

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2011/02857	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Aldi, Carlton Terrace, Portslade		
<u>Proposal:</u>	Application for variation of conditions 11 & 12 of application BH2010/01684. Variation of condition 11 to provide 2 car parking spaces for residential use and variation of condition 12 to provide 2 hours of free car parking to all visitors of the Portslade shopping centre.		
<u>Officer:</u>	Steven Lewis, Tel: 290480	<u>Valid Date:</u>	23/09/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Planning Potential Ltd, Magdalen House, 148 Tooley Street, London		
<u>Applicant:</u>	Aldi Stores Ltd, C/O Planning Potential Ltd		

1 RECOMMENDATION

Split decision:

- A. 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 to vary condition 12 subject to the following Conditions and Informatives:

Conditions:

1. The store shall not be open for trading to the public except between the hours of 08.00 and 20.00 hours on Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank holidays. Staff may be within the premises between the hours of 07.00 and 21.30 hours on Monday to Saturday, and 09.30 to 17.30 on Sundays and Bank Holidays.
Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
2. The compactor machine shall only be operated during the actual store trading hours to the public and at no other times.
Reason: To protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. No HGV movements nor any loading or unloading of vehicles associated with the retail uses hereby permitted shall take place between the hours of 20.30 and 07.30 Monday to Saturday. Deliveries on Sundays/Bank

Holidays shall be limited to one main delivery and a milk delivery only between the hours of 09.30 and 17.30, with no deliveries outside these hours.

Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The approved and implemented refuse and recycling facilities shall 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 policies SU2 and QD27 of the Brighton & Hove Local Plan.

5. The existing wall along the western boundary of the site shall be increased in height to a minimum of 2.4m within 3 months of the date of this approval. The wall shall be maintained as such to the satisfaction of the Local Planning Authority.

Reason: To effectively screen the development from adjacent residential properties and to reduce the effect of noise and disturbance from the development in the interests of amenity and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

6. The windows on the ground floor of the east elevation of the main store fronting Carlton Terrace shall be clear glazed only, and shall be kept free of internal or external advertisements unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there is an interesting and attractive frontage at street level, to comply with policy QD10 of the Brighton & Hove Local Plan.

7. Any planting from the approved and implemented landscaping scheme which dies, becomes seriously damaged or diseased within a period of 5 years from being set out, shall be replaced in the next planning season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. The approved and implemented cycle parking facilities shall be retained for such use at all times.

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

9. The approved Travel Plan shall be implemented to the satisfaction of the Local Planning Authority at all times.

Reason: To promote sustainable travel choices for employees of the main store to reduce reliance on the private car, to comply with policies TR1, TR2 and TR14 of the Brighton & Hove Local Plan.

10. The first floor kitchen and living/dining room windows on the southern elevation serving Flat 1 above the main store, and the first floor glazing to the entrance to the flats on the southern elevation, shall not be glazed otherwise than with obscure glass and either fixed shut or top hung and

thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of adjacent properties in Victoria Road, to comply with policy QD27 of the Brighton & Hove Local Plan.

11. The 5 resident parking bays indicated on the approved plans in association with application BH2006/01684 shall not be used other than for occupiers of the residential units. The residents' car parking spaces shall be clearly signed/labelled as such, and details of signage shall be submitted to and approved in writing to the Local Planning Authority within one month of the date of this permission, unless otherwise agreed in writing. The agreed scheme shall be implemented to the satisfaction of the Local Planning Authority and thereafter retained.

Reason: To ensure adequate car parking provision to serve residential occupiers of the development, to comply with policies QD1, TR1, TR4, TR18 and TR19 of the Brighton & Hove Local Plan.

12. The first two hours of parking shall be free of charge for visitors of the Portslade Shopping Centre.

Reason: To ensure parking provision is made available to shoppers not using the main store as there is an identified shortage of shopper's parking spaces within the Portslade District Shopping Centre, in the interests of enhancing the vitality and viability of the Centre, to comply with policies SR6 and TR2 of the Brighton & Hove Local Plan.

13. The access gates shall be locked outside of opening hours of the main store except for purposes of loading/unloading and access by residents of the flats.

Reason: In the interests of visual amenity and to ensure adequate security for the site, to comply with policy QD7 of the Brighton & Hove Local Plan.

