiet room, kitchen and WCs.

The building would accommodate a non clinical facility to support people and their families affected by cancer who live in the Sussex area. Facilities will include counselling advice (including financial), non medical therapy to cancer patients and their families, a venue for support groups and offices for cancer services including the Macmillan team.

25 parking spaces are proposed. 23 parking spaces would be to the south of the building, of which 1 is a disabled persons space. 2 disabled persons parking spaces are proposed to the north along with a drop off point.

5 CONSULTATIONS

External

Neighbours: A Letter of representation have been received from **37 Chesham Road** objecting to the application for the following reasons:

- Rosaz House should not be demolished as the building contributes to the uniqueness of Brighton which is important in encouraging tourism.
- Macmillan should use the existing building.
- Another car park should not be permitted.

Environment Agency: Taken the decision to not provide detailed site-specific advice or comments with regards to land contamination issues. This decision has been taken using a risk based approach.

UK Power Networks: No objections to the proposal.

Southern Water: A public sewer crosses the site. The exact location of the sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No new development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

The proposal for abandon of public sewers (under Section 185 of the Water Industry Act 1991) should be agreed and approved by Southern Water before implementing on site. A formal application for connection to the public sewer needs to be made by the applicant and suggest this information is included as an informative.

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from the development are required. This should not involve disposal to a public sewer.

The current drainage drawing states that surface water disposal would be to soakaways. However, the Council's Building Control officers/technical staff or Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme;
- Specify a timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the

development.

This should include the arrangements for adoption by any public authority or statutory undertakers and any other arrangements to secure the operation of the scheme throughout its lifetime.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval an informative is attached to the consent to advise this.

County Archaeologist: The proposed development is sited adjacent to an Archaeological Notification Area defining an area of prehistoric and Roman settlement. In light of the potential archaeological significance of the site, a programme of archaeological works should be secured. This will enable any archaeological deposits and features disturbed during the works to be adequately recorded.

Internal:

Design & Conservation: No objections subject to conditions to require samples of materials to be submitted and additional landscaping for the southern edge of the site.

This site is to the north of the East Cliff Conservation Area and to the West of the Kempton Conservation Area. It is visible from within the East Cliff Conservation Area and in uninterrupted views from Eastern Road across the sports fields beyond the listed flint boundary wall running along the north side of Eastern Road. The line of trees along the south edge of the site softens the impact of the densely packed hospital and other buildings in the view from Eastern Road.

The existing building is an attractive 19th Century redbrick property which sits in the context of largely institutional buildings of varying styles, ages and materials. It is set apart from the nearby conservation areas physically and architecturally. The principle of its loss has previously been agreed as acceptable.

The prominence of the site due to the openness of its setting and relationship to historic assets demands a high standard of design in accordance with local plan policies.

The site slopes significantly to the south and the proposed building is considered to have an appropriate height in relation to both the Bristol Gardens frontage where it is 2 storey, and in the context of the hospital and school when viewed from the south where it is 3 storey.

The choice of a horse-shoe form breaks the bulk of what will be a significantly larger building than exists at present, and it is considered that it will sit well in

its site. The overall design and use of materials is also considered acceptable, however the loss of the tree belt would increase the impact of the larger development in medium distance views.

It is acknowledged that the removal of the existing trees is proposed to safeguard the boundary wall from root damage, however it is requested that an alternative buffer of indigenous species is incorporated into the landscaping scheme to soften the edge of development along and around Bristol Gate.

Ecology: Unless the applicant can do a thorough internal inspection that would allow a qualified bat surveyor to confidently conclude a negative result for bats they will have to carry out an activity survey which can only be carried out March to September. A decision on the application should not be taken until these bat surveys have been carried out.

Environmental Health: No objections subject to conditions to control noise from plant and the remediation of contaminated land.

Noise

The application contains an acoustic report carried out by Hoare Lea acoustic consultants dated December 2009 reference CC-1003448. The report usefully breaks down acoustic information into a number of areas which are as follows:

External Plant

Whilst the exact models and locations are not known, it is expected that these will comprise of air handling units, extract fans and cooling equipment. These are predominantly expected to be located on the lower ground floor. The consultants are aware of the design specification expected by environmental health and as such from their monitoring have set levels in Table 5 of the report. The report also indicates what kind of mitigation measures can be used to achieve this. Given that levels have been set, this will assist the building design and M&E consultants to locate plant accordingly.

Break in noise

As a health care facility, the report has used a number of accepted noise documents such as the World Health organisation and BS8233. However, the facility and design process exceeds these using Health Technical Memorandum for such health care sites and as such a more stringent approach. Given the activities to be carried out, there is a requirement to meet an internal level of 40dB. By carrying out noise measurements in the area over the 10-16th September 2009, the consultants are able to predict what measures are likely to ensure that activities may be carried out within the building envelope. As road traffic noise is the most dominant the report has broken the site into East and West facades, coloured blue and orange accordingly with differing levels of protection which are required. These are dictated in Table 3 of Page 10 of the report. The other benefit of having noise

data over such a period is that one is able to observe the quiet periods for the night time. Whilst the building is indicated as only being 08:00 hours to 17:00 hours Monday to Friday, the design and access statement does make reference to night time cooling. Principally, it is the responsibility of the applicant and builders to get this correct to ensure a functional environment within the building and to ensure that settings are applied to plant to prevent disturbance to neighbouring residential receptors.

Other noise

Given the stringent criteria to be met, the document also lays out mitigation measures proposed for the roof and additionally the ventilation of the café. Doors and partition walls are also referenced, however this is for the control of internal noise.

In terms of public health and protection of local residents, it is appropriate that a condition be placed to ensure that noise levels from plant is managed.

Note the relatively close proximity of the school playground and the residential receptors to the north and south. The Local Planning Authority should consider the merits of the application of a Construction Environmental Management Plan (CEMP) to protect residents in terms of hours, noise, dust etc, and whether this be through an appropriate condition or Section 106. The Construction Environmental Management Plan should contain a commitment to apply to the Environmental Health Department for a section 61 prior agreement under the Control of Pollution Act 1974.

Lighting

Throughout the application there are repeated references to the fact that the building is not be occupied at night or rather 23:00 hours to 07:00 hours. Hoare Lea have also submitted a lighting report dated 28th June 2010 which provides isolux contours of the staff entrance and the exterior of the site. The report also indicates that it is not intended to provide any specific illumination to the building features or façade, only efficient lighting to the visitor and staff access areas and car parking to facilitate safe access. The document suggests that controls will inhibit lighting from 23:00 hours to 07:00 hours.

Potentially contaminated land

Note that the application form indicates that the site is not known to have contamination or that contamination is not suspected. However, on the file it is apparent that a contaminated land assessment is present carried out by Geotechnical and Environmental Associates dated March 2010 and reference J10016. The report identified the presence of benzo(a)pyrene at two locations at TP1 and TP7 at 0.4 and 0.5m accordingly. It is therefore appropriate that a bespoke contaminated land condition be applied to ensure safe development not only for the end users but additionally any contact with construction site personnel. Any remediation strategy should clearly identify what is proposed and how given the buildings lower ground floor uses.

Sustainable Transport: No objections subject to conditions to cycle parking and pedestrian crossing facilities on Bristol Gate.

Parking

Because this use is innovative it is inappropriate to mechanically apply the parking standards in SPG4 and the applicants have estimated parking demand with reference to first principles i.e. the expected use of the development as well as SPG4. The amount of general parking proposed is 22 spaces compared to the SPG4 maximum of 44 and as the standards for general parking are maxima this is acceptable provided that adequate attention is paid to the promotion of sustainable modes and no displaced parking will arise. These requirements are met by this proposal. The amounts of disabled parking and cycle parking comply with SPG4 and the nature of provision is acceptable. The applicants have confirmed that cancer patients' parking which is displaced by construction activity will be replaced and advised that the NHS Trust will formally confirm this if required.

Highways impact

The two proposed accesses onto Bristol Gate have substandard visibility splays. However the visibility available is better than that from the existing single access and the applicant's analysis of the existing accident record demonstrates that this substandard arrangement has not caused accidents in practice. There are no recorded accidents during the last 3 years at the existing access. The number of trip generations has been estimated on the basis of TRICS where possible and first principles elsewhere (again given the innovative nature of the proposal) and it is estimated that the development will generate an extra 26 car trips in and out combined in both the AM and PM peak hours. Although this is a modest amount, when combined with the expected impact of the 3TS redevelopment including a capacity increase at the Bristol Gate/ Eastern Rd junction, it is estimated that this junction would be over capacity. However, as the current application precedes that for the 3TS, it is not reasonable to expect the applicants to address this issue.

The applicants have offered to install dropped kerbs and tactile paving on Bristol Gate to assist pedestrians crossing between the Rosaz House and the existing cancer centre at RSCH. This would be beneficial given the expected lead time for the relocation of the Sussex Cancer Centre as part of the 3Ts development proposals. However, the crossing can be enhanced to provide more effective benefit. It is suggested that the applicants should be required by condition to work up revised proposals in consultation with the NHS Trust and implement them under licence.

Sustainable modes

The applicant's Transport Statement considers the accessibility of the site by sustainable modes. This is good particularly in the respect that frequent buses operate along Eastern Rd. The applicants have indicated that the existing RSCH travel plan will be extended to include this development. However a condition requiring production of an approved travel plan for this development

prior to occupation and subsequent monitoring should be attached to any consent as the NHS Trust cannot be bound as a result of this application. This need not affect the practical method of delivery.

Notwithstanding the clearly worthwhile nature of the proposed use this development is not exempted in principle by local plan policies from the need to provide S106 contributions. However the applicants have reasonably argued that many of the trips to the proposed facility will be combined with attendance at the nearby Sussex Cancer Centre. In the light of this consideration, the fact that transport provision in the area is likely to be substantially revised as part of the 3TS application, the fact that there are no identified schemes locally which would clearly be required as a result of the application, and the measures proposed as part of the application and reported above, it is accepted that contributions should not be required here.

Arboriculture Officer: No objection to the loss of all trees on the site. However, recommend a condition to require landscaping and additional tree planting.

The Arboricultural report submitted with the application is comprehensive and the Arboricultural Section is in full agreement with it.

Should this application be granted consent, approximately 20 trees will be lost. These are mostly juvenile trees of small stature, eg, 7 x 4m high Pear, 6 x 5m high Holm Oak, 4 x 3 m high Elm.

There is also one Sycamore tree on site that is covered by TPO (No 20) 1989. It has poor vitality and a partially dead upper crown and appears to be decline.

All the trees on site have suffered because of the salt-laden coastal winds and none are of fine form. There is nothing on the site that is worthy of retention, not even the Sycamore covered by the Tree Preservation Order which appears to be in decline.

For the above reasons, the Arboricultural Section would not object to their loss.

The landscaping plan has been submitted with the arboricultural report and appears to be comprehensive, however, it is disappointing to note that there are no proposals to replace any trees on site.

The only plants of any height appear to be the 2 x Cordylines and it is felt that space is available for further planting. It is an exposed site so species choice must be carefully considered, but planting of trees that have some longevity should be considered, even if it were just further Cordylines.

City Clean: Recycling and waste provisions have been incorporated and the

bin store looks adequate.

Planning Policy: The support and information centre is a welcome resource providing a non-clinical link and complimentary facility to the existing Royal Sussex County Hospital services. Irrespective of the implementation of the 3T's proposal at the RSCH, the centre will be a beneficial addition to hospital users opposite the site but also for the wider community.

The main policies to apply to this proposal are HO19 and HO20.

Whilst this community facility is designed around a specific user group, in accordance with policy HO19, account needs to be taken of all groups who use the facility. The applicant has justified the omission of a 'changing places facility' based on the criteria in BS:8300 (2009).

The current site is considered to provide a community use as it forms part of the hospital facilities for training and some doctor accommodation. Whilst the Design and Access Statement states that these two facilities have been relocated elsewhere on the hospital site, there is insufficient detail about whether the same floor space has been provided, if the training and accommodation facilities are of the same or better standard and if they will be provided straight away without being reliant on the implementation of the 3T's scheme. There is concern that if the 3T's scheme is not fully implemented, then the facilities from the current Rosaz House will be lost as a community facility. Are the current facilities being provided as part of the 3T's scheme or being moved without delay onto the St. Mary's Hall site? The applicant is advised to demonstrate in more detail how the proposal complies with exception test (a) or (b) of policy HO20.

The café forms just under 10% of the total floor space of the proposed building. Therefore it is considered to be ancillary to the main use and does not raise any concerns.

Planning Projects: A contribution towards public art is not required as the development falls below the threshold of the size of development for when public art is required.

Sustainability Officer: No objections. Recommend approval subject to conditions to require a BREEAM Healthcare 'excellent with at least 60% in the water section and at least 57.69% in the energy section and sustainability measures covering those proposed in the scheme: rainwater harvesting; solar thermal array; green wall & roof. A condition requiring composting facilities could also be required.

Most aspects of local sustainability policy have been met well with an innovative, passive design approach that minimises mains energy inputs for heating, lighting and cooling. Renewables technology is incorporated in the scheme with a small solar thermal array providing hot water.

Policy aspects have been effectively addressed, including: the achievement of BREEAM 'excellent and at least 60% in water section; greening of the development/reducing urban heat island effect; passive design; reducing greenhouse gas emissions; water conservation and rainwater harvesting; use of sustainable materials; considerate constructors scheme; and use of natural ventilation.

Two aspects of policy not met are: the provision of composting facilities and scoring at least 60% in the energy section of BREEAM. Space for food waste collections could be facilitated within the waste and recycling storage area.

BREEAM

A BREEAM 'Healthcare' pre-assessment has been carried out on design proposals and the indicative score is BREEAM excellent (scoring a predicted 71.8%, just over the minimum score of 70% needed to achieve 'excellent'). The energy section is expected to achieve a score of 57.69% and the water section 100%.

Local policy SPD08 expects that a score of 60% in the energy and water sections be achieved. Whilst the score in the energy section falls just below this standard by 2.3% the score for the water section exceeds the expected standard with 100% score. When looking at the detail of the scheme, it is clear that the design sets out a low energy, efficient development with low energy impacts as a result of the passive design approach. Consequently the slight shortcoming in meeting the council's target of 60% in the energy section is not seen as a significant. The scheme overall meets all other sustainability standards recommended by policy in an innovative low carbon scheme.

Energy

The energy strategy focuses on passive design with high levels of energy efficiency. This incorporates natural ventilation, thermal mass, use of natural light to reduce artificial light energy inputs and additional internal heat gains. Heating will be provided by a gas boiler. The building will be predominantly naturally ventilated.

There has been a focus on good daylighting combined with use of colour within the scheme to enhance wellbeing; this will also reduce artificial lighting energy inputs. Glare control blinds combined with external solar shading (to all elevations except the north) are proposed to minimise overheating and glare.

To achieve BREEAM 'excellent' an energy rating of 'B' must be achieved which has been confirmed by energy modelling carried out for the scheme. The total CO₂ emissions predicted annually from space and water heating and fixed lighting from this development are predicted to be a low 14.9kgCO₂/m²/year.

Renewables

A renewables feasibility study has resulted in proposals for an 8m² solar thermal water heating system estimated to deliver 7% CO₂ reduction through reduced mains energy demand for water heating.

Water

A rainwater harvesting system is proposed with a tank capacity of 3000 litres in addition to water efficient design throughout.

Greening and reducing heat island/ overheating

Greening will be provided by an intensive green roof to the upper terrace and a vertical wire trellis for climbers providing a green wall to one of the courtyards. A timber trellis for climbers extending the length of the car park is also proposed. There will also be shrub planting around the site. A drip feed irrigation system will provide harvested rainwater.

Solar shading systems over windows are proposed as part of the overall passive cooling approach and to prevent overheating

Materials

Timber cladding is used throughout the scheme, intended to provide a comfortable, natural feel to the centre. Timber is intended to be sustainably sourced. Whilst the reinforced concrete structure will push up the embedded carbon footprint of the scheme, recycled aggregate will be used to minimise this and the concrete left exposed internally offers the benefit of thermal mass to moderate indoor temperature peaks and troughs. Upper levels will be built using timber frame and 'Glulam' (laminated) beams where exposed, and steel frames where not exposed.

Considerate Constructors scheme

A 'Beyond best practice' score is sought through construction process.

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 23: Planning and Pollution Control

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
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD27 Protection of Amenity
- HO19 New community facilities
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of a conservation area

Supplementary Planning Guidance:

- SPGBH2 External Paint Finishes & Colours
- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD09 Architectural Features
- SPD11 Nature Conservation & Development

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the use, impact on the character and appearance of the area, impact on trees, impact on amenity, sustainable transport, ecological impacts, sustainability contaminated land issues and archaeology.

Principle of the use

Policy HO20 states that *“planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas. Exceptions may apply when:*

- 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.”*

Existing uses on the site include staff training accommodation for NHS staff and on-call doctors' accommodation. Outline planning permission has been granted previously for the demolition of the existing buildings and the erection of a breast care unit (BH2005/02097/OA and BH2002/01059/OA). Therefore, the loss of the existing uses from the site has already been established.

However, the staff training facilities are to be relocated at the Audrey Emerton Building and the on-call doctors' accommodation is to be relocated to St Mary's within the existing facilities for doctor's accommodation. Therefore, the existing facilities would still be accommodated on the site of the RSCH. In addition, the proposal provides for a new Macmillan Cancer Centre for Sussex, which is a new community facility which is considered to be of particular benefit to the community and is the first such facility for Macmillan in the country. Therefore the proposal is considered to be in line with policy HO20 of the Local Plan.

Policy HO19 of the Local Plan states that *“planning permission will be granted for community facilities (including places of worship, day care and health centres, libraries and archives, schools, churches and community halls) where it can be demonstrated that:*

- a. the design and use of the facility will ensure its accessibility to all members of the community and include:*
 - i. demonstrable benefits to people from socially excluded groups; and*
 - ii. the provision of suitable childcare and toilet facilities;*
- b. there is no unacceptable impact on residential amenities 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 building would accommodate a non clinical facility to support people and their families affected by cancer. Facilities will include counselling advice (including financial), non medical therapy to cancer patients and their families who live in the Sussex area, a venue for support groups and offices for cancer services including the Macmillan team.

With regard to criterion a) of the policy, it is considered that the facility would provide a valuable community resource not just for Brighton & Hove but also for Sussex. The facility is accessible with drop off facilities, 3 disabled spaces and fully accessible WCs for both staff and visitors. A changing places toilet was not considered to be necessary due to the small size of the building. A baby changing facility is provided within the accessible toilet at the first floor near the group rooms and family quiet room. It is considered that the level of childcare facilities and toilets facilities are appropriate to this type and scale of development. The facility can be open out of hours with the ability to close off some areas. The applicant has also provided alternative exits for visitors in distress. It is considered that the proposal complies with criterion a. of the policy.

The proposal is also considered to comply with criteria b, c and d of the policy. However, these issues are discussed later in the report in the amenity and sustainable transport sections.

The proposal would have strong links to the RSCH and in particular the Sussex Cancer Centre. The principle of this use on this site is supported.

Impact on the character and appearance of the area

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

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

Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area.

Policy QD4 requires that all new development should display a high quality of design and states that views into and from conservation areas are of strategic importance.

The site is not within a conservation area, however, the site is near to the East Cliff Conservation Area which runs along the southern side of Eastern Road, but does not include the hospital buildings to the south (Outpatient's

Building, Audrey Emerton Building and Eye Hospital).

The site is in an elevated position to Eastern Road and is therefore visible in views from the conservation area from Eastern Road looking up Bristol Gate and also looking across the St Mary's playing field.

Outline planning permission has been granted previously for the demolition of the existing buildings and the erection of a breast care unit (BH2005/02097/OA and BH2002/01059/OA). Although the permissions were outline, the plans indicated that the building would be four storeys in height. Although these permissions have now expired, it is considered that the principle of demolition of the existing buildings has already been established. There has been no significant change in planning policy since the granting of the 2005 scheme.

The Design & Conservation Team have commented that the line of trees along the south edge of the site softens the impact of the densely packed hospital and other buildings in the view from Eastern Road.

However, the Sycamore tree near the main entrance is in decline and the trees along the southern boundary also have limited screening impact. The trees have little presence in views of the hospital and the Thomas Kemp Tower from Eastern Road. The tree in the middle of the site does have some softening impact in the view of the Bristol Estate from Eastern Road.

The proposed building would be three storeys in height, however the top floor has a small footprint. There is a difference in levels across the site of approximately 5 metres with the ground rising up in a northerly direction. The building would take account of this topography. Therefore the lower ground would be accessible at the south side with the upper ground being accessible at the north side.

When viewed from Bristol Gate the building would have the appearance of a part single part two storey building. The three storey height would be more apparent when the building is viewed from Eastern Road across the playing field. However, in this view the proposed building would be viewed against the backdrop of the large scale hospital buildings and the Bristol Estate. The proposed building would cover a larger footprint than the existing buildings, however, its overall height would be lower. The horse-shoe design breaks up the bulk of the building. It is considered that the scale of the building is appropriate for its location.

The roofs are a mixture of metal seam roofs and green roofs and the walls are mainly render with some small areas of timber cladding. A roof terrace and balcony are proposed to the inner section of the horse-shoe, which would be visible from Eastern Road (across the playing field). The car parking to the southern boundary would be covered by a timber trellis which would be planted.

It is considered that the building is of high quality design which would have interesting features and would be of benefit to the street scene of Bristol Gate and would not harm views from the East Cliff Conservation Area.

The comment from the Design & Conservation Team regarding additional planting along the southern boundary is noted. The applicant is investigating the possibility of additional tree planting and this is discussed later in the report under the impact on trees section. Notwithstanding this, if additional trees are not incorporated within the scheme, it is not considered that the scheme would be of harm to the setting of the conservation area.

The two outline permissions for the site (BH2005/02097/OA and BH2002/01059/OA) contained indicative drawings for a four storey building which is considered to be of a lower design quality than the building currently proposed, and would be much more prominent in views from the conservation area.

Impact on trees

There is a protected Sycamore tree (T1 of TPO No.20 1989) on the site which is adjacent to the existing access. However, this tree has poor vitality and a partially dead upper crown and appears to be declining. Therefore, there is no objection to its loss.

There are approximately 20 other trees which would be lost, however, these are juvenile trees with small stature and therefore have limited amenity value. All the trees on site have suffered because of the salt-laden coastal winds and none are of fine form.

Two Cordylines trees are proposed to be planted on site. This species of tree is suited to the climatic conditions. The Arboriculturist has commented that there could be space for additional trees to be planted on site, and the applicant is investigating the possibility of additional tree planting in the following areas;

- the traffic island to the north turning area;
- the landscaped area on the eastern boundary;
- the proposed area for shrub planting in the south east corner of the site, to the south of the southern vehicle turning area.

The outcome of this will be reported via the late list for Planning Committee. The applicant has indicated verbally that another tree can be planted in the landscaped area to the eastern boundary (one tree is already proposed in this area but there is room for two trees). However, there may be problems planting trees in the other two areas due to vehicle visibility to the northern turning area, and the close proximity of vehicle and pedestrian barriers to the southern boundary.

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.

Residential properties are to the south and north of the site. Nos. 185 – 193 Eastern Road are directly to the south of the site and the back gardens of these properties adjoin the southern boundary.

The balcony at the top floor would be approximately 18 metres from the southern boundary of the site which adjoins the back gardens of Nos. 185 – 193 Eastern Road. The balcony would be approximately 39 metres from the nearest windows on these properties.

