

LIST OF MINOR APPLICATIONS

<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		

This application was deferred at the last meeting on 12/10/2011 for a Committee site visit.

1 RECOMMENDATION

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

Following the last meeting, the applicant has indicated that should permission be granted they would agree to a condition to agree external materials as an alternative to artificial slates.

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 roof slopes 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. There is a distance of approximately 28m 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 over looking.

Overall it is not considered that the proposal will have a significant adverse impact upon the amenities of the neighbouring properties.

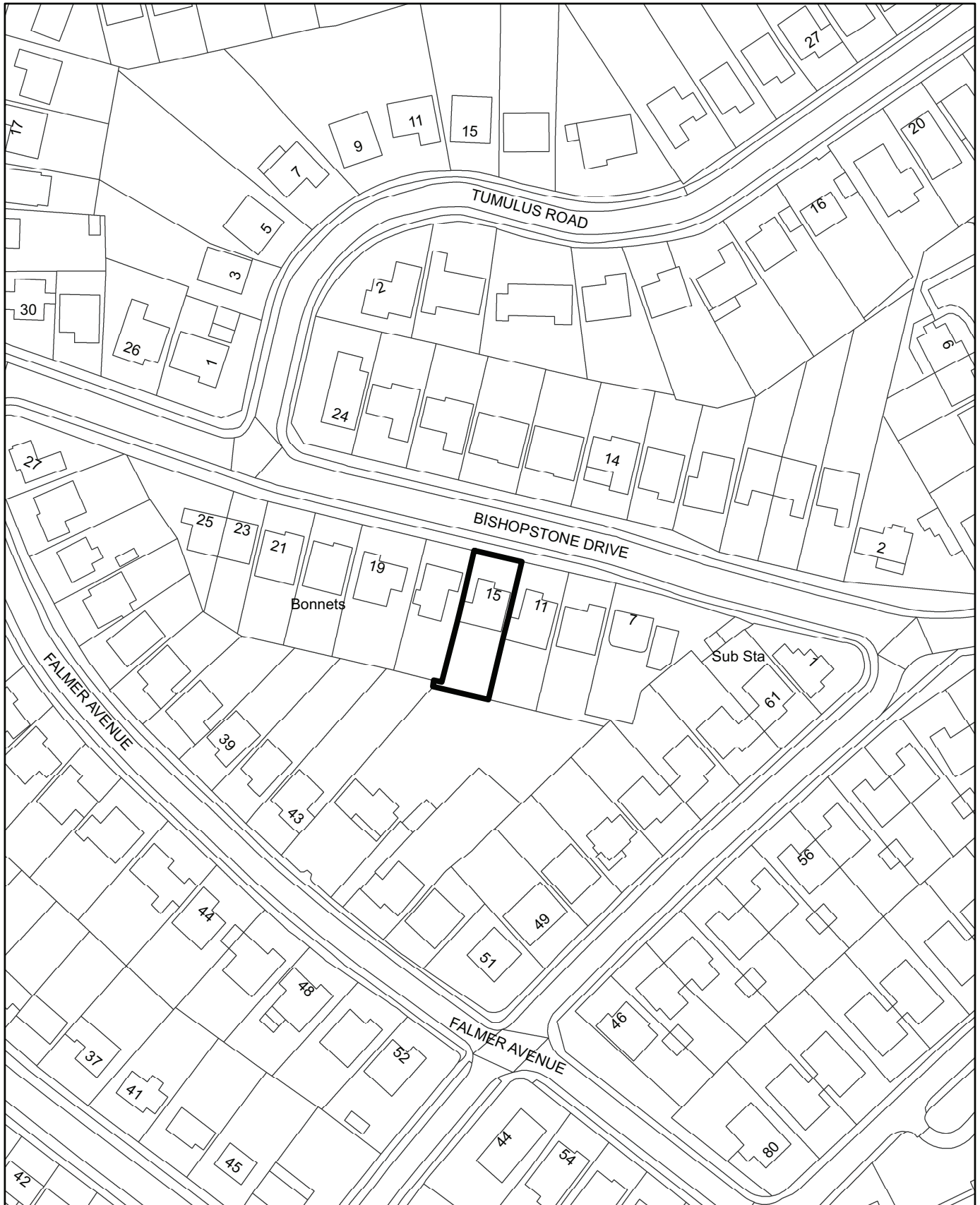
9 CONCLUSION

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**

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Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 02 NOVEMBER 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>	BH2011/01773	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	68-70 High Street, Rottingdean		
<u>Proposal:</u>	Erection of 8no 3 bedroom 3 storey town houses with gardens, new entrance gate to site and off road parking.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	29/06/2011
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	24 August 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Dale Mayhew, Dowsett Mayhew Planning Partnership, Pelham House 25 Pelham Square, Brighton		
<u>Applicant:</u>	Novus Properties, Mr Brian Smith, 20 Southey Street, Penge		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no.11-003(004)001 and 11-003(04)002 received on the 17th June 2011, 11-003(01)001RevA received on the 28th June 2011, 11-003(07)101RevA, 11-003(07)003RevC, 11-003(07)004RevC, 11-003(07)005RevA, 11-003(09)001RevA, 11-003(09)002RevA and 11-003(09)003RevA received on the 13th September 2011, 11-003(07)2000 received on the 10th October 2011 and 11-003(07)100RevC, 11-003(08)001RevF, 11-003(08)002RevE and 11-003(08)003RevD received on the 14th October 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 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 dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with

- policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
 - 5) Notwithstanding the information submitted, the windows in the north facing elevation of the northern terrace hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
 - 6) 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.
 - 7) 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.
 - 8) The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
 - 9) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without prior consent in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
 - 10) All new rainwater goods, soil and other waste pipes shall be in traditional cast iron or aluminium replicas and shall be painted black within 1 month of their installation and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to

comply with policy HE6 of the Brighton & Hove Local Plan.

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

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

Pre-Commencement Conditions:

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

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

- 13) No development shall take place until further details of the proposed windows (and dressings), doors (and dressings) eaves, and boundary walls, including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

- 14) Notwithstanding the details shown in drawing no. 11-003(08)001RevF the western most boundary wall of the northern terrace shall be a 1.8m high flint wall.

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

- 15) Prior to the commencement of the development, a sample of the flintwork shall be constructed on site and shall be viewed by and approved in writing by the Local Planning Authority. Works shall be carried out and completed to match the approved sample flint panel.

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

- 16) No development shall take place until a method statement, setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, has been submitted to and approved in writing by the Local Planning

Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

- 17) 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 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 18) 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.

- 19) No development shall take place until details of the ventilation grilles and ventilation tiles hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 20) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) above that any remediation scheme required and approved under the provisions of (i) above has been implemented fully in accordance with the approved details (unless varied with the

written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

- 21) 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.

Pre-Occupation Conditions:

- 22) 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.

- 23) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 24) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans and referred to in an e-mail from Dale Mayhew received on the 14/10/2011 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.

- 25) The development hereby approved shall not be occupied until details of visibility mirrors and sufficient signage have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and the safety of pedestrians and to comply with policies TR1 and TR8 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:-

Although the proposed development is of a scale and height not characteristic of the surrounding area, it is considered that in comparison to the scheme approved in 2007, to which weight must be given, the proposal will not be of detriment to the visual amenities of the High Street, the surrounding Rottingdean Conservation Area or the setting of the adjacent Listed Buildings. The proposed development will provide adequate family accommodation without being of detriment to the amenities of neighbouring properties.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. 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.
4. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq

m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html

5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with condition 20 that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

2 THE SITE

The application relates to a backland site in Rottingdean that is accessed from the eastern side of the heavily trafficked High Street. A narrow access way opens out onto a large generally square shaped site. The site, together with the building adjacent to the access, was formerly in use as a motor vehicle repairs and servicing garage and a car sales yard, but the area which forms the site to which the application relates is now vacant and cleared.

The site level rises along the length of the access, with little change across the main part of the site.

To the north the site is dominated by the Grade II Listed St. Aubyn's School. The grounds of the school extend along the eastern boundary of the site. The school grounds to the east are elevated above the level of the application site.

The site adjoins the side and rear of no. 66 High Street, a Grade II Listed Building that presents a three storey elevation to the highway, dropping down to the rear. The site also adjoins the rear of no. 62 High Street, a Grade II Listed Building, which is in residential use. Although undesignated, no. 56 High Street is also a historic building located in close proximity to the site. The site is within the Rottingdean Conservation Area, and the frontage is within the defined Rottingdean Local Centre.

3 RELEVANT HISTORY

BH2010/02408: Application to extend time limit for implementation of previous

approval BH2007/00617 for redevelopment of site to provide 9 three-bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors. Provision of 4 visitor parking spaces. Approved 02/11/2010.

BH2010/00081: Application for approval of details reserved by condition 14 of application BH2007/00617. Approved 09/03/2010.

BH2007/04674: Redevelopment of site to provide 9 three bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors (Amendment to previously approved scheme BH2007/00617 omitting the 4 visitor parking spaces). Refused 10/09/2008.

BH2007/00617: Redevelopment of site to provide 9 three-bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors. Provision of 4 visitor parking spaces. Approved 03/12/2007.

BH2005/02299/CA: Demolition of existing garage showrooms and workshop including 2 No. flats and offices over. Approved 05/12/2007.

BH2005/02229/OA: Outline application for the redevelopment of existing commercial garage with two flats, to provide 10 three-bedroom town houses and 10 car parking spaces. Reserved matters for siting to be determined for the development. Withdrawn 28/01/2008.

4 THE APPLICATION

Planning permission is sought for the erection of 8, four storey (with the fourth storey set within the roofspace), three bedroom town houses.

The proposed dwellings will be arranged in two terraces of four dwellings on a east to west alignment. Each property will have an integral garage and a rear garden area. 3 visitor parking bays will be provided in the north-western corner of the site.

The only pedestrian and vehicle access and egress to and from the site would be via the existing driveway located between nos. 72 and 66 High Street.

5 CONSULTATIONS

External

Neighbours: 14 Letters of representation have been received from 12 Highcliff Court, 22 Clifton Terrace, Roedean School (resident), 3 Harison Road, 48 Nevill Road, The Old Clergy House 50 Alciston Polegate, 66, Parents and Governors of St. Aubyns School, Headmaster of St. Aubyns School High Street, 66 High Street, 4 Tongdean Road (2 e-mails), 4 Meadows Cottages, Old Parish Lane Woodingdean, 21 Oaklands Avenue and 71 Falmer Road objecting the application for the following reasons:

- As a result of the height of the houses and positioning of their windows the proposal will impact upon children's safety and protection as a result of overlooking and loss of privacy to adjacent St. Aubyns School (which includes boarding facilities), associated playground, playing fields and swimming pool. The proposed development exacerbates this issue from the approved application because of the addition of dormer windows within the rear roofslopes. The height of the houses makes it impossible to completely prevent overlooking,

- loss of light,
- overshadowing,
- traffic problems, including no space to turn cars around and insufficient parking facilities as the occupiers are likely to have two cars. There is already considerable congestion by the access driveway with southbound cars waiting for the nearby traffic lights and northbound vehicles waiting to pass the constriction point opposite The Olde Cottage Tea Rooms, exhaust fumes are already at high levels in the area because of this. Congestion will be exacerbated by cars waiting to turn right into the development and could result in congestion on the coast road,
- the access to the site is too narrow to allow safe access to High Street, particularly at busy times. Vehicles manoeuvring into/out of and within this tight and congested space, especially during construction, will be a hazard to other road users, pedestrians and buildings. This issue is exacerbated by the density of the development and the potential number of vehicle movements. Cars could be required to reverse onto High Street as the access is only one car width wide,
- Rottingdean is supposed to be a historical village with its historical charms but has been turned into a below average residential area with no characteristic and no interest whatsoever. The pavements and roads of the Village are too narrow,
- overly dense development,
- sense of enclosure,
- tall houses cannot be life-long houses,
- incongruous development,
- no reference has been made to the Tallboys or Old Customs House (no. 66 High Street, or the associated flint boundary wall, which are Grade II Listed Buildings. Access to the 18th Century flint wall of Tall boys must be kept clear for maintenance and repair reasons. The proposed gate across the access driveway must not be in contact with the adjacent Listed Buildings,
- overlooking,
- water run off from the site is likely to cause damage to adjacent properties,
- the risk of fluid ingress is high and the additional risk of contamination from fuel sump clearance is both high and serious,
- the proposed bin store will obstruct a window in the side of no. 66. The access is narrow will be impractical, the collection of bins from this area is likely to cause a significant obstruction to the High Street traffic. The bins would be clearly visible from the High Street and will be unsightly,
- the submitted documents are inaccurate and unreliable,
- the site is on the southern edge of the Rottingdean Conservation Area. In the Urban Characterisation Study for Rottingdean the village is identified as having a strong historic identity with distinctive vernacular architecture, characterised by low density, low rise developments, creating an intimate human scale. A further character is the larger properties fronting onto the High Street, with smaller cottages behind, this is reflected by the cottage that already sits within the plot,

- the proposed development is high density and high rise and is more reflective of developments outside the Conservation Area rather than within it,
- reference on height to the main building of St. Aubyns School is inappropriate as the school building is one of the large suburban detached houses referred to on the Urban Characterisation Study, sitting in a large plot fronting onto the High Street and is not reflective of the plot in which the proposed development sits, and
- the existing tree will not restrict views to the school for much of the school year when the leaves have fallen and new leaves have not yet grown.

17 Letters of representation have been received from **St. Margaret's Church Rottingdean, Queen Victoria Pub 54, 58, The Olde Cottage 62, 63, The Black Horse 65, 72, 72c, 72d, 100, Stable Cottage High Street, Handy Hardware 51, 55, Sea of Spice 55/57 Marine Drive , 10 Park Crescent , 9 Challoners Close, and 6 Gorham Avenue** supporting the application for the following reasons:

- the development would offer much needed accommodation not only for younger families but also those wishing to downsize,
- closeness to schools/playgroups/nurseries in village will mean less traffic for the congested village as pupils will be able to walk to school,
- Rottingdean needs houses which are smaller and which the younger generation can afford and can walk to school, the beach, parks etc,
- Rottingdean has seen a number of eyesores turned into attractive residential properties (e.g. Caspian Square),
- has a thoughtful design and careful use/mix of local/traditional/modern materials (brick, flint and render) which blend in with the rest of the village. Modern materials provide better insulation, less maintenance etc,
- increased amenity space
- would restore/enhance character to the site, High Street and the village
- will be much more in keeping with the historic village than the unsightly and busy garage workshop that was there before,
- development will be attractive and will fit in with the other more traditional style houses in the village,
- the bus stop for Brighton is close and the excellent service will discourage unnecessary car use, this will also ease congestion in village,
- town houses would be a better use for the land than a car sales yard and garage which were in place before hand,
- the site has been empty since the garage was demolished. The site is a prime location in the Conservation Area and is no better than a wasteland/eyesore, which has a negative effect on the village, the site needs to be developed,
- the garage site is dangerous and will bring problems, such as anti-social behaviour if left as it is, harming local business and residents,
- a development of 9 houses has already been approved so an application for fewer houses (eight), with more garden and amenity space should be granted, the new scheme is a great improvement

- developers have taken care not to overlook the school,
- the properties would comply with the regulations concerning lifetime homes, a rarity in Rottingdean,
- the development makes the best use of existing space without building in fields,
- the plot is a central location in the High Street near all the shops, buses etc. and would be much netter used as 8 houses than the busy garage workshop with its 24 hour breakdown recovery service,
- the access onto the High Street is surprisingly wide (it used to have 2 cars parked side by side) and is conveniently situated near the lights so that the traffic is slow moving at that point and there is already a 'Keep Clear' sign on the Highway. It is not unusual to have this kind of access in the village. If the speed of traffic is a concern, speed bumps, mirrors, barriers etc could be used,
- purchasers are buying more land than was earmarked for the existing approved scheme and applying for one less house,
- delighted to see the provision not only of parking but also room to manoeuvre so that no one will need to reverse down the drive,
- due to the previous uses of the site there has always been a constant flow of traffic without injury,
- am aware of objections form the school regarding overlooking but the school itself has sold various plots for redevelopment including the tall block of flats known as 'Marine Court' close to the schools fields and outdoor swimming pool,
- the scheme will enhance the community by bringing in new people to the area and therefore will be beneficial to all the businesses in the area.