- B. That the Committee has taken into consideration and agrees with the reasons to **REFUSE** planning permission to vary condition 11 for the following reason:

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 variation of condition 12 of BH2010/01684, to shorten the period of free parking from three to two hours would not unduly harm the viability and vitality of the Boundary Road District Shopping Centre. The changes would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the District Shopping Centre by providing parking that can be used in

combined shopping trips.

Refuse to vary:

Condition 11 - Loss of residents parking spaces:

1. The loss three residential parking spaces would fail to ensure adequate car parking provision to serve the occupiers of the residential portion of the development. The development is within a District Shopping Centre and the loss of parking would be likely to cause additional displaced parking. This is contrary to policies TR1, TR2 and TR19 of the Brighton & Hove Local Plan.

2 THE SITE

The application relates to the Aldi store located at Carlton Terrace in Portslade. The development consists of 2 buildings. A large detached building comprising of a retail store on the ground floor and 12 residential units above and a smaller detached three storey building comprising of a ground floor shop and 2 flats.

Specifically, the application relates to the car park serving the development which has a total of 74 spaces. At present the unallocated parking spaces allow a maximum three hour free parking. Five spaces are reserved for the use of residents of the flats; two of the resident's allocation are disabled spaces.

3 RELEVANT HISTORY

Planning Applications

BH2011/01104: Application for variation and removal of conditions of application BH2010/01684 to vary condition 12 to reduce free car parking to all visitors of the Portslade Shopping Centre from 3 hours to 2 hours and removal of condition 11 in order not to provide 5 resident parking spaces. Refused 28/07/2011. The reasons for refusal were:

1. Condition 11, loss of residents parking spaces: The failure to provide 5 parking spaces for residents use is detrimental to the amenities of the occupiers of the building and contrary to policy TR19 of the Brighton & Hove Local Plan and would lead to further demand for on-street parking in an area where parking is at a premium and create further congestion. The development provides two units built to a wheelchair accessible standard and the failure to provide two disabled parking bays is detrimental to occupants with disabilities who have to parking away from the site contrary to policy TR18 of the Brighton & Hove Local Plan.
2. Condition 12, to reduce the time of free parking: The reduction in the period of free parking from 3 hours to 2 hours would reduce the availability of car parking giving customers reduced hours to use and support businesses within the shopping centre. Furthermore no evidence has been submitted to demonstrate that the store has been disadvantaged by the current parking regime. The reduction of the period of parking would be detrimental to the vitality and viability of the Boundary

Road District Shopping Centre and contrary to policy SR5 of the Brighton & Hove Local Plan and PPS1: Delivering Sustainable Development, and PPS4: Planning for Sustainable Economic Growth.

BH2010/01684: Application for variation and removal of conditions to application BH2006/00834 to vary condition 5 to allow an extended delivery period at the store, vary wording of condition 4 to allow the premises to trade to the public between 8.00 and 20.00 hours and for ancillary activities to take place outside of these hours when the store is closed to the public, vary condition 16 to reduce free car parking to all visitors of the Portslade Shopping Centre from 3 hours to 1 hour, removal of condition 15 in order not to provide 5 resident parking spaces. Split Decision to allow Variation of Condition 4, Refuse variation of 5, 15 & 16 - 30/12/2010. Appeal to Vary Condition 5 Allowed - 07/06/2011.

BH2006/00834: Mixed use development comprising food retail unit & separate shop unit, 14 residential units with associated parking. (Revision of BH2004/00571/FP). Approved 31/05/2006.

BH2004/00571/FP: Mixed use development comprising food retail unit and separate shop unit with 5, 2-bedroom flats and 9, 1-bedroom flats at first floor level, associated parking and highway works (existing buildings to be demolished). Approved 20/05/2004.

Planning Investigations

The retail unit has been subject recent Planning Investigations and Enforcement notices.

The site was subject to a Breach of Condition Notice in relation to non compliance with condition 12, regarding the length of parking. A prosecution took place for non-compliance, the Notice is still in force but presently the condition is being complied with.

The site is also currently subject to a pending Breach of Condition notice regarding the opening hours and use of the site. Therefore, is currently subject of an on-going Planning Investigation.