The roof terrace at the upper ground floor would be nearer to the boundary than the balcony. The terrace is approximately 12.5 metres from the boundary and approximately 33.5 metres to the nearest windows at Nos. 185 – 193 Eastern Road.

Whilst the proposal would introduce outdoor areas near to the boundary with the Eastern Road properties, due to the interface distances, it is not considered that these would unduly affect privacy at these properties. In addition overlooking from pedestrians on Bristol Gate is already experienced due to the low level boundary wall on the western elevation of the garden of No.185 Eastern Road. The gardens are at much lower level to the application site and there is some screening at present in the form of vegetation within some of the rear gardens.

It is not considered that noise from the southern car park would be materially different to that which exists presently, especially given the background noise levels for Eastern Road and Bristol Gate.

To the north east of the site the nearest residential property is 8b Bristol Gate which is two storeys in height. The nearest residential properties on Bristol Gate are in an elevated position to the application site. The proposed entrance lobby on the north elevation would therefore not overlook these properties as it is in a lower position.

On the first floor there are windows to the small group room and the family quiet room. However, these do not directly face towards the residential properties. The small group room window faces towards Bristol Gate and the family room window faces towards the playground to the north of the junior school and is approximately 13 metres from the boundary.

The proposal would introduce a vehicle access to the north of the site. However, there is an existing strip of land in between the application site and

the Bristol Gate residential properties which is currently utilised for parking for the adjacent junior school. The vehicle movements in connection with the proposal are therefore not considered to have a significant adverse impact with regard to noise on the Bristol Gate properties. Especially given the background noise on Bristol Gate associated with the hospital and vehicle trips to the A & E department.

A junior school is directly to the east of the proposal. This was previously owned by St Mary's but is now owned by Brighton College. A play area is adjacent to the boundary fence. The school building is between 8 and 10 metres from the boundary.

Seven windows would be present in the upper ground floor which face onto the boundary with the school. These serve one volunteer room and six serve quiet rooms. These windows would be between 5 and 7.5 metres from the boundary with the school. The windows facing the school building would be between 14 and 15 metres away from the school building.

The proposed windows could give rise to some overlooking particularly to the play area. However, the windows are located in the corner of the room and there are timber solar shading on aluminium supports present at right angles to the windows. Given the location of the windows in the corner, it is considered that the views out of the rooms will be restricted. In addition, the outside areas of the school will not always be in use when the proposed rooms are in operation. The first floor window to the family quiet room is located further from the boundary than the upper ground floor windows. It is therefore considered that the impact on the adjoining school is acceptable.

Noise

Plant is proposed within the lower ground floor. This is fully enclosed within the building envelope. The proposed uses within the building are non-clinical. A condition is proposed to control noise levels from plant when measured at adjacent noise sensitive properties (residential properties and the school). The applicant has confirmed that a small section of the building will be occasionally in use in the evening up until 10pm. The main use of the building would be 8am to 5pm. The evening uses would occur at the first floor (group rooms and family rooms). Whilst the upper floor entrance and lobby would need to be open to facilitate access, other uses on the ground floor and the upper ground floor such as the café, would not be in evening use. It is considered that the small evening events would not cause significant noise and disturbance to neighbours.

A condition requiring a Construction Environmental Management Plan (CEMP) is also proposed to control construction noise.

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.

Adjacent to the main entrance to the north of the building are 2 disabled parking spaces and a drop off facility. To the south side of the building, adjacent to the staff entrance are 23 spaces which also include 1 disabled space. SPG 4 would require a maximum of 44 spaces.

A barrier system would operate in order to control the use of the car park to those visiting the site. The existing parking for patients of the Sussex Cancer Centre would be displaced as a result of this proposal (23 spaces). During construction and prior to any redevelopment of the hospital campus, it is proposed to relocate this parking within the RSCH campus by replacing the 22 staff parking outside the Sussex Cancer Centre with dedicated parking for cancer patients. This issue is a matter for the Trust and is outside the control of the Macmillan Cancer Centre. Therefore, it cannot be conditioned that this parking is replaced.

It is anticipated that dedicated parking for cancer patients would be provided in the long term as part of the 3Ts redevelopment proposals for the RSCH site. It is also envisaged that visitors to the Macmillan Centre may also be visiting the hospital and would make a combined trip.

It is considered that the levels of parking are sufficient for the site. Given the bespoke use within the building, and that it is envisaged that there would be combined trips with the hospital site, it is considered that it is difficult to rigidly apply the standards within SPG4.

Parking for 10 bicycles would be provided on site and this would be adjacent to both the staff and main entrances and would be covered. This level of cycle parking is considered to be sufficient.

A crossing is proposed on Bristol Gate which would entail dropped kerbs and tactile paving, but would not be controlled by lights. This crossing would provide a better link to the Sussex Cancer Centre on the opposite side of Bristol Gate.

If the redevelopment of the hospital occurs then the Cancer Centre would be relocated to the site of the Barry Building, and visitors would be more likely to cross Bristol Gate at the junction of Bristol Gate and Eastern Road, where it is anticipated that a new crossing will be provided.

However, if the 3Ts redevelopment proposals are granted planning permission, and are implemented, then the new Sussex Cancer Centre would

probably not be complete for another 9 years.

In the meantime, the crossing proposed as part of this current application would prove useful. A condition is therefore proposed to require this crossing.

Given the existing trip generation for the application site, and as the proposal is likely to generate combined trips with the hospital site, a contribution towards sustainable transport provision in the area, is not considered to be necessary for this development.

A travel plan is recommended to be secured by condition.

It is not considered that the proposal would adversely impact on the local highway network.

Sustainability

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

SPD08 'Sustainable Building Design' recommends that development of this scale achieves 60% in the energy and water sections of relevant BREEAM assessment within overall 'Excellent' rating, along with a feasibility study on rainwater harvesting and grey water recycling systems.

A BREEAM pre-assessment has been submitted with the application which indicates that the proposal would achieve 57.69% in the energy section and 100% in the water section. The overall score indicates that the development would achieve 71.43% which is an 'Excellent' rating.

Whilst the score in the energy section falls just below this recommended standard by 2.3% the score for the water section exceeds the expected standard with a predicted 100% score. The Council's Sustainability Officer has commented that "the design sets out a low energy, efficient development with low energy impacts as a result of the passive design approach. Consequently the slight shortcoming in meeting the council's target of 60% in the energy section is not seen as a significant. The scheme overall meets all other sustainability standards recommended by policy in an innovative low carbon scheme".

The scheme does not provide composting facilities. There could be uncooked food waste from the café. However, this waste is likely to be small in scale and therefore it is not considered necessary to provide composting facilities.

Other sustainability measures include a solar thermal heating system and a rainwater harvesting system. A condition is also proposed to ensure these systems are installed.

It is therefore considered that despite the shortfall in the energy section, the scheme has a small carbon footprint and overall it has excellent sustainability credentials.

Ecology/Nature Conservation

Policy QD17 requires that existing nature conservation features outside protected sites are protected, or the impact is minimised and compensating and equivalent features are provided for any which are lost or damaged. New nature conservation features will be required as part of development schemes, and these features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. The policy states that suitable schemes where such features have not been incorporated will be refused.

A bat survey for the existing buildings has been submitted as they have the potential to support bats. External and internal inspections of both buildings were undertaken. Some potential access points were found on the main building but no evidence of the presence of bats was seen. However, the internal inspection was inconclusive as both roof voids had boards over the joists which prevented a complete inspection. Further surveys therefore need to be carried out. Either a complete internal inspection needs to be carried out or an activity survey should be carried out. The time period for activity surveys is normally March to September. The applicant is due to carry out an additional external survey by the 30th of September and if possible an additional complete internal inspection. The findings of these reports will be reported via the late list for Planning Committee.

A condition is also proposed for biodiversity enhancements which are likely to include bird and bat boxes.

Contaminated Land

Policy SU11 of the Local Plan requires that new development would not give rise to a risk in contamination and necessary remediation measures are sought. Historical records for the site indicate that elevated polyaromatic hydrocarbons and in particular benzo (a) pyrene was identified in two locations across the site in made ground. A contaminated land condition for further desk top studies, site investigation and if necessary remediation work, is therefore proposed.

Archaeology

The proposed development is sited adjacent to an Archaeological Notification Area defining an area of prehistoric and Roman settlement. In light of the potential archaeological significance of the site, a programme of archaeological works is recommended to be secured by condition, which would enable any archaeological deposits and features disturbed during the works to be adequately recorded.

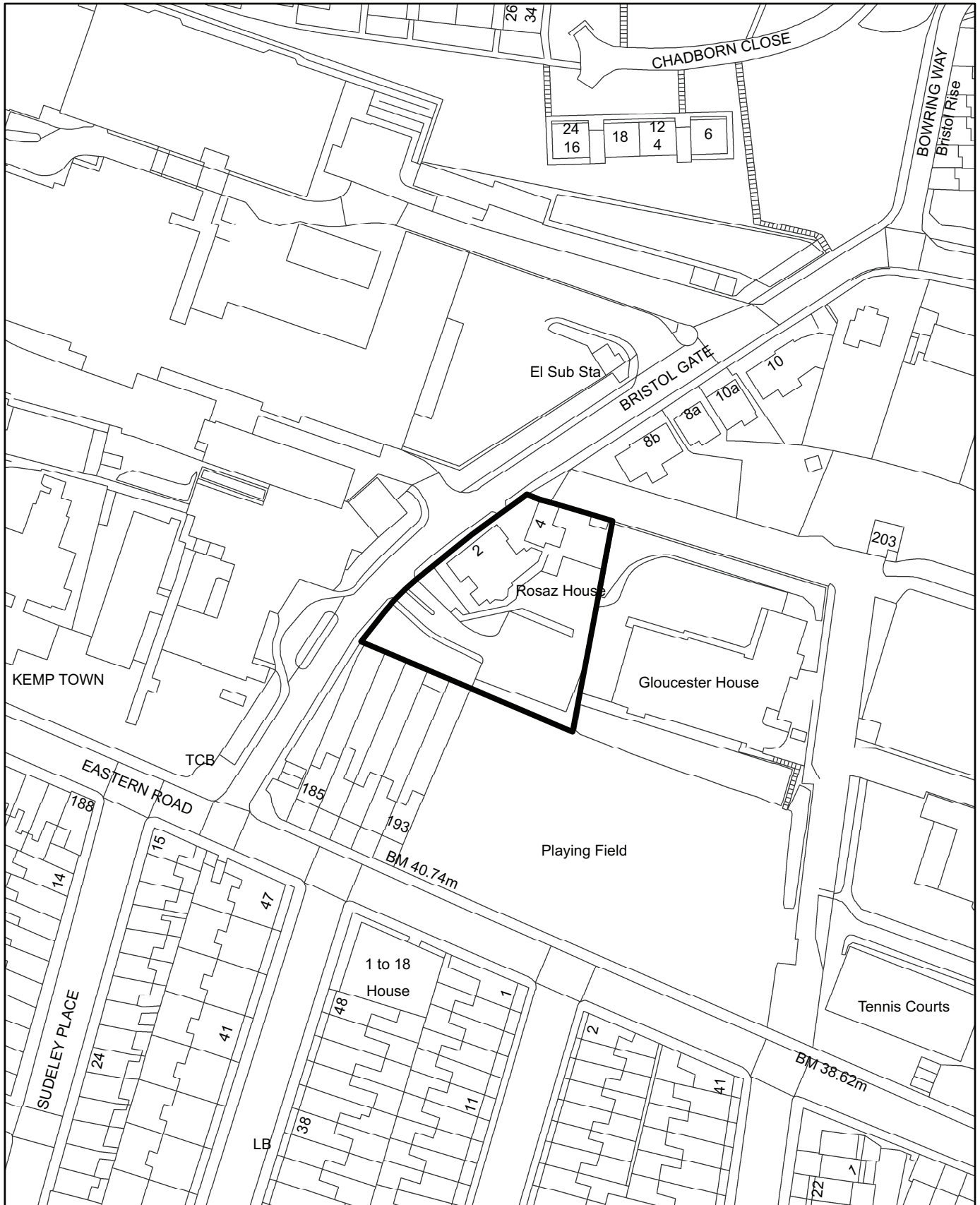
9 CONCLUSION

The principle of the use is acceptable and would provide a valuable community facility. The proposal would not adversely impact on the local highway network nor would it jeopardise highway safety. The loss of the protected tree is acceptable and subject to conditions there would be no adverse impacts on ecology. The proposal would not give rise to any significant adverse impacts on the amenity of neighbouring properties.

10 EQUALITIES IMPLICATIONS

Disabled parking spaces are to be provided along with fully accessible WCs.

BH2011/02181 Training Centre, Rosaz House & Cottage 2-4 Bristol Gate, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2010/03128	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Outline Application All Matters Reserved		
<u>Address:</u>	19-27 Carlton Terrace, Portslade		
<u>Proposal:</u>	Outline application for demolition of existing buildings and erection of 4no blocks of mixed flats/houses totalling 15no units.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	07 October 2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 December 2010
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Alder King Planning Consultants, Pembroke House, 15 Pembroke Road, Clifton, Bristol		
<u>Applicant:</u>	Vye's (Hove) Ltd, C/O Alder King Planning Consultants		

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

s106 Heads of Terms:

1. Four (4) units of affordable housing (26.6%).
2. £18,000 Transport Contribution.
3. £55,577 Outdoor Recreation Space Contribution.

Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) access; and
 - (v) landscaping.
 b) The reserved matters shall be carried out as approved.
 c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. 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 dwellinghouses 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.
4. 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.
5. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
6. 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.
7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed method of foundation construction does not result in the mobilisation of contaminants or deterioration to the detriment of groundwater quality and to comply with policy SU3 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

8. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the

- Local Planning Authority; and
- b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

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

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

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

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

11. 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.

12. Prior to the commencement of development on site, detailed drawings, including surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and agreed in writing. The scheme shall be implemented in full accordance with the agreed details.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.

13. (i) The development hereby permitted shall not be commenced until there has been submitted to and approved 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.

14. 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.

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

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the

site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To protect groundwater quality from potential sources of contamination associated with the historic site uses and to comply with policy SU3 of the Brighton & Hove Local Plan.

16. Prior to commencement of development, a scheme shall be submitted and approved in writing which details how the scheme will protect end users of the site against noise created by road traffic noise and specifically what elevations require what degree of acoustic or thermal protection. Additionally, the submission shall include details for how the minimum level of ventilation will be achieved in the dwellings. The scheme shall be implemented in accordance with the agreed details.

Reason: To protect the amenity of future residential occupiers and to comply with policies and SU10 and QD27 of the Brighton & Hove Local Plan.

17. No development shall take place until full details of land levels of the proposed development relative to surrounding properties shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to accord with policy QD21 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

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

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

Document SPD08 Sustainable Building Design.

19. 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.

20. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect groundwater quality and to ensure that any remediation is satisfactorily completed and to with policy SU3 of the Brighton & Hove Local Plan.

21. 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 remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater quality and to ensure that contamination identified during the demolition or construction phases of the development are satisfactorily characterised and assessed and to with policy SU3 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 the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
5. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.
6. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
7. 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).
8. This decision is based on drawing nos PP/2813/2010/A & 0311/PL/202A received on 7 October 2010 and 0311/PL/201D & 0311/PL/203C received on 30 August 2011.

9. 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 site has been marketed for 2 years without success and is considered to be genuinely redundant for employment purposes. The use of the site for housing is welcomed, would make a contribution to the housing stock, and includes 4 affordable dwellings. Whilst this is an outline application with all matters reserved, the indicative scheme is considered acceptable in terms of traffic impact, appearance and impact on residential amenity, will achieve a high level of sustainability, and make a positive contribution to the visual quality of the area.

2 THE SITE

The application relates to a site fronting Carlton Terrace, located between Portslade Station and Old Shoreham Road. The site is irregular in shape and approximately 0.36 hectares in size. The topography falls from north to south and from the east to west. A vacant single storey car workshop and associated car parking area is situated to the rear of the site, and the land fronting Carlton Terrace forms a car sales area. The adjacent pair of Victorian semi-detached houses form ancillary offices for these uses. An access road runs across the site which also provides access to the Telephone Exchange to the rear. The land to the south of the site forms the car park to the Aldi store and buildings fronting Carlton Terrace are a mix of commercial/offices and residential. The site is not within a conservation area.

3 RELEVANT HISTORY

BH2010/3124: 19-24 Carlton Terrace, Outline application for erection of 4 x 3 bedrooomed houses, including conversion of No.24 from ancillary office to existing car sales use, to residential. Under consideration.

BH1998/2148/FP: Change of use from redundant petrol station and ancillary parking area to hard landscaping area for display of cars for sale. Approved 28.1.99.

4 THE APPLICATION

Outline planning permission is sought for the change of use of the site from the existing car sales (sui generis) and vehicle repair workshop (B2) uses to residential. This is an application to establish the principle of development of the site for 15 housing units.

The details of the proposed development do not form part of this application and are reserved for future approval. These include details of access, appearance, landscaping, layout and scale and will be subject to a future

application or applications for approval of reserved matters.

The drawings submitted with this outline application are indicative only and show how a development for 15 residential units could be provided on the site as follows:

- demolition of the existing buildings; B2 floorspace 1,125m², office floorspace 134m².
- construction of 15 dwellings within 4 x 2/3 storey blocks.
- Accommodation mix: 2 x 1 bedroomed flats, 4 x 2 bedroomed flats, 2 x 2 bedroomed houses, 2 x 3 bedroomed houses, 5 x 4/5 bedroomed houses. Block 1 consists of: 2 x 3 bedroomed houses and 2 x 4/5 bedroomed houses; Block 2: 2 x 1 bedroomed flats and 4 x 2 bedroomed flat; Block 3: 3 x 4/5 bedroomed houses; Block 4: 2 x 2 bedroomed houses.
- Existing access road across the site (to the south of 28 Carlton Terrace) to be retained.
- Car parking: parking space for each dwelling, located in front of dwellings and to side of block of flats.
- Cycle parking / refuse store: located at head of access road, in centre of site.
- Design / materials: pitched roofs – some with dormers, front bays, Juliette balconies to flats, buff brick, vertical banding.

5 CONSULTATIONS

External

Neighbours: Letter of representation has been received from **105 Boundary Road**; objecting to the application for the following reasons:

- Increase in noise, disturbance and traffic, which will be looking for a parking space, and by the movements from/into the site.
- Vyes (vehicle repairs) only operated during normal working hours and didn't cause any disturbance in the evenings or at weekends. This will change with the 24/7 comings and goings of a residential area.
- The developers may want to increase the number of units proposed.

Comments received from: **28/29 Carlton Terrace:** As a business with a long lease on the premises adjacent to the proposed development need to consider the effects on the building. Request:

- Access to the parking at the front and rear of the building be kept clear at all times during the period of development.
- Access road needs to be assessed as to its adequacy to handle load bearing lorries. Any damage caused to the building by the developers must be rectified by them.

Email - no address: Comments that representations should be made before the date given on the notification and cannot see a public notice on site.

Environment Agency: No objection subject to conditions to deal with the risks associated with contamination of the site. Have reviewed the submitted Site Investigation Report (Report No. CCL01933.BK46-R1) as completed by Crossfield Consulting Ltd, dated May 2010, and consider that the intrusive investigation and subsequent assessment does not provide sufficient information of the potential risks to controlled waters. Due to the significant limitations of the report, do not agree with the risk assessment or report conclusions, and strongly disagree with the report's assertion that there is low risk to groundwater, particularly with respect to the degree of assessment completed.

The following points must be addressed as part of any subsequent assessment to discharge suggested planning conditions:

- The site is underlain by the Tarrant Chalk Member which is classified as a principal aquifer, not as stated in the Crossfield Consulting Ltd report as a primary aquifer.
- Reference is given to a fuel loss in 1994, no details of the incident are provided, specifically any investigation, assessment or remediation relating to the loss. A leak of this magnitude represents a significant risk to groundwater resources and must be considered within any risk assessment.
- The depth of the investigation must provide an understanding (through sampling and testing) of concentrations of contaminants beneath the site. This also would require monitoring of groundwater quality and determination of hydrogeological parameters for potential numerical assessment.
- Groundwater monitoring wells must be installed to provide continued groundwater quality data. Such monitoring would be required as part of necessary remediation scheme and tank decommissioning activities.
- The extent of any investigation must provide confidence of the understanding of any contamination across the whole site. The investigation strategy must relate to the historic and contemporary site uses, and therefore a robust conceptual model must be developed prior to commencement of any investigation.

Internal:

Environmental Health: The site is a former vehicle sprayers and car retail yard with a long history of uses which are likely to have caused potential contamination. The report submitted with the application for contaminated land investigation is a good start, but further works are necessary to further understand the site and more importantly what measures are appropriate to protect the end of users. This can be overcome with a condition. Similarly, the application also provides an acoustic report assessing what measures are necessary to protect the end users of the development. Again, given the report, a condition is considered necessary to finalise any glazing and ventilation prior to commencement of works.

Housing Strategy: Support the proposal for residential development given the chronic shortage of housing in the city. The scheme achieves some affordable housing provision. The application is supported with marketing and viability information and building costs, which are based on regional averages, which are considered to be acceptable. The analysis concludes that no affordable housing is achievable on this site, which is a worst case scenario. Margins on this site are tight, and whilst policy EM3 seeks to provide 100% affordable housing on former employment sites, this cannot be achieved. Based on the viability information consider that the developer's offer of providing 4 affordable housing units to be acceptable given the current market.

Planning Policy: No objection. The application site is an employment site and policy EM3 seeks that the redevelopment of such sites for housing should provide affordable dwellings. Consider that sufficient information has been submitted to justify that the site cannot provide 100% affordable housing and that the provision of 4 affordable units is acceptable. Based on the type of dwellings proposed a recreation contribution of £55,577 should be sought.

Private Sector Housing: No comment.

Sustainability: To conform with the recommended standards in SPD08 the development should meet the Code for Sustainable Homes Level 4.

Sustainable Transport: No objection subject to a contribution of £18,000 towards improving sustainable modes of transport in the vicinity of the area and conditions to ensure the provision of cycle and car parking, and details of the proposed road.

Economic Development: No objection. A detailed viability assessment and marketing information has been submitted to address concerns relating to the loss of employment floorspace and the viability of a mixed use scheme including B1 office accommodation. It is considered that the information demonstrates that the site has been marketed adequately, is genuinely redundant, and that inclusion of employment space as part of a mixed use scheme would not prove viable and would result in a negative land value.

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 Advice Notes:

PAN06 Food growing and development

Planning Policy Statements (PPS):

PPS 1: Delivering Sustainable Development

PPS 3: Housing

PPS 4: Planning for Sustainable Economic Growth

PPS 10: Planning for Sustainable Waste Management

PPS 22: Renewable Energy

PPS 23: Planning and Pollution Control

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

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

SU2 Efficiency of development in the use of energy, water and materials

SU3 Water resources and their quality

SU11 Polluted land and buildings

SU13 Minimisation and re-use of construction industry waste

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – efficient and effective use of sites

QD4 Design – strategic impact

QD15 Landscape design

QD27 Protection of Amenity

HO2 Affordable housing

HO3 Dwelling type and size

HO4 Dwelling densities

HO5 Provision of private amenity space in residential development

HO6 Provision of outdoor recreation space in housing schemes

HO13 Accessible housing and lifetime homes

EM3 Retaining the best sites for industry

EM5 Release of redundant office floorspace and conversions to other uses

EM6 Small industrial, business units and warehouse units

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

8 CONSIDERATIONS

This outline application is for the redevelopment of a site consisting of vacant industrial premises and a car sales area. The application is primarily to establish the principle of the use of the site for residential purposes for 15 residential units. Whilst an indicative layout has been submitted, all matters are reserved for subsequent approval, and the details have been submitted to give an indication of the type of development proposed.