1 letter of comment received from **Flat 72B High Street, Rottingdean**, stating that the recent installation of boldly painted security boarding has resulted in it being more visible from the High Street. Any delay in building commencing may increase the opportunity for fly tippers to take advantage of the empty space.

1 letter of representation following neighbour re-consultation on the 26/09/2011 from **St. Aubyngs School** objecting to the application for the following reasons:

- the amended plans do not significantly address concerns that the school, including accommodation and play areas, will be significantly overlooked,
- the existing tree will not restrict views to the school.

13 letter of representation following neighbour re-consultation from **Queen Victoria Pub 54, 58, The Olde Cottage 62, 63, 72B, 72C, 72 and Stable Cottage High Street, Handy Hardware 51, 55, Sea of Spice 55/57 Marine Drive, 9, 11 Challoners Close** supporting the application for the following reasons;

- the empty site currently looks out of keeping in Rottingdean and is an eye-sore,

PLANS LIST – 02 NOVEMBER 2011

- the houses would look good, blend in and fit in well with the historic character of the High Street and Rottingdean. They would look attractive when viewed from the High Street,
- the old garage site has been neglected since demolition, is dangerous and so has to be fenced off,
- the applicants have gone to a lot of trouble to make the development fit in with other more traditional style houses in the village,
- would be pleased to see more families move to the village,
- the new town houses will be popular with young families wanting to live in the catchment area for the two oversubscribed schools which are under 5 minutes walk way, will mean less traffic for the congested village if the pupils can walk to school/playgroup/nursery, especially now the school bus services has stopped,
- the bus stop for Brighton could not be much closer and the excellent service offered will discourage unnecessary car use, this will also ease congestion in the village,
- delighted the old garage, which closed over 3 years ago will be used for something more suitable but not commercial,
- will use a traditional mix of flints, brick and render,
- will greatly improve this important part of the High Street which has been let down by the neglected site,
- the site needs to be developed,
- safer uses of the site than the 24/7 garage that operated there,
- welcomes this kind of development which makes the best use of existing space without building in fields,
- would be in keeping with the style of smaller development which can be seen in many parts of the village such as Victoria Mews and Caspian Square,
- the residents would have something that those living in older properties do not enjoy, the benefit of modern materials, better insulation, less maintenance etc,
- the properties would comply with the regulations concerning lifetime homes, a rarity in Rottingdean,
- the proposed scheme is a great improvement on the one which was previously passed. With its reduced number of units, added amenity space and variety of sympathetic materials, would be very much in keeping with the beautiful village and Conservation area in which it is located,
- delighted to see the provision of not only of parking but also room to manoeuvre so that no one will need to reverse down the drive,
- there has always been a constant flow of traffic without injury due to the previous uses of the site, namely a garage (with a repair workshop, car sales, servicing and offering MOTs) since 1953, which operated 7 days a week and a fire station during the war, and
- aware that some parents of the adjacent school have concerns reading overlooking but they may not realise that over the years the school itself sold various plots for redevelopment including the tall block of flats known as “Marine Court” close to the school’s fields, outdoor swimming pool and

tennis courts,

CAG: (19/087/2011): Believe the appearance of the development an improvement on the previously approved scheme yet saw no justification for the site to be gated. Consider a mews development an appropriate typology but the mews street proposed is too narrow and the buildings too high. Noted the use of a large number of materials, including use of uPVC for the windows. Recommend greater discipline over the use of materials and removal of the gates from the proposal. In all other respects, given the planning history of the site, agreed to make no comment.

Rottingdean Parish Council: In view of the fact that planning permission has already been granted for this site it is only a matter of judging whether or not this application is preferable to the previous one. Under these circumstances do not wish to lodge objections to the current proposal.

Brighton & Hove Archaeological Society: The development is focused on the more ancient and historical centre of the village. It is possible that important archaeological remains maybe destroyed by the proposed construction.

County Archaeologist:

(Original 8th July 2011): The site is situated within both a Conservation Area and an Archaeological Notification Area, defining the historic core of the medieval and post-medieval village of Rottingdean.

There is no record of archaeological finds within the proposed site due to no archaeological investigations having ever taken place, but this site is located in the rear area of probable medieval tenement plots.

The applicant's agent was supplied with pre-application information regarding this site and it is therefore very surprising that the applicant's heritage statement makes absolutely no mention of below ground archaeology. In light of the potential archaeological significance of this site, it is important to follow the requirements given within PPS5 and ask the developer to provide an archaeological assessment of the site. This should establish whether significant archaeological remains survive and, if so, what are their condition and significance.

(Additional comments 10/08/2011 following direct discussions with agent and 29/09/2011 following submission of a Statement of Heritage Significance): In light of the potential archaeological significance of the site, recommends that the area affected by the proposal should be the subject of a programme of archaeological works.

Internal:

Arboriculturist:

(Original comments 15/07/2011 and 4/10/2011 following submission of

amendments) There is only one tree on the entire site, this is well away from the proposed development but will need to be protected during the course of the development. Recommends approval with tree protection condition attached.

Design & Conservation:

(Original comments 26/07/2011) The buildings are effectively 4 storey in a 2/3 storey area. This is still in principle considered overdevelopment for the area and would more suitably be a storey lower. Integral garages are also not a traditional feature this area. Notwithstanding this, the proposals are potentially an improvement on the current approved scheme, subject to modifications and amendments in relation to the design and construction of the proposed entrance gate, proposed walls, the division of the southern terrace gardens, the visitor parking area, the design and detailing of the proposed dwellings and the proposed construction materials.

(12/10/2011 following submission of amendments) Seek modifications regarding the proposed construction materials, the detailing of the proposed dwellings,

(Final comments 14/10/2011 following receipt of amendments) Recommends approval subject to the attachment of conditions.

Environmental Health:

(Original Comment 2/08/2011) Recommends refusal as have viewed the South Testing report submitted with the application and is not satisfied that the Phase II intrusive study has properly addressed the uncertainties at this site for the following reasons;

- Risk to humans through the inhalation of vapours and gases or through fire/explosion,
- There is concern that four underground storage tanks could have caused soil contamination, affected ground water and could therefore, affect services and structures,
- The proposed end use is for residential properties with gardens. Therefore, the risks relating to future occupants might come from eating home grown produce, using contaminated services or (particularly to children) from ingesting, inhaling or contacting soil or dust,
- The walkover survey was undertaken on the 12/08/2009; the results from the laboratory are dated the 3/09/2009, a table in the report for contaminated soils dated the 7/9/2009 but the report states that the fieldwork was undertaken on the 20/09/2009, and
- It should be noted that unfortunately, whilst they may still be construed as guidance, CRL 7 and CLR 10 have been withdrawn.

Final comments: (14/10/2011): Have read the contaminated land reports provided. Due to the complicated history of the site, a meeting was held with Southern Testing. As a result of this meeting a further report was submitted outlining the proposed remediation scheme for the site and this proposal was

deemed acceptable.

Suggest that the phased contaminated land condition is applied to this proposal form part (c). This will enable the applicant to nominate a competent person to oversee the implementation of the proposed remediation scheme so that the development can progress.

Sustainability: Under SPD08 these should be Code Level 3 if Brownfield and Code 5 if Greenfield.

Sustainable Transport: Further to previous comments made towards the application on the 6/07/2011, which are now superseded, an Access Statement to support the application was submitted. Now recommend approval of the application subject to conditions to protect the interests of the public using the roads and footways.

6 MATERIAL CONSIDERATIONS

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

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (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 3: Housing

PPS 5: Planning for the Historic Environment

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe development

TR8 Pedestrian routes

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

SU15 Infrastructure

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of Conservation Areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

Character Study

Rottingdean (Draft)

8 CONSIDERATIONS

Background

Under application BH2007/00617 planning permission was recommended for refusal, but was granted on the 03/12/2007, by the Planning Applications Sub-Committee, for the demolition of the existing buildings on the site and the redevelopment of the site by way of the erection of 9 three-bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors (the fourth floor set within the roofspace) and the provision of 4 visitor parking spaces. Under application BH2010/02408 permission was granted to extend the time limit for implementation of this consent for a further 3 years.

There is a refusal of permission BH2007/04674 on this site, subsequent to the earlier 2007 consent having been granted. That refusal relates to a similar proposal but with the omission of 4 parking spaces. This refusal subsequent to the BH2007/00617 consent does have weight and is a material consideration. However, given that it was a different scheme that refusal does not outweigh the existence of the current consent.

The main considerations in the determination of this application relate to the proposed scale, design and layout of the development, the impacts upon the visual amenities of the High Street, the Rottingdean Conservation Area and the setting of adjacent Listed Buildings, the impacts on neighbouring properties amenities, the quality of living conditions for future occupiers, land contamination, highway issues and sustainability issues.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 determination must be made in accordance with the relevant

development plan, unless material considerations would indicate otherwise. In this instance the previous planning decision (BH2007/00617) is a significant material planning consideration in relation to the principle of the re-development of the site for housing however the scheme is of a different nature and the adopted planning policies are up to date and area still directly relevant to the determination of this application.

Since approval of application BH2007/00617, other than the demolition of the former buildings within the site, there has been no change in material circumstances with regards to the site itself. In relation to policy the Development Plan remains the same but with the withdrawal of the Structure Plan. Planning Policy Statement 3 has been amended but those amendments relate to garden land and are therefore not relevant.

The site area to which the current application relates is different to that in the 2007 applications by way of the inclusion of additional land to the east of no. 56 High Street.

The site has been subject to pre-application discussions and amendments to the layout, positioning and design of the proposed dwellings have been submitted since submission of the application in order to address concerns raised by officers.

Planning Policy:

Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:

- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b) the use of building materials and finishes which are sympathetic to the area;
- c) no harmful impact on the townscape and roofscape of the conservation area;
- d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
- e) where appropriate, the removal of unsightly and inappropriate features or details; and
- f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.

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

Policy HE3 states that development will not be permitted where it would have

an adverse impact on the setting of a listed building through factors such as siting, height, bulk, scale, materials, layout, design or use.

National Planning Policy on Housing (PPS3) and policy QD3 of the Brighton & Hove Local Plan seek the efficient and effective use of land for housing, including the re-use of previously developed land including land which is vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question.

PPS3 states that a development, such as that proposed should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and thereby resulting in a development which is efficient in the use of the land without compromising the quality of the local environment. However PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are:

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

Design:

Since approval of application BH2007/00617 the buildings relating to the former use of the site, as a motor vehicle servicing and repairs garage and a car sales yard, have been demolished.

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. These policies require that the scale of development is appropriate to the layout of the scheme and the relationship to the surrounding area, that the design emphasises and enhances the positive aspects of the neighbourhood with attention paid to the creation of spaces between development and that overdevelopment and town cramming are avoided.

The site is located to the east of the High Street, a street which forms a strong north to south linear axis from which a number of streets branch to the east and west. The High Street comprises the commercial heart of the village and is characterised by a dense urban grain of predominantly small, closely-spaced vernacular cottages interspersed with early 20th Century terraces. The majority of buildings in the area front directly onto the road with irregular or non-existent pavements emphasising this direct relationship. Of the buildings

that do not front directly on to the High Street, they are predominantly set parallel to or at right angles to the road.

The proposed development comprises the construction of 8 dwellings, set in two parallel rows, each containing 4 houses. The proposed dwellings will be set at right angles to the High Street in a mews style, a layout in keeping with the morphology of the area, set out above. Since submission of the application the positioning of the proposed dwellings has been rotated slightly clockwise in order to address concerns raised by officers with regards to the size of the proposed amenity areas relating to the northern terrace and the positioning of the southern terrace in relation to no. 56 High Street.

The proposed dwellings would have a ridge height of approximately 11.1m (26.70 ordnance datum). It is noted that this height appears to be 1.1m higher than the dwellings approved in the 2007 application.

As with the development approved in 2007 the proposed 3 bedroom dwellings will effectively be four storeys in height, with the fourth floor set within the roofspace of the dwellings. A utility room and integral garage will be provided at ground floor level. The majority of the buildings in the surrounding area are 2 or 3 storey properties. In principle the construction of 4 four storey properties within this site is considered to be an over-development of the site. In addition the inclusion of integral garages is also not considered to be a traditional feature in this area.

Notwithstanding concerns regarding the number of storeys proposed the increase in height and the inclusion of integral garages the current scheme is considered to be an improvement on the extant 2007 permission as the current application proposes a stronger building line.

The western most sited house within the northern terrace will be located further to the north than the other three properties. The rest of the properties within the mews development have flush north and south facing building lines. Minimum distances of between approximately 7.3m and 7.6m will be located between the two terraces.

The predominant building materials within the surrounding area are flint, brick and some render (generally applies to the building in its entirety) with mainly pitched roofs covered in clay tiles, either set parallel or with a gable end to the road. Since submission of the application the design and materials of the proposed dwellings have been amended in order to address the concerns of the Conservation Officer. The proposed dwellings will now comprise the following materials;

- face brickwork,
- timber,
- timber framed doors and windows,
- flint panels,
- roof tiles

- timber painted soffits and fascias.

A sample of these materials, in addition to a sample panel of the flintwork, is required before commencement of the development, an issue which can be ensured by the attachment of a condition.

The western most sited property of the northern terrace will be set immediately adjacent to the south facing elevation of St. Aubyn's School, which is a Grade II Listed Building. Although the proposed dwellings will rise to the same height as the school building the impact on this northern neighbouring Listed Building is however mitigated by a variation in height between the neighbouring plots. In addition the principal elevation of the school, which fronts directly onto High Street, will not be impacted as it will not be viewable in context with the proposed development due to the development site being located behind nos. 62 to 74 High Street. Overall it is therefore considered that the proposed development will not have a significant detrimental impact upon the setting of this neighbouring listed building.

Nos. 62 to 66 High Street, which are located to the west of the site are also Listed. Due to the positioning of the proposed development in relation to these neighbouring properties and the fact that their principal elevations face directly onto the High Street it is deemed that the proposed development will not have a significant adverse impact upon the setting of these historic buildings.

Due to the proposed height and location of the proposed dwellings in relation to no. 56 High Street the proposed development will impact upon the setting of this building. However although historic, this building is not listed, is not highly visible from within the surrounding area and its impact would be impacted upon if the approved 2007 scheme is built and therefore it is considered that refusal on this basis alone could not be justified.

The proposed dwellings will be located in close proximity to retaining/historic walls, to the north and east of the dwellings in particular. The northern sited terrace will be located between approximately 1.52m and 4.4m away from the northern boundary of the site. A minimum distance of 1.7m will be located between the western facing elevation of the southern terrace and the boundary with nos. 66 and 62 High Street in order to allow access to be maintained to no. 56 High Street. A method statement is required to ensure that these walls will not be affected by the development, an issue which can be dealt with by the attachment of a condition.

Living conditions for Future Occupiers

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. Each of the proposed new dwellings will have sole use of a private amenity space. Despite all of the new dwellings

containing three bedrooms, the size of the proposed private amenity space varies from between approximately 17m² to approximately 54m², depending upon the location of the house in the plot. The eastern most sited house within the southern terrace utilises the additional parcel of land which is now incorporated into the site, to the east of no. 56 High Street.

Since submission of the application the positioning of the proposed dwellings has been rotated slightly clockwise in order to address concerns raised about the small size of the proposed amenity spaces, especially with regards to the presence of a high northern boundary wall. The amendments have resulted in the depth of the southern garden areas being bigger than that approved in the 2007 application. It is now considered that the proposed amenity spaces for each unit are adequate to the scale and nature of the development proposed. In addition the size of private amenity space proposed in the current application is larger than those approved in the 2007 application.

Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design (except the standard relating to communal staircases and lifts). Within the submitted Design and Access Statement it is stated how the proposal will comply with some of the Lifetime Homes Standards however it is recommended that a condition is attached to an approval to ensure that the development complies with all of the required standards.

Minimum distances of between approximately 7.3m and 7.6m will be provided between the two terraces. Whilst this distance is less than that approved in the 2007 application (10m) the windows within the front facades of the properties are located such that views between the two terraces will not be direct and therefore it is considered that this reduced distance will not adversely affect the amenities for future occupiers with regards to overlooking or privacy.

Impact on Neighbouring 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.

Given the existing residential and commercial character of the surrounding area, it is not considered that the principle of the proposal would have a significant adverse impact upon the amenities of the neighbouring properties.

A minimum distance of approximately 4.72m will be located between the

south facing elevations of the southern terrace and the north facing elevation of no. 56 High Street, which is single storey property with accommodations in the roofspace, currently split into a ground and first floor flat. Both the existing windows within the north facing elevation of this neighbouring property relate to a kitchen area. Other windows within either the western or southern facing elevation of the property also relate to these kitchen areas. Due to the positioning of the southern terrace in relation to the first floor north facing window in no. 56 this window will have a direct view along the pathway which is to be maintained for access. Overall it is not considered that the proposed development will have a significant adverse impact upon the amenities of this neighbouring property with regards to loss of light/sunlight, overshadowing or loss of outlook.

New boundary walls (further details of which are sought by condition) will be created around the rear boundaries of the proposed southern terrace and as a result no. 56 High Street will be provided with separate usable amenity space. Although the northern and eastern section of this amenity space will be overlooked by the windows within the south facing elevation of the southern terrace of the proposal, no. 56 will have use of a private amenity space located to the south of the property.

The northern terrace will be located between approximately 1.5m and 4.4m away from the northern boundary of the site, which adjoins the neighbouring school. Although the proposed dwellings will be of the same height of the existing section of the school closest to the proposed northern terrace the land associated with the school, along the shared common boundary with the development site, is set at a higher level than the ground level of the site, by approximately 2.1m. The ground floor levels of the proposed dwellings within the northern terrace will not be visible above the northern boundary wall (which has a height of approximately 3.2m measured from the development site), when viewed from the adjacent school.

Since submission of the application the proposal has been amended so that lower parts of windows at first and second floor levels within the north facing elevation of the northern terrace contain obscured glazing (some of the windows will be completely obscured due to relating to bathroom areas). In addition dormer windows have been replaced with obscurely glazed pivoting rooflights. These amendments have been made to address concerns raised with regards to overlooking and loss of privacy.

Due to the distance between the rear elevations of nos. 62 and 66 High Street and the proposed development it is not considered that the proposed development will have a significant adverse impact upon the amenities of these neighbouring properties.

Subject to the compliance with the attached conditions, it is not considered that the proposed development will have a significant adverse impact upon the amenities of neighbouring properties.

Sustainable Transport:

Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. 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 developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

Each dwelling will have use of an integral garage in addition to 3 visitor parking spaces being provided within the north-western corner of the site.

An Access Statement has been submitted to support the proposal. Following receipt of this statement the original Sustainable Transport comments, which objected to the proposal, have been superseded.

The previous objection related to highway safety concerns arising from the use of the existing site access for access and egress to the proposed mews and related visitor parking spaces for both pedestrians and vehicles. The existing access width, a minimum of approximately 3.8m, is not wide enough to facilitate the safe passing of two vehicles. As a result of the narrowness of the access route there was concern that there would be an increase risk from vehicles reversing onto the public highway, thus causing a safety hazard to other road users of pedestrians.

The Access Statement includes details of a trip generation assessment using an up-to-date version of TRICS. This assessment anticipates an overall net reduction in trips associated with the proposed development in comparison with the site's former use.

Although it is anticipated that the proposal will result in a reduced level of traffic movement into and out of the site it is recommended that measures are implemented to mitigate the risk to highway users, an issue which can be ensured by a condition.

The originally proposed gate at the entrance to the mews has been removed from the proposal in order to address concerns raised by the Council's Sustainable Transport Officer in relation to the vehicle manoeuvrability within the site should a vehicle, leaving the mews, be required to reverse back into the site if a vehicle be entering the mews at the same time.

The submitted ground floor plans show that secure cycle storage will be provided within the utility room of each northern terrace dwelling. However it has been confirmed that such facilities will also be provided for each unit within the southern sited terrace. Bar the western most units within the

northern terrace such facilities will be provided to the rear of the staircase.

In addition the site is located within close proximity to public transport, namely bus services.

Sustainability:

Policy SU2 and SPD08 seek 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.

As the proposal is for a new build development on brownfield land the submission of a Sustainability Checklist is required as part of the application. In addition the new dwelling should achieve Code Level 3 of the Code for Sustainable Homes in order to accord with SPD08. Such a checklist has been submitted as part of the application in which it is stated that the proposed dwellings will be constructed to a minimum of Code Level 3 for Sustainable Homes, this issue can be ensured via the attachment of a condition.

All habitable rooms will be provided with some form of natural light and ventilation, in accordance with SU2.

Policy SU2 of the Brighton & Hove Local Plan requires all new developments to make provision for adequate refuse and recycling facilities. The plans submitted show the storage of refuse facilities along the access route into the mews, adjacent to the existing neighbouring refuse facilities. It has been stated by the applicant that these facilities will be located along the access route on bin collection days only. It is considered that there is sufficient space within the ground floor level of the properties to provide refuse and recycling facilities if those shown on the plans submitted are for collection days only.

Other Considerations:

The site is located within an Archaeological Notification Area defining an area of Iron Age and Roman activity. Policy HE12 relates to Scheduled Ancient Monuments and other important archaeological sites. The policy states that development proposal must preserve and enhance sites of known and potential archaeological interest and their settings.

In light of the archaeological potential of the site it is recommended that any approval is subject to a programme of archaeological works, an issue which can be secured by the attachment of a condition.

A sycamore tree is located just outside the site area, towards the boundary, to the south of no. 56 High Street. Due to the location of this existing tree the Council's Arboriculturist considers that this tree will not be affected by the proposal but as was unable to access the area concerned recommends that a condition is attached to an approval to ensure that this tree is protected during

construction of the proposed development. In addition an Arboricultural Method Statement should be submitted and approved in relation to the lifting of the concrete etc around its base and amelioration of the soil in the vicinity.

A condition was attached to the approval of application BH2007/00617 relating to land contamination. Although submitted details in relation to this condition were approved under application BH2010/00081 it is now considered that, given the complexity of the development site, and its previous use as a motor repair garage (with fuel, car spraying and repair activities having been carried out), further details should be provided. These can be secured by condition.

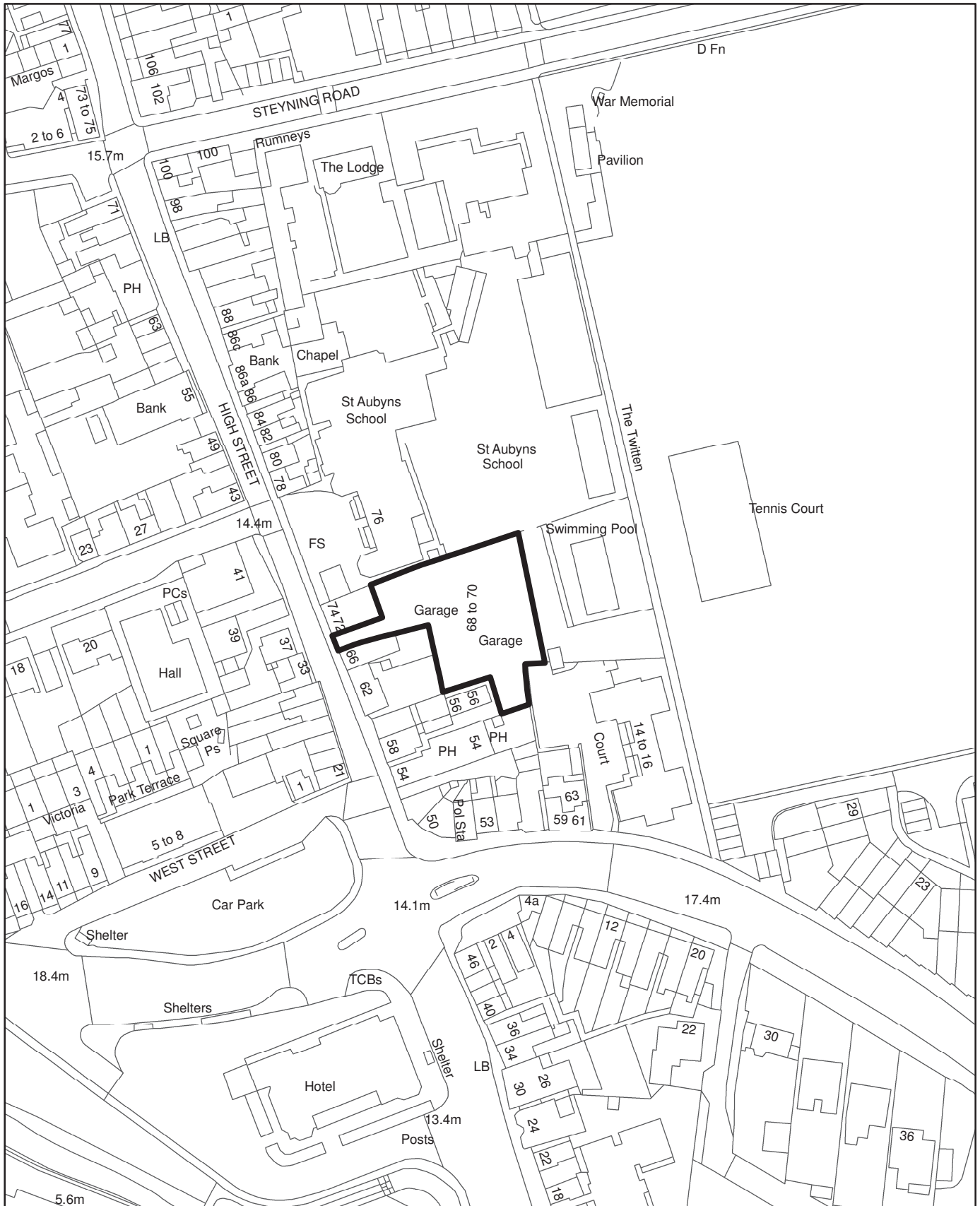
9 CONCLUSION

Although the proposed development is of a scale and height not characteristic of the surrounding area, it is considered that in comparison to the scheme approved in 2007, to which weight must be given, the proposal will not be of detriment to the visual amenities of the High Street, the surrounding Rottingdean Conservation Area or the setting of the adjacent Listed Buildings. The proposed development will provide adequate family accommodation without being of detriment to the amenities of neighbouring properties.

10 EQUALITIES IMPLICATIONS

The development is required to comply with all reasonable Lifetime Homes criteria and to meet Part M of the Building Regulations.

BH2011/01773 68-70 High Street, Rottingdean.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/02016	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	42 & 43 George Street, Brighton		
<u>Proposal:</u>	Erection of new building at 43 George Street to replace existing and second floor extension at 42 George Street development comprised of retail/financial and professional services/offices (A1/A2/B1) on part ground floor and 34 student rooms on part ground and upper floors incorporating cycle parking and bin storage.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	19/07/2011
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	13/09/2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Dowsett Mayhew Planning Partnership, 102 Trafalgar Street, Brighton		
<u>Applicant:</u>	Meadowbridge Properties Ltd, C/O Dowsett Mayhew Planning Partnership		

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 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

- £16,849.51 for the enhancement of recreational open space activities at Dorset Gardens;

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.TA583/01A, 03A, 04A, 18, and 19 received on 15 July 2011 and TA583/02 and 13A received on 6 July 2011 and drawings nos. TA583/10C, 11C, 12C, 14C, 15C and 16B received on 8 September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Unless otherwise agreed in writing by the Local Planning Authority, the 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.

4. Access to the flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes, expansion joints, bell mouldings, metal leads, stops or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

6. On the no.43 George Street elevation, the ridge and eaves height of the building hereby approved along with the top and cill height of the bay windows at first and second floors, shall match exactly the ridge and eaves height of the building at No.44 George Street and the top and cills of existing bay windows present at No.44 George Street.

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

Pre-Commencement Conditions:

7. Prior to commencement of development a Discovery Strategy for no.42 George Street shall be submitted and approved in writing by the Local Planning Authority detailing what action will be taken if unsuspected contamination findings are discovered whilst developing the site. Development shall be undertaken in strict accordance with the approved strategy.

Reason: Previous activities within close proximity of this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

8. i) The development at no.43 George Street hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with

BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

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

- 9. No development shall take place until plans at 1:20 showing the proposed railings to the rear balconies shall be 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 HE6 of the Brighton & Hove Local Plan.

- 10. No development shall take place until 1:20 scale elevations and 1:1 scale joinery profiles of the external windows, glazing bar/ frame dimensions and the opening arrangement have been submitted to and approved in writing with the Local Planning Authority. All windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents. The works 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 HE6 of the Brighton & Hove Local Plan.

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

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

comply with policy HE6 of the Brighton & Hove Local Plan.

12. 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.

13. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence at until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all the development have been submitted to the Local Planning Authority; and

- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

14. No development shall commence until fences for the protection of trees adjacent to the site within Dorset Gardens have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

15. No development shall take place until full details of the proposed biodiverse roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section of the biodiverse roof, maintenance plan, construction method statement, and proposed seed mix designed to support species rich habitats. The approved details shall be implemented no later than the first planting season following the completion of the development. The scheme shall

then be carried out in strict 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.

16. BH06.05 Car Free Housing

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan

Pre-Occupation Conditions:

17. 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 development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority..

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

Informatives:

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

The proposal would not be of detriment to the character and appearance of the street scene or the conservation area and would not materially harm the amenity of surrounding residents. The standard of accommodation is acceptable and the scheme would not jeopardise highway safety or lead to parking problems.
2. IN05.06A Informative: BREEAM
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).

3. IN06.05 Car Free Housing

The applicant is advised that the scheme required to be submitted by Condition [***] should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

2 THE SITE

The site contains two buildings located on the east side of the road No.42 is a two storey flat roofed building. The ground floor is occupied and in retail use while the upper floor is vacant having last been used as student accommodation with 5 bedrooms and a communal kitchen and living area. No.43 is a double-height, single-storey commercial building which is presently vacant and was last used for vehicle repairs.

The surrounding area is a mixture of commercial and residential. Two storey terraced properties with dormers are opposite the site on George Street, which are mainly all in residential use. Properties on the same side of George Street to the south of the site include a row of three storey bay fronted terraces with retail/commercial on the ground floor. To the north of the site are a mixture of unattractive large two storey buildings which again are in retail and commercial use.

Dorset Gardens to the rear is a small park. Situated around this park are a number of residential and commercial buildings, some of which contain balconies fronting onto the park. The site lies within the East Cliff Conservation Area.

3 RELEVANT HISTORY

42 & 43 George Street

BH2011/02017: Demolition of 43 George Street. Concurrent application.

43 George Street

BH2010/00367: Demolition of existing vacant vehicle workshop and erection of 1No three storey building comprising of offices at ground floor and 2no two bed flats and 2No one bed flats on the first and second floors. Approved 07/07/2010.

BH2010/00368: Demolition of existing vacant vehicle workshop. Approved 07/07/2010.

BH2008/00303: Conservation area consent for the demolition of the existing building. An appeal against non-determination was dismissed on 10 February 2009.

BH2008/00302: Full planning application for the redevelopment of vacant vehicle repair workshop building to provide a three storey building comprising ground floor offices and 4 two bedroom flats on first and second floors. An

appeal against non-determination was dismissed on 10 February 2009.

BH2005/05747: Redevelopment of vacant vehicle workshop building to provide ground floor shop with 4 self-contained two bedroom flats on first and second floors. Refused 16/12/2005

BH2004/00775/FP: Redevelopment of site to form 2 live/work units and 3 self contained flats. Refused 16/12/2005. A subsequent appeal was dismissed (APP/Q1445/A/04/1164918).