4 THE APPLICATION

The application seeks to amend the following conditions of approval BH2010/01684:

- Vary Condition 12 to reduced free parking to all visitors of the car park from three hours to two hours.
- Variation of condition 11 to reduce the requirement to provide five resident parking spaces to two.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **16 Guildford Street, 55 Norway Street, Flat 1, 4, 7, 9, 10, 11 Ronuk House and 1 x Unaddressed objecting** to the reduction of number of residents parking spaces for the following reasons:

- A three hour stay is required to allow people to use other facilities in Boundary Road and would support the viability and vitality of the Boundary/Station Road shopping centre.
- A two hours stay would put off visitors wishing to stay for lunch
- Despite refusals to vary the length of free parking, the Operator of the Car Park has been incorrectly charging customers who stay over an hour. There have been examples of fixed penalty notices being served.

Letters of representation have been received from **16 Guildford Street, Flats 1, 4, 7, 9, 10, 11 Ronuk House and 1 x Unaddressed** objecting to reducing the duration of free parking from 2 hours to 3 for the following reasons:

- The five residents' bays required by the original permission have not been honoured and residents have been unable to access them.
- Many of the occupants of the development are Key Workers and Essential Car Users, requiring access to cars and car parking.
- There are parking restrictions outside the site and therefore there is no on-street parking alternative available to residents.
- The reduction in hours will not relieve parking problems for visitors.

The Guinness Trust: The Trust objects to the removal or variation of the above conditions. In summary the Trust believes that the original planning consent was given careful consideration by Brighton & Hove City Council when granted and the current conditions are both necessary and fair.

The flats above the Aldi supermarket, now known as Ronuk House, provide homes to Key Worker shared ownership leaseholders, all of whom have had to purchase a share in their home. The development of these flats was funded by the Guinness Trust and Housing Corporation (now known as the Homes and Communities Agency) who also have a stake in this development and do not wish to see the residents' quality of life deteriorate due to variations in the planning conditions that were set at the time of construction.

Condition 11 provides the right for residents of Ronuk House to use a limited number of car parking spaces in the car park. The Trust is particularly concerned that the right to use these spaces is lost and this limited facility will be lost to residents. Residents currently only have the leasehold right to use two disabled spaces within the car park.

The variation of Condition 12 reduces the amount of free parking time and will cause further inconvenience to both the residents of Ronuk House and their visitors.

Internal:

Economic Development: The Economic Development team have no adverse comments.

Variation of condition 11 is not an Economic Development issue.

With respect to condition 12, The Economic Development team has previously objected to the shortening of the time period for free parking. However, the Applicant has provided detailed information to demonstrate that the overwhelming majority of stays to the store and combined trips to the store and wider Boundary Road/Station Road centres have a duration of 2 hours or less. Accordingly there are no objections to the proposed variation in stay.

Planning Policy: The submission of new evidence is welcomed and goes some way in supporting the change from 3 hours to 2 hours parking at this District Centre store.

On the basis of this information submitted it is considered that a variation of condition would not be considered detrimental to the vitality and viability of the District Centre and the proposed parking regime would encourage linked trips to the district centre.

No comment with regard to condition 11.

Sustainable Transport: The applicants in this case have submitted survey information in support of their previously rejected proposal to reduce the permitted maximum length of stay in the car park and to reduce the number of residential parking spaces.

For the duration of stay, the context in which this should be seen is that at the time of the original consent for this store, the applicants were allowed more parking than the SPG4 maximum on the grounds that this would help address the reported shortage of parking in the surrounding district centre.

There are problems with the submission reporting the parking surveys. The number of spaces reported is not the same as those approved for application BH2006/00834. The surveys were conducted during the school summer holidays when demand would be expected to be high and shopping behaviour untypical.

It is not clear why estimated duration (of parking) was used when actual duration could have been collected. It seems at least possible that longer durations would be under-reported by respondents as they would be aware that the surveys must have been agreed with the store owners who discourage long stay use of the car park. Within these limits the surveys do show however that there is always space available in the car park, albeit only 4 at the peak time, and also that there are a small number of people staying 2 hours or above and not shopping at Aldi who would be inconvenienced by any reduction of the maximum stay to 2 hours. It is therefore the case that the benefits to the shopping centre as a whole as secured by the original condition remain, and there is no evidence that the viability of Aldi suffers as a result. No evidence has been submitted that parking availability elsewhere in Portslade has increased. The proposed relaxation should therefore be

rejected.