In tandem with this application is application BH2010/03124 which relates to the area forming car sales only, for redevelopment of the area to form 4 houses, together with the conversion of the existing office building which is to form a residential unit.

Principle of development:

Change of use:

The site is approximately 0.36 hectares in size and consists of a vacant car workshop and associated parking area which are to the rear of the site, and an area of land fronting Carlton Terrace used for the sale of cars. A pair of Victorian semi-detached buildings also fronting Carlton Terrace form ancillary offices for these uses. The land forming car sales is approximately 660m² and former vehicle workshop area 2,940m². The access road into the site also serves the Telephone Exchange to the rear.

Policy EM3 of the Local Plan aims to retain the best sites for industry unless they have been assessed to be genuinely redundant and do not have the potential for industrial redevelopment. The policy states that preference will be given to alternative industrial or business uses followed by uses that meet the council's key priorities as set out in the Local Plan which are live work units or affordable housing. Planning policies do not resist the loss of car sales uses (a sui generis use).

Marketing:

The industrial land was occupied by "Vyes" and formed a car paint shop / workshop with a gross floorspace of 1,125m² and associated car parking, until it closed in November 2008. The property was initially marketed by Parsons Son & Basley, followed by Graves Son and Pilcher who have marketed the site since August 2009. The property is at multi levels. The poor quality buildings comprise four interconnecting workshops of varying ages and an ancillary office with a converted semi-detached house. The applicants consider the buildings to have outlived their useful life, that the

redundant nature of the buildings and limitations of the site are demonstrated in the poor vehicular access and turning, the low eaves height to the workshops, poor thermal and sound insulation, height restrictions on accessway to the lower yard, domestic style offices with no open plan flexibility, and low grade amenities. Approximately half of the roofs are made of corrugated asbestos cement.

Marketing has been carried out by signboards, on the website, direct mailing and regular client update, and in the Estates Gazette, Property Week, The Argus, and Worthing Herald. The agents particulars state the flexibility of a letting or sale. Feedback from enquirers state that the buildings are not suitable for efficient motor trade use, are too large/not suitable for subdivision and multi use, that the site has minimal frontage/low profile, and is unsuitable for HGV's. Economic Development officers have commented on the application and do not object to the loss of employment floorspace.

Financial viability / affordable housing:

In addition to the marketing information, a viability assessment accompanies the application. The usual test applied in establishing whether a planning use is viable, including affordable housing, is to consider whether the residual site value of the proposed scheme exceeds the benchmark figure of the current value of the site. If it does there is financial headroom for developer contributions. The modelling submitted by the applicant considers several scenarios which conclude that the development would not be viable with the provision of any affordable housing. The viability assessment has been considered by Economic Development and Housing Strategy who consider the assumption made in the assessment to be reasonable. However, the applicant has offered to provide 4 affordable units to allow marketing and a detailed scheme to be worked up in due course.

The Housing Team welcome this level of affordable contribution and consider it to be the maximum achievable. This level of contribution represents a contribution of 26.6% on the development of 15 units. Whilst this does not comply with the requirements of policy HO2 (which requires the provision of 40% affordable housing), the applicants have demonstrated that the scheme would not be viable.

Summary:

For the reasons stated it is considered that sufficient marketing and viability information has been submitted to permit a change of use of the site to residential with the provision of 4 units of affordable housing.

Whilst all aspects of the development are matters reserved for subsequent approval, the scheme should reflect the details of the submitted scheme in terms of access, appearance, landscaping, layout, scale, and impact on residential amenity.

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.

The proposal, whilst indicative only, shows four blocks which are 2 and 3 storey in height. The proposal involves the demolition of a pair of two storey Victorian properties, originally dwelling houses, which now form ancillary offices. The proposed dwellings reflect the scale and appearance of the Victorian properties fronting and adjacent to the site. The buildings incorporate front bay windows to reflect the detailing of the Victorian buildings. Other detailing includes the provision of small dormer windows and a strong verticality formed by the fenestration. The street falls from north to south and it is considered that the proposed three storey building to the south of the access road would not be unduly high in relation to the adjacent 2 storey properties and add variety of scale to the street scene. In this location it is considered that a development of the design proposed would make a positive contribution to the character of the area.

Development mix and layout:

The site is to be developed for housing. PPS3:Housing, places a strong emphasis upon the effective and efficient use of urban land. Local Plan policies QD3, QD4 and HO4 also encourage efficient use of urban land, permitting residential development where it can be achieved without detriment to surrounding development and the areas capacity to accommodate the proposal.

The indicative layout is for a development of 15 units of which 4 units or 26.6% would be affordable housing. The scheme shows a development of flats and houses consisting of 2 x 1 bedroomed flats, 4 x 2 bedroomed flats, 2 x 2 bedroomed houses, 2 x 3 bedroomed houses and 5 x 4/5 bedroomed houses. This mix, which includes a high proportion of units suitable for family occupation, is considered to be acceptable.

The dwellings would have to meet Lifetime Homes standards to meet the requirements of policy HO13; this is required by condition.

Amenity / outdoor recreation space:

PPG17 states that local authorities should seek appropriate open space and recreation/sporting facilities within new developments; policy HO6 seeks the provision of outdoor recreation space in housing schemes.

The development incorporates private amenity space to each of the dwellinghouses which have rear gardens ranging from 65m² to 155m², this

accords with policy HO5. The block of 6 flats has a communal amenity area of approximately 170m² in three parcels of land surrounding the block.

The scheme does not incorporate any informal play space, childrens equipped play space or outdoor sports facilities. In accordance with policy HO6 and developer contribution guidance the applicant has agreed to provide a sum of £55,577 for open space, which will be secured by Section 106 Agreement.

Access / layout / landscaping:

The layout of the development reflects the existing form of the site with the retention of the access road which also serves the Telephone Exchange to the rear, and with buildings fronting Carlton Terrace. The Traffic Engineer considers the layout to be acceptable subject to a condition requiring detailed drawings of the proposed road.

The properties have rear gardens and properties within the site would benefit from the relatively quiet location.

The site currently has little vegetation and would be enhanced with landscaping and can provide measures to enhance nature conservation; this is required by condition.

Impact on residential amenity/design:

Policy QD27 aims to protect residential amenity of the occupiers of neighbouring development.

The site, north of the existing access road, adjoins the rear gardens of residential properties to east and north. Whilst only indicative, windows in the rear of proposed Block 4, the closest to a pair of 2 storey single dwelling houses 20m to the north fronting Old Shoreham Road, are to bathrooms and staircase only. The windows within the north (front) elevation of proposed Block 2 faces the side elevation of a 2 storey building forming an accountants office. Windows within the side of this building are ancillary. This indicates that a development of the nature could be realised without adversely affecting the residential amenities of the immediate area.

Traffic Implications:

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. Policies TR14 and TR19 relate to the provision of cycle and vehicular parking respectively.

The indicative layout indicates that each unit would have a parking space and a communal cycle store is located to the centre of the site. Additionally, scope exists to provide cycle storage within the grounds of the each of the dwellinghouses.

The Traffic Engineer considers this level of car and cycle parking provision to be acceptable subject to a contribution of £18,000 towards improving sustainable modes of transport in the vicinity of the site. The applicants are willing to enter into a Section 106 agreement to secure the contribution.

Sustainability:

PPS1 and PPS3 place weight on the sustainability of new development in terms of energy efficiency, high quality inclusive design and the promotion of social cohesion and the consideration of people's diverse needs. Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials.

As an outline application a sustainability assessment has not been submitted. To meet the requirements of SPD08 the scheme should achieve a Code of Sustainability Level 4, which is secured by condition.

Recycling measures could be provided on site, adjacent to the central refuse storage area and is secured by condition.

Land pollution:

Policy SU11 states that the re-use of polluted land and buildings will be promoted, where it is practicable, in order to promote the re-use of brownfield sites, reduce the need for the development of Greenfield sites, and reduce the threats posed by contamination to health. It offers a significant approach to redevelopment as a means of regenerating specific areas and has the potential to delivering significant environmental benefits.

The site has been occupied by an engineering works and petrol filling station in the past and more recently been occupied by companies who respray vehicles and sell second hand cars. The application is accompanied with a site investigation report which states that there will be a requirement to remove the underground fuel tanks and remove soil to make the site clean and recommends that following demolition and clearance of the site, additional investigations should be undertaken to obtain pile design parameters. Environmental Health recommend that any approval be subject to conditions requiring further investigation and measure to be undertaken to avoid risk from contamination.

Noise impact:

PPG24: Planning and Noise provides guidance on how the planning system may be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or any future residential amenity. The application is accompanied with an Assessment of Potential Noise Impact which has monitored noise levels for separate periods of the day. The Assessment concludes that the site is suitable for residential development and subject to the use of appropriate glazing, the required sound reduction levels could be achieved.

The assessment accompanying the application have used data for one day and a night period on 21 September 2010 to gather data on the noise caused by road traffic issues. This is in accordance with the requirements of PPG24. The figures collated, show that for the daytime, the noise is 62.8db and for the night time, 55db. The consultants have therefore assessed the noise exposure categories as being C for daytime and B for night time. PPG 24 advises that sites falling in a Category C should not normally be granted planning permission. It further states that where it is considered that permission be given, for example, there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. Category B advises that noise should be taken into account when determining planning application and, where appropriate conditions should be imposed to ensure a commensurate level of protection against noise.

The noise assessment indicates that this is a marginal site in terms of its suitability for housing. However, given that residential properties adjoin the site and are in close proximity, including flats recently constructed above the Aldi store to the south all of which would experience similar levels of noise, it is considered that with appropriate conditions that the site would make a welcomed contribution to the housing stock. Environmental Health officers have advised that the consultants have suggested a scheme to allow the build to proceed. Essentially this involves the acoustic requirements for all habitable rooms facing Carlton Terrace. Additionally, all habitable rooms to the rear may be based on thermal performance glazing. The accompanying report states that normal trickle ventilation on window frames is not appropriate in this location with a need for either passive wall ventilators or a whole house ventilation system. This can be dealt with by condition in the event planning permission is granted.

9 CONCLUSION

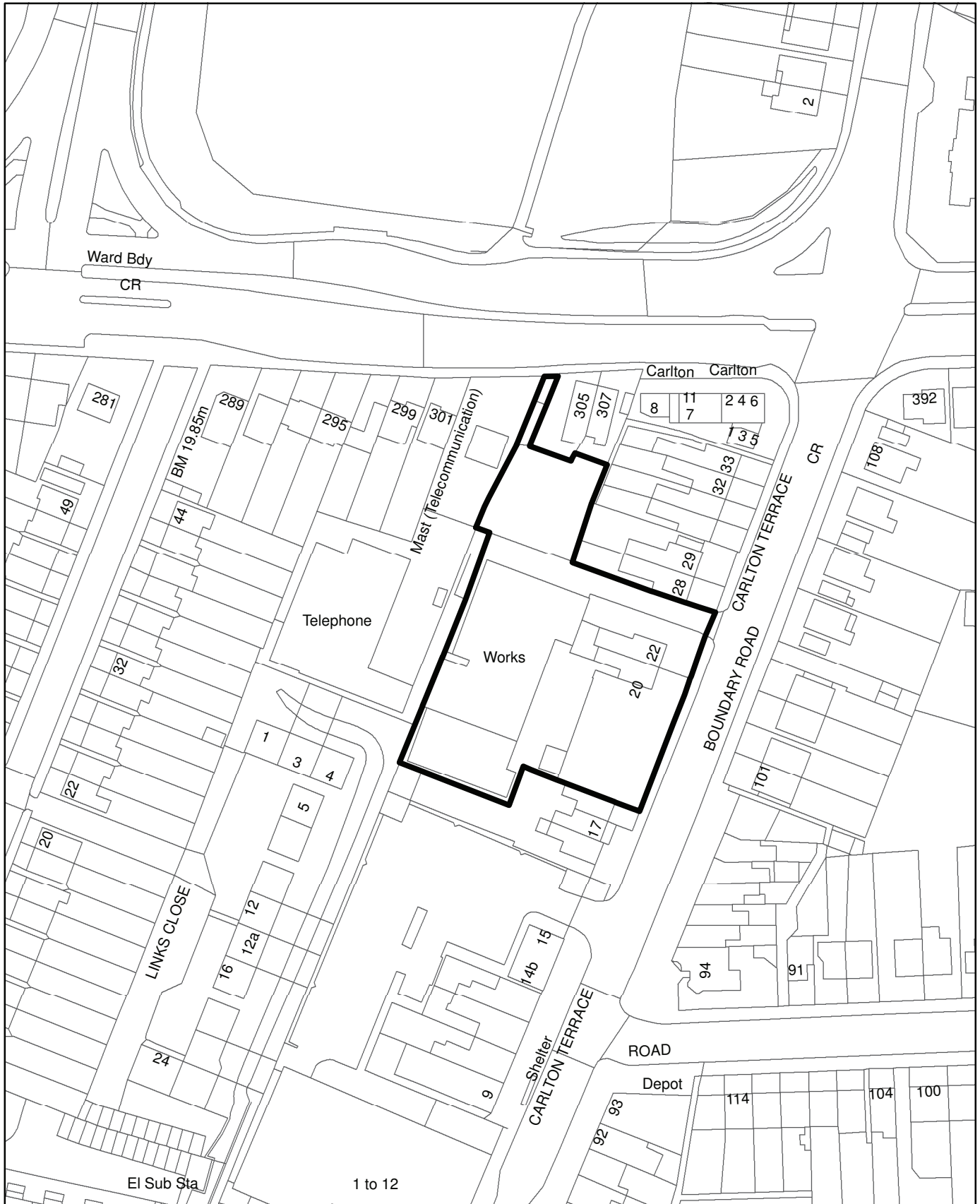
The site has been marketed for employment purposes for 2 years without success. Marketing information has been submitted and it is considered that the use of the site for employment use is redundant. The use of the site for housing is welcomed. A financial assessment accompanies the application which concludes that the use of the site for 100% affordable housing would be unviable. Housing Strategy and Economic Development consider the assumptions made in the assessment to reasonable. However, the applicants have offered to provide 4 affordable units. It is considered that development of the site with a contribution of approximately 27% affordable element is acceptable in this case.

Whilst this is an outline application with all matters reserved, the illustrative scheme indicates that a scheme could be developed which would be acceptable in terms of traffic impact, appearance and impact on residential amenity.

10 EQUALITIES IMPLICATIONS

The development is required to meet Part M of the Building Regulations and be built to a Lifetime Homes standard.

BH2010/03128 19-27, Carlton Terrace



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/02303	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Royal Pavilion, 4 - 5 Pavilion Buildings, Brighton		
<u>Proposal:</u>	Temporary ice rink on Royal Pavilion Eastern Lawns during winter for a five year period. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire and associated plant.		
<u>Officer:</u>	Sonia Gillam, tel: 292359	<u>Valid Date:</u>	19/08/2011
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	18 November 2011
<u>Listed Building Grade:</u>	Adj Grade 1 Listed Building		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Laine Ltd, Mrs Shalini Parkin, 31 North Road, Brighton		

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 **GRANT** planning permission subject to the following Conditions and Informatives.

Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 001EditionA, 002EditionD and the Isolux Diagram received on 4th August 2011, drawing nos. 104EditionA and PLANT AREA2 received on the 9th August 2011, drawing nos. 001EditionA and 103EditionC received on the 10th August 2011, drawing no.104EditionD received on the 15th August 2011, drawing nos. 103EditionC entitled "Tree protection fencing at canopy spread" and 103EditionC entitled "Block plan showing laurel hedging in green and cycle racks in amended position" received on the 28th September 2011, and the emails from the applicant relating to the height of the bar structure received on the 26th September 2011, relating to the operational dates received on the 27th September 2011, and relating to the protection of trees received on the 28th September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The use hereby permitted shall be permanently discontinued and the land restored to its condition immediately prior to the use commencing on or before 23rd March 2016 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
Reason: The use and buildings hereby approved are not considered

suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.

4. The use hereby permitted shall only take place between 7th November in any year and 26th January the following year. The ice rink and associated buildings/structures hereby permitted shall be removed from the site on or before 9th February following cessation of the use in that year. The land shall be restored to its condition immediately prior to the buildings being situated on the land within 6 weeks of 9th February following cessation of the use in that year in accordance with a scheme of work to be submitted and approved in writing by the Local Planning Authority.
Reason: The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
5. The ice rink hereby permitted shall not be open to customers except between the hours of 10.00 and 22.30.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
6. The café hereby permitted shall not be open to customers except between the hours of 10.00 and 24.00 each day.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
7. The total number of people on the ice rink at any one time shall not exceed 250.
Reason: To ensure provision of an appropriate amount of ancillary facilities, and to protect the amenity of its users and neighbouring residents in compliance with policies TR14, SU9 and QD27 of the Brighton & Hove Local Plan.
8. The main floodlighting illuminating the rink hereby permitted, referred to in the Exterior Lighting Specification document received on the 4th August 2011, shall be switched off between the hours of 23.00 and 09.00 the following day.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
9. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
10. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be open to customers in any year

of operation until the measures proposed to protect the steps leading to the eastern elevation of the Royal Pavilion (specified in the Method Statement received on the 4th August 2011) have been fully implemented. The steps shall thereafter be protected at all times for the duration of the development including during removal of the ice rink and buildings from the site.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

11. Prior to the ice rink being brought into use in any year, temporary Laurel hedging boundary fencing shall be erected in accordance with drawing entitled “Block plan showing Laurel hedging” submitted on 28th September 2011. The hedging shall be retained until cessation of the ice rink use.

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

12. No development shall commence in any year until fencing to BS5837 (2005) standard for the protection of trees during construction has been erected in accordance with drawing entitled “Tree protection fencing at canopy spread” received on 28th September 2011. The fencing shall be retained until completion of the construction period. The fencing shall be re-erected in accordance with the drawing entitled “Tree protection fencing at canopy spread” received on 28th September 2011 prior to the commencement of dismantling of the ice rink and related structures in any year and shall be retained for the duration of those works.

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

13. The development hereby permitted shall not be brought into use in any year 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 staff and visitors and shall be removed from the site on or before 9th February following cessation of the use in that year.

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.

14. No development shall commence until details of the covered bar storage area have been submitted to and approved in writing by the Local Planning Authority. The covered bar storage area shall be implemented in accordance with the details approved.

Reason: To safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens Conservation Area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.

Informatives:

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

The proposed development will provide the City with a much needed and welcome seasonal ice rink serving residents and visitors to the City. There would be no physical alterations to the Royal Pavilion. As a temporary facility during the winter period, and subject to conditions, it would not significantly harm the setting of the listed Royal Pavilion and Gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and Gardens and would cause no significant harm to the amenity of the surrounding properties.
2. Licensing

It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.
3. Investigations under the Environmental Protection Act 1990

The applicant should be aware that the grant of any planning permission does not prevent the environmental health department initiating an investigation should complaints be received. The department also has powers to deal with statutory nuisances which may include noise or light.
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. For further advise, 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

The application site relates to the eastern lawns within the grounds of the Royal Pavilion Estate. The site is adjacent to the Grade I listed Royal Pavilion and is within the Royal Pavilion Estate, which is a registered Garden of Special Historic Interest.

The site is located within the Valley Gardens Conservation Area. Old Steine/Pavilion Parade, the main north-south vehicular route into the city lies immediately to the east of the site.

The nearest residential properties are in Palace Place to the south of the site and there are also flats on the opposite side of Pavilion Parade.

3 RELEVANT HISTORY

BH2010/02344: Temporary ice rink on the Royal Pavilion Eastern lawns. Structure to include ancillary buildings for a restaurant, crèche, café, toilet facilities and skate hire. Proposed dates are 26th October 2010 to 23rd January 2011 including set up and break down, with resurfacing to be completed by 23rd February 2011. Approved 03/11/2010.

BH2009/02089: Temporary ice rink on the Royal Pavilion eastern lawns. Structure to include ancillary buildings for a café, toilet facilities and skate hire. Proposed dates are 1st November 2009 to 23rd January 2010 including set up and break down. Approved 11/11/2009. This permission was not implemented.

No other relevant planning history on this site, although there have been many applications over the years affecting the Royal Pavilion Estate.

4 THE APPLICATION

Planning permission is sought for a temporary ice rink on Royal Pavilion Eastern Lawns during winter between 7th November and 26th January for a five year period. Included would be ancillary buildings for a restaurant, cafe, toilet facilities, skate hire and associated plant. It would consist of:

- 800 square metre ice rink (previously 700m² in 2010)
- 6 no. 4 metre lighting towers surrounding the rink
- Single storey 35 x 8 metre temporary A-frame building housing interior cafe seating
- Single storey 30 x 11 metre (previously 30 x 15 metres in 2010) temporary A-frame building housing servery, further café seating and skate exchange area
- Adjoining single storey 12 x 10 metre temporary A-frame building housing toilet block, cloakroom and first aid area
- Separate kitchen located within 5 x 5 metre temporary structure external to the A-frame structure serving the café.
- Plant compound located to north of ice rink with 4 sided acoustic screen in galvanised steel
- 22 x 3 metre decked area between the rink and the 30 x 11 metre structure
- 20 x 5 metre decked area between the rink and the 30 x 15 metre structure
- 40 x 3 metre decked viewing area between the rink and the 35 x 8 metre structure
- 5 x 6 metre decked terrace to the south of the 35 x 8 metre structure for visitors to photograph the Pavilion
- 5 x 7 metre decked area to the south of the rink for the ice resurfacing machine to sit on when parked during sessions, and driven on the rink after each session for resurfacing
- Cycle stands

The rinkside and roadside structures will have aluminium frames and glass walls. There is no cover for the rink. Other than the toilet block, the other

areas will have transparent PVC roof sails.

It is proposed that the opening hours of the rink will be 10.00 to 22.30pm. There will be a maximum of 250 people on the rink at any one time and up to 250 people waiting to go onto the rink. The café will offer seating for up to 180 people and would be open from 10am to midnight.

The application is similar to the approved 2010 scheme; however there are some amendments:

- Increased rink area from 700m² to 800m²;
- Structures sited 3m further to the east;
- Reduced width and height of the skate exchange area to reduce the apex height of the structure 30 x 11 metres (previously 30 x 15 metres in 2010);
- On-site separate kitchen structure to the south of the rink;
- 3 separate entrances;
- Toilet block relocated nearer to main road.

5 CONSULTATIONS

External

Neighbours: Letter of representation has been received from **Flat 11 Glass Pavilion 2 Princes Street** supporting the application for the 5 year period.

English Heritage: No objection. The Royal Pavilion, Brighton is a building of international significance, listed accordingly at grade I. Temporary planning permission was granted by the Council last year for a single trial season and we have since worked with the applicant and officers of the Council to identify ways of mitigating the effects of this proposal on the setting of the Pavilion. Some important changes have consequently been made to the design to reduce the extent to which the buildings surrounding the rink would obstruct views of the Pavilion, for example by reducing the span and ridge-height of the northern range and by repositioning all structures further eastwards. We also note from the application's supporting statement that income from the project will continue to be ring-fenced for the maintenance and upkeep of the Pavilion. Although in our view the scheme remains harmful to the setting of the Pavilion, we do not object to permission being granted for a further five seasons on the basis of the temporary nature of the event and the proposed financial benefits to the Pavilion; we recommend that these financial benefits should be secured for conservation of the Pavilion by means of an appropriate legal mechanism, such a unilateral undertaking. We also recommend that the funds required for reinstatement of the lawns should be set aside by the applicant in a bond, or similar, prior to each event as a means of guaranteeing the successful completion of this work.