BH2003/00189/FP: Redevelopment to form 2 live/work units and 3 self-contained flats. Refused 10/03/2004.

BH2002/00639/FP: Change of use from vehicle repair workshop to retail use (Class A1) for garden supplies and plant store. Was withdrawn by the applicant.

BH2001/02368/FP: Alterations to existing garage to form office and workshop. Approved 29/01/2002.

42 George Street

BH2010/03477: Addition of second floor and internal and external alterations to first floor to create student accommodation (Sui-generis) and retention of 160sqM of Retail (A1) to ground floor together with cycle and bin storage. Approved 22/03/2011.

4 THE APPLICATION

Planning permission is sought for the erection of a new building at 43 George Street to replace the existing building and a second floor extension at 42 George Street comprising retail/financial and professional services/offices (A1/A2/B1) on part ground floor and 34 student rooms on part ground and upper floors incorporating cycle parking and bin storage.

The ground floor of 42 George Street would provide two 30.8sqm units of retail floor space, with a 63.6sqm unit of retail floor space at 43 George Street. The rear ground floor would contain 5 student rooms with a common dining, kitchen and social space.

The first floor would have 15 student rooms each with an en-suite shower and toilet and there would also be a communal kitchen.

The first floor would have a further 14 student rooms with a common kitchen/dining room also on this floor.

The applicant has been in discussion with the Brighton Institute of Modern Music who are interested in the site for their students and they support the application. The Design and Access statement includes a copy of a letter from the Brighton Institute of Modern Music Accomodation Officer who states that they operate a 24 hour telephone line for maintenance and emergencies. If the school did lease the site they would work with neighbours and give neighbours contact details so that in the event of any anti-social behaviour a representative from the school would attend the site and address the matter directly with the students concerned.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **22, 26 (x2)George Street, 23 Longhill Road, 14 Dorset Gardens**, objecting for the following reasons:

- No enough common parts for 34 people will result in people congregating in the street to talk and smoke, causing noise and disturbance.
- Overlooking from windows.
- Concern over noise levels during building and after.
- Noise from proposed balconies.
- Reuse area is too small for 34 students.
- Area already suffers from anti social behaviour with street drinker, students and transient residents who do not care for the area.
- The development of the site would be welcomed if it were for key workers or executive apartments and not students.

CAG: The group resolved not to comment.

Internal:

Design & Conservation:

Original Plans: Please seek the removal of the railings and rear windows on the Dorset Gardens boundary from the scheme. Please seek amendments to the bin store details.

Amended Plans: The set back is more than originally shown and the building will read as being inside the site rather than a continuation of the wall. Now satisfied with the proposals.

Sustainable Transport: More information is required regarding the proposed method of cycle parking to ensure it meets the need so future occupants and visitors to the site.

Sustainability Officer: BREEAM 'very good' with 50% in energy and water would be required.

Planning Policy; This proposal is finely balanced but due to the individual circumstances of this scheme and subject to compliance with policy HO6 the principle of this proposal is not felt to conflict with policy.

Economic Development Officer: No adverse comments to make in respect of the application.

Environmental Health: Given the number of previous applications and comments concerning land quality for the site, it is disappointing that the applicant has not provided any documents to support the application, however satisfied that these can be addressed through conditions on this occasion.

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
TR2	Public transport accessibility and parking
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste;
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages;
QD14	Extensions and alterations
QD27	Protection of amenity
SR5	Town and District Shopping Centres
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business and warehouse units
HO3	Dwelling type and size
HO4	Dwelling densities
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreational space in housing schemes;
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance

SPGBH4 Parking standards.

Supplementary Planning Documents

SPD2	Shopfronts
SPD08	Sustainable Buildings

Planning Advisory Notes

PAN03	Accessible Homes and Lifetime Home Standards
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8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact on the character and appearance of the East Cliff Conservation Area, the impact on the amenity of surrounding residents/occupiers and future occupants, traffic issues, sustainability and contaminated land.

Principle of the use:

The principle of the loss of the part of the retail floor space at the rear of no.42 is considered acceptable as two reasonable sized retail units remain. While the lower part of Georges Street falls within the St James Street district shopping centre, but outside of the prime frontage, the site itself is in the upper part of George Street which lies outside of the district centre.

The existing floor area of the workshop at no.43 is 127sqm. The proposal is to lose part of the employment space by using part of the rear of the ground floor as student accommodation and retain 64sqm of commercial floorspace at the front. The previous application gave consent to change the use of the premises from a vehicle repair shop to offices at the ground floor and the employment use was therefore retained, and it was considered that the proposal was not contrary to policy EM6, which seeks to retain employment uses.

The Senior Economic Development Officer met with the applicant's agents to discuss the proposal prior to submission and is satisfied with the proposal albeit with a reduction in overall floorspace. It is considered that the proposal to provide 2 smaller retail units at No.42 and replace the vacant building at No.43 with an A1/A2/B1 use is more compatible to the location.

Although there is slight reduction in the floorspace provided at ground floor level the proposal provides 3 retail units (1 with the flexibility to allow A2 or B1 should interest come forward from potential occupiers in either of these use classes) the Economic Development Team consider that the size of units are more suited to the location.

Although the applicant has provided no employment figures with the application the Economic Development Officer considers that based on the offPAT employment densities the proposal has the ability to provide employment for 7 people which is welcomed.

The proposal also replaces a redundant B2 building with a modern A1/2/B1 use in part of the new development which is considered appropriate for the location and is also welcomed in economic development terms.

Planning Policy have commented that while this current scheme proposes flexibility in use and a reduction in the employment floorspace within No 43 without the submission of any marketing information as normally required to demonstrate redundancy/viability of a site, there are unique individual

circumstances. It is recognised that No 43 has been vacant for a number of years and is falling into disrepair. The informed opinion of a commercial agent has been submitted, which in conjunction with the local knowledge of Economic Development and Planning Officers, it is accepted there are location/market issues in respect of potential future use of the site. It is accepted the site is appropriate for mixed use (by virtue of its location, scale, condition etc and policy EM9) and that the loss of B2 can be supported in view of the circumstances of the site and and past consent. In accordance with policy EM3 and EM6 a business use is proposed on the ground floor, however, due to recognised market issues for this location greater flexibility is sought in order to help ensure the site continues to offer employment. In view of these circumstances and the location of the sites within a parade of shops the proposed flexibility to allow either A1/A2/B1 use is considered acceptable.

Whilst there will be a reduction in employment floorspace it is recognised the site does not lie in a prime location for office development and in view of the proposed flexibility there could be implications in respect of the impact on the nearby District Shopping Centre from a larger retail use. The applicant indicates offices of around 5/600sqft (46/56sqm) would be best suited to this location. The proposed 64sqm therefore seeks to retain as much of the employment floorspace as considered viable for the site. It is therefore considered after carefully balancing the objectives of policy with the individual circumstances of this site that this proposal is not in conflict with policies EM3 and EM6.

The principle of student accommodation within No 42 and residential within No 43 was accepted by the approved 2010 applications. Whilst this proposal amends the residential use within No 43 to student accommodation the principle of this does not raise a concern in view of the comprehensive provision and effective site use offered by this proposal in conjunction with the student accommodation demands within the city.

Design:

Whilst 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. The site falls within the East Cliff Conservation Area, therefore policy HE6 of the Local Plan is also relevant, this policy requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area.

This site is part of the mixed frontage of George Street and also the setting of Dorset Gardens to the east. This side of George Street has a mix of 2 and 3 storey buildings, however due to the varying storey heights the eaves/parapet are very consistent for most of the length of the street. It is considered that the existing buildings are of a utilitarian design and make a neutral to negative contribution to the character of the conservation area. It is therefore considered that there is scope for improvements to the site.

In this case the principle of the development of both sites has already been established under the earlier extant planning approvals 43 George Street BH2010/00367 and 42 George street BH2010/03477. The proposed development follows closely the design of the new building on the site of No. 43 and the approved extension to No. 42, with links made between the two buildings internally.

The changes to the front elevation are restricted to the ground floor and have been made as a result of changes to the location of entrances. Two new entrances to the two retail units at No.42 are proposed with the entrance to the upper floors unchanged. On No.43 the ground floor entrance to the retail unit is retained and the entrance door to the upper floors has been removed.

The Conservation Officer has raised no concerns regarding the changes to the front elevation although there was a concern over the position of the bin store. The bin store enclosure was to be located immediately behind glazing on the ground floor and it was considered that this was unlikely to be visually successful, even with obscured or frosted glass. Therefore it was considered that this enclosure should be set back from the front face of the building leaving a clear void behind the glass. Amended plans have been received which address this issue and the Conservation Officer is now satisfied with this aspect of the proposals.

At the rear there were more significant changes at ground floor level from what has been approved under the previous schemes which would have an impact on Dorset Gardens and were of concern; these were the introduction of railings (No 43) and windows (No 42) within the rear boundary. The Conservation Officer considered that the existing brick/rubble wall is an important enclosure to the public open space, and that the buildings should be read as being set behind the boundary wall. Following negotiations the plans have been amended and the railings at first floor at the rear of No.43 have been removed and the balconies replaced with Juliette balconies. The applicants have confirmed that that the existing rear boundary wall will be retained and repaired and the plans have been amended to clarify this. The Conservation Officer is now satisfied with the visual impact of the rear elevations when viewed from Dorset Gardens.

Impact on Amenity:

Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties. While the objections regarding the use for student accommodation are noted, no. 42 has previously been used for students and the existing flat roof was also used as a roof terrace by the occupants and the application will remove this facility. In addition, the scheme approved in March this year also included student accommodation.

Although the use of the site will intensify as a result of the development it is not considered that refusal of the scheme on the grounds of noise and disturbance would be justified. The street and the surrounding area consist of

a mixture of commercial and residential properties in a fairly central location in the City Centre where some degree of noise is to be expected.

In terms of overlooking the balconies and windows at the rear will look onto the Dorset Gardens open space, whilst those at the front will face properties on the opposite side of George Street where there would be distance of some 9m which is considered acceptable in this central location and mirrors existing development in the street.

Amenity of future occupants

Local Plan policy QD27 also requires that new residential development provides suitable living conditions for future occupiers. Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development. 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.

It is considered that the development provides satisfactory accommodation for students with a reasonable sized bedroom private bathroom facilities and communal kitchens. A total of 13 balconies are provided and a patio shared by 4 of the student rooms. Given the location of the site within an area where private outdoor amenity space is limited, and as Dorset Gardens is immediately to the rear the provision is considered that this is acceptable.

Outdoor recreation space

Policy HO6 requires the provision of suitable outdoor recreation space. 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. Given the intensification of the site now proposed a contribution of £16,849.51 for the enhancement of recreational open space activities at Dorset Gardens has been agreed with the applicant in recognition of the increase in demand that the proposed use will have on the adjoining open space and in order to comply with policy HO6.

Sustainable Transport:

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their development proposals create and to maximise the use of public transport, walking and cycling.

No off-street car parking can be provided and the site is located within a Controlled Parking Zone. A car free housing condition is recommended. Secure cycle storage is proposed in accordance with policy TR14 of the Local Plan. The Council's Traffic Engineer has raised no objections to the application and has requested further information regarding the cycle parking which is covered by an appropriate condition.

Sustainability:

The adopted SPD08 requires a minimum BREAAAM rating of 'Very Good' and conditions to this effect are recommended. It is note that No.42 includes a green roof and PV roof panels.

Other Considerations:

Environmental Health have concerns as the site is identified as being potentially contaminated land through its historic uses and they have commented on the two previous appliciations on these sites. These were coachbuilders and wheelwrights in 1902, 1908 and 1914, a paint manufacturers in 1956 and a motor vehicle use in 1974. A derelict tank register also identifies potentially historic underground tanks at 43/45 George Street. However, given that the application at 42 did not propose external breaking of the ground and merely internal extensions, they were satisfied that the uses would not require a full potentially contaminated land condition. However, given the past uses, a discovery condition was considered appropriate to deal with any unexpected findings and this condition therefore forms part of this recommendation.

Similarly, Environmental Health also commented on the earlier approval for the demolition and new building on the site of no.43. This site has a long and established use as a motor vehicle garage since as early as 1949. Additionally, records held by the Council indicate the likely existance of submerged tanks on the site, likely to have been used for petroleum storage. The major chalk aquifer underlies the site, and hence contamination of controlled waters is another risk associated with the site. The Environmental Health Officer recommended conditions related to site investigation and remediation works as well as to plant and machinery.

The Environmental Agency were also concerned that the site was likely to be contaminated due to its previous uses.

Although Environmental Health would have liked to have seen more information submitted with the application they are satisfied that conditions for site investigation and remediation work at no.43 would ensure that there is no risk to health or controlled waters as a result of possible ground contamination.

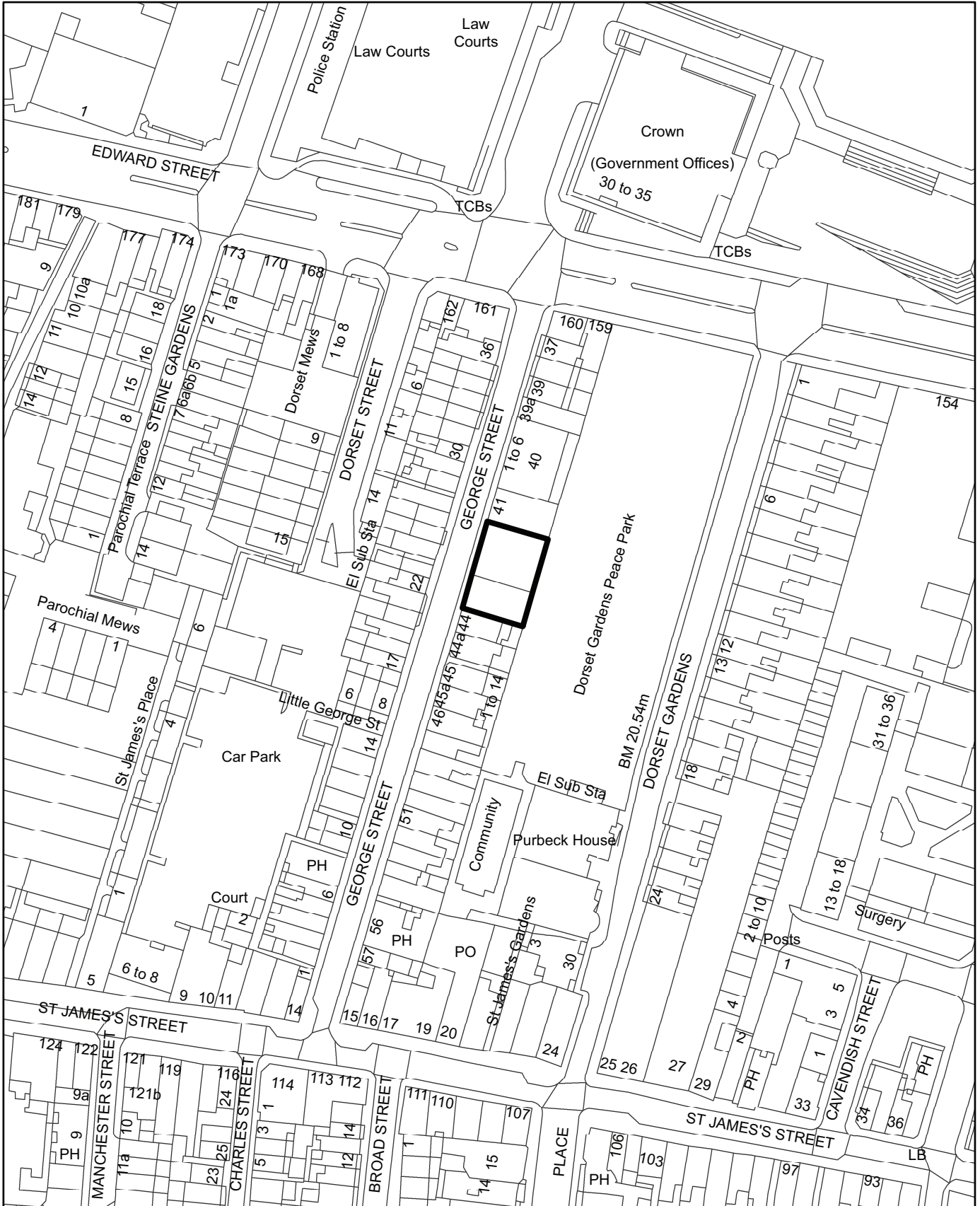
9 CONCLUSION

The proposal would not be of detriment to the character and appearance of the street scene or the conservation area and would not materially harm the amenity of surrounding residents. The standard of accommodation is acceptable and the scheme would not jeopardise highway safety or lead to parking problems.