For the residential parking numbers, SPG4 suggests that at most 21 general spaces and at least 1 or 2 disabled spaces (1.4 in the formula) should be provided. It is not clear from the application whether either of the spaces proposed for retention is to be a disabled bay, and to comply with policy TR18 the retention of 1 bay as disabled should be required by condition. Although the reduction in parking for able bodied people is consistent with SPG4, the application site is in a district centre with parking problems and problems of displaced parking would be likely to arise. This is contrary to policy TR2 and should therefore be rejected. In principal the applicants could seek to address this reason for refusal by carrying out parking beat surveys which may demonstrate that spare spaces are available in the vicinity of the application site.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 1	Delivering Sustainable Development
PPS 4	Planning for Sustainable Economic Growth

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public Transport accessibility and parking
TR7	Safe development
TR18	Parking for people with a mobility related disability
TR19	Parking standards
QD27	Protection of Amenity
SR5	Town and district shopping centres

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact of the requested variations of conditions upon the vitality and viability of the Boundary Road District Shopping Centre and the adequacy of the

parking facilities for the residential occupiers of the development.

Condition 12 Visitor Parking:

The current condition states:

“The first three hours of parking shall be free of charge for visitors of the Portslade shopping centre. Reason: To ensure parking provision is made available to shoppers not using the main store as there is an identified shortage of shopper’s parking spaces within Portslade District Shopping Centre, to comply with policy SR5 and TR17 of the Brighton & Hove Local Plan”.

The applicants state the primary reason for the reduction in the hours of free parking to two hours is to accord with PPS4 for which aims to promote the vitality and viability of town and other centres as important places for communities, and consider it imperative that the store is able to provide its retail offer and operate efficiently to ensure it can contribute to the district centre’s vitality and vibrancy.

PPS4: Planning for Sustainable Growth, states that local planning authorities should support existing businesses and adopt a positive and constructive approach towards planning for economic development. Policy EC13 states that when assessing planning applications affecting shops account should be taken of the importance of the shop to the local community and respond positively to proposals designed to improve their viability. Similarly PPS1: Delivering Sustainable Development, states that local authorities should provide for improved productivity and recognise that economies are subject to change. At the same time it encourages high quality inclusive design and policies to deliver safe, healthy and attractive places to live. Local Plan Policy SR5 aims to safeguard the viability of Town and District shopping centres.

The Local Planning Authority supports the aims of promoting sustainable economic growth and the vitality and viability of Town and District centres as required by local policies and national guidance. To this aim, more parking was permitted at the store than the maximum local standard to allow joint trips to both the store and other stores and businesses in the Boundary Road District Shopping Centre.

The proposal seeks to amend the condition to reduce the length of visitor parking from three hours to two hours. This follows refusal in July 2011 for the same request (BH2011/01104) and refusal in January 2011 to reduce the parking to one hour (BH2010/01684). It is noted that ticketing machines had been installed within the car park, with a requirement to display a ticket in vehicles to allow the first hour of parking free. Records show that since May 2011, the tickets permit three hours of free parking.

The previous application attempted to reduce the length of free visitor parking from three to two hours was refused on the grounds that the reduction in hours could have a negative impact upon the vitality and viability of the

District Shopping Centre, that the current level of parking supports local businesses and that no evidence had been submitted to demonstrate that the store has been disadvantaged by the current parking regime.

To address previous reasons for refusal the Applicant has undertaken a survey of users of the Aldi store to examine the user characteristics of the District Centre and Car Park. The survey comprised 406 responses (585 people in total) and examined origin point; no. of visitors in group; mode of travel; length of intended stay; intention to combine trip to Aldi and wider District Centre; if users ever use the District Centre; and the duration of stay and where people ordinarily park.

The findings of the survey show that the Aldi customers that linked trips with the District Centre most commonly do so for a period of less than 2 hours. It is also shown that visitor using the facilities to access the District Centre but not visiting Aldi, do so for less than one hour.

The survey also describes that the average duration of parking stay within the car park is 41 minutes, with 15 vehicles staying longer than 3 hours; and seven vehicles staying between 2 and 3 hours. It shows a high demand for parking and indicates that there is additional demand for the parking with some visitors' maybe put-off by the lack of capacity.

The analysis contends that by reducing the parking duration from 3 hours to 2, this would increase parking capacity by up to 12% and that this would not restrict the users of the facilities from combining their trips with the District shopping centre.

The Sustainable Transport Team's comments identified weaknesses of the survey and analysis and are noted; and in part agreed with. It is analysis of these comments balanced with those of the Planning Policy and Economic Development Team upon which this application should be considered.