Brighton & Hove Archaeological Society: No objection.

County Archaeologist: No objection. Although this application is situated within an Archaeologically Sensitive Area, as there is to be no below ground impacts of any sort means that any archaeological remains are unlikely to be

affected by these proposals.

CAG: By a majority vote of 10 to 5, CAG agreed to object to the application, and asked that the application be reported to the Planning Committee for determination. The group agreed to reiterate their comment from the 21/09/10 meeting: The group agree that an open air winter ice rink would be a welcome addition to the city, and would be appropriate in other public open spaces within the Valley Gardens Conservation Area. The group noted that the application was for a temporary period, during which time the operation would be monitored and the impact reviewed, and that the operation would provide the Council with additional income. However the group placed considerable weight on the visual impact of the development, concluding that the tented structures are unattractive and would obscure an important view of the Royal Pavilion, causing serious harm to its setting.

Sussex Gardens Trust: No objection to the continuing seasonal use of the Pavilion lawns for an ice rink subject to adequate restoration conditions.

Southern Water: No objections subject to conditions. The exact position of the public sewers and water mains must be determined on site by the applicant before the layout of the proposed development is finalised. All existing infrastructure including protective coatings and cathodic protection should be protected during the course of construction works. Southern Water requires a formal application for connection to the public sewer to be made by the applicant or developer.

Internal:

Planning Policy: No objection. The principle of the development is acceptable as it provides an opportunity for small scale outdoor recreation facilities, albeit on a temporary basis, at a time of year when opportunities for outdoor recreation is limited. The boost to the local economy through the provision of employment opportunities and the provision of a seasonal attraction is welcome. Concerns have been raised over whether the ancillary uses fall within A3 or A4 uses or a mix of both and it is considered that the provisions within Policy SR12 in addition to the proposed opening hours should be addressed in more detail. A condition has been suggested to encourage flexibility in the construction and operation of the proposal.

Design & Conservation: This ice rink proposal would be a highly visible one and would undoubtedly cause harm to the setting of all the listed buildings identified in the Statement of Significance, but particularly to the Royal Pavilion itself, which is a building of the highest significance. The proposal would also cause harm to the character of the Royal Pavilion Estate historic gardens and to the appearance of the Valley Gardens conservation area. That harm arises chiefly from the way that it would obscure important views of the Pavilion and would infill its open setting. This harm does not arise from the ice rink itself but from the supporting structures. It is acknowledged that this harm would be for only a temporary period each year and regard should also

be had to the fact that the period of operation of the ice rink would be the shorter days of the year. Given the height and scale of the Pavilion compared to the proposed structures, and given the fact that existing views of the Pavilion itself are already affected to some degree by trees and bus shelters (from the south-east) it could be considered that the overall sense of scale and visual dominance of the Pavilion would be likely to remain, particularly with regards to its distinctive roofline of onion domes, pagoda roofs and minarets. The application has responded positively to some of the concerns raised by the in-situ review of the one year consent but some of the changes raise other concerns and some issues have not been explicitly addressed. The rationale for all the changes has not been made clear and there is lack of information on some aspects of the proposals. The impact on key views has not been assessed. Consequently, whilst it is considered that a temporary ice rink proposal for no more than five years has the potential to be accommodated on this site without substantial harm to the heritage assets, this has not yet been satisfactorily demonstrated. Nor can it currently be determined that the harm has been minimised and mitigated as much as possible.

Sustainable Transport: No objection. The Highway Authority has noted the changes between this application and the 2010 application. As these amendments are not considered to be significant or detrimental in transport terms, the Highway Authority would refer back to the comments it made on the previous application and would not wish to restrict the granting of consent for this application: It is anticipated that the majority of person trips will be linked trips associated with visits to Brighton city centre and as such the proposed development would not result in any additional trips to the site and therefore no contribution or additional parking requirements are required.

The proposed application is currently within the city's controlled parking zone Z (CPZ). The proposal does not propose any car parking as part of the application but suggests within the Design and Access Statement that car parking requirements have been taken into consideration: 'Visitors booking tickets online will be advised of the location the nearest NCP car parks.'

While there is cycle parking within the immediate area of the Royal Pavilion it has been observed that this cycle parking is well used and would therefore limit availability for people to park their bicycles nearby in association with the ice rink. Therefore it is considered appropriate that cycle parking is proposed as part of the scheme.

Environmental Health: No objection. Satisfied that this is a repeat of the temporary planning consent issued for the site in time for Christmas 2010. Whilst the floor area appears slightly larger, the roof heights are smaller and there are minor changes with regards to entrances. Whilst the applicant is currently negotiating an electrical supply for the site, it is wise to proceed on the assumption that generators will be used. An acoustic report has been submitted with the confirmation from the applicant that the same plant and

same acoustic enclosures will be used. The Environmental Health department did not receive any complaints with regards to either noise or light nuisance. An appropriate noise condition may be applied to control noise issues. If complaints are received, the department has the ability to be able to investigate under statutory nuisance provisions.

Arboriculturist: No objection subject to an appropriate condition regarding tree protection to ensure the retention of all trees on site post-development.

Tourism and Leisure: No objection. Welcome the proposals as the facilities will attract and support tourism outside of the main season. The facility will encourage visitors to extend their stay and act as a stimulus for instigating a trip to the City.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 5: Planning for the Historic Environment

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution & nuisance control
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD18	Species protection
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
SR17	Smaller scale sporting and recreational facilities

- SR20 Protection of public and private outdoor recreation space
- HE1 Listed buildings
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas
- HE11 Historic parks & gardens

8 CONSIDERATION

Principle of development

The City has a long history of ice skating facilities. From 1935 to 1965 the Sports Stadium Brighton in West Street had a full size ice rink which was open to the public and held regular Ice Spectaculars. It was also the home of The Brighton Tigers, one of Europe's leading ice hockey teams at the time. It was demolished to make way for the Top Rank Centre which had a much smaller rink and proved to have inadequate provisions. It closed after only five years. Another small rink was created in Queen Square, however this closed in 2003. Regrettably, at the present time the City has no permanent ice rink.

Therefore, although public skating has been available at the Brighton Centre for the past few years over the festive period, the skating facilities in the City are not as well-provided as they were even ten years ago.

Policy SR17 promotes the provision of smaller scale new sporting and recreation facilities providing that they are close to the communities they are intended to serve, have good transport links, and that the intensification of facilities would not have a harmful effect on the local environment. The proposal would enhance both sporting and recreation facilities within the City. The site is centrally located and has good pedestrian and cycle links. It is well served by public transport.

The principle of a temporary ice rink in the Royal Pavilion grounds was established in 2010. The permission was for one year trial period only. The operation took place for the temporary period permitted and no significant concerns were raised. This application is again for a temporary seasonal ice rink, albeit to return each winter for a five year period.

Design & impact upon the listed building and grounds and conservation area

The setting of a listed building is often an essential part of the building's character, especially if the gardens or grounds have been laid out to complement its design. The Royal Pavilion grounds are Grade II listed and a designated Registered Park of Special Historic Interest. The Royal Pavilion is a Grade I listed building. The site lies within the Valley Gardens conservation area.

The proposed structures will block clear views of the Royal Pavilion's eastern elevation and the public will be restricted from walking on the Eastern Lawns. English Heritage have raised concerns that the development would substantially obscure a large part of its east elevation, greatly compromising

the setting of the grade I listed building and the enjoyment of the many visitors who come to Brighton specifically to see it. However they point to the fact that important changes have been made to the design to reduce the extent to which the buildings surrounding the rink would obstruct views of the Pavilion, for example by reducing the span and ridge-height of the northern range. Although in their view the scheme remains harmful to the setting of the Pavilion, they do object to permission being granted for a further five seasons on the basis of the temporary nature of the event and the proposed financial benefits to the Pavilion.

The Design & Conservation Team acknowledge the particular architectural and historic importance of the Royal Pavilion, its extensive setting and that the significance of views of the main east elevation should not be underestimated. However, given the height and scale of the Pavilion compared to the proposed structures, and given the fact that existing views of the Pavilion are already affected by trees and bus shelters (from the south-east) it is considered that the overall sense of scale and visual dominance of the Pavilion would remain, particularly in regards to its distinctive onion domes and roofline. Regard should also be had to the fact that the period of operation of the ice rink would be the shortest days of the year. However there are concerns regarding the moving of the development eastwards as part of the changes from last year, so that it would be much closer to the pavement on the Old Steine and would encroach on the serpentine pathway. Additionally the bar structure would be located even further eastwards, in the middle of the pathway and very close to the stone boundary balustrade. However, a benefit of moving the development eastwards it that the structures are not as close to the Pavilion itself. The applicant has advised that the bar structure would be reduced to 2.25 metres in height, most of which would be screened by the Laurel hedging. It is recommended that details of the structure are secured by condition. Additionally English Heritage has raised no concerns about the location of the structures.

Siting an ice rink and ancillary buildings in this location will inevitably block some views of the Royal Pavilion. However, officers consider that the design of the proposed development, with the open rink, glass walls, and siting of the ancillary structures minimises, as far as possible, the impact on the views of the Grade 1 listed Royal Pavilion and its grounds.

The entrance to the Pavilion and views of its western elevation will be unaffected by the proposal. The western gardens are used far more intensively than the eastern lawns. The scheme now proposes the provision of complimentary public access to the Pavilion's eastern lawns and to the ice rink's viewing platforms so that any visitor to Brighton can enjoy a largely unobstructed view of the Pavilion. Therefore although there will be an impact on people who are visiting the City for a chance to view the Royal Pavilion, it is considered that this is far outweighed by the number of people enjoying skating with views of the Pavilion.

The structure is temporary during the winter period and there will be no physical harm to the listed building. An acceptable method statement has been submitted in regards to protecting the Pavilion steps to the eastern elevation which is the closest part of the listed building to the rink. A condition can be applied so that the trees and shrubs are protected. Given the above and that the facility will create jobs and attract many visitors and residents to the area over the Christmas period, it is considered that the positive effects of the development outweigh the temporary negative impact upon some views of the listed building.

The proposed temporary ice rink will generate income both directly through the hire fee and ticket sales and indirectly by increased visitors to the Pavilion which will be of financial benefit to the Royal Pavilion and Gardens and help with upkeep and maintenance of the Pavilion Estate. In addition, the cost of the reinstatement and repair of the eastern lawns will also be provided by the operator.

Impact upon neighbouring amenity

With regards to lighting, there will be 6 no. five metre towers around the rink with floodlights and LED lights attached. There will also be floodlights along the entrance path. Other lighting will include LED Christmas lights on the aluminium frames of the structures, lanterns hung on shepherd crooks to light the pathway from the entrance arch to the front entrance, trees to the left of the entrance to be lit with pealights, and spotlights/ lanterns on the entrance signage.

The rink is proposed in a noisy, brightly lit city centre location. The Pavilion is already floodlit each night. The rink and lighting structures will be approximately 25 metres from the nearest residential properties, however the submitted Isolux diagram clearly shows that the brightness of the lighting is substantially reduced well before it reaches these adjacent properties.

There is also the potential for noise from the plant equipment to impact upon the amenity of neighbouring properties.

Environmental Health are satisfied with the level of lighting proposed and that the plant running in combination with other equipment has been considered within the noise report and that the City Council's noise standard is capable of being met. The proposal is therefore considered acceptable in terms of impact upon residential amenity.

Transport & Access

The application site is currently within the City's controlled parking zone (CPZ) Z. The proposal does not propose any car parking facilities, however the site is very close to public transport links.

Given the nature of the proposals and that it is a temporary facility, Sustainable Transport anticipate that the majority of additional person trips

will be linked journeys associated with visits to Brighton city centre. As such the proposed development would not result in many additional trips to the site and therefore no contribution or additional parking requirements are required.

Temporary cycle parking stands are being provided to the north of the rink which is considered adequate to meet any additional cycle parking demand.

With regard to emergency vehicle access, the Pavilion has existing procedures in place. Vehicles can access the site via the William IV Gate to the north of the site, the Indian Gate to the south, and North Road to the west. Emergency workers can also access the site via the Palace Place gate to the south of the rink.

Visitors and staff will enter the site to the north of the Pavilion. The applicant has stated that the entrance will be clearly signposted. Pedestrian trackway will be laid along the entire entrance path to minimise wear and tear on the grass.

Arboriculture

It is important that vegetation within the Pavilion Gardens, which form a key part of the setting of the Royal Pavilion, is protected during the ice rink use and reinstated afterwards. It is clear that the ice rink is to be sited in a position to minimise impact upon trees. Details of tree protection measures have been provided with the application. The Council's Arboriculturalist has no objection to the scheme provided all relevant trees are protected particularly during the set up and de-rigging of the structures.

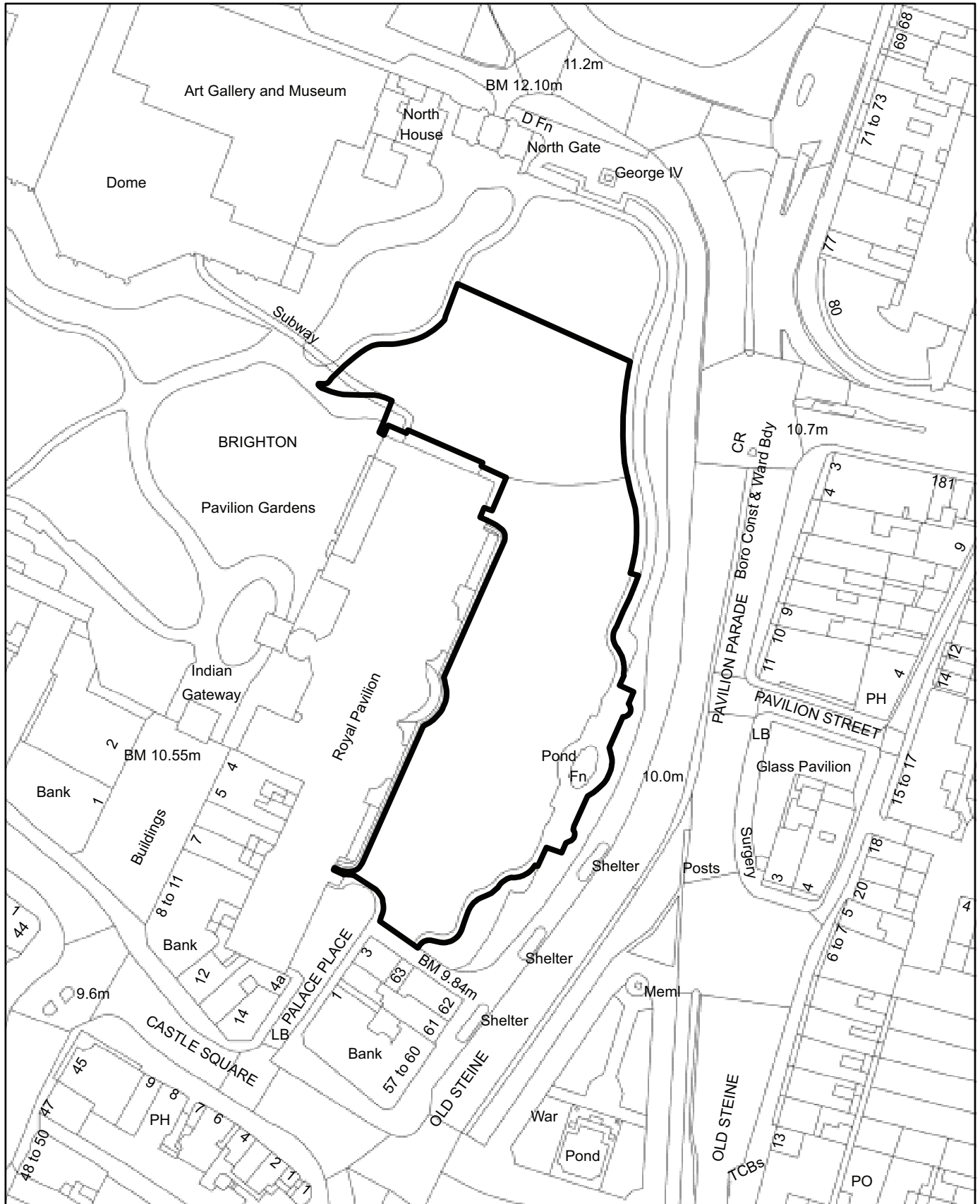
9 CONCLUSION

The proposed development will provide the City with a much needed and welcome seasonal ice rink serving residents and visitors to the City. There would be no physical alterations to the Royal Pavilion. As a temporary facility during the winter period, and subject to conditions, it would not significantly harm the setting of the listed Royal Pavilion and Gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and Gardens and would cause no significant harm to the amenity of the surrounding properties.

10 EQUALITIES IMPLICATIONS

Wheelchair access will be provided via ramps at the entrance/ exit and users can access the viewing platforms with adequate clearance; all doors will be at least 2 metres in width. A disabled toilet and baby change facilities are also being provided.

The Royal Pavilion 4 - 5 Pavilion Buildings Brighton



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 21/09/2011 to enable correct drawings to be submitted. Amended plans have since been received.

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. 01RevE received on the 26th September 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,
- The loss of the existing kitchen access door, and
- The insertion of glazed French doors instead of a window within the north-east facing elevation of the proposed extension.

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 pair of out-ward opening glazed French doors would be inserted within the rear elevation and front elevations of the extension at ground floor level. 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. Under floor storage would be created below the proposed extension, accessed via doors at the front of the dwelling.

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. This proposed balcony area would measure approximately 1.8m by approximately 0.6m. 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 the retained southern most rooflight would be repositioned approximately 0.3m further to the north. No objections are raised to the loss of one of the existing rooflights and the repositioning of one 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

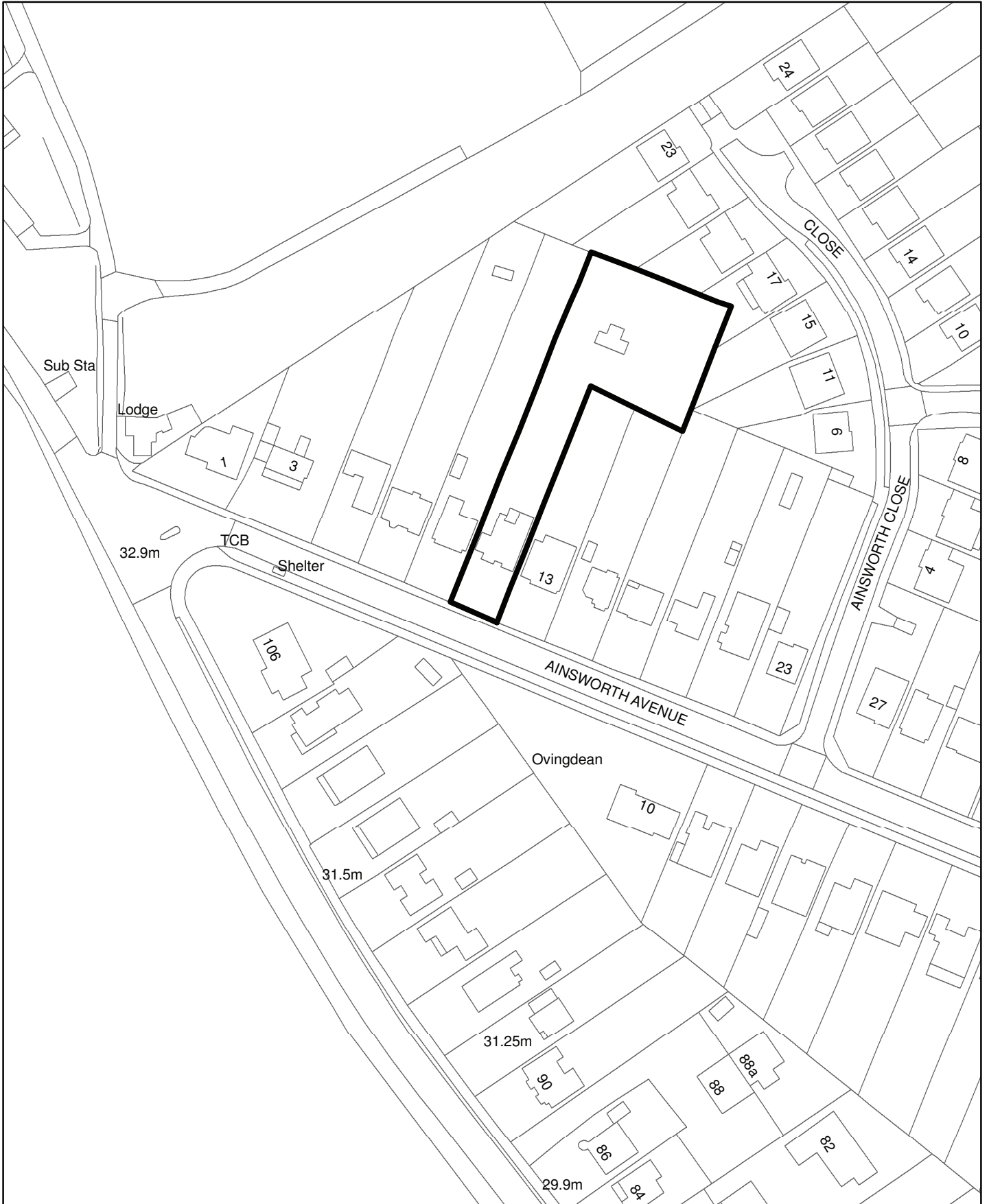
For the reasons set out above it is considered that the proposal fails to accord with policies of the Brighton & Hove Local Plan and SPGBH1 Roof Alterations and Extensions, refusal is therefore recommended. It is not considered that there are any material considerations that warrant a departure from 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>	BH2011/02406	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	122 Valley Drive, Brighton		
<u>Proposal:</u>	Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and front rooflights and new hard standing and associated alterations.		
<u>Officer:</u>	Steven Lewis, Tel: 290480	<u>Valid Date:</u>	17/08/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 October 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Core Architecture + Design, 53 Surrenden Crescent, Brighton.		
<u>Applicant:</u>	Mr & Mrs Fitzpatrick, 122 Valley Drive, Brighton.		

1 RECOMMENDATION

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

1. The proposed three storey extension by reason of its siting, height, bulk, massing is a gross overdevelopment of the site which fails to emphasise or enhance the positive qualities of the local neighbourhood, the property to be extended and adjoining neighbours. The extension by reason of its siting, size, scale, bulk, detailing and materials would produce a dominant and discordant extension which would have a harmful impact upon the character and appearance of the property to be extended and upon that of the surrounding area. This is contrary to policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.
2. By reason of the existing roof shape and varying ridge height level across the semi and its partner, the formation of a hipped to gable extension would result in incongruous roof design which would have a harmful impact upon the character and appearance of the building and that of the wider area. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note no.1 – Roof Extension and Alterations (SPGBH1).
3. The proposed extension would result in a loss of outlook, light, and have an overbearing presence, resulting in a severe and detrimental impact upon the amenities of adjacent residential occupiers at 120 and 124 Valley Drive.. This is contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Core Architecture + Design drawing nos. 1026/100/*, 1026/111/*, 1026/112/*, 1026/113/A, 1206/300/*, 1206/301/*, 1026/302/* & 1026/303/A received on 12/08/2011 & 17/08/2011.

2 THE SITE

The application relates to semi detached dwelling on the north side of Valley

Drive. The building benefits from a garage located at the side which is accessed via a shared driveway.