10 EQUALITIES IMPLICATIONS

Where possible lifetime homes standards have been incorporate into the design.

BH2011/02016 42 & 43 George Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/02017	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	42 & 43 George Street, Brighton		
<u>Proposal:</u>	Demolition of 43 George Street.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	15/07/2011
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	09/09/2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Dowsett Mayhew Planning Partnership, 102 Trafalgar Street, Brighton		
<u>Applicant:</u>	Meadowbridge Properties Ltd, C/O Dowsett Mayhew Planning Partnership		

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** conservation area consent subject to the following Conditions and Informatives.

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA583/01A, 02, 03A, 04A, 18, and 19 submitted on submitted 06 July 2011.
2. This decision to grant Conservation Area consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

It is considered that, subject to appropriate redevelopment of the site, the proposed demolition of the building would not harm the character or appearance of the East Cliff Conservation Area.

2 THE SITE

The site contains two buildings located on the east side of the road. No.42 is a two storey flat roofed building. The ground floor is occupied and in retail use while the upper floor is vacant having last been used as student accommodation with 5 bedrooms and a communal kitchen and living area. No.43 is a double-height, single-storey commercial building which is presently vacant and was last used for vehicle repairs.

The surrounding area is a mixture of commercial and residential. Two storey terraced properties with dormers are opposite the site on George Street, which are mainly all in residential use. Properties on the same side of George Street to the south of the site include a row of three storey bay fronted terraces with retail/commercial on the ground floor. To the north of the site are a mixture of unattractive large two storey buildings which again are in retail and commercial use.

Dorset Gardens to the rear is a small park. Situated around this park are a number of residential and commercial buildings, some of which contain balconies fronting onto the park. The site lies within the East Cliff Conservation Area.

3 RELEVANT HISTORY

43 George Street

BH2010/00367: Demolition of existing vacant vehicle workshop and erection of 1No three storey building comprising of offices at ground floor and 2No two bed flats and 2No one bed flats on the first and second floors. Approved 07/07/2010.

BH2010/00368: Demolition of existing vacant vehicle workshop. Approved 07/07/2010.

BH2008/00303: Conservation area consent for the demolition of the existing building. An appeal against non-determination was dismissed on 10 February 2009.

BH2008/00302: Full planning application for the redevelopment of vacant vehicle repair workshop building to provide a three storey building comprising ground floor offices and 4 two bedroom flats on first and second floors. An appeal against non-determination was dismissed on 10 February 2009.

BH2005/05747: Redevelopment of vacant vehicle workshop building to provide ground floor shop with 4 self-contained two bedroom flats on first and second floors. Refused 16/12/2005

BH2004/00775/FP Redevelopment of site to form 2 live/work units and 3 self contained flats. Refused 16/12/2005. A subsequent appeal was dismissed (APP/Q1445/A/04/1164918).

BH2003/00189/FP: Redevelopment to form 2 live/work units and 3 self-

contained flats. Refused 10/03/2004.

BH2002/00639/FP: Change of use from vehicle repair workshop to retail use (Class A1) for garden supplies and plant store. Was withdrawn by the applicant.

BH2001/02368/FP: Alterations to existing garage to form office and workshop. Approved 29/01/2002.

42 George Street

BH2010/03477: Addition of second floor and internal and external alterations to first floor to create student accommodation (Sui-generis) and retention of 160sqM of Retail (A1) to ground floor together with cycle and bin storage. Approved 22/03/2011.

42 & 43 George Street

BH2011/02016: Erection of new building at 43 George Street to replace existing and second floor extension at 42 George Street development comprised of retail/financial and professional services/offices (A1/A2/B1) on part ground floor and 34 student rooms on part ground and upper floors incorporating cycle parking and bin storage. Concurrent application.

4 THE APPLICATION

The application seeks conservation area consent for the demolition of No.43 George Street.

5 CONSULTATIONS

External

CAG: The group resolved not to comment.

Internal:

Design & Conservation: The existing buildings are of utilitarian design and make a neutral to negative contribution to the character of the Conservation Area.

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:

HE8 Demolition in conservation areas

8 CONSIDERATIONS

In accordance with policy HE8 of the Brighton & Hove Local Plan, the main issues for consideration in this case are the merit of the existing building and the contribution that it currently makes to the conservation area, and the proposed replacement scheme.

Existing Building

It is considered that the existing industrial building is of poor quality and does not make any particularly noteworthy contribution to the character and appearance of the East Cliff Conservation Area. This is a view that has been taken by the Council previously when considering applications BH2010/0036, BH2008/00303, BH2004/00775 and BH2005/05747 and also the view of two Inspectors when dismissing appeals for redevelopment of the site (BH2008/00303 BH2004/00775).

As the building does not make such a positive contribution to the East Cliff Conservation Area, its demolition is acceptable in principle subject to a satisfactory replacement scheme.

Replacement Scheme

This application for Conservation Area Consent accompanies a current full Planning Application for a proposed replacement scheme under reference BH2011/02016 which also appears on the plans list with a recommendation for approval. Therefore this conservation area consent application can be granted subject to the approval of the planning application and contracts being entered into for the new building prior to demolition works commencing in order to prevent a gap site in the conservation area being created.

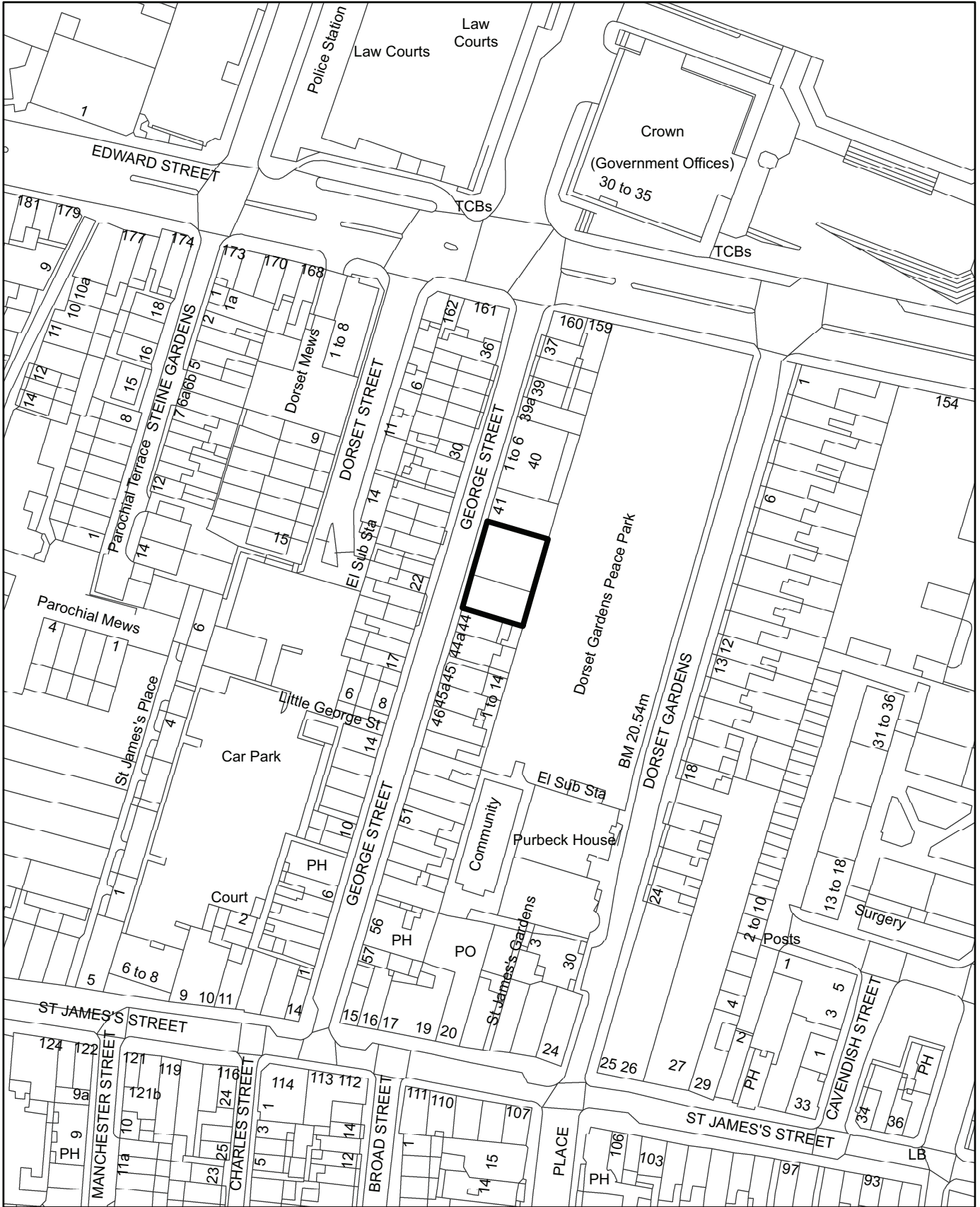
9 CONCLUSION

It is considered that, subject to appropriate redevelopment of the site, the proposed demolition of the building would not harm the character or appearance of the East Cliff Conservation Area.

10 EQUALITIES IMPLICATIONS

None.

BH2011/02017 42 & 43 George Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/02440	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages 53 & 54, 14 Church Place, Brighton		
<u>Proposal:</u>	Demolition of existing double garage and erection of new 2 storey two bed dwelling house.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	02/09/2011
<u>Con Area:</u>	Kemp Town	<u>Expiry Date:</u>	28 October 2011
<u>Listed Building Grade:</u>	Located to the rear of a Grade I Listed Building.		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Ash Southgate, 5 Homewood Road, Tenterden		

1 RECOMMENDATION

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

Regulatory Conditions:

1. The development hereby permitted shall be 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 titled Existing Elevations, Existing Floor Plan, received 30th August 2011, and drawing nos. 11150/01RevF and 11150/100RevA received on the 18th October 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
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 dwellinghouse 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained

from the Local Planning Authority.

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

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

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

6. Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling 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.

7. 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.

8. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

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

9. Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement, received on the 30th August 2011, shall be implemented in strict accordance with the approved details. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

10. All new rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and maintained as such thereafter.

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

11. Notwithstanding information submitted as part of the application hereby

approved, the front curtilage area shall not be used for the parking of vehicles. Reason: In the interest of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

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

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

13. Prior to the commencement of the development, a sample of the flintwork shall be constructed on site and shall be viewed by and approved in writing by the Local Planning Authority. Works shall be carried out and completed to match the approved sample flint panel.

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

14. Prior to the commencement of the development, details of a scheme of works to raise the existing kerb and footway in front of the proposed dwelling are to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

Reason: In the interest of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

15. The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

16. 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 3 for the residential unit have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for the residential unit 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.

17. 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.
18. 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 and means of enclosure.
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.
19. No development shall take place until details of the treatments to all boundaries to the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan
20. No development shall take place until further details of the proposed windows and doors (including reveals, eaves, walls and gates, including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
21. Notwithstanding the details shown on the approved drawings, 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: As the shown facilities are considered to be of an inadequate size and to ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
22. Notwithstanding the details shown on the approved drawing, 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: As the shown facilities are considered to be of an inadequate size and to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

23. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

Informatives:

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

It is considered that the design of the development now proposed is more sympathetic to the character of the area than the development approved under application BH2007/03493 and as such the proposed dwelling will not be of detriment to the character or appearance of the Church Place street scene or the wider area, including the surrounding Conservation Area and the setting of the adjacent Listed Buildings. Furthermore it is deemed that the proposed development, which will provide adequate accommodation, will not have a significant adverse impact upon the amenities of the neighbouring properties.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with condition above that the applicant has reference to CLR 11, Model Procedures for the management of land

contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.

4. The applicant is advised that the scheme required to be submitted by Condition 15 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
5. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
7. The applicant is advised that the proposed highways works should be carried out in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager.

2 THE SITE

The application relates to an existing double garage located on the eastern side of Church Place. The site is located within the Kemp Town Conservation Area and within the setting of a number of listed buildings located in Sussex Square, in addition to St. Mark's Church which is located on the corner of Church Place and Eastern Road.

A locked doorway is located to the northern side of the existing garage which provides access into the alleyway which runs alongside the garage and which provides access to the basement flat located at the rear of no. 18 Sussex Square.

3 RELEVANT HISTORY

BH2011/01426: Demolition of wall to side of garage. Approved 07/07/2011.

BH2010/02665: Demolition of double garage. Withdrawn 07/10/2010.

BH2010/02664: Erection of 2no bedroom house to replace existing double garage and associated works. Withdrawn 07/10/2010.

BH2007/03951: Conservation Area Consent for demolition of end of terrace

double garage. Approved 09/12/2008.

BH2007/03493: Demolition of end of terrace double garage and erection of one two-bedroom house with pitched roof. Approved 09/12/2008.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing double garage and the erection of a new two storey, 2 bedroom, dwelling.

5 CONSULTATIONS

External

Neighbours: 10 Letters of representation have been received from occupiers of **11A Church Place, Flat 4, First Floor Flat 14 Sussex Square, 14 Sussex Square, Flats 1, 2 (2 e-mails but with different authors) and 4, 16 Sussex Square and the Kemp Town Society (2 e-mails)** objecting to the application for the following reasons:

- the proposed development is on the border of a Conservation Area and within the curtilage of Sussex Square which is a Grade 1 Listed Building and as such the application should be referred to English Heritage and to the Kemp Town Society,
- the development would have a vast detrimental impact on the character of the adjacent Listed Buildings, is unsympathetic with these Georgian buildings and would destroy the symmetry of the existing rears of these buildings on Sussex Square,
- over-shadowing and restriction of light to current dwellings,
- loss of privacy,
- loss of aspect,
- previous requests to build at the rear of 14 Church Place have been refused, the previous approval slipped through the net,
- in the last 15 years many conservation officers have lamented the vertical addition to the former garages at the rear of 13 Sussex Square,
- it is out of keeping with the garages and will stick out like a sore thumb,
- the design is very poor,
- it sets a precedence for a row of houses and building vertically at the rear of the Kemp Town Estate,
- residents will find ways around the parking limitations which have been put in place,
- the development will damage the view of the rear of the Square,
- in a matter of weeks the existing permission will expire,
- there is an opportunity to send a clear message to the property developers who have purchased garages in this row that the site is important and deserves to be protected,
- the site is too close to the extension of no. 15 Sussex Square,
- the proposed development is inappropriate and unsuitable,
- increase in height,
- would cause further adverse affects on transport needs including parking shortages and especially in garaging which is sorely restricted at present, and

- notification of the application has not been carried out correctly as site notice have not been placed in Sussex Square.

Flat 3, 18 Sussex Square: States if the proposed building is no higher than in the approved plans does not object but if it is higher objects to the current application and would request detailed overshadowing analysis before this proceeds.

CAG: The group agreed this to be a potential site for development (from garages to residential) but felt the design to be poor and should respect the building line. It should be hard up against the road and subservient to the Listed Buildings at the back. Felt an urban typology to be more appropriate. Recommend this application be refused and request it be determined by the Planning Committee if officers are minded to grant.