The proposal to reduce the length of parking would not alter the number of spaces or prevent visitors to the District Centre from parking at the site. The data shows that the reduction in length of free parking is likely to affect only a small number of users to the car park and visitors, it would not significantly disadvantage most users and would be unlikely to harm the viability and vitality of the District Centre.

The reason for placing condition 12 upon the original permission and subsequent amended approvals; was the grounds that the additional spaces would enhance the vitality and viability of the District Shopping Centre. The evidence submitted is considered sufficient to show that a revision to the current parking arrangements would remain appropriate in this case. The reduction of free parking length would not prejudice users of the site to combine trips to the District Centre, would not harm its viability and vitality; and would free up additional parking capacity within the car park.

Condition 11: Provision of residential parking bays:

The current condition reads:

“The 5 resident parking bays indicated on the approved plans in association with application BH2006/01684 shall not be used other than for occupiers of the residential units. The residents' car parking spaces shall be clearly signed/labelled as such, and details of signage shall be submitted to and approved in writing to the Local Planning Authority within one month of the date of this permission, unless otherwise agreed in writing. The agreed scheme shall be implemented to the satisfaction of the Local Planning Authority and thereafter retained. Reason: To ensure adequate car parking provision to serve residential occupiers of the development, to comply with policies QD1, TR1, TR4, TR18 and TR19 of the Brighton & Hove Local Plan”.

The proposal seeks to reduce the number of residential parking spaces from five to two.

The previous application (BH2011/01104), which sought to remove all residents parking; was accompanied with a planning statement that outlined that when The Guinness Trust Housing Association purchased all the flats on the upper floor of the store it was agreed with them that the car parking spaces for the residents were not required and therefore they are now for public use. On this basis the proposal sought to remove the condition. The removal of all resident's spaces was refused since this would be detrimental to the amenities of the occupiers of the building and contrary to policy TR19 of the Brighton & Hove Local Plan leading to demand for on-street parking in an area where parking is at a premium and create further congestion. Furthermore, the development provides two units built to a wheelchair accessible standard and the non-provision of two disabled parking bays is detrimental to occupants with disabilities who have to parking away from the site.

In this case the applicant is now seeking to retain the two disabled parking spaces and has provided a copy of the lease between Aldi and The Guinness Trust. The lease states that the Guinness Trust has right of use of two parking spaces together with rights of access and egress to and from the car park and over the Landlord's property. Attached to the lease is a plan which confirms the two parking spaces subject of the lease agreement are the disabled spaces currently reserved for residents and correspond with those allocated on the approved planning applications for the development.

Policy TR19 and SPG4 outlines that at most 21 general spaces and at least 1 or 2 disabled spaces (1.4 in the formula) should be provided for a development consisting of 14 residential units.

Whilst it is not clear from the application whether either of the spaces proposed for retention is a disabled bay, it has been identified from a site visit that the space outlined in the submitted tenancy plan and therefore those earmarked for retention are currently disabled spaces. Therefore, subject to

re-imposing a condition to ensure that the two parking spaces retained are disabled bays; the provision of two disabled space could meet the requirements of SPGBH4 and policies TR18.

Although the reduction in parking for able bodied people is consistent with SPGBH4, the application site is in a District Centre which the Sustainable Transport Team advise has parking problems. Specifically problems of displaced parking being likely to arise from a reduction in parking in this case.

Policy TR2 stresses that developments should provide appropriate levels of parking according to accessibility of the site. It is considered that due to previously identified issues over provision of parking for the retail store, the potential likelihood of displaced parking problems within a District Centre experiencing parking problems and that the applicant has not provided evidence to show that they are at a disadvantage through lack of parking; it is not unreasonable to expect that the present level of parking for residents is retained.

Representations from occupiers of the residential properties are noted. The comments of neighbours with respect to parking difficulties and constraints due to the nature of the site are noted. The comments from members of the public underline the potential for displaced parking and add weight to the recommendation to refuse.