The topography of the site has a general south to east slope and due to the orientation of the building the site has a gradual slope across the front elevation and a steep slope from front to rear. Accordingly the roof height of the semi detached pair (124 & 122) has a stepped floor and roof height between the pair.

3 RELEVANT HISTORY

124 Valley Drive

BH2011/02047: Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and front rooflight and associated alterations – under consideration. The report on this application is also on this agenda.

4 THE APPLICATION

Planning permission is sought for the erection of a three storey rear extension and a roof extension comprising of hip to gable extension and front rooflights.

A similar extension is also currently under consideration at the partner semi detached property (124 Valley Drive) under reference BH2011/02407.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **9 & 14 Gableston Avenue, 30 Glen Rise, 14, 16, 17 & 20 Redhill Drive, 68 Tongdean Lane, 97, 120 & 126 Valley Drive** objecting to the application for the following reasons:

- The extension is a massive over development when contrasted to the existing building and neighbouring properties and would have a harmful impact upon the area.
- The design will give the building too much mass and bulk, would contrast poorly with the front Tudor façade and result in an inappropriate and out of keeping extension in relation to the surrounding area.
- The choice of materials would contrast poorly upon the host property.
- The extension would have a detrimental impact upon the privacy, outlook and light of 120 Valley Drive. The siting, height, bulk and mass of the extension would have an overbearing impact and cause a sense of enclosure. The extension fails to meet 45 degree lines set out in the BRE guidance 'Site layout planning for daylight and sunlight' (1991).
- The extension would harm the outlook of 14 Redhill Drive & 126 Valley Drive.
- The flat roof of the first floor area could be used as a balcony/ viewing platform
- The additional living accommodation will create a larger travel demand and add to on-street parking pressure.

Letters of representation have been received from **1 & 5 The Parade, 45, 90, 92, 93, 122 (Applicant for adjoining scheme) Valley Drive**, supporting the application for the following reasons:

- The extension is sited at the rear of the premises and would not significantly later the appearance of the street and area.
- Valley Drive has a mixture of design and the appearance of the proposal is appropriate for the area
- The extension is well designed and appropriate for modern living by reason of its size
- The extension does not overlook neighbours to the rear due to the siting, presence of mature trees and length of gardens
- Valley Drive and surrounding road (Redhill Drive, Glen Rise, Gableston Avenue, Hillside Way, Withdean Road, etc) contain many differing sizes and architectural designs and have been redeveloped over the last 17 years. The proposal would not produce a harmful appearance from the highway.
- The schemes at both 122 & 124 Valley Drive would be considered consistently together to avoid scale and design with construction in tandem.

Internal:

Arboriculturalist: The development would result in the loss of one Elder tree, one Lilac and possibility one Cherry Tree. All these trees are of little Arboricultural value and are not worthy of a Tree Preservation Order.

The Cherry tree is closely located to the development and is marked for retention. However, the Arboricultural team advise that this may not be possible due to its poor structural stability.

The Arboricultural Section has no objection to the loss of the Elder, Lilac and Cherry trees subject to a landscaping condition being attached to any consent granted that includes a replacement specimen tree for each of the trees that will be lost.

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:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

Supplementary Planning Documents:

SPD06 Trees & Development Sites

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design of the extensions and their impact upon the character and appearance of the building and visual amenity of the area, and the impact of the development upon the residential amenity of adjacent and surrounding occupiers.

An application for a very similar extension at the neighbouring property (124 Valley Drive) has been submitted to run concurrently, reference BH2010/02407. Both applications were lodged simultaneously with the intention that they would be appraised in the context of each other as the designs have a clear relationship and competing impact.

It is important that the two applications are judged as a material consideration when considering the other. Notwithstanding the merits of the two concurrent schemes, it would be considered that the extension would have a severe and detrimental impact upon the partner semi detached dwelling.

Design:

The scheme comprises three distinct elements. The erection of a roof extension to extend the present hipped roof to a gable, a three storey rear extension and the installation of two front facing roof lights.

At present the site comprises a semi-detached dwelling, which to a large extent has not been altered from its original construction. The semi and its

partner dwelling (122 & 124 Valley Drive) do not have an exact symmetrical relationship. The changes between the pair are as a result of the varying topography across the site, which results in a stepped eaves line, a forward projecting hipped roof on 124 Valley Drive, varying fenestration and floor levels across the pair. This is expressed with a shared ridge, an additional ridge on 124 Valley Drive and a higher eaves line upon the dwelling which is further up the slope. The two houses retain many common design details including mock Tudor timber cladding, fenestration patterns, front bay windows and a canopy porch.

Rear extension

The erection of a three storey rear extension is considered a gross overdevelopment of the site and would have a severe and harmful impact upon the character of the property to be extended and the visual amenity of the area.

The extension by reason of its size, scale and bulk would form a dominant and overly large addition at the rear of the building. The extension would extend approximately 9m out from the rear elevation at ground floor level, at full width with an angled side elevation to meet and incorporate the existing garage. At first and second floor levels the extension would project out approximately 4.1m from the rear elevation and also follow the angled north elevation. The total height of the proposal is approximately 8.2m high, with the ground floor element beyond the three storey section approximately 2.6m high. The overall height of the three storeys is higher than the neighbouring scheme due to the sloping topography and lower ground level of number 122 in comparison to number 124.

The scale of the extension is far in excess of what is appropriate for a building of its scale and size; and the capacity of the site. The extension would dominate the rear of the building and given its height, scale and massing would be visible from oblique angles in the front street scene. The expectation of dwelling size and plot coverage in such a suburban location would be exceeded; and is therefore considered an overdevelopment of what is reasonable upon the site.

The extension by reason of materials, fenestration patterns, detailing and the angular projection has a modern appearance. The appearance of the extension conflicts with the suburban appearance of the building and setting of the area. The extension would be faced predominantly in painted render and roofed in zinc or other metal cladding and would have powder coated aluminium window frames. Given the expanse and scale of the extension and the existing brick and mock Tudor façade of the host, the extension would contrast poorly with its host..

The large expanse of glazing and fenestration pattern is poorly detailed, which would contrast poorly with the host building and that of the wider area. Notwithstanding the residential impact of such an approach, the visual impact

of the detailing would produce a discordant and visually harmful extension. The amount of glazing is excessive and the proposed glazing pattern pays no reference to that of the host building.

Despite the variance of design in the area, the extension would fail to emphasise or enhance the positive qualities of the neighbourhood. It is noted that Valley Drive and some of the surrounding streets have a mixed design approach. Predominantly the area is characterised by a mixture of detached and semi detached properties which are set upon comfortable plots sizes. There is a blend of design detailing, with the majority of dwellings conforming to 1930 and 1950's residential styles. There is also a variance in height which is typically dictated by the varying topography of the area and excavation and retention of land depending upon the site constraints. Reference of other examples of design approaches and large extensions is noted and considered a material consideration in this case. However, the very large scale and modern appearance; and large expanse of render materials of the proposal do not lend themselves to clear-cut comparisons with other developments witnessed in the street and surrounding area.

Hip to gable extension

The formation of a gable roof extension is considered an inappropriate design approach in this case. Whether the two applications are considered jointly or separately, the result of the proposed gable extension is the extension would result in incongruous roof design which would have a harmful impact upon the character and appearance of the building and that of the wider area.

The result of the gable extension being carried out independently of the neighbour is that it would have a harmful unbalancing impact upon pair of semis. The extension would fail to reflect the symmetrical properties of the pair and would dominate their roof structure producing a jarring visual impact.

Considering the two hip to gable extensions concurrently, would in many pairs of semi detached buildings produce a balancing effect and retain a symmetrical balance. However, the asymmetrical design of the pair and the design extending from the lower ridgeline would cause an incongruous roof appearance which would have a harmful impact upon the character and appearance of the building and that of the wider area in this case.

The extension would add massing and bulk at the lower already elongated ridge height and producing a greater and further unbalancing asymmetrical appearance to the ridge line that would be more visible and perceptible from the street scene. The result of this is that the extension would be an alien, irregular and bulky presence which would not reflect the positive qualities of the building to be extended or the quality of the visual amenity of the area. Whilst it is noted that the roof shape is already presently asymmetrical, the formation of a gable and its additional bulk would erode the visual relief offered by the hips.

Rooflights

The two proposed roof lights by reason of their siting, scale, and number would be an acceptable addition to the roof space.

The roof lights are modest in size and would be sited to positively reflect the fenestration of the pattern of the front elevation. The roof lights would be subservient to the property to be extended and would not have a harmful impact upon the appearance of the dwelling or character of the area.

Impact on Amenity:

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

In addition policy QD14 of the Brighton & Hove Local Plan states that planning permission should not be granted for extensions and alterations where it would result in significant noise disturbance or loss of privacy; outlook; daylight/sunlight or amenity to adjacent properties.

The three storey rear extension would have a seriously harmful and negative impact upon the amenities of adjacent residential occupiers. The extension would result in a loss of outlook, light, overshadowing and have an overbearing presence upon the occupiers of 120 and 124 Valley Drive.

As raised earlier in this report, the development should be considered in conjunction with a very similar application (BH2011/02407) at 124 Valley Drive being considered concurrently. Without the neighbouring proposal and being considered in isolation, it is evidently clear that the proposal would have a very serious and negative impact upon the occupiers of 124 Valley Drive. The extent, scale, massing and bulk would have a seriously negative impact upon the partner semi-detached property resulting in a loss of light, overshadowing, privacy and outlook. The effect of building the two extensions concurrently, is that they would have a competing and neutralising impact upon one-another.

The detailing and materials of the two extensions do vary, but the dimension, scale, bulk and massing of the proposals are approximately equal. Accordingly the pair of dwellings would retain a similar relationship and outlook and would not cause a harmful loss of privacy, overshadowing, loss of light and outlook if constructed and occupied at the same time. It is possible that a planning condition or legal agreement could be drafted to ensure the mutual construction of the projects to protect the amenity of each other.

Notwithstanding the competing nature of the extensions with their adjoining semi detached partner, the proposed three storey extension would seriously harm the amenity of the neighbour to the south east (120 Valley Drive). The

extension would result in a loss of outlook, have a dominant and overbearing presence and would result in a loss of light.

By reason of the scale, height and depth of projection the rear extension would have a dominant presence and the widespread use of glazing and metal cladding would add to the dominance of the extension and the overbearing impact. Given the scale and height of the extension it would be prominent from the kitchen of 120 Valley Drive which has a large side facing ground floor aspect. From here the extension would have a serious overbearing and dominant impact from within and resulting in a serious loss of outlook.

It is noted that the side facing windows in both the extension and the gable additions would be obscure glazed. The side facing windows serve both non habitable rooms or are secondary windows serving an habitable room. Accordingly the use of obscure glazing would not impact upon the living standard of the rooms in the host building. However, it is considered that despite the frosted window approach, by reason of their siting, location and number; the side facing windows would be intrusive and produce the impression of being overlooked and a loss of privacy. The extent of the harmful overlooked in this case is considered an unacceptable loss of amenity.

The spacing between the dwellings is tighter than between 124 and 126 Valley Drive. The two properties are separated by single shared driveway and a pair of garages located upon the joint boundary. In addition, the ground floor of 120 Valley Drive benefits from a flat roof extension ground floor extension which projects out approximately 3.5m and has a large side facing window and a smaller rear facing window and door. It is clear that the side facing window of the extension is the principal window for the kitchen and provides the greatest outlook and light. It is considered that the extension by reason of its height is likely to have an overshadowing impact and result in a loss of light for the occupiers of 120 Valley Drive.

Notwithstanding the loss of outlook and dominant impact identified earlier, the 9m rear projection of the ground floor element of the scheme is unlikely to cause any serious loss of light due to the intervening garage and lower level of the site. The upper two floors of the extension would give rise to greater concern by reason of their overall height, bulk and proximity of the extension in relation to the kitchen window of 120 Valley Drive.

Although the sites are separated by a single driveway width and the ground floor extension of 120 Valley Drive and its aspect which is within close proximity of the boundary, the proposed three storey extension is far in excess of the eaves line of the building to be extended. Furthermore the depth of the extension, the rising topography of the site and enclosure of the garage would be likely to deprive part of the side elevation of the kitchen of sunlight and ambient light. The impact upon the upper floor side windows is

acceptable in this case due to their non-habitable status, a bathroom and landing area; accordingly the loss of light and outlook would not be of severe detriment in these rooms although a level of harm is identified.

The extension considered in isolation is not considered to have a harmful impact upon the amenities of 124 Valley Drive. In isolation it is sited a sufficient distance as not to cause a significant loss of light, privacy or outlook

Given the steep topography of the rear gardens, the raised levels of dwellings in Redhill Drive and existing screening upon the rear boundary it is not considered that the extension would have a seriously harmful impact. It is considered that by reason of its presence the extension may result in some loss of outlook, but it is insufficient to warrant withholding planning permission based on the perceived harm from these properties.

Arboriculture

In the rear garden of the property is one Cherry tree, one Lilac and a single Elder tree species. The Lilac and Elder would be lost to the development, whilst the Cherry is marked for retention. The Council's Arboriculturist advises that Cherry is of poor structural form and doubts it may be capable of retention. It is further advised that the trees are of insufficient value to warrant placing a Tree Preservation Order in this case.

Whilst loss of soft landscape is regrettable, the Arboricultural Section has no objection to the loss of trees subject to a landscaping condition being attached to any consent granted that includes a replacement specimen tree for the each of the trees lost.

If recommended for approval additional soft landscape should be sought by planning condition.

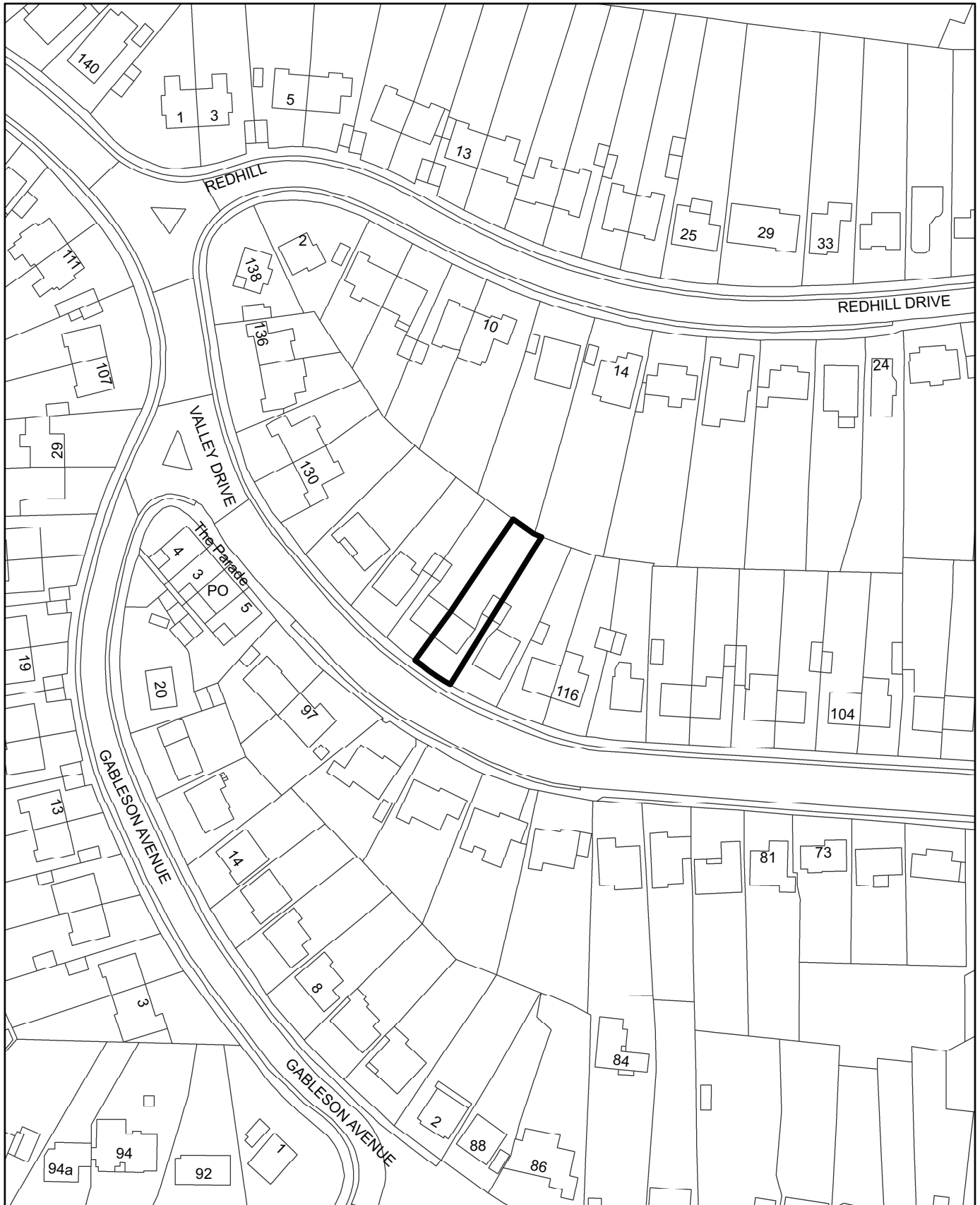
9 CONCLUSION

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

None identified.

BH2011/02406 122 Valley Drive, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2011/02407	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	124 Valley Drive, Brighton		
<u>Proposal:</u>	Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and front rooflight and associated alterations.		
<u>Officer:</u>	Steven Lewis, Tel: 290480	<u>Valid Date:</u>	17/08/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 October 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Core Architecture + Design, 53 Surrenden Crescent, Brighton.		
<u>Applicant:</u>	Deleine Trader Ltd, Mr Chris Adderley, 124 Valley Drive, Brighton.		

1 RECOMMENDATION

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

1. The proposed three storey extension by reason of its siting, height, bulk, massing is a gross overdevelopment of the site which fails to emphasise or enhance the positive qualities of the local neighbourhood, the property to be extended and adjoining neighbours. The extension by reason of its siting, size, scale, bulk, detailing and materials would produce a dominant and discordant extension which would have a harmful impact upon the character and appearance of the property to be extended and upon that of the surrounding area. This is contrary to policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.
2. By reason of the existing roof shape and varying ridge height level across the semi and its partner, the formation of a hipped to gable extension would result in incongruous roof design which would have a harmful impact upon the character and appearance of the building and that of the wider area. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note no.1 – Roof Extension and Alterations (SPGBH1).
3. The proposed extension would result in a loss of outlook, light, and have an overbearing presence, resulting in a severe and detrimental impact upon the amenities of adjacent residential occupiers at 122 and 126 Valley Drive. This is contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Core Architecture + Design drawing nos. 1108/100/*, 1108/111/*, 1108/112/*, 1108/113/A, 1108/300/*, 1108/301/*, 1108/302/* & 1108/303/A received on 12/08/2011 & 17/08/2011.

2 THE SITE

The application relates to semi detached dwelling on the north side of Valley Drive. The building benefits from a garage located at the side which is accessed via a separate driveway.

The topography of the site has a general south to east slope and due to the orientation of the building the site has a gradual slope across the front elevation and a steep slope from front to rear. Accordingly the roof height of the semi detached pair (124 & 122) has a stepped floor and roof height between the pair.

3 RELEVANT HISTORY

122 Valley Drive

BH2011/02406: Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and front rooflights and new hard standing and associated alterations – under consideration. The report on this application is also on this agenda.

4 THE APPLICATION

Planning permission is sought for the erection of a three storey rear extension and a roof extension comprising of hip to gable extension and front rooflights.

A similar extension is also currently under consideration at the partner semi detached property (122 Valley Drive) under reference BH2011/02406.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **9 & 14 Gableston Avenue, 30 Glen Rise, 14, 16, 17 & 20 Redhill Drive, 68 Tongdean Lane, 97, 120 & 126 Valley Drive** objecting to the application for the following reasons:

- The extension is a massive over development when contrasted to the existing building and neighbouring properties and would have a harmful impact upon the area.
- The design will give the building too much mass and bulk, would contrast poorly with the front Tudor façade and result in an inappropriate and out of keeping extension in relation to the surrounding area.
- The choice of materials would contrast poorly upon the host property.
- The extension would have a detrimental impact upon the privacy, outlook and light of 120 Valley Drive. The siting, height, bulk and mass of the extension would have an overbearing impact and cause a sense of enclosure. The extension fails to meet 45 degree lines set out in the BRE guidance 'Site layout planning for daylight and sunlight' (1991).
- The extension would harm the outlook of 14 Redhill Drive & 126 Valley Drive.
- The flat roof of the first floor area could be used as a balcony/ viewing platform
- The additional living accommodation will create a larger travel demand

and add to on-street parking pressure.

Letters of representation have been received from **1 & 5 The Parade, 45, 90, 92, 93, 122 (Applicant for adjoining scheme) Valley Drive**, supporting the application for the following reasons:

- The extension is sited at the rear of the premises and would not significantly later the appearance of the street and area.
- Valley Drive has a mixture of design and the appearance of the proposal is appropriate for the area
- The extension is well designed and appropriate for modern living by reason of its size
- The extension does not overlook neighbours to the rear due to the siting, presence of mature trees and length of gardens
- Valley Drive and surrounding road (Redhill Drive, Glen Rise, Gableston Avenue, Hillside Way, Withdean Road, etc) contain many differing sizes and architectural designs and have been redeveloped over the last 17 years. The proposal would not produce a harmful appearance from the highway.
- The schemes at both 122 & 124 Valley Drive would be considered consistently together to avoid scale and design with construction in tandem.

Internal:

Arboriculturalist:

In the rear garden of the property is one Cherry tree that is of fine form but has very little public amenity value and accordingly a Preservation Order could not be applied in this case. In addition there is shrubbed area that has various species of low-lying shrubs, Eleagnus, Rose, etc. However, the shrubbed area has nothing of any arboricultural value.

The Arboricultural Section has no objection to the loss of the Cherry tree and shrubs, subject to a landscaping condition being attached to any consent granted that includes a replacement specimen tree for the Cherry that will be lost.

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:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

Supplementary Planning Documents:

SPD06 Trees & Development Sites

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design of the extensions and their impact upon the character and appearance of the building and visual amenity of the area, and the impact of the development upon the residential amenity of adjacent and surrounding occupiers.

An application for a very similar extension at the neighbouring property (122 Valley Drive) has been submitted to run concurrently, reference BH2010/02406. Both applications were lodged simultaneously with the intention that they would be appraised in the context of each other as the designs have a clear relationship and competing impact.

It is important that the two applications are judged as a material consideration when considering the other. Notwithstanding the merits of the two concurrent schemes, it would be considered that the extension would have a severe and detrimental impact upon the partner semi detached dwelling.

Design:

The scheme comprises three distinct elements. The erection of a roof extension to extend the present hipped roof to a gable, a three storey rear extension and the installation of a front facing roof light.

At present the site comprises a semi-detached dwelling, which to a large extent has not been altered from its original construction. The semi and its

partner dwelling (122 & 124 Valley Drive) do not have an exact symmetrical relationship. The changes between the pair are as a result of the varying topography across the site, which results in a stepped eaves line, a forward projecting hipped roof on 124 Valley Drive, varying fenestration and floor levels across the pair. This is expressed with a shared ridge, an additional ridge on 124 Valley Drive and a higher eaves line upon the dwelling which is further up the slope. The two houses retain many common design details including mock Tudor timber cladding, fenestration patterns, front bay windows and a canopy porch.

Rear extension

The erection of a three storey rear extension is considered a gross overdevelopment of the site and would have a severe and harmful impact upon the character of the property to be extended and the visual amenity of the area.