Brighton & Hove Archaeological Society: It is highly likely that the terracing and building during the construction of the garages to be demolished has already removed any vestiges of archaeological remains. Iron Age and Romano-British finds are recorded from the area and a Roman bath house is recorded as being found on lands to the north. It is possible that a few vestiges of archaeology remain. Recommends that a condition is included for the provision for a watching brief, during the digging of footings for any new structures.

County Archaeologist: The proposed development is situated within an Archaeological Notification Area defining an area of Iron Age and Roman activity. The site has been subject to an archaeological desk based assessment detailing both archaeological potential and past site impact. This has established that there is evidence for activity from Palaeolithic period through to the Post Medieval period in the wider surrounding area of the site. Although it is possible that archaeological remains may have been preserved below the concrete garage base, it is likely that any remains will have been removed at the west side of the site due to the landscaping.

In the light of the archaeological potential of this site, it is considered that the area affected by the proposals should be the subject of a programme of archaeological works.

Internal:

Design & Conservation:

(28/09/2011): There are no objections to the removal of the garage in principle, as this contributes little to the street scene; however this should be subject to a suitable replacement building.

Views to the rear elevations of Sussex Square are important and any development should not be allowed to encroach upon these. Development should be no larger than the approved scheme. Development should preserve and enhance the character of the Kemp Town Conservation Area and be in

keeping with the existing street scene.

The proposed design is more sympathetic to the character of the area than the approved scheme.

Further details are required.

(Additional Comments 12/10/2011 following receipt of amended drawings)
Recommends conditions relating to detailing and samples of external finishing materials, further details of external doors and windows, rainwater goods, cables and pipework, removal of permitted development rights and bike storage if located in front yard area.

Environmental Health: Note that the proposed premises are to be situated where currently there are garages. Taking into account the potential of localised contamination from the use of the garages, suggest that a contaminated land discovery condition is applied to this development.

Sustainable Transport: Recommends approval with conditions relating to reconstruction of cross-over and cycle parking in order to protect the interests of the public using the roads and footways.

6 MATERIAL CONSIDERATIONS

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

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (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 3: Housing

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control

SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of Conservation Areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

8 CONSIDERATIONS

Background

Under application BH2007/03493 approval was granted for the demolition of the end of terrace double garage and the erection of a two storey, two-bedroom, house with pitched roof. The time period for commencement of this consent expires on the 9th December 2011.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 determination must be made in accordance with the relevant development plan, unless material considerations would indicate otherwise. In this instance the previous planning decision (BH2007/03493) is a material planning consideration in relation to the principle of the re-development of the site for housing, which is given significant weight.

Since approval of application BH2007/03493 there has been no change in material circumstances with regards to the site. In policy terms the Development Plan remains the same but with the withdrawal of the Structure Plan. Planning Policy Statement 3 has been amended but those amendments relate to garden land and are therefore not relevant.

The main differences between the previously approved application and that now proposed are;

- an increase in the width of the proposed dwelling (by approximately 0.4m),
- an increase in height (by approximately 0.5m),

- the insertion of a window within the south facing gable end of the dwelling,
- the omission of timber cladding to the elevations,
- alterations to the style and design of the proposed windows,
- the omission of a suspended porch,
- alterations to the design and style of proposed doors, and
- the erection of a front boundary wall and the insertion of a related solid timber gate.

The main considerations in the determination of this application relate to the impacts of the proposed development upon the character and the appearance of the Church Place street scene and the wider area including the surrounding Conservation Area and the impacts upon the setting of the various Listed Buildings located within the immediate area. Furthermore the impacts upon the amenities of the neighbouring properties, the adequacy of living conditions for future occupiers and highway issues matters must also be considered.

The third party comments regarding the consultation of the application are noted, however the Local Planning Authority has carried out consultation and publicity of the application in accordance with both statutory and local requirements.

Planning Policy:

Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:

- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b) the use of building materials and finishes which are sympathetic to the area;
- c) no harmful impact on the townscape and roofscape of the conservation area;
- d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
- e) where appropriate, the removal of unsightly and inappropriate features or details; and
- f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.

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

Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a listed building through factors such as siting, height, bulk, scale, materials, layout, design or use.

National Planning Policy on Housing (PPS3) and policy QD3 of the Brighton & Hove Local Plan seek the efficient and effective use of land for housing, including the re-use of previously developed land including land which is vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question.

PPS3 states that a development, such as that proposed should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and thereby resulting in a development which is efficient in the use of the land without compromising the quality of the local environment. However PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are:

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

These matters are considered below.

Design:

In order to accommodate the proposed new dwelling the existing single storey flat roofed double garage will be demolished. The demolition of the existing garage and the impact upon the character and appearance of the Kemp Town Conservation Area was subject to Conservation Area Consent applications BH2007/03951 and BH2011/01426. It is considered that the existing double garage does not contribute positively to the character of the Conservation Area.

The existing double garage has a footprint of approximately 6.2m wide by approximately 10.8m in depth.

The dwelling now proposed would measure approximately 6.4m wide (the approved dwelling has a width of approximately 6m). The northern side of the proposed dwelling will measure approximately 7.4m in length whilst the southern side will measure approximately 8.6m as a result of the proposed projecting section at ground and first floor level (these measurements are the same as previously approved). The footprint of the proposed dwelling is therefore identical to that of the existing garage with regards to its width but has a reduced depth, in order to allow for the provision of an external amenity area, an issue which is discussed in more detail below.

The ridge height of the proposed single dwelling will be located approximately 8.5m above ground level. The previously approved dwelling had a ridge height of approximately 8m above related ground level. As a result of this slight increase in height of the proposed development and its width compared to that previously approved the dwelling now proposed will have a steeper pitch than the dwelling approved in the 2007 application.

It is considered that the design of the proposed development within this application is more sympathetic to the character of the area than the approved scheme set out in the 2007 application.

A decorative window will be inserted within the south facing gable end of the property. This window, which will be located in alignment with the apex of the roof, will relate to the loft area of the proposed dwelling.

A front boundary wall, comprising face brickwork, flint panels and a solid boarded timber sliding gate, of approximately 2.6m in height will be constructed along the western boundary of the site. The construction of this wall and gate will provide a hard edge along the street which will improve the existing situation, as the current double garage is set back from the road in contrast to all the garages located to the south of the site. In design and conservation terms ideally the whole property should be brought forward however it is considered that the construction of the high wall is also appropriate. The design of this proposed front boundary wall is not correct with regards to the quoining details however it is considered that this issue can be resolved by the attachment of a condition to an approval.

The site address is located to the south of two pairs of 1930's, two storey, semi-detached properties. These properties are set back from Church Place and have front gardens with brick built boundary walls, clay tiled roofs, bay windows and attached single storey garages.

To the south of the site are located other single storey garages in addition to no. 4 Church Place, which is formed of a plain, two storey flat roofed building. St Marks Church is located on the western side of Church Place on the corner with Eastern Road.

The design of the proposed dwelling takes into account the topology of Church Place, namely the presence of a slight south to north gradient, which is reflected in the height of the existing, two storey, residential properties located on the eastern side of Church Place, to the north of the site address. The proposal has been designed so that the ridge height of the proposed development is set at a lower level than that of the northern neighbouring properties, by approximately 0.7m (previously 1.2m), the pair of semi-detached dwellings, thereby reflecting the staggering of the ridge height of the properties on the eastern side of Church Place in relation to the gradient upon which it is sited.

The Church Place street scene within the locality of the site is not considered to provide a uniform appearance with regard to the style and design of the properties and therefore it is considered that the proposed dwelling will not be out of character with the street scene of Church Place, to the south of the junction with Bristol Gardens.

Third party letters of objection include reference to the approval of this application for the construction of a dwelling at this site setting a precedent for redevelopment of the remaining garages to the south of the site. Regardless of the previous approval for a two storey dwelling with an almost identical footprint, it is considered that the end of terrace garage site has a different situation to the other garages within the row. The existing garage is on a different alignment to the neighbouring garage, namely being set back from the street front and therefore erodes the strong building line formed by the garages and properties to the south of the site. In addition the existing garage occupies the majority of the original garden plot, such that none of the original garden area which would have originally related to the property to the east within Sussex Square, remains. In contrast the garden area related to no. 16 Sussex Square appears to remain in its entirety, including the original wall fronting onto Church Place, i.e. no garage has been constructed, and other sites to the south retain some of the original garden areas related to properties on Sussex Square. It is therefore not considered that approval of the proposed development could be seen to set a precedent.

As a result of the modern design of the proposed dwelling, it is considered that the proposal will be read separate to the historical rear elevations of the properties located on Sussex Square.

In order to ensure a satisfactory appearance to the development it is recommended that a condition is attached requiring the submission and approval of materials in addition to a sample of the flint work being constructed on site for approval.

Living Conditions for Future Occupiers

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. A terrace area with a depth of between 3.1m and approximately 1.9m will be located at the rear of the proposed dwelling across the width of the property, the same as within the previously approved development.

It is acknowledged that the proposed external amenity area for the new dwelling will be enclosed by high boundary walls, of approximately 2.65m. As with the rear amenity space within the previously approved scheme it is considered acceptable.

Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the

changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design (except the standard relating to communal staircases and lifts). The applicant has not demonstrated in the submission of the application how the proposed development will comply with policy HO13 of the Brighton & Hove Local Plan however from the plans submitted it would appear that the proposed development would comply with many of the standards, for example space for the provision of a through floor lift, areas wide enough for turning circles and entrance level living space, although it is not considered that the proposed dwelling complies with all of the standards such as the width of the staircase. It is not considered that refusal on this basis could be sustained given that the issue can be dealt with by the attachment of a condition.

Impact on Neighbouring 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.

Given the existing residential and commercial character of the surrounding area it is not considered that the principle of the proposal would have a significant adverse impact upon the amenities of the neighbouring properties.

As previously stated the rear private amenity area for sole use by future occupiers of the proposed dwelling will be surrounded by high solid boundary walls. It is considered that by virtue of the height of these boundary walls, approximately 2.65m, no significant adverse impacts upon the amenities of the neighbouring properties will result with regards to loss of privacy or overlooking from the proposed rear external amenity area.

Due to the building form of the proposed new dwelling and its positioning in relation to no. 16 Church Place, despite the slight increase in height no significant adverse impacts upon the amenities of this neighbouring property are envisaged with regards to loss of light or overshadowing.

Given that the proposed development will be very similar to that proposed in the 2007 with regards to size, massing and bulk it is not considered that the proposal will have a significant adverse impact upon the amenities of the properties to the east of the site with regards to overshadowing or loss of light.

Sustainable Transport:

Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that

public transport, walking and cycling are as attractive as use of a private car. 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 developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

Although it has been stated that off-street parking facilities will not be provided as part of the proposal a gate of approximately 2m will provide access into the proposed enclosed area of the dwelling, a width large enough to drive vehicles through to park vehicles this area. However due to the size of this area it is not considered adequate enough for the parking of vehicles, it is therefore recommended that a condition is attached to ensure that the area shall not be used for parking of vehicles.

As a result of the above no off-street parking facilities will be provided for the proposed dwelling. The site address is located within Zone H of the city's Controlled Parking Zone (CPZ). It is considered appropriate in this city centre location that the development be 'car-free', this matter can be secured by planning condition.

The proposal includes the loss of the existing double garage but does not propose any replacement on site car parking facilities. It is therefore considered that the existing dropped kerb should be removed and the pavement reinstated, and issue which can be dealt with via the attachment of a condition.

It is noted that in relation to policy TR1 the Council's Transport Officer has requested that a financial contribution of £1,500 is made towards financing of off-site highway improvements schemes within the vicinity of the site. However under current short term recession measures, having regard to the scale of development proposed which will result in the provision of one new residential unit, such a financial contribution would not be sought.

Proposed plans submitted identify an internal cupboard to the north of the main entrance for the storage of bikes. This cupboard measures approximately 0.5m by approximately 1.5m. It is not considered that this area is of an adequate size for the storage of most cycles. However refusal on this basis is not considered justified given that this cupboard area could be increased in size and it demonstrated that it will be large enough for at least one cycle. Alternatively secure, covered cycle storage facilities could be provide in the front curtilage of the property, so long as such facilities appropriately designed and not visible within the street scene. This issue can be dealt with by the attachment of a condition.

Sustainability:

Policy SU2 and SPD08 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.

As the proposal is for a new build development on brownfield land the submission of a Sustainability Checklist is required as part of the application. In addition the new dwelling should achieve Code Level 3 of the Code for Sustainable Homes in order to accord with SPD08. A Checklist has been submitted in which it is stated that the new dwelling will be constructed to meet Level 3 of the Code for Sustainable Homes. It is recommended that relevant conditions are attached to an approval to ensure that the proposed dwelling is constructed to such a minimum level.

Policy SU2 of the Brighton & Hove Local Plan requires all new developments to make provision for adequate refuse and recycling facilities. It is noted that an internal cupboard will be provided adjacent to the proposed main entrance door stated to be for the storage of bins however it is not considered that this cupboard, which will measure approximately 0.5m by 1.5m, is of a sufficient size to accommodate refuse and recycling facilities. The proposed dwelling will however have use of an enclosed front area in which such facilities could be provided, so long as they are appropriately designed and not visible within the street scene. It is considered that this issue can be dealt with by the attachment of a condition.

As the proposal is for one new dwelling in order to accord with policy SU13 of the Brighton & Hove Local Plan and SPD08 on Construction and Demolition Waste a Waste Minimisation Statement is required which confirms how demolition and construction waste will be recovered and reused on site or at other sites. As part of the application such a statement has been submitted in which basic measures are set out, for example excavated soil from footings will be disposed of to a recycling contractor, local raw materials will be used and new materials will be ordered in small quantities to keep waste to a minimum. It is recommended that a condition is attached to ensure implementation of the submitted waste minimisation statement.

Other Considerations:

The site currently contains a double domestic garage and is located adjacent to other garages. Taking into account the potential of localised contamination from the use of the garages, the Council's Environmental Health Officer recommends that a condition is attached to an approval in relation to any contamination, not previously identified, discovered during construction.

The site is located within an Archaeological Notification Area defining an area of Iron Age and Roman activity. Policy HE12 relates to Scheduled Ancient Monuments and other important archaeological sites. The policy states that development proposal must preserve and enhance sites of known and potential archaeological interest and their settings.

Archaeological desk based assessments detailed both archaeological potential and past site impact. In light of the archaeological potential of the site it is recommended that any approval is subject to a programme of archaeological works, an issue which can be secured via the attachment of a condition.