9 CONCLUSION

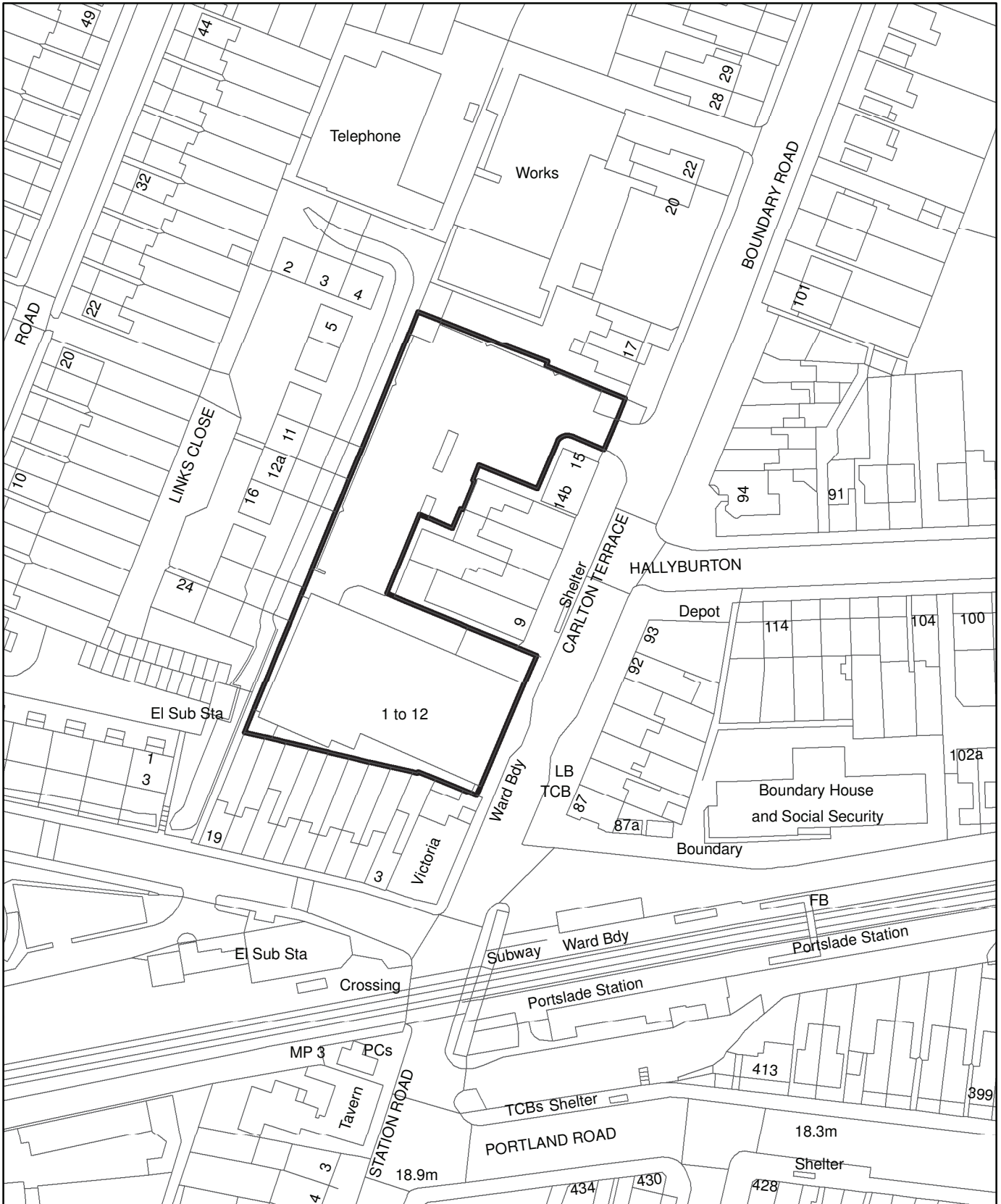
The variation of condition 12 of BH2010/01684, to shorten the period of free parking from three to two hours would not unduly harm the viability and vitality of the Boundary Road District Shopping Centre. The changes would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the District Shopping Centre by providing parking that can be used in combined shopping trips.

The variation of condition 11 of BH2010/01684, to reduce the requirement to provide five residents parking spaces to two, would fail to ensure adequate car parking provision to serve the residential occupiers of the development and being sited within in a District Centre the loss of parking would be likely to cause additional displaced parking.

10 EQUALITIES IMPLICATIONS

The development provides two units built to a wheelchair accessible standard, disabled parking spaces used in connection with the development will be retained.