The extension by reason of its size, scale and bulk would form a dominant and overly large addition at the rear of the building. The extension would extend approximately 9m out from the rear elevation at ground floor level, at full width with an angled side elevation to meet and incorporate the existing garage. At first and second floor levels the extension would project out approximately 4.1m from the rear elevation and also follow the angled north elevation. The total height of the proposal is approximately 7.7m high, with the ground floor element beyond the three storey section approximately 2.6m high.

The scale of the extension is far in excess of what is appropriate for a building of its scale and size; and the capacity of the site. The extension would dominate the rear of the building and given its height, scale and massing would be visible from oblique angles in the front street scene. The expectation of dwelling size and plot coverage in such a suburban location would be exceeded; and is therefore considered an overdevelopment of what is reasonable upon the site.

The extension by reason of materials, fenestration patterns, detailing and the angular projection has a modern appearance. The appearance of the extension conflicts with the suburban appearance of the building and setting of the area. The extension would be faced and roofed in zinc or other metal cladding, painted render and would have powder coated aluminium window frames. Given the expanse and scale of the extension and the existing brick and mock Tudor façade of the host, the extension would contrast poorly with its host.

The large expanse of glazing, fenestration pattern and raising the extension above the height of the ridge line is poorly detailed, which would contrast poorly with the host building and that of the wider area. Notwithstanding the residential impact of such an approach, the visual impact of the detailing would produce a discordant and visually harmful extension. The amount of

glazing is excessive and the proposed glazing pattern pays no reference to that of the host building. Due to the varying topography of the site and varying ridge line the height of the extension would exceed that of the lower ridgeline and would also be visible from the front street scene.

Despite the variance of design in the area, the extension would fail to emphasise or enhance the positive qualities of the neighbourhood. It is noted that Valley Drive and some of the surrounding streets have a mixed design approach. Predominantly the area is characterised by a mixture of detached and semi detached properties which are set upon comfortable plots sizes. There is a blend of design detailing, with the majority of dwellings conforming to 1930 and 1950's domestic styles. There is also a variance in height which is typically dictated by the varying topography of the area and excavation and retention of land depending upon the site constraints. Reference of other examples of design approaches and large extensions is noted and considered a material consideration in this case. However, the very large scale and modern appearance and materials of the proposal do not lend themselves to clear-cut comparisons with other developments witnessed in the street and surrounding area.

Hip to gable extension

The formation of a gable roof extension is considered an inappropriate design approach in this case. Whether the two applications are considered jointly or separately, the result of the proposed gable extension is the extension would result in incongruous roof design which would have a harmful impact upon the character and appearance of the building and that of the wider area.

The result of the gable extension being carried out independently of the neighbour is that it would have a harmful unbalancing impact upon pair of semis. The extension would fail to reflect the symmetrical properties of the pair and would dominate their roof structure producing a jarring visual impact.

Considering the two hip to gable extensions concurrently, would in many pairs of semi detached buildings produce a balancing effect and retain a symmetrical balance. However, the asymmetrical design of the pair and the design extending from the higher ridgeline would cause an incongruous roof appearance which would have a harmful impact upon the character and appearance of the building and that of the wider area in this case.

The extension would add massing and bulk at the higher ridge height and produce an extensive second ridge line that would be more visible and perceptible from the street scene. The result of this is that the extension would be an alien, irregular and bulky presence which would not reflect the positive qualities of the building to be extended or the quality of the visual amenity of the area. Whilst it is noted that the roof shape is already presently asymmetrical, the formation of a gable and its additional bulk would erode the visual relief offered by the hips.

Rooflights

The proposed single roof light by reason of its siting, scale, and number would be an acceptable addition to the roof space.

The roof light is modest in size and would be sited to positively reflect the fenestration of the pattern of the front elevation. The insertion of a single roof light would be subservient to the property to be extended and would not have a harmful impact upon the appearance of the dwelling or character of the area.

Impact on Amenity:

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

In addition policy QD14 of the Brighton & Hove Local Plan states that planning permission should not be granted for extensions and alterations where it would result in significant noise disturbance or loss of privacy; outlook; daylight/sunlight or amenity to adjacent properties.

The three storey rear extension would have a seriously harmful and negative impact upon the amenities of adjacent residential occupiers. The extension would result in a loss of outlook, light, overshadowing and have an overbearing presence upon the occupiers of 126 Valley Drive.

As raised earlier in this report, the development should be considered in conjunction with a very similar application (BH2011/02406) at 122 Valley Drive being considered concurrently. Without the neighbouring proposal and being considered in isolation, it is evidently clear that the proposal would have a very serious and negative impact upon the occupiers of 122 Valley Drive. The extent, scale, massing and bulk would have a seriously negative impact upon the partner semi-detached property resulting in a loss of light, overshadowing, privacy and outlook. The effect of building the two extensions concurrently, is that they would have a competing and neutralising impact upon one-another.

The detailing and materials of the two extensions do vary, but the dimension, scale, bulk and massing of the proposals are approximately equal. Accordingly the pair of dwellings would retain a similar relationship and outlook and would not cause a harmful loss of privacy, overshadowing, loss of light and outlook if constructed and occupied at the same time. It is possible that a planning condition or legal agreement could be drafted to ensure the mutual construction of the projects to protect the amenity of each other.

Notwithstanding the competing nature of the extensions with their adjoining semi detached partner, the proposed three storey extension would seriously

harm the amenity of the neighbour to the north west (126 Valley Drive). The extension would result in a loss of outlook, have a dominant and overbearing presence and would be likely to result in a loss of light.

By reason of the scale, height and depth of projection the rear extension would have a dominant presence, well in excess of the expectation in such a suburban location. The widespread use of glazing and metal cladding would add to the dominance of the extension and the overbearing impact. Given the scale and height of the extension it would be visible from the rear elevation of 126 Valley Drive and would have an overbearing and dominant impact from within the rear garden area, resulting in a serious loss of outlook.

It is noted that the side facing windows in both the extension and the gable additions would be obscure glazed. The side facing windows serve both non habitable rooms or are secondary windows serving an habitable room. Accordingly the use of obscure glazing would not impact upon the living standard of the rooms in the dwelling. However, it is considered that despite the frosted window approach, by reason of their siting, location and number; the side facing windows would be intrusive and produce the impression of being overlooked. The extent of the impression of being overlooked in this case is considered an unacceptable loss of amenity.

Despite the spacing between the dwellings it is considered that the extension by reason of its height is likely to have some overshadowing impact and result in a loss of light for the occupiers of 126 Valley Drive. The two properties are separated by a double width driveway and a pair of garages located upon the joint boundary. In addition, the ground floor of 126 Valley Drive benefits from a flat roof extension which projects out approximately 2m nearest the joint boundary and up to 3m further to the north west.

Notwithstanding the loss of outlook and dominant impact identified earlier, the 9m rear projection of the ground floor element of the scheme is unlikely to cause any serious loss of light due to the intervening garage and lower level of the application site. The upper two floors of the extension would give rise to greater concern by reason of their overall height, bulk and the orientation of the extension.

Although the sites are separated by a double width driveway and the ground floor extension of 126 Valley Drive is noted, it is considered that the proposed extension which is orientated to the south and east is far in excess of the eaves line of the dwelling. Furthermore the depth of the extension, the rising topography of the site and enclosure of the garage would be likely to deprive part of the rear and side elevation of sunlight and ambient light. The impact upon the side elevation is justifiable in this case due to the non-habitable or secondary nature of the windows, but the impact upon the rear is considered significant enough to warrant refusal.

Given the steep topography of the rear gardens, the raised levels of dwellings

in Redhill Drive and existing screening upon the rear boundary it is not considered that the extension would have a seriously harmful impact. It is considered that by reason of its presence the extension may result in some loss of outlook, but it is insufficient to warrant withholding planning permission based on the perceived harm from these properties.

Arboriculture

In the rear garden of the property is one Cherry tree and shrubbed area that has various species of low-lying shrubs. The Council's Arboriculturist advises that the shrubbery has no Arboricultural value and that the Cherry tree is of insufficient value to warrant placing a Tree Preservation Order.

Whilst loss of landscape is regrettable, the Arboricultural Section has no objection to the loss of the Cheery tree and shrubs, subject to a landscaping condition being attached to any consent granted that includes a replacement specimen tree for the Cherry that will be lost.

If recommended for approval additional soft landscape should be sought by planning condition.

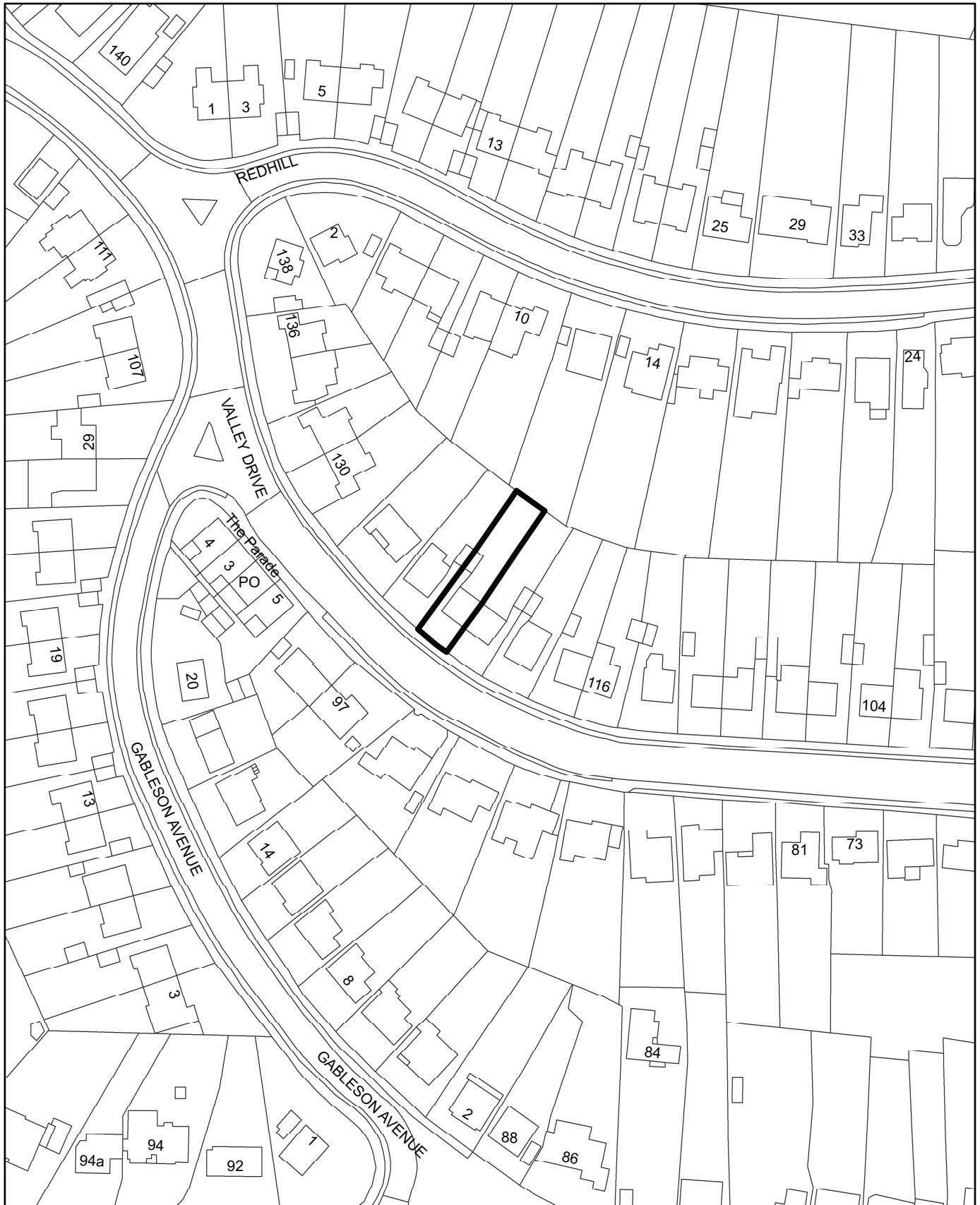
9 CONCLUSION

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

None identified.

BH2011/02407 124 Valley Drive, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2011/00142	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	9 Hampton Place, Brighton		
<u>Proposal:</u>	Application for variation of condition 2 of application BN80/1416 (Change of use from disused garage to snack bar cafe) to allow opening hours between 08.00 to 23.00 Monday to Saturday and between 08.00 to 22.30 on Sundays.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	01/08/2011
<u>Con Area:</u>	Adjoining Montpelier & Clifton Hill	<u>Expiry Date:</u>	26//09/2011
<u>Listed Building Grade:</u>	Adjoining Grade II (at 11-15 Hampton Place)		
Agent:	N/A		
Applicant:	Mr Gino Fox, 30 Brooker Street, Hove		

1 RECOMMENDATION

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

Regulatory Conditions:

1. The opening hours hereby permitted shall be for a temporary period only expiring on 31st October 2012.
Reason: The opening hours are considered acceptable on a temporary basis to assess whether the use can operate without detriment to the amenities of the neighbouring residential properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
2. The use hereby permitted shall not be open to customers except between the hours of 08:00 and 23:00 on Mondays to Fridays, and 08:00 and 22:30 on Sundays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
3. The outside seating area shall not be used except between the hours of 08.00 and 19.00 on any day.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. The two openable windows within the glazed roof at the rear of the premises shall be fixed shut at all times.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. No live or amplified music shall be played at any time. Any music played shall be at background levels with no artificial enhancement of bass frequency levels.
Reason: To safeguard the amenities of the locality and to comply with

policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

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

(ii) for the following reasons:-

The opening hours are considered acceptable on a temporary basis to allow the effect of activity on adjoining properties and the wider surrounding area to be monitored. Conditions are recommended to minimise potential of noise disturbance for occupiers of adjoining properties.

2 THE SITE

The application site relates to a two-storey corner building on the western side of Hampton Place at its junction with a service road to the rear car park associated with a Waitrose supermarket on Western Road. The ground floor of the premises comprises a café / restaurant, with a self-contained studio and two-bedroom flat at first floor level: the application relates to the ground floor commercial use.

The building lies to the south of the Montpelier and Clifton Hill Conservation Area and adjoins Grade II Listed Buildings at 11-15 Hampton Place.

3 RELEVANT HISTORY

BH2010/03471: Application for variation of condition 2 of application BN80/1416 (Change of use from disused garage to snack bar cafe) to allow opening hours between 08.00 to 23.00 Monday to Saturday and between 08.00 to 22.30 on Sundays. Refused for the following reason:-

1. *The extended opening hours have potential to cause harmful noise and disturbance for occupiers of adjoining residential properties, and particularly those at first floor level (above the restaurant) and at 11 Hampton Place. It has not been demonstrated that noise generated by extended use of the restaurant could be appropriately mitigated and would not lead to significant harm for occupiers of adjoining properties. In the absence of information to indicate otherwise the proposal is considered contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.*

BH2004/00558/FP: Open cafe 9.00am to 6.00pm on Sundays. (Variation to condition 2 of Approved application BN80/1416). Approved.

BH2000/02006/FP: Open café 8.00am to 10.00pm, Monday to Saturday, and from 9.00am to 2.00pm on Sunday (variation to condition 2 of permission ref. BN80/1416). Approved.

BN80/1416: Change of use from disused garage to snack bar café. Approved.

4 THE APPLICATION

Planning permission is sought to extend opening hours of the existing ground floor restaurant to 23:00 hours on Monday to Saturday, and to 22:30 on Sundays.

The opening hours are currently controlled by condition 2 of application BN80/1416 (as varied by condition 2 of application BH2004/00558/FP).

5 CONSULTATIONS

External:

Neighbours: 17 letters have been received from **6, 10, 11 (x3), 12, 13 (x2), 14, 15 (x3), 17, 17A & 31 Hampton Place** and **2 (x2) Hampton Street** objecting to the proposal for the following reasons:-

- Hampton Place is overwhelmingly residential with a mix of families and professionals who work from home;
- A case has not been put forward that the community requires a restaurant open between the hours proposed;
- The existing opening hours cause noise disturbance for adjoining properties, with conversation and moving furniture audible;
- Previous conditions relating to soundproofing were not complied with. Whilst works have now taken place the efficiency of the soundproofing is not understood;
- There is little that can be done to prevent noise and disturbance from customers arriving and leaving the premises during later hours, when the street is generally quiet;
- Impact from people standing outside the premises smoking; it is not practicable to expect people to stand in the Waitrose service road;
- The submitted noise assessment does not consider outdoor noise;
- The extended opening hours could create pressure from other nearby commercial uses to also extend opening hours, which could undermine the character of the area;
- The rear of the property was never intended to be more than a storage area and is not suitable for an extension to the main area;
- There is no evidence to suggest customers would not create a parking problem. As there are no parking restrictions after 20:00 hours residents returning home late may not be able to park locally.

CLlr Kitcat objects – Letter attached.

Sussex Police: No objections.

Internal:

Environmental Health: The recommendations listed in the Noise Impact Assessment should manage noise breakout from the premises to a suitable level.

The recommendations included installing a resiliently hung suspended ceiling

within the front of the café in order to improve noise mitigation to the flats above; requiring windows within the conservatory not to be opened after 19:00 hours; music to be played at background level only; and the fitting of felt pads to chairs and tables to control scrapping and impact sounds.

In addition to these recommendations suggest conditioning operating times for the outside seating area as this has not been mentioned in the acoustic report.

If future problems arise then they can be looked at under the Environmental Protection Act 1990 / Licensing Act 2003.

Sustainable Transport: No objection.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Guidance Notes (PPGs):

PPG 24: Planning and Noise

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe development

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD27 Protection of Amenity

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

8 CONSIDERATIONS

The main consideration in the determination of this application is whether the proposed variation of condition 2 of approval BN80/1416 to extend opening hours of the café would result in undue harm to neighbouring amenity.

Planning Policy:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted where it would cause material nuisance and loss of amenity to adjacent users, residents, occupiers or where it is liable to

be detrimental to human health.

Policy SU10 states that proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment.

Impact on amenity:

The application site is currently permitted under BH2004/00558/FP to open between the hours of 08.00 and 19.00 hours on Mondays to Saturdays, and between 09.00 and 18.00 hours on Sundays. This application seeks consent to extend opening hours until 23:00 hours Monday to Saturday and until 22:30 on Sundays, together with earlier opening at 08.00 hours on Sundays.

A number of representations have been received from adjoining residents advising that whilst disturbance already occurs it is generally restricted to working hours and as such is not unduly harmful. The extended opening hours have potential to cause disturbance for occupiers of adjoining properties beyond normal working hours when it is reasonable to expect that residents would be at home.

In response to these concerns, and following an earlier refusal for extended openings hours, the applicant has submitted a noise impact assessment.

The assessment considers, in summary, that the existing party wall with 11 Hampton Place should provide adequate noise attenuation for occupiers of this property; with the roof and side windows to a rear seating area adequate to control noise to a reasonable level provided opening times are controlled. In relation to the self-contained flats above the café the assessment recommends a suspended ceiling to improve sound insulation between the two uses (at the time of a site visit building works to install this ceiling were taking place).

The assessment does though recognise that on occasion some sounds, for example, from noisy laughter or furniture scraping the floor, may be audible in adjoining properties. This view is broadly consistent with a further report prepared on behalf of the occupant of no. 11 which considers that such short term noise is likely to be clearly audible for adjoining residents.

The key difference in view between the applicant's assessment and the neighbour's subsequent report relates to the extent of harm that would result from noise audible in adjoining properties. Environmental Health officers have reviewed both documents and do not raise an objection to the proposed extension of opening hours.

There is no guarantee that the extended opening hours would inevitably lead to harmful levels of noise for occupiers of adjoining properties. The extended openings hours would though lead to an increased potential for such disturbance to take place, particularly in relation to immediately abutting

properties where some noise may be audible. For these reasons, and taking into account the submitted information and received representations, it is considered reasonable and appropriate to grant a temporary consent for the proposed opening hours.

A temporary consent would provide an opportunity to fully assess the impact of the extended opening hours on adjoining properties. Any noise complaints received during the period of the temporary consent could be investigated under the provisions of the Environmental Protection Act, 1990 and Licensing Act, 2003. A future application to extend the opening hours on a permanent basis, if submitted, would then take into account the findings of any noise disturbance over the recommended temporary period.

The premises provides seating for a maximum of 50 people, excluding any outdoor seating. It is considered that the people movements to and from a café / restaurant of this size and nature would not be so significant that the prevailing character of Hampton Place would be altered. Similarly it is considered that noise disturbance from these movements would not materially harm the amenity of the area or adjoining properties along Hampton Place. This could though be reassessed at the time a further application, if submitted, is considered for renewal.

The use of the front forecourt area for outdoor seating is currently restricted to the opening hours of the café (i.e. 19.00 hours Monday to Saturday and 18:00 hours on Sundays). This application would allow later opening of the café and due to adjoining residential properties it would not be appropriate or desirable to allow outdoor seating through to 23.00 hours (or 22:30 hours on Sundays). A condition is therefore recommended preventing the use of the forecourt area after 19.00 hours Monday to Sunday. This is considered sufficient to minimise the potential for outdoor noise disturbance.

The extended opening hours would not harm the setting of adjoining Listed Buildings and having regard to the central location it is not considered a harmful demand for travel would be created.

9 CONCLUSION

The opening hours are considered acceptable on a temporary basis to allow further monitoring of the use and its impact on adjoining properties and the wider surrounding area. Conditions are recommended in relation to hours of outdoor seating, the opening of rear windows and the playing of music to protect neighbouring amenity.