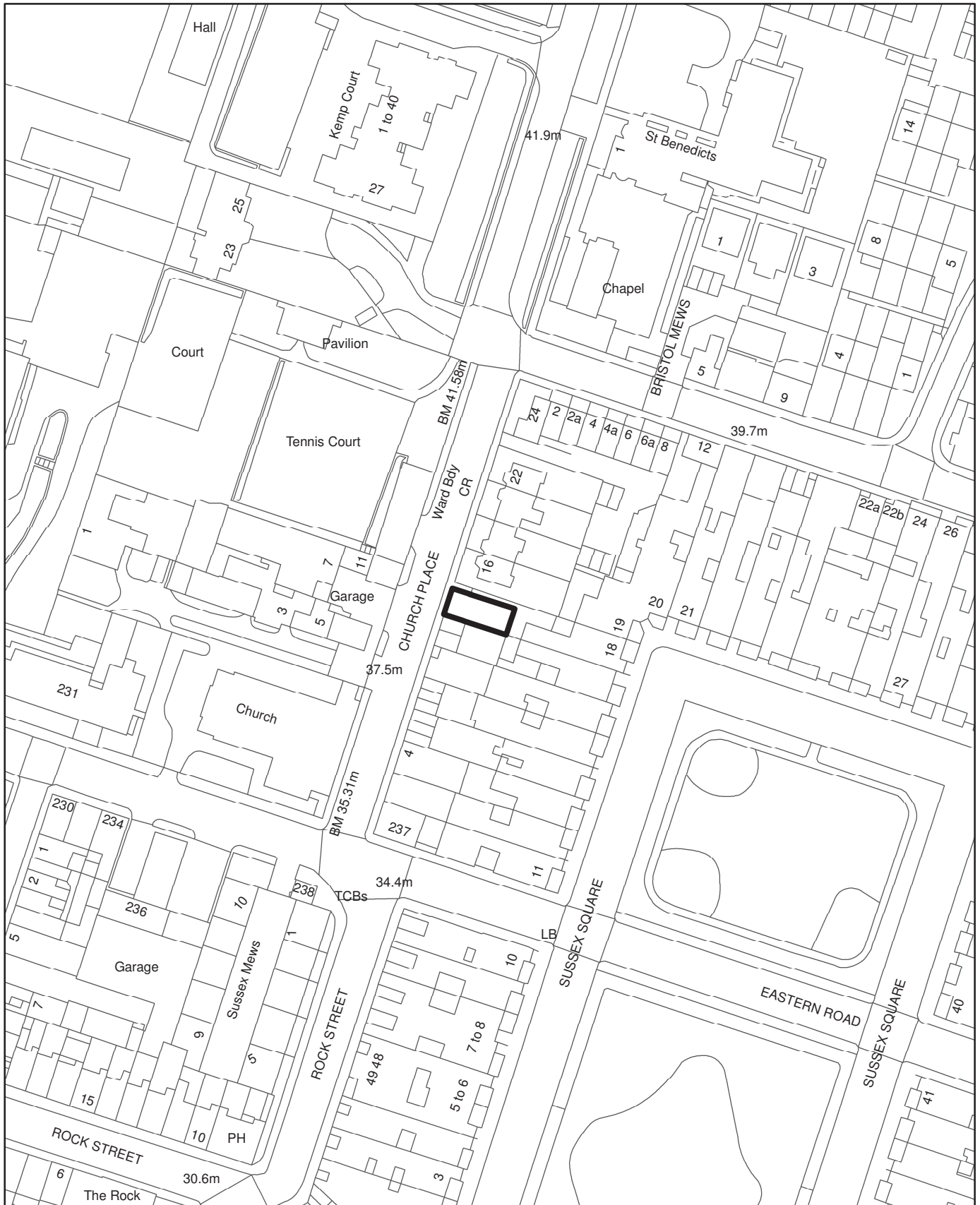
9 CONCLUSION

It is considered that the design of the development now proposed is more sympathetic to the character of the area than the development approved under application BH2007/03493 and as such the proposed dwelling will not be of detriment to the character or appearance of the Church Place street scene or the wider area, including the surrounding Conservation Area and the setting of the adjacent Listed Buildings. Furthermore it is deemed that the proposed development, which will provide adequate accommodation, will not have a significant adverse impact upon the amenities of the neighbouring properties.

10 EQUALITIES IMPLICATIONS

The development is required to comply with all reasonable Lifetime Homes criteria and to meet Part M of the Building Regulations.

BH2011/02440 Garages 53 & 54, 14 Church Place, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/02251	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	6 Cliff Approach, Brighton		
<u>Proposal:</u>	Demolition of existing four bedroom house and erection of 6no self-contained apartments comprising of 2no three bedroom at 1st and 2nd floors and 4no two bedroom apartments at lower and upper ground floors with associated communal garden, car parking, refuse and cycle storage.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	18/08/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 October 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Hove		
<u>Applicant:</u>	Ms Phoebe Oliver, 11 Surrenden Crescent, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and the policies and guidance in section 7 of this report and **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

- Sustainable transport enhancements including £3,000.00 towards bus stop accessibility at The Fire Station bus stops in Roedean Road.

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 titled Existing Floorplans (unreferenced) received on 18.08.11, Existing Site Location and Block Plan (unreferenced), Existing Site Plan (unreferenced), Existing East and North Elevations (unreferenced), Proposed Block Plan (unreferenced), Proposed East and West Elevations (unreferenced) and Proposed Roof Plan (unreferenced) received on 29.07.11, Existing West and South Elevations (unreferenced) received on 12.08.11 and Proposed North and South Elevations (unreferenced), Proposed Lower Ground and Ground Floor plans (unreferenced) and Proposed First and Second Floor plans (unreferenced) received on 10.10.11.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The windows in the west elevation of the development hereby permitted

shall be obscure glazed and non-opening and thereafter be permanently retained as such.

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

- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

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

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

- 6) 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.

- 7) 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.

- 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) 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.

- 10) 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.

- 11) 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.

- 12) 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.

- 13) 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.

- 14) 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.

- 15) 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.

- 16) The development hereby approved shall be constructed in strict accordance with the Waste Management and Minimisation Statement dated 16 June 2010.

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

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 proposal would be of a design, scale, bulk and massing that would cause no harm to the character and appearance of the street scene or wider area. The proposal is not considered to give rise to any undue amenity or highways impacts and would achieve an acceptable level of sustainability. As such the proposal is considered to be in accordance with development plan policies.

2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

3. 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.

4. 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).
5. The widened crossover must be constructed in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.

2 THE SITE

The site is located on the northern side of Cliff Road, at its junction with Cliff Approach. The land slopes downwards, from the junction towards the south and west. The site is currently occupied by a detached 2 storey dwellinghouse.

Predominantly the buildings in this area are a mix of houses and bungalows of varying designs and ages. However, the properties to north, east and west of the site are traditional in their form, in that they comprise two storey (some with roof alterations) dwellings set within spacious plots. This part of Cliff Approach and Cliff Road has a traditional suburban character. Opposite the site on the southern side of Cliff Road the properties are also bungalows and 2 storey dwellinghouses. However, planning permission does exist for the erection of a part 3 storey block of flats on the site of 8 Cliff Approach and 1 Cliff Road, and under construction is a terrace of 5no. three storey dwellinghouses on the site. Further to the south, beyond a garage court, lies Marine Gate, a large and imposing white-rendered block of flats.

3 RELEVANT HISTORY

BH2010/01893: Demolition of existing 1No. 4 bedroom house and erection of 6 No. Self-Contained apartments comprising of 2 No. Duplex 3 bedroom at 1st and 2nd floors and 4 No. 2 bedroom apartments at lower and upper ground floors with associated communal garden, car parking, refuse and cycle storage – Refused 02/09/2010.

BH2008/03090: Demolition of existing detached house. Erection of apartment building comprising 7 no. self-contained flats, with provision for communal garden, cycle parking and car parking facilities (Resubmission of BH2007/03867) – Appeal for non-determination dismissed on 12/10/2009.

BH2007/03867: Demolition of existing detached house. Construction of a four storey building comprising 7 residential apartments (1 one bedroom; 5 two bedroom; and 1 three bedroom units). Provision of 7 on site parking spaces – Refused 13/03/2008.

8 Cliff Approach & 1 Cliff Road

BH2010/00736: Erection of 5no. 3 storey 4 bed dwelling houses and 1no. 3 storey 3 bed dwelling house with associated parking areas – Approved 20/12/10.

BH2007/03258: Demolition of existing 2 detached dwellings. Erection of 9 dwelling units comprising 7 two-bedroom flats, 1 three-bedroom flat and 1 one-bedroom flat. Provision of 9 underground parking spaces – Approved 04/01/2008.

BH2005/06267: Demolition of existing 2 No. detached dwellings. Erection of 9 No. dwelling units comprising 7 No. 2-bedroom flats, 1 No. 3-bedroom flat and 1 No. 1-bedroom flat. Provision of 9 No. underground parking spaces – Approved 31/03/2006.

BH2005/00402/FP: Demolition of existing 2 no. detached dwellings. Erection of 7 no. two bed units, 1 no. 3 bed and 1 no. 4 bed new build flats. (Resubmission of withdrawn application BH2004/02356/FP) – Refused 29/06/2005.

4 THE APPLICATION

This application seeks permission for the demolition of the existing dwellinghouse and redevelopment of the site to provide a 4 storey flat roofed building (including basement level) which will accommodate 6 self contained dwellings (4 x two bedroom flats and 2 x three bedroom flat). It is proposed to provide 3no. onsite car parking spaces at the rear of the site together with covered cycle storage, a refuse and recycling area and a communal rear garden.

The proposed building itself is to measure approximately 13.2m wide x 12.3m deep x 11.2m to its maximum height (from the excavated lower ground floor level). It is to measure a maximum of 10.7m from pavement level (noting that this is sloped).

The top floor is to be set back from the front elevation by 2.5m to allow for a front facing terrace area, it is set in from each side elevation by 1.3m and from the rear by 1.1m.

The lower ground floor is to be excavated, to include front and rear terrace areas, thus giving a total lower ground floor footprint of 13.2m wide x 20.4m deep, and includes a stepped/bridge walkway from pavement level to the main entrance of the building, over the front terrace areas.

5 CONSULTATIONS

External

Neighbours: 42 Letters of representation have been received from no. 4 **Cliff Approach**; nos. 2, 3 (x2), 6 and 28 **Cliff Road**; no. A2 **Marine gate, Marine Drive**; nos. 9, 14, 24 and 35 **Roedean Crescent**; nos. 33 and 51 **Roedean Road**; nos. 2 and 8 **Roedean Way**; no. 2 **Roeding Heights**; and nos. 2, 4, 5, 8, 9, 11, 12, 14, 15, 16, 17, **First Floor Flat 17, 18 (x2), 22, 23, 24, 24A, 25, 29, 32, 34 (x3), 36** and 45 **The Cliff**; objecting to the application for the

following reasons:

- Overdevelopment of the site;
- Lack of underground parking;
- The area comprises single family homes and should be maintained as such;
- Lack of parking space per unit;
- Increased parking stress, particularly given the new Zone H extension to the West of the site;
- Mixed single and multiple housing will blight the area close to the Downs and National Park;
- Too bulky for the plot size and would be ugly and detrimental to the area;
- Harmful impact on neighbouring properties;
- Increased noise and disturbance;
- Minor alterations have been made which do not address the previous reasons for approval;
- Incongruous development;
- If approved it would encourage more of the same bad incongruous design;
- It would set a precedent for other corner plots;
- The road is too narrow for so high a building;
- Loss of view;
- Distress to residents;
- Design out of keeping with the existing buildings;;
- Disruption during construction;
- Difficult access for emergency and refuse vehicles;
- Too high for the area;
- Layout does not encourage family occupation;
- Overshadowing;
- The buildings is forward of the building line in Cliff Approach;
- Overlooking and loss of privacy;
- Lack of demand for flats in this area;
- Lack of adequate amenity space; and
- Lack of schools in the area for the proposed development.

Roedean Residents Association: Objects on the following grounds:

- The building is not one of distinction and will appear incongruous in the area.
- The scheme fails to address the previous reasons for refusal of the 2010 application.
- The parking situation in this area is at breaking point. Since the introduction of parking controls to the west of Roedean, there have been huge increases in day parking causing chaos. The proposed 3 parking spaces are inadequate.
- Noise and disturbance from the extra traffic will be unacceptable.
- The proposed amenity space is completely inadequate for the number of occupiers and would not provide a satisfactory residential environment.
- Overlooking to the dwellings under construction on the opposite side of

Cliff Road and to 4 Cliff Approach from the windows on the north elevation.

- Demand for apartments in this area has not been demonstrated, within a similar block in Roedean only 1 apartment has sold in two years.

Cllr Mary Mears: Objects to the application. Email attached.

Internal

Sustainable Transport: Recommended approval with conditions to protect the interests of the public using the roads and footways.

The Applicant is proposing 3 parking spaces for 6 dwellings. SPG4 states developers should provide a maximum of 7 car parking spaces - 1 car space per dwelling plus 1 space per 5 dwellings for visitors (or part thereof). However Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves wish, unless in exceptional circumstances, which might include significant implications for highway safety.

There appears to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon the reduced level of car parking.

The site is not within the City's Controlled Parking Zone.

To ensure that the widened access to the site is constructed to an appropriate standard that will not be to the detriment of public safety the Highway Authority have recommended the inclusion of condition 1 noted below.

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £3000 to help finance off-site highway improvement schemes such as bus stop accessibility at The Fire Station bus stops in Roedean Road.

We would not wish to restrict grant of consent of this Planning Application. Subject to the inclusion of the following condition[s] and/or informative[s]

1. The widened crossover is constructed in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.
Reason: In the interest of highway safety and to comply with Local Plan policies TR1, TR7 and TR8.
2. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which

have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and to comply with Local Plan policies TR1, TR14, TR19 and SPG4.

3. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1, TR19 and SPG4

And;

The developer enters into a legal agreement with the Council to secure a financial contribution towards improving sustainable modes of transport within the vicinity of the site. A narrative justifying the contribution is set out above.

Environmental Health: No comments to make on this application.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 1: Delivering Sustainable Development

PPS 3: Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR2 Public transport accessibility and parking

TR3 Development in areas of low public transport accessibility

TR4 Travel Plans

TR7 Safe Development

TR8 Pedestrian routes

TR13 Pedestrian network

TR14 Cycle access and parking

TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application are the planning history, principle of the development, impact on street scene and wider area, amenity issues, transport issues and sustainability issues including waste management.

Planning history

The initial application at this site (BH2007/03867) sought consent for a four storey block comprising 7 no. residential units. This was refused for the following reasons:

1. Design, size, position in the plot, spacing, lack of amenity space and impact on neighbouring amenity all resulting in an unsuitable, overdevelopment of the site.
2. Being out of keeping with the established built form and character of the area.

3. The design, roof style, fenestration, materials and detailing do not representing high quality design to the detriment of the street scene.
4. Lack of adequate private amenity space.
5. Loss of privacy, overlooking and overshadowing to neighbouring properties.
6. Failure to demonstrate efficient waste minimisation.

Following this a revised scheme (BH2008/03090) was submitted for a four storey building comprising 7 no. residential units. An appeal for non-determination was submitted, which was dismissed on the following grounds:

1. Excessive size, the forward position of the east elevation, the prominence of the dormer windows and limited fenestration would result in the development being intrusive and incongruous in the street scene paying insufficient regard to its corner location.
2. The proposal would result in an overly bulky building that would fail to take account of the scale and siting of the existing surrounding buildings and of the local topography, harming the street scene and the character and appearance of the area.
3. Overlooking to no. 2 Cliff Road.
4. Lack of adequate amenity space provision.
5. Restricted outlook from the semi basement level units and susceptibility of the ground floor flats to noise and disturbance would fail to create adequate living conditions for proposed occupiers.

A further scheme was then submitted (BH2010/01893) for the Demolition of existing 1No. 4 bedroom house and erection of 6 No. Self-Contained apartments comprising of 2 No. Duplex 3 bedroom at 1st and 2nd floors and 4 No. 2 bedroom apartments at lower and upper ground floors with associated communal garden, car parking, refuse and cycle storage. This was refused for the following reasons:

1. The proposal, by virtue of its excessive size, scale, bulky appearance, positioning within the plot, spacing characteristics and the failure to respect the established building lines of both The Cliff and Cliff Approach would result in an overly dominant structure which would represent an overdevelopment of the site causing harm to the character and appearance of the street scene and the wider area. The proposal is therefore contrary to policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.
2. A lack of information has been submitted in relation to sustainability, which does not correspond with the submitted drawings and falls short of the required level of the Code for Sustainable Homes and as such would be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08: Sustainable Building Design.

As such, the main issues in the determination of this application are whether the previous reasons for refusal have been addressed.

Principle

Planning Policy Statement 3: Housing (PPS3) is a material consideration in the determination of this application. PPS3 has been amended so that land in built-up areas such as private residential gardens is no longer considered as previously developed land (often referred to as brownfield). PPS3 also deletes the National Indicative Minimum Density. The above changes in PPS3 have the following consequences for Brighton & Hove:

- Residential density will need to be considered in the context of Local Plan policies QD3 and HO4.
- Private residential garden land will now constitute 'greenfield' site status.
- The changes do not constitute a presumption against the development of garden land.
- Private residential gardens are not considered to be 'private open space' within the scope of Local Plan policy QD20 and should be treated as a unique classification in their own right.
- Back garden development will be expected to meet Code level 5 or to provide evidence to justify a reduced Code level.
- The proposals coming forward for the development of garden land will need to be treated 'on their own merits'. Particular consideration should be given to the quality of design that fits in with the character of the area and the retention of an appropriate amount of garden space.