BH2011/02857 Aldi, Carlton Terrace, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/01431	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	34 Hove Park Road, Hove		
<u>Proposal:</u>	Demolition of existing dwelling and erection of new 3 storey four bed dwelling house with flat roof.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	23/05/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 July 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	David Mikhail Architects, 10-11 Clerkenwell Green, London		
<u>Applicant:</u>	Mr Richard Hamilton, 22 Matlock Road, Brighton		

1 RECOMMENDATION

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

1. The development by reason of its form, scale, detailing and materials would appear visibly cramped, representing an incongruous addition, and create a contrast and sense of bulk, in relation to adjoining properties and the wider surrounding area, that would harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on a Design & Access Statement, Sustainability Checklist, Arboricultural Report and Waste Minimisation Statement received 18th May 2011; drawing nos. AL(0)001, 222 AL(0) 100, 222 AL(0) 200 & 222 AL(0)201 received on 23rd May 2011; and drawing nos. AL(1) 100, AL(1) 101, AL(1) 200, AL(1) 201 & AL(1) 300 received on 6th September 2011.

2 THE SITE

The application relates to a detached two-storey property on the eastern side of Hove Park Road. This residential area is characterised by large detached properties of varying form and appearance set within relatively large plots.

3 RELEVANT HISTORY

There is no planning history for the site.

4 THE APPLICATION

Planning permission is sought for demolition of the existing building and the erection of a replacement three-storey dwelling. The proposal has been amended as part of the application process and residents have been consulted on the changes.

5 CONSULTATIONS

External

Neighbours: 14 representations have been received from **2 Elrington Road;** and **4, 26, 27, 31, 32, 33, 33A, 35, 36, 38 & 56 Hove Park Road;** **17 Orpen Road** and **1 letter of no address objecting** to the proposal for the following reasons:-

- The design is radical and uncompromisingly modern, having little or no respect for either immediate neighbours or the character and streetscape of Hove Park Road;
- Similar developments have been in low profile standalone locations;
- Question whether it is necessary to rebuild as other refurbishments have been successfully carried out in the area;
- Loss of privacy and increased noise from the proposed terrace and glazing to the rear;
- Loss of light;
- The energy required for demolition of the existing building should be weighed against any potential energy saving features of the proposal;
- The proposal would set a precedent;
- Apparent inaccuracies on the submitted plans as to the extent of projection from the rear building line of adjacent properties;
- The excavation necessary to achieve three floors of accommodation may expose or undermine adjoining foundations;
- Question the extent of neighbour consultations as part of the planning application.

7 representations have been received from **10 The Drive; Atelier, The Droveaway; 10 Elms Lea Avenue; 46 Hove Park Road, 3 Kelly Road; 15 Whittingehame Gardens** and **24 Winfield Avenue supporting** the proposal for the following reasons:-

- The proposal represents an opportunity to develop the stock of modern well designed housing in Brighton & Hove;
- The design shows sympathy for the street by opening up gaps with adjoining properties;
- The proposal would provide a sustainable home and incorporates ecological to encourage biodiversity.

1 representation has been received from **7 Lloyd Road commenting** that there is no objection provided the existing amount of screening / vegetation is not diminished along the rear boundary of the site.

Cllr Bennett objects – letter attached.

Cllr Brown objects – letter attached.

Internal:

Arboriculturalist: No objection. There are several trees on site one of which would be lost as a result of the development. This is however an Elder tree of poor form and minimal arboricultural value and there is no objection to its loss. The remaining trees should be protected during the course of development.

Environmental Health: No comment.

Sustainable Transport: No objection subject to conditions to secure cycle parking facilities and ensure the new crossover is built in accordance with the Council approved Manual for Estate Roads.

Urban Design Officer: The proposal is different from surrounding buildings but does have similar footprint and height and could be a more interesting event along the street. The proposal respects the existing building line and is a large family house which is typical of this neighbourhood. The character of 'large interwar and post war houses on generous plots set back from tree-lined roads' would not, in my opinion, be compromised.

There is already an eclectic mix of styles along this street, and this would add to that mix. Although the roofs are generally pitched with tiles, there is a wide variety of gables, details, pitches and colours. The houses themselves have a variety of forms and materials. The applicant has sited other proposals in the city where more modern forms have been placed between more traditional houses.

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

National Planning Policy:

PPS1 Delivering sustainable development
PPS3 Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7	Safe development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

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

8 CONSIDERATIONS

The main issues of consideration in the determination of this application relate to the impact of the proposed dwelling on the character and appearance of the street, and on residential amenity for occupiers of adjoining properties; transport and sustainability issues.

Character and appearance

Local plan policies QD1 and QD2 require proposals for new buildings