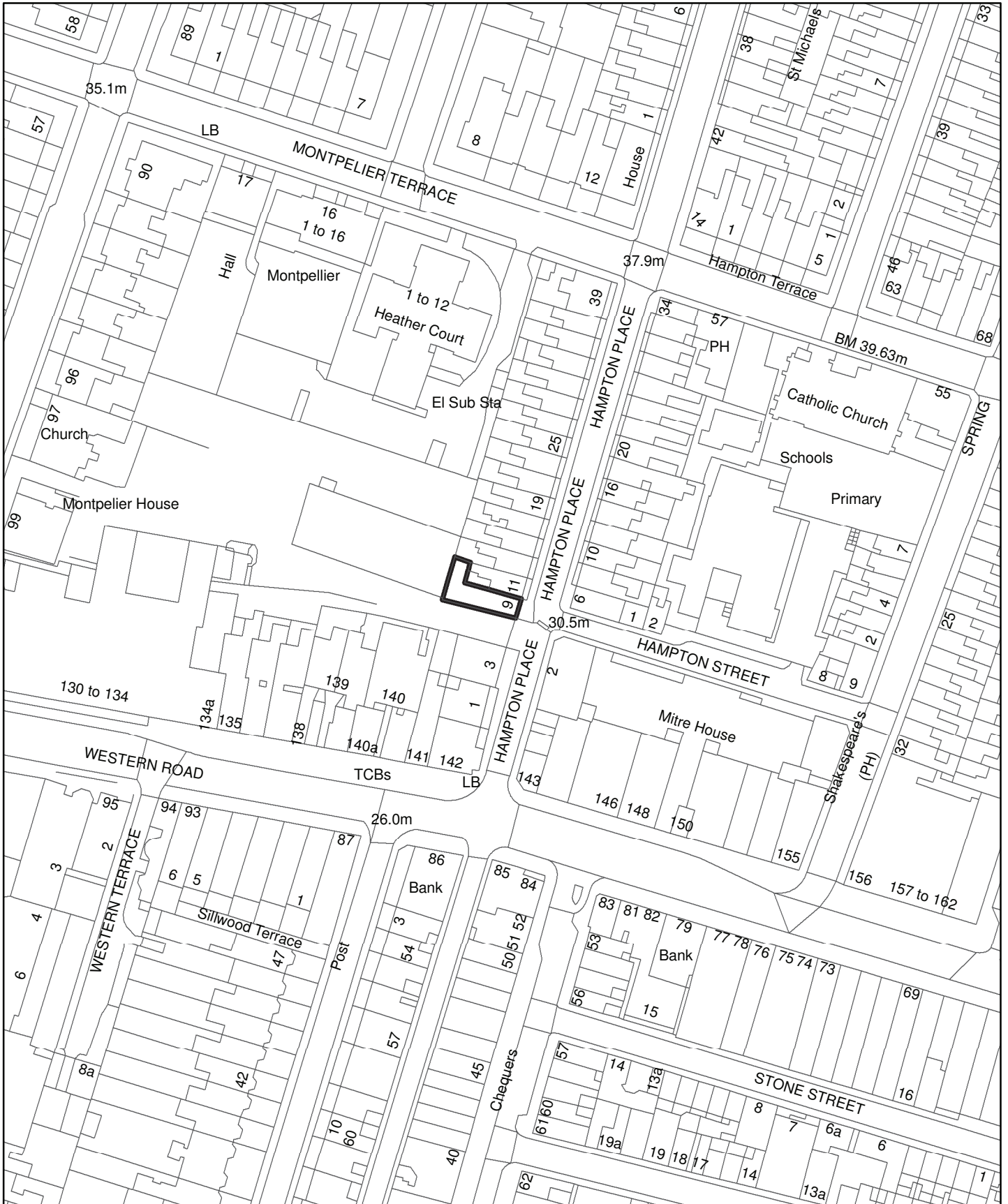
It is noted that noise complaints during the period of the consent could be investigated under the provisions of the Environmental Protection Act, 1990 and Licensing Act, 2003.

10 EQUALITIES IMPLICATIONS

None identified, the existing entrance arrangement would not be altered by

the application.

BH2011/00142 9, Hampton Place



**Brighton & Hove
City Council**



Scale: 1:1,250

Dear Guy

I am writing to object to the application for 9 Hampton Place, application number BH2011/00142.

This area of Brighton is already suffering from the dense mix of commercial, leisure and residential properties. Since the 2003 Licensing Act coming into force residents have experienced much greater late noise, nuisance and anti-social behaviour. There is also a noticeable trend in crime which is having an impact on policing resources for the area, as evidenced by the recent decision by the Council (backed by the Police) to consult on expanding the Cumulative Impact Area.

The application for 9 Hampton Place seeks to permit another evening venue for the area. However committee members should be made aware that this property shares a party wall with a neighbouring residence, in addition to the flat above the cafe. As I understand it the noise-proofing measures only protect the flat above, not neighbours.

Residents along Hampton Place, but especially the immediate neighbours, will be affected by not just noise from within the venue but also significant people noise from the outside terrace which is at the front of the property. There are no noise-proofing measures which could mitigate this.

Whilst I recognise the need to balance the needs of residents and businesses this is clearly a primarily residential street. Mr Fox would have been aware of this, and the existing long-standing restrictions on the property, when he took it over. It is unfortunate that he has chosen to start work and advertise evening opening before the committee have had a chance to consider his application.

If evening opening is important to his business then I suggest that there are a large number of vacant restaurant units only a minute away on Preston Street.

I ask the committee to refuse this application and protect residents' ability to enjoy their evenings without further noise and disturbance.

Best regards,
Jason

--

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

<http://www.jasonkitcat.com>

+ 44 (0) 7956 886 508

Cabinet member for Finance & Central Services

<u>No:</u>	BH2011/02231	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	15 Bishopstone Drive, Saltdean		
<u>Proposal:</u>	Erection of single storey rear extension with raised terrace, glazed balustrading and steps to garden. Loft conversion incorporating raised ridge height, hip to barn end roof extensions, rear dormer, rooflights and associated works.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	27/07/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21/09/2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Felce & Guy, 73 Holland Road, Hove		
<u>Applicant:</u>	Ms Frankie Yallop, 15 Bishopstone Drive, Saltdean		

1 RECOMMENDATION

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

1. The proposed new roof form, by virtue of its appearance and the resulting bulk is considered to be incongruous within the Bishopstone Drive street scene and a development which adversely affects the appearance and character of the host building, the Bishopstone Drive street scene and the wider 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 rear dormer window, by virtue of its excessive size and design, which includes large areas of cladding, is considered to be overly bulky, oversized, poorly designed and poorly related to the existing building and therefore of detriment to the character and appearance of the existing property and the wider area. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informative:

1. This decision is based on drawing nos. 2567-2 and 2567/6RevB received on 27th July 2011.

2 THE SITE

The application relates to a detached bungalow located on the southern side of Bishopstone Drive. Due to the gradient upon which the site is located the property is set lower than Bishopstone Drive and the rear garden area is set at a lower level than the ground floor level of the property. The property comprises a brick base in order to accommodate the change in land levels. The property appears to have been extended in the past by way of a flat

roofed side garage and a mono-pitched roof side extension.

3 RELEVANT HISTORY

BH2011/00896: Erection of single storey rear extension with raised terrace, glazed balustrading and steps to garden. Loft conversion incorporating hip to gable roof extensions, rear dormer, rooflights and associated works. Refused 23/05/2011.

13.57.1524: Erection of Garage. Approved 15/10/1957.

4 THE APPLICATION

Planning permission is sought for the erection of a single storey rear extension with raised terrace area, glazed balustrading and steps to garden level, the rising of the ridge height of the dwelling, hip to barn end roof extensions, the construction of a rear dormer window, the insertion of rooflight and other associated works.

5 CONSULTATIONS

External:

Neighbours: 1 letter of representation have been received from **17 Bishopstone Drive** objecting to the application for the following reasons: loss of privacy and overlooking as a result of the introduction of a first floor window within the west elevation, overshadowing from the rear extension and the size and appearance of the alterations would not be appropriate to the property. The use of an excessive quantity of artificial slate as vertical and roof covering would give a truncated and top-heavy appearance to the bungalow and affect the character of the building. The resulting appearance of the property would not be in keeping with the area and surrounding properties and completely incongruous in Bishopstone Drive.

1 letter of representation have been received from **11 Bishopstone Drive** supporting the application but with no reasons given.

An e-mail has been received from **Councillor David Smith and Councillor Mary Mears** in support of the application and requesting the application be determined by the Planning Committee (copy of e-mail attached).

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 BH2011/00896 planning permission was sought for the erection of a single storey rear extension with a raised terrace, glazed balustrading and steps to the rear garden area, a loft conversion incorporating hip to gable roof extensions, a rear dormer window and rooflights and other associated external works. This application was refused on grounds including the proposed bulk and appearance of the proposed roof form having an incongruous appearance, the excessive side and design of the proposed rear dormer window and the projection and positioning of the proposed rooflights all which would have had an adverse impact upon the visual amenities of the parent property, the Bishopstone Drive street scene and the wider area.

The main differences between the development within the previously refused application and that now proposed are;

- the raising of the ridge height of the dwelling;
- the redesign of the proposed roof form to include barn end features
- the omission of rooflights along the ridge of the dwelling,
- the insertion of a rooflights within the front and side roofslopes, and
- a reduction in height of the proposed rear dormer window.

The main considerations in the determination of this application relate to impacts that the proposed development would have upon the character and appearance of the host property, the Bishopstone Drive street scene and the wider area. In addition the impacts upon the amenities of the neighbouring properties must be assessed.

Planning Policy:

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

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

d) uses materials sympathetic to the parent building.

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

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.

Design:

At present the property comprises a hipped roof with a subordinate projecting hipped roof section at the front of the property. Both of these roof forms include eaves overhangs.

The proposed development comprises the following elements;

- the rising of the ridge height of the property,
- hip to barn end side roof extensions,
- the insertion of a rear dormer window,
- the insertion of a rooflights,
- the construction of a rear single storey extension and
- the construction of rear raised decking.

The proposed development would result in the provision of enlarged ground floor accommodation and 2 bedrooms and a shower room within the enlarged roof space.

The existing ridge of the main roof of the dwelling is located approximately 5.7m above related ground level (measured on the western elevation). As part of the proposal the ridge of the main roof would be increased by approximately 0.5m. Due to the existing topography of the area the ridge height of no. 11 Bishopstone Drive is set at a lower level than the existing related to no. 15 whilst that related to no. 17 is set at a higher level.

At present the roof comprises a main ridge which measures approximately 1.5m in width and extends on a north to south basis. Associated hip to barn end side roof extensions would result in a ridge on a west to east basis measuring approximately 3m in width. The hipped sections of the proposed barn end roof sections would be located approximately 8m apart and approximately 1.9m above the eaves level of the altered roof and that related to the retained front projecting hipped roof.

The entire roof as enlarged and altered would be covered with artificial slate tiles to replace the existing concrete tiles.

The proposal would result in the omission of the eaves overhang in relation to the western and east ends of the main roof of the property. The eaves of the retained subordinate hipped roof would extend beyond the western gable end of the enlarged main roof by approximately 0.3m.

It is acknowledged that the immediate street scene of Bishopstone Drive does not have a uniform appearance with regards to character design, style and form of properties. The northern side of the road contains two storey detached and semi-detached properties with gable end and hipped roof form whilst the southern side, including Nos 11-19, contains detached bungalows and chalet bungalows with an array of hipped, gable end and barn end roof forms. Despite this varied appearance and character of properties with the related part of Bishopstone Drive it is considered that the proposed roof form, as a result of its appearance and resulting bulk, would be an incongruous feature within the Bishopstone Drive street scene and would be of detriment to the visual amenities of the existing modest double hipped roof bungalow.

The proposed flat roof rear dormer window would be located on the centre of the enlarged rear roofslope. The proposed dormer window would measure approximately 4.2m in width, approximately 2.2m in height and would project from the related roofslope by approximately 3.3m. It is noted that the projection and height of the proposed dormer have been reduced from approximately 4.1m and 2.7m respectively since refusal of application BH2011/00896 however the proposed width has not. As a result of the reduction in height and projection of the proposed rear dormer the flat roof would be located approximately 0.5m below the ridge of the main roof. The bottom of the proposed dormer would be set back from the eaves line of the rear roofslope by approximately 1.4m and approximately 0.5m back from the flat roof of the proposed rear extension which is discussed in more detail below.

It is stated that the dormer window would be finished with vertical artificial slate cladding but it is not stated what material the flat roof would be finished with.

Despite amendments to the proposed rear dormer it still fails to accord with guidance set out in the Council's Supplementary Planning Guidance on Roof Alterations and Extensions for the following reasons;

- there are large areas of cladding either side of the window,
- its window cill does not sit just above the roofslope,
- the dormer has not been kept as small as possible, and
- its width is wider than the window on the elevation below.

It is considered that the proposed rear dormer window extension, by virtue of its and excessive size and design, which includes large areas of cladding, is considered to be overly bulky, oversized, poorly designed and poorly related to the building as altered and would therefore be of detriment to the visual amenities of the host property. Despite the detached form of the property it is

not considered that the proposed dormer window would be visible from within Bishopstone Drive due to the positioning of the dormer within the centre of the rear roofslope and the proposed alterations to the main roof of the dwelling however it is considered that it would be visible from within areas to the south of the site.

A rooflight would be inserted within the front roofslope of the main roof of the dwelling, as altered, which would align with the main entrance door of the dwelling. A rooflight would also be inserted within the two proposed barn ends of the main roof as altered. These proposed rooflights would align with the apex of the roof. It is considered that the proposed rooflights are of a good size and well positioned in the related roofslopes in relation to other features.

At present a raised patio area, of approximately 0.6m, is located on the western side of the property adjacent to the rear facing elevation. In order to accommodate the proposed rear extension this existing patio area will be removed.

The proposed rear extension would be constructed upon a face brickwork plinth in order to accommodate the change in ground level between the rear garden and the ground floor level of the property. This plinth would measure approximately 1.8m in height. The proposed flat roof extension would project from the existing southern rear elevation of the property by approximately 3.5m and would extend across the rear elevation by approximately 4.5m, from the western building line of the property. The maximum height of the proposed extension (including the brickwork base) would be approximately 5m. The height of this extension exceeds the eaves level of the rear roofslope by approximately 1m; it is therefore considered that the proposed extension does not relate well to the roof of the property. It is acknowledged that the roof of the proposed rear extension is needed to exceed the eaves level of the rear roofslope due to the required head height and the level of the existing ground floor level of the dwelling. In addition the rear extension would not be highly visible from within Bishopstone Drive or the wider area. Overall it is not considered that the refusal on grounds of the design of the rear extension could be sustained.

The proposed rear extension would be finished with white render and would have a grey felt or grey single ply roof covering. Bio-folding full height glazed doors would be inserted within the southern elevation of the extension whilst out-ward opening full height glazed doors, with associated fixed full height side windows, would be inserted within the eastern facing elevation.

Raised decking would be constructed to the east of the proposed rear extension. This decking would also be located upon a plinth of approximately 2m high. The decking would comprise a steel frame but would have timber facing along the edges. The area of decking would project from the existing southern elevation of the property by approximately 3.5m and would extend across the rear elevation by approximately 3.43m, which results in the

decking expanding across the rear elevation of the property from the eastern elevation of the proposed rear extension to the original eastern building line of the property. Clear glass and stainless steel metalwork will be erected around the perimeter of the decking in order to form balustrading of approximately 1m high. Steps would be located on the eastern side of the decking in order to provide access from the rear of the property to the lower garden area.

An existing window within the rear elevation, which would be located to the east of the proposed extension, would also be replaced as part of the proposal with a window of a smaller size as a result of its relationship with the proposed raised decking area. No objections to the replacement of this window are raised on design grounds.

For the reasons stated above it is considered that the proposal would be of detriment to the visual amenities of the parent property, the Bishopstone Drive street scene and the wider area.

Impact on Amenity:

Despite a third party letter of objection it is considered that the insertion of a rooflight within the proposed west facing barn end of the property will not have a significant adverse impact upon the amenities of the western neighbouring property with regards to overlooking or loss of privacy given the angle of the proposed rooflight. It is also not considered that the insertion of the eastern and northern facing rooflights would have a significant adverse impact upon the amenities of neighbouring properties.

The proposed rear dormer window, the replacement rear window and the bi-folding glazed doors within the south facing elevation of the proposed rear extension would face towards the rear garden area of no. 15 and towards the rear boundary of the site, which adjoins properties on Falmer Avenue. A distance of approximately 2.3m is located between the rear common boundary and the northern facing building line of the nearest southern neighbour, located on Falmer Avenue. In addition the southern neighbouring properties are set at a lower level the site address as a result of the local topography. Overall it is not considered that the proposed extension, replacement rear window, raised decking or rear dormer window would have a significant adverse impact upon the amenities of the southern neighbouring properties.

Views west and east from the proposed rear dormer window would be oblique and therefore it is not considered that its inclusion within the rear roofslope of the property would have a significant adverse impact upon the amenities of western and eastern neighbouring properties with regards to loss of light or over-looking.

The western building line of the proposed rear extension would be located approximately 2.55m away from the shared common boundary with no. 17 Bishopstone Drive. High established vegetation forms part of the western

boundary treatment and as a result it is not considered that the proposed extension would have a significant adverse impact upon the amenities of no. 17 with regards to loss of light/sunlight or overshadowing. In addition no windows would be located within the western facing elevation of the proposed extension and therefore it is not considered that its construction would have a significant adverse impact with regards to loss of privacy or overlooking.

Glazed doors and windows would be located with the east facing elevation of the proposed extension, which would be located approximately 4.25m away from the shared common boundary with no.11 Bishopstone Drive. Part of a side extension related to no. 11 and high established vegetation form the boundary treatment closest to the rear elevation of no. 15. No. 11 is set at a slightly lower level than no. 15 as a result of the gradient upon which Bishopstone Drive is located.

The proposed rear decking area and rear extension would project beyond the rear elevation of the neighbouring side extension by approximately 1.75m. As a result of the presence of the existing raised patio area, the distance between the boundary and the proposed rear extension and the existing eastern boundary treatment it is not considered that the proposed decking or rear extension would have a significant adverse impact upon the amenities of the eastern neighbouring property with regards to loss of privacy or overlooking.

Overall it is not considered that the proposal will have a significant adverse impact upon the amenities of the neighbouring properties.

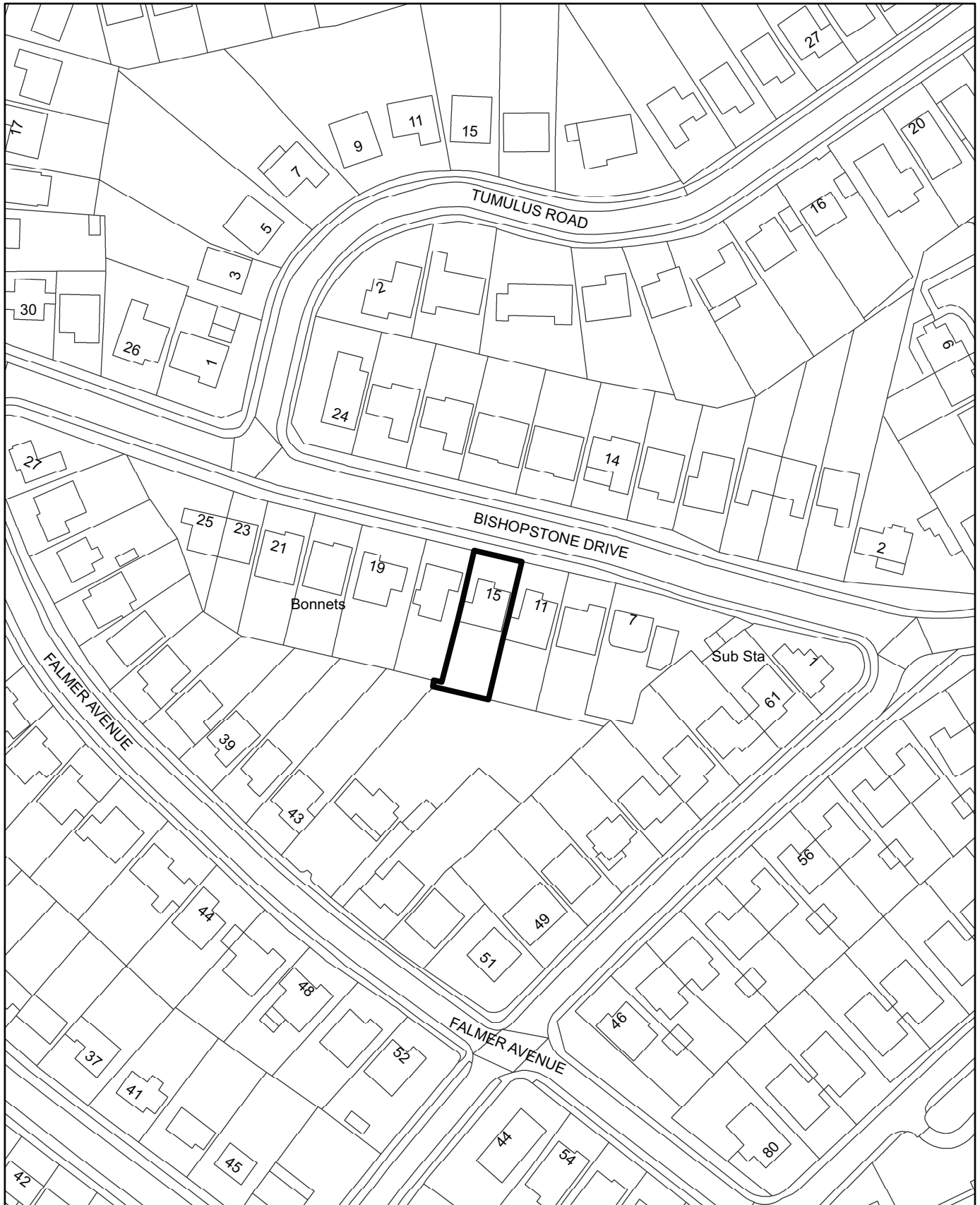
9 CONCLUSION

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

None identified.

BH2011/02231 15 Bishopstone Drive, Saltdean



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 12 OCTOBER 2011

COUNCILLOR REPRESENTATION

From: David Smith
Sent: 24 August 2011 07:33
To: Liz Arnold
Subject: P/App BH2011/02231 15 Bishopstone Drive

Dear Liz

Re Planning Application BH2011/02231... 15 Bishopstone Drive. Saltdean
Brighton

If minded to recommend refusal for the above planning application I would request that it went to the planning committee for decision as my fellow ward councillor Mary Mears and I fully support this application on the grounds that no objections have been received from consulted neighbours, the extension is at the back of the property and the property is not overlooked

Regards

David

Cllr David Smith

Rottingdean Coastal Ward Councillor

tel: 01273 291206

email: david.smith@brighton-hove.gov.uk

<u>No:</u>	BH2011/02122	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	32 The Cliff, Brighton		
<u>Proposal:</u>	Installation of new dormer window to front facing roofslope.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	18/07/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 September 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Garrick and Team Ltd, 36 Edburton Avenue, Brighton		
<u>Applicant:</u>	Mr Al-Kad, 32 The Cliff, Brighton		

1 RECOMMENDATION

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

1. The proposal, by reason of its size, proportions and design would result in a bulky and over dominant alteration, which in conjunction with the existing unsympathetic roof alterations would result in a cluttered and visually discordant appearance to the front roofslope that would detract from the appearance and character of the building and the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

Informatives:

1. This decision is based on drawing nos. 1121-01A and 1121-02B received on 23 September 2011.

2 THE SITE

The site relates to a detached two storey property set in a spacious garden plot to the south of The Cliff. The property has previously been extended to the rear with a conservatory and a flat roofed addition. There are dormers to the rear, a side dormer and a dormer to the front of the property.

3 RELEVANT HISTORY

BH2009/02983: Alterations and enlargement of existing dormers on front, rear and side elevations, construction of porch on front elevation and terrace to rear (part retrospective). Refused 9 March 2010.

95/1448/FP: Erection of a single storey rear extension and alterations in connection with raising main roof to enlarge first floor accommodation. Approved 24/01/1996.

95/1171/FP: Single storey infill extension to south. Approved 30/10/1995.

4 THE APPLICATION

Planning permission is sought for the installation of a new dormer window to

the front facing roofslope.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **Nos. 24, 34, 36 and 45 The Cliff** and the **Roedean Residents Association** supporting the application for the following reason:

- The proposed alterations will provide balance to the front elevation and improve the appearance and character of the property.

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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
SU13	Minimisation of construction and demolition waste

Supplementary Planning Guidance

SPGBH1	Roof Alterations and Extensions
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8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact on residential amenity. Amended plans were received on 23 September 2011 to correct inaccuracies on the existing plans.

Design

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

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;

- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

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

The scheme relates to the introduction of an additional dormer to the front roofslope of the property. The dormer would be 4m in width, 2.5m in height and have a flat roof hipped away on three sides. The dormer would match the general proportions, design and materials of the existing front dormer.

This application follows a previously refused application (BH2009/02983) which involved the extension and re-roofing of the existing front dormer.