That said, the site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development may be acceptable subject to adequately according to relevant development plan policies, as set out below.

Impact on street scene and wider area

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

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

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

Policy QD3 relates to efficient and effective use of sites and confirms that new

development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

The visual appearance of the site would be fundamentally altered to accommodate the proposed development.

The proposed building has been designed to result in a contemporary four storey flat roofed building. This includes a lower ground floor which is to be set into the slope of the site, meaning the western side of the building begins at ground level, and as the building heads east, it is progressively set into the site. In addition the top floor is set back from all elevations, as detailed in section 4 above.

This site lies in an area comprising dwellings of varied style and design. At present Cliff Approach has a rather disjointed appearance due to the variety in detailed design, materials and fenestration on the existing buildings. There is a well established principle of pitched roof buildings with generous plot sizing.

With this in mind it would not be appropriate for any new building to replicate exactly the design of properties in this street (as also commented by the Inspector), however there should be some regard to the positive characteristics of the street (for example, the scale of development and spacing characteristics).

This site occupies an important corner position, at present there are established building lines running to the north and west. This is considered to be an important characteristic of this group of buildings which should be retained.

The main bulk of the building is set back the Cliff Road building line by approximately 0.4m, however, it is noted that the front terraces and balconies project forward of this, to be in line with the first floor enclosed balconies for the neighbouring properties within Cliff Road (upon which the proposed building would front).

The proposed front balconies have also been reduced in width and scale, in particular the 2010 proposal included projecting elements above the first and second floor south facing (front) balconies which have now been removed which significantly improve the legibility of the set back front façade whilst reducing the dominance of the balconies themselves.

As such, it is considered that the proposal how fully respects The Cliff building line, with the main façade set back from this, whilst the balcony and terrace areas are within the building line of the first floor enclosed terraces to the properties to the east (nos. 2 and 4 The Cliff).

The building line to Cliff Approach is more varied, particularly as there are

only two properties fronting on to this street scene, nos. 2 and 4. These are a latter addition to the area, approximately 1950s, and are set back from the street by approximately 6m. Further north of this pair of properties is the side elevation of no. 19 Roedean Road, which due to its corner plot is set is approximately 12m from Cliff Approach. As existing, no. 6 itself is set in approximately 9m from the street.

Were the established street frontage from Cliff Approach taken across the other side of Cliff Road, the development currently under construction opposite the site (nos. 1A-F The Cliff) would be set back from this line by approximately 0.1m (although it is noted due to the path and open area on this side of the road, the development would ensure a spacious character and gap is retained).

Therefore, there is no defined building line to Cliff Approach, and were one to be attempted to be defined, this would be angled between the edge of the development under construction and the side elevation of no. 19 Roedean Way. This, combined with the fact that Cliff Approach is on a hill, with its crest approximately in line with no. 4 Cliff Approach means that such a wider street scene view is seldom achievable.

The proposed scheme is to be set back approximately 3.5m from the street and as such would respect an angled building line (if one were to be drawn) and having regard to the lack of visibility, this set back is considered acceptable to retain the open and spacious character of this corner plot without causing any harm to the character and appearance of the street scene.

Therefore it is considered that the proposed development would be not be harmful to, and would in fact respect both The Cliff and Cliff Approach street scenes.

The proposed building has a square angled appearance, which is continued by the design of the terrace areas on the front elevation and the flat roofed design.

The principle of a modern building in this location is acceptable, subject to the scale, bulk, massing and design integrating effectively with the surrounding development.

The height of the proposed building is commensurate with the other properties within the street (when taking the rise of the street scene into account).

The flat roof nature of the proposal is noted, and the top floor has been set in from all boundaries to decrease the prominence of this level. Therefore, the height to the top of the first floor is lower than would be expected than the eaves level (were the proposal to include a pitched roof) due to the sloping

nature of the road. Thus, the set back from the lower floors ensures that the top level would not be unduly prominent within the street scene. It is accepted that this design is different to the properties within the immediate vicinity of the site, however there are examples of flat roof buildings within the wider area, Marine Gate along with properties in Roedean Road and The Cliff, and as such it is considered that the scale, bulk and massing is not dissimilar to the immediate surrounding and as such the height, scale bulk and massing is considered to be appropriate.

The actual design of the building has been improved to ensure a more successful relationship with the neighbouring buildings, in terms of symmetry, proportion, scale and massing.

The design of the building is different to the wider area, and this in itself would provide additional visual interest to the street scene. The building has a symmetrical appearance on the vertical axis to the front elevation, and as such follows the pattern to symmetrical semi-detached pairs of dwellings which front onto Cliff Road to the west of the site.

The building is considered to provide visual interest on both street elevations, with the side elevation fronting onto Cliff Approach incorporating numerous design features such a projecting bays, fenestration detailing, changes in materials and green walls.

As such the design of the proposal is considered to be acceptable without causing any harm to the character or appearance of the street scene or wider area.

The proposed materials for the building are taken from those found, or to be found within the immediately surrounding area. These include glass, white render and zinc, with powder coated (grey) aluminium windows.

Rendering and glazing, including aluminium window frames are commonplace within the Roedean area. The zinc element is a relatively new material within the area, which is to be used on the roof of the development under construction opposite the site. As such, the use of zinc is considered to be appropriate and will ensure successful integration of the two more modern developments within the area.

As such, the proposed palette of materials is considered to be acceptable.

Amenity Issues

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

For Neighbours

The main issues here are likely to be loss of light, overshadowing, loss of privacy and additional noise and disturbance.

Loss of light/overshadowing

The issue of loss of light and overshadowing was addressed within the previous scheme on the site, where sun/shadow studies were submitted with the application/appeal. The Inspector dealing fully considered this issue and did not give rise to any concerns in this regard. It is noted that the footprint of the proposal has been reduced by 1.0m in width, along with the height by 0.2m) and thus it is not considered that there would be any undue impact in this regard.

Loss of privacy

Loss of privacy was a significant issue in the previously dismissed appeal scheme. The Inspector considered that the proposal would give rise to significant elements of overlooking, particularly to the neighbouring property, no. 2 Cliff Road.

The current scheme has been amended seeking to reduce the impact on the neighbouring properties. Significantly, only secondary or bathroom windows are provided within the west elevation, and a condition is recommended to ensure this is obscure glazed in order that no loss of privacy or overlooking would be possible.

That said there is also the issue of the balcony/terrace areas, which are located to the front of the building. These are not considered to give rise to any undue overlooking, due to the presence of side facing privacy screens and the fact that the upper levels will offer views across the tops of the development under construction opposite, whilst the lower levels would not increase overlooking or loss of privacy to any additional degree than the front facing windows of the development. In any event, the distance between the properties, together with the road between would lessen any potential impact.

It is noted that there are windows looking north within the rear elevation at all levels, this could cause undue overlooking to the neighbouring occupiers. However, this issue was specifically considered by the Inspector in the previous scheme who did not consider it sufficiently harmful, having regard to the suburban context of the site. Therefore it is not considered that an objection on this basis could be sustained.

Noise and disturbance

The proposal would significantly intensify the use of the site, from a single family dwelling to 6 residential units. This could bring additional noise and disturbance from the more intense use of the site, by virtue of additional vehicle and pedestrian movements, and a more intense use of external space. However, given the suburban location of the site, this is not considered to be unduly harmful to the amenities of the neighbouring properties.

For Future Residents

Policy HO13 requires residential units to be lifetime homes compliant.

The layout of the proposed units ensures that there would be adequate space for the units to meet lifetime homes compliance. The plans confirm compliance with these standards.

The scheme provides for rooms sizes which are adequate for their function with adequate light and ventilation, save for a number of internal bathrooms, which are not considered sufficient grounds to warrant a refusal on this matter.

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

Each of the proposed units have access to private open space, the most generous being to the lower ground floor 2 bedroom units, which have private front and rear terraces; a total of 48sqm each. The upper ground floor 2 bedroom units each have a front terrace of 6.0sqm, and the three bedroom duplex units across the first and second floors have two front facing terraces; a total of 11sqm.

All of the units have access to a rear communal garden of 90sqm, which is set out predominately lawned, with a treed boundary to the north and west, being bounded by the cycle and refuse store to the east with the proposed car parking beyond.

Whilst it is disappointing that the largest private amenity space is to the two lower ground floor units, which are two bedroom, and not the three bedroom units which are most suitable for family occupation, however, due to the presence of the communal rear garden, it is considered that there is sufficient on site provision to cater for the needs of the future occupiers.

Therefore it is considered that the level of amenity space is acceptable.

In the previous scheme the Inspector had concerns regarding the impact on future occupants from the noise and disturbance from the car park area. The scheme has now been amended to address this issue with the car parking area relocated, and any noise or disturbance from headlights now being screened by the refuse and cycle store areas.

Transport

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

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has

been assessed to determine the level of accessibility to public transport.

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

The site is located outside a controlled parking zone (CPZ) and experiences very high levels of on-street parking stress, particularly having regard to an existing CPZ recently being extended to within the vicinity of the site. It is noted that the scheme incorporates 0.5 vehicular parking spaces per unit.

The scheme also provides for secure cycle parking which is considered to conform to the requirements of policy TR14.

The comments from the Sustainable Transport Team are noted, in that the scheme would be acceptable subject to conditions relating to crossover details, cycle and vehicular parking being provided prior to occupation (and being retained as such) and a sustainable transport contribution of £3,000 to contribute towards improving bus stop accessibility at The Fire Station bus stops in Roedean Road.

Therefore on balance, the impact on the local highway is considered to be acceptable.

Sustainability (including Waste Minimisation)

Any new residential building upon the site would need to conform to the requirements of SPD08. This means that a fully completed Sustainability Checklist would need to be submitted with the application and the building must meet Level 5 of the Code for Sustainable Homes as a minimum.

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

The applicants have submitted a Sustainability Checklist with the application to demonstrate the types of sustainability technologies that would be included within the building.

The site is somewhat complex, as the proposed replacement building would be constructed over part of the existing dwelling and part of the garden to the existing dwelling. As such, and in PPS3 terms, part of the site would be classified as brownfield and part would be greenfield. SPD08 requires differing levels of sustainability for each land type, Code 3 for brownfield and Code 5 for greenfield.

Clearly, it would not be practical to include differing levels within the same

building and as such, as per the request from the applicant, it would be reasonable to accept a code level 4 across the whole site to address this disparity. Conditions to this effect form part of the recommendation.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature, a statement was submitted and a condition is recommended to require full compliance with the submitted details.

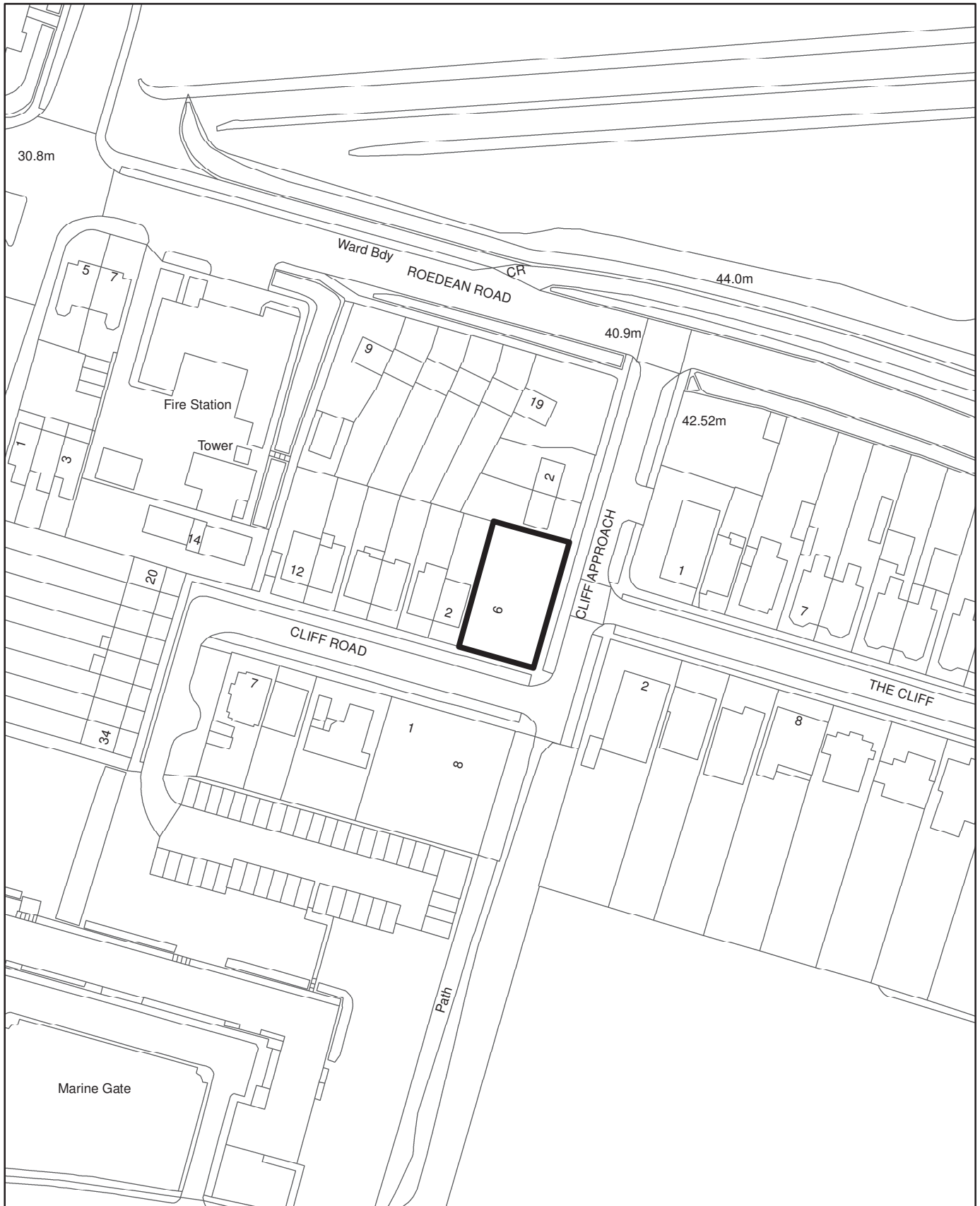
9 CONCLUSION

The proposal would be of a design, scale, bulk and massing that would cause no harm to the character and appearance of the street scene or wider area. The proposal is not considered to give rise to any undue amenity or highways impacts and would achieve an acceptable level of sustainability. As such the proposal is considered to be in accordance with development plan policies and thus is recommended for approval.

10 EQUALITIES IMPLICATIONS

The dwellings are required to comply with Part M of the Building Regulations and the council's lifetime home standards.

BH2011/02251 6 Cliff Approach, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

From: Mary Mears
Sent: 05 September 2011 08:58
To: Aidan Thatcher
Cc: Jeanette Walsh
Subject: Planning Application BH 2011/02251 6 Cliff Approach

For the attention of Aidan Thatcher

Re Planning Application BH2011/02251 6 Cliff Approach.

As a ward councillor for Rottingdean Coastal I wish to object to the above planning application, for the reasons listed:

This is the fourth application with the previous ones having been refused

This application is four storey's high and in my view with it's excessive size, bulky appearance, and with the very minor amendments now being made do not alter the previous grounds for refusal.

The failure to respect the established building lines of both the Cliff and Cliff Approach would result in a very dominant structure and over development of the site affecting the character and appearance of the street scene.

In my view this proposal even with its amendments is still contrary to policies QDI, QD2 QD3 and QD5 of the Brighton & Hove Local Plan.

The amenity space proposed is inadequate for the site and would not provide a satisfactory residential environment.

Should the decision be to approve this application? I request it goes to Planning Committee, and I reserve my right to speak.

Regards.

Mary.

Councillor Mary Mears
Conservative Member for Rottingdean Coastal Ward
Telephone 01273 294370
Brighton & Hove City Council
Email:mary.mears@brighton-hove.gov.uk