The proposed dormer is contrary to the Supplementary Guidance on Roof Alterations and Extensions (SPGBH1), which states that the dormers should be kept as small as possible, ideally no larger than the windows below and have minimal cladding around the windows. The enlarged dormer is substantially larger than the windows below and with large areas of cladding tiles on the front elevation and is considered to be detrimental to the appearance and character of the building. Whilst the proposal would not result in a single dormer of the scale of the previously refused scheme, the combined volume of the existing and proposed front dormers would still be similar and result in an excessively bulky and discordant addition that would have a detrimental impact upon the front roofslope.

While the proposed dormer would match the general design, proportions and materials of the existing boxy front dormer, this is an unsympathetic addition that is contrary to current policy and it is not considered that it should set a precedent for further inappropriate alterations to the front roofslope. Furthermore it is noted on site that the existing front dormer has recently been subject to unauthorised alterations with the addition of a pitched roof structure which is not considered to have enhanced its appearance.

Letters of representation have been received stating that the proposal would help to balance the front elevation of the property. The existing property itself consists of a gable ended element to the eastern end of the front element with a pitched main roofslope with a barn hip to the western end. There is no symmetry to the existing design and introduction of an additional dormer, in conjunction with the existing dormer and rooflight would add additional clutter to the front roofslope while failing to add any balance to the design and would detract from the appearance and character of the property.

It is noted that the adjoining property, No.34 has dormers to the front elevation. These dormers are an integral part of the original design, are more appropriate in scale, without any excess cladding and do not set a precedent for the unsympathetic design and excessive scale of the proposed front roof extension on the application property.

Applications for front dormers have been approved at Nos.36 and No.38 The Cliff in 2006 and 2009 respectively. These approved dormers are much smaller in scale in comparison to the proposed dormer at No.32, with no excess cladding around the windows and are well positioned on the front roof slope. Both approvals were resubmissions of previously refused applications, where the dormers were redesigned and reduced in scale to adhere to the Supplementary Guidance on Roof Alterations and are not considered to set a precedent for the proposed unsympathetic addition at No.32.

Whilst it is noted that the street scene to the southern side of the street is characterised with properties of mixed design and varying roof alterations the proposed addition is considered to be poorly designed, out of character with the street scene and would detract from the visual amenity of the surrounding area.

Overall, it is considered that the proposal would result in a cluttered and discordant appearance to the property, detracting from the visual amenity of the street scene and the surrounding area.

Impact on Amenity:

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

There is not considered to be any significant impact upon the residential amenity of neighbouring properties.

The property is set within a generous plot and is a sufficient distance from the two adjoining properties to ensure that there is not any overshadowing or loss of light towards or loss of outlook from the adjoining properties.

The proposed front dormer is set away a significant distance from the properties on the opposite side of the highway to the north of the property and the proposal would not result in any significant overlooking towards these properties.

9 CONCLUSION

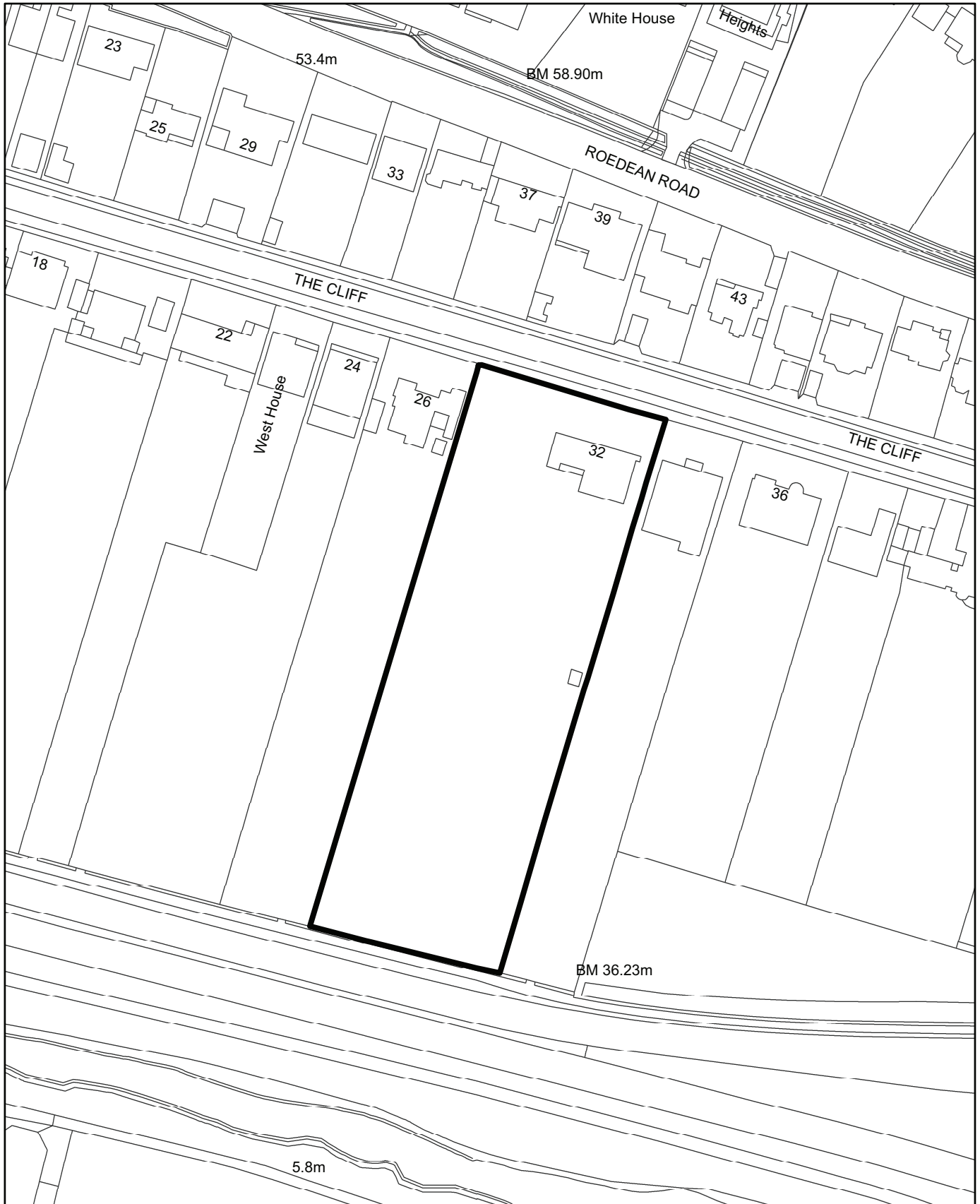
The proposal, by reason of its size, proportions and design would result in a bulky and over dominant alteration, which in conjunction with the existing unsympathetic roof alterations would result in a cluttered and visually

discordant appearance to the front roofslope that would detract from the appearance and character of the building and the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

10 EQUALITIES IMPLICATIONS

None relevant.

BH2011/02122 32 The Cliff, Brighton



Scale: 1:1,250

<u>No:</u>	BH2011/02227	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to rear of 71 Lustrells Crescent, Saltdean		
<u>Proposal:</u>	Erection of two storey 3 bed house.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	28/07/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22/09/2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Mr Paul Sheehan, C/O Lewis & Co Planning		

1 RECOMMENDATION

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

1. The subdivision of the plot to accommodate a new dwelling would have a detrimental effect on the spacious nature of the site and represents overdevelopment. It would have a strong adverse impact on the character of the surrounding area, setting a precedent that, if repeated elsewhere, would greatly alter the area's character contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
2. The subdivision of the existing plot fails to make adequate provision of private usable amenity space for the present occupiers of 71 Lustrells Crescent. The resulting amenity space is considered to be out of character for Lustrells Crescent, where neighbouring properties benefit from generous rear gardens, contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0143.EXG.001, 0143.EXG.002, 0143.PL.00, 0143.PL.001, 0143.PL.002, 0143.PL.003, 0143.PL.004, Design and Access Statement, Planning Statement, Waste Minimisation Statement, Biodiversity Checklist, Sustainability Checklist received on 26 July 2011, and additional letter from the agent received 7 September 2011.

2 THE SITE

The site is located on part of the rear garden of 71 Lustrells Crescent and fronts onto Saxon Close. A brick wall has been erected across the rear garden to separate the proposed plots. Saxon Close is a small cul de sac accessed from Lustrells Crescent and is characterised by large semi-detached and detached properties of similar design which extend along the majority of the plot frontage in which they sit. The properties fronting onto Lustrells Crescent are bungalows.

The application site adjoins no. 8 Saxon Close to the north and the rear gardens of nos. 71 and 73 Lustrells Crescent to the south and east.

As existing there is a difference in levels across the site of almost 5 metres in height as the land slopes down from north to south.

3 RELEVANT HISTORY

The applicant was given pre-application written advice on this scheme, which stated that it was likely to be refused for the reasons set out here.

4 THE APPLICATION

Planning permission is sought for the erection of a three bedroom two-storey dwelling which fronts onto Saxon Close.

5 CONSULTATIONS

External:

Neighbours: 12 letters of representation have been received from **3a, 3b, 4, 5, 6, 7, 8 (x3), The Annex 8 (x2) Saxon Close and 76 Lustrells Crescent** objecting the application for the following reasons:

- It will exacerbate the existing parking problems within the cul-de-sac,
- Loss of light and overshadowing,
- Unacceptable sense of enclosure and overbearing impact upon neighbouring occupiers,
- Increase danger to pedestrians,
- Overdevelopment of the site resulting in two plots with insufficient amenity space compared with other properties on Lustrells Crescent
- A contrived and cramped house for the future occupiers
- The design of the property is out of character and out of proportion for Saxon Close
- Badgers previously had a set on the site which was removed and have been recently sighted on the land.

6 Letters of representation have been received from **73, 74, 78, 80, 82 Lustrells Crescent** supporting the application for the following reason:

- The proposal will improve the attractiveness of the area and enhance the existing street scene.

County Archaeologist: The proposed development is situated within an Archaeological Notification Area defining an area of early Saxon human burials. I have visited this site and although there has been some terracing / landscaping around the current building, the upper garden appears less disturbed, raising the potential for archaeological deposits to have survived.

In the light of the potential archaeological significance of this site, it is my opinion that the area affected by the proposals should be the subject of a *programme of archaeological works*. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in

PPS5 (the Government's policy on *Planning for the Historic Environment*).

Brighton & Hove Archaeological Society: The development at Lustrells Avenue is close to the location of a Saxon Grave. It is possible that other burials may lay close by. The Brighton & Hove Archaeological Society would recommend that a condition of any planning application approval include the provision for a watching brief while topsoils are removed and adequate provision for the recording of any archaeological features revealed.

A letter of objection has also been received from **Cllr David Smith**, a copy of which is attached to the agenda.

Internal:

Sustainable Transport: No objection – with the imposition of conditions relating to securing cycle parking. A financial contribution of £2,000 is also recommended to help finance off-site highway improvement schemes such as dropped kerbs and tactile paving for pedestrians at the junction on Lustrells Crescent with Saxon Close and/or Bishopstone Drive and/or Winton Avenue.

Environmental Health: No comment

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 1: Delivering Sustainable Development
PPS 3: 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
SU13 Minimisation and re-use of construction industry waste
QD1 Design – quality of development and design statements

QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontage
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

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

Principle of development

The site forms part of the rear garden of no. 71 Lustrells Crescent. A wall has been erected across the centre of the plot to divide the application site from the remainder of the garden. The applicant indicates on the application forms that this occurred in March 2011.

On the 9th June 2010 changes by the Government were made to Planning Policy Statement 3 (PPS3) by way of the removal of private residential gardens, and associated buildings, from the definition of previously developed land. The national indicative minimum density was also deleted. In the absence of a definition for what constitutes private residential garden land, it is for the decision-maker to determine. This will be a matter of judgment based on the facts and circumstances of the particular case. These changes do not prohibit the principle of development as such but should be taken into account as a material consideration.

The principle must be balanced with the need to create a good standard of accommodation and for the development to respect the immediate surroundings, so that the development does not have a detrimental impact on

neighbouring amenity and respects the context of its surroundings in terms of design, form, bulk and site coverage.

The proposed development would create a separate house with its own curtilage that would effectively develop over half of the original rear garden. This would reduce the spacious feel of the plots fronting onto Lustrells Crescent. It would set a precedent that, if repeated elsewhere, would greatly alter the area's character, which consists of semi-detached and detached properties with spacious rear gardens.

In this instance the principle of development on the proposed site is not considered acceptable for the reasons set out in this report.

Design:

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

The properties which surround the site are a mix of bungalows and two storey dwellings. Those which front Lustrells Crescent are predominantly bungalows with hipped roofs, with the exception of properties to the south which have gable roofs. The dwellings which front Saxon Close are two storey and predominantly have a gabled roof design and are brick built.

The application proposes a two storey detached dwelling measuring 8.8m in width and a depth of 6.2m to the southern section of the dwelling which adjoins 71 Lustrells Crescent and an additional 2 storey projection of 3.5m to the northern section of the property which adjoins 8 Saxon Close. The dwelling would have a maximum height of 7.1m to the ridgeline, with a gable roof. The dwelling is to be finished in facing brick, concrete tiles and aluminium windows.

Whilst the width of the plot is comparable to other plots within Saxon Close the dwelling is not comparable in scale to the remainder of the street scene. The applicant suggests that the design of the dwelling acts as a bridge between the properties on Lustrells Crescent and those on Saxon Close.

The site would be read as part of the Saxon Close street scene. However due to the constraints of the plot, including its depth, levels across the site, and relationship to no. 71 Lustrells Crescent, the proposed scale of the dwelling appears to be contrived. The scale and footprint of the dwelling is severely limited by the site constraints. In this regard it is considered that the proposal would appear incongruous within the street scene.

Standard of accommodation

Policy QD27 of the Local Plan seeks to ensure that new development provides a satisfactory level of amenity for the future occupiers. The proposed

dwelling is considered to provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, privacy and natural light for future occupiers.

Policy HO5 of the Local Plan specifies that private useable amenity space should be provided in new residential development appropriate to its scale and character. The new dwelling would have the use of a small area to the side and rear of the building. The garden area proposed is limited and poor quality for a three bedroom house. However, it is not felt that it is so significantly different from other Saxon Close garden areas to warrant refusal on this basis. It is noted that the opposite side of Saxon Close appears to be more densely developed. It is felt that this level of development detracts from the character of this suburban area and should not be used to justify the proposal.

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The floor plans submitted with the application show that the internal layout of the proposed dwelling is acceptable in relation to Lifetime Homes standards.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The scheme makes provision for the refuse storage and cycle parking within the proposed amenity space and is therefore considered acceptable.

Impact on adjoining residential properties

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. Notwithstanding the above issues, the proposed dwelling is considered to provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, privacy and natural light.

The application proposes a single window on the rear elevation which is to serve a bathroom. Were the application otherwise acceptable, this could be secured by a suitably worded condition. No windows are proposed at second floor level on the proposed flank wall elevations of the dwelling to reduce the potential for overlooking into neighbouring properties. Due to the difference in levels between adjoining properties the applicant is also proposing a privacy screen to ensure that direct overlooking does not occur from the proposed folding doors to the southern projecting elevation. A 2m high fence is proposed to all boundaries along with additional planting, it is therefore considered that the proposed dwelling will not result in significant undue overlooking into the neighbouring properties.

The application proposes the use of the rear garden of no. 71 Lustrells Crescent, and policy HO5 of the Local Plan specifies that private useable amenity space should be provided in new residential development appropriate to its scale and character of the area. The existing rear amenity space of no.

71 Lustrells Crescent measures 22m in depth, and is comparable to the character of the properties fronting onto Lustrells Crescent. The sub-division of the plot reduces the overall rear amenity space to 7m in depth. This reduction in amenity space is not considered to be commensurate with the character of the area, specifically the properties fronting onto Lustrells Crescent. It is therefore considered that the proposal is contrary to policies HO5 and QD27 of the Local Plan.

A number of objections from the adjoining occupiers to the north of the site in relation to the loss of light have been received. The ground level of the adjoining property to the north-west is set at a height of 1.7m higher than the proposed ground level. The property is set off the adjoining boundary with no. 8 Saxon Close by 1.9m and would appear at its highest point 4.2m above the ground level of no. 8 Saxon Close, and 3.2m at its lowest. Given the changes in levels between the two sites, siting off the shared boundary, and relatively modest height of the proposed dwelling, it is considered that the proposal will result in some degree in loss of light to the ground floor side window of no. 8 Saxon Close. However this is not felt to be sufficient to warrant refusal of the scheme on these grounds.

Transport issues

The site is not situated within a controlled parking zone (CPZ) and the proposal does not make provision for off street parking. Sustainable Transport have been consulted and have raised no objection to the scheme with the imposition of condition relating to the provision of cycle parking, a ratio of one per dwelling is in line with the Council's adopted standards contained with SPGBH note 4. A financial contribution towards improving sustainable infrastructure in the area is also recommended. Overall the proposal is considered to be in accordance with policies TR1, TR7 and TR19.

Sustainability

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

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. The revised PPS3 now excludes private residential gardens from the definition of previously developed land and the application site where the proposed house would be located would now constitute previously undeveloped land or Greenfield land. SPD08 Sustainable Building Design requires Code level 5 or BREEAM excellent to be achieved for Greenfield sites or applicants will be required provide evidence to justify a reduced Code level. In this case the completed sustainability checklist states that Code Level 5 would be achieved for the proposed new dwelling. Were the remainder of the scheme otherwise considered to be acceptable this could be secured by a suitably worded

condition.

Archaeology

Policy HE12 relates to Scheduled Ancient Monuments and other important archaeological sites. It confirms that development proposals must preserve and enhance sites of known and potential archaeological interest and their settings.

It has been advised that the site lies within an archaeological sensitive area and is close to the location of a Saxon Grave. On this basis were the application otherwise acceptable a suitably worded condition could secure an Archaeological Watching Brief to take place.

Biodiversity

The existence of a badgers on the site has been alleged by neighbouring occupiers. A set was previously removed in November 2010 under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (amended 1991). Comments from the Council's Ecologist are awaited.

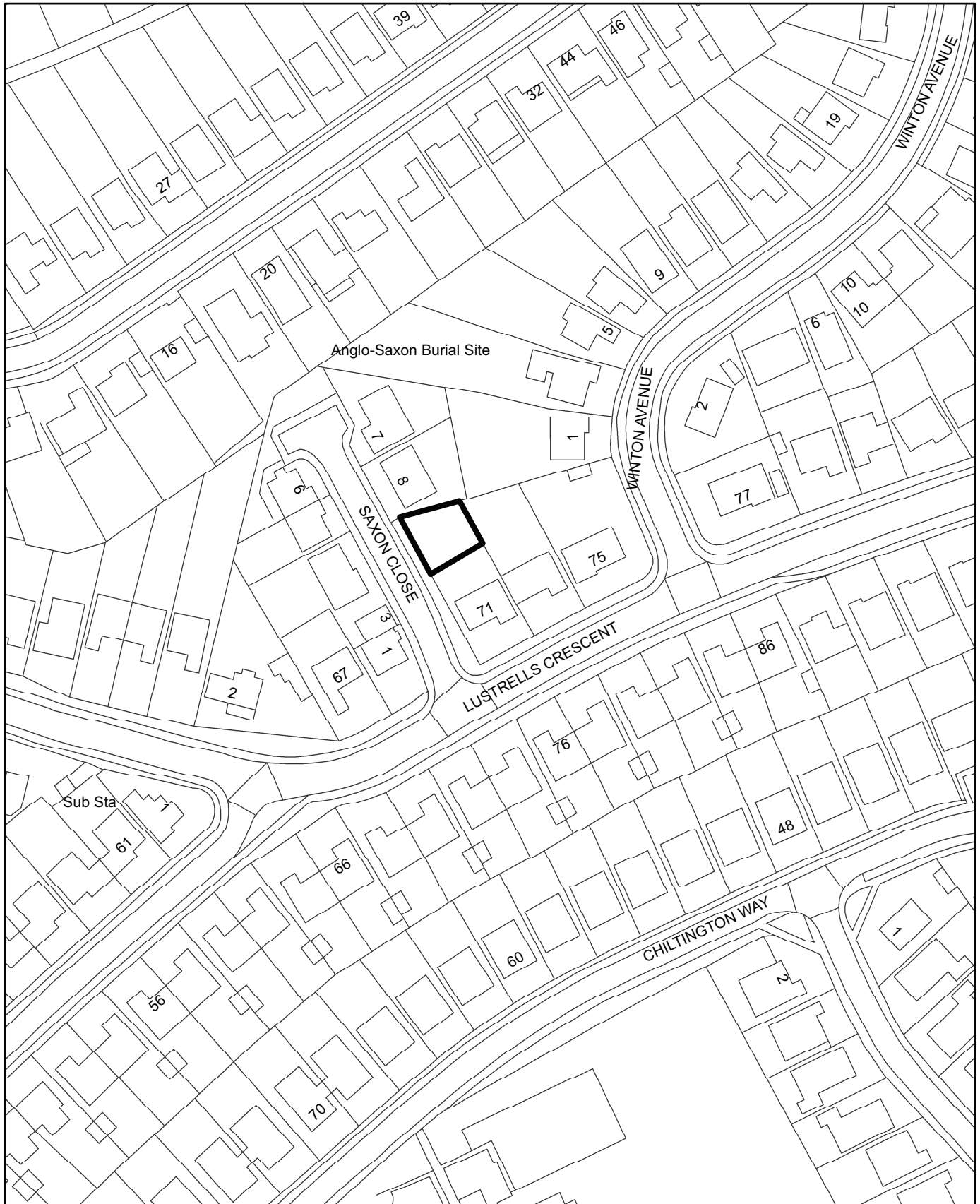
9 CONCLUSION

The proposal, by reason of the subdivision of the plot is overdevelopment, would have a detrimental impact upon the spacious character of the area, set an undesirable precedent and result in the unacceptable loss of garden area for No.71.

10 EQUALITIES IMPLICATIONS

The proposed dwelling would have to meet Lifetime Homes Standards.

BH2011/02227 Land to rear of 71 Lustrells Crescent, Saltdean



**Brighton & Hove
City Council**

N



Scale: 1:1,250

From: David Smith
Sent: 18 September 2011 19:31
To: Anthony Foster
Subject: Land rear of 71 Lustrells Crescent.... Planning Application BH2011/0227

Hi Anthony
Re:- Planning Application BH 2011/0227 Land rear of 71 Lustrells Crescent

I object to this planning Application as Councillor for Rottingdean Coastal Ward on the grounds

- (1) That the design is out of keeping with the other properties in Saxon Close as the site is very small compared to most of the surrounding plots. The layout of the proposed new house is cramped and contrived to fit everything on the plot. It will have a very small garden, as will the existing house in Lustrells Crescent. All of the other properties in Saxon Close have sizeable gardens. I believe that this open space provided by the gardens in Saxon Close makes a habitat for badgers relating to planning policy QD20-3.91
- (2) Over development of the site contrary to local plan HO4 & HO5.
- (3) The annexe at the side of 8 Saxon Close is registered as a separate dwelling, and I believe that the plans do not indicate that the building will be a minimum 1M from the shared boundary and that there is not a 45 degree line both horizontal & vertically from the window as per specifications of the BRE.
This application if approved will create an unacceptable sense of enclosure and have an overbearing impact on the quality of life of the resident of 8 Saxon Close. I believe this would be contrary to local plan policy QD27 & QD14

As one of the Ward Councillor for Rottingdean Coastal Ward I request that this planning application goes before the full planning committee for final decision and I reserve my rights to attend this meeting and speak against this application.

Regards
David
Cllr David Smith
Rottingdean Coastal Ward Councillor
tel: 01273 291206
email: david.smith@brighton-hove.gov.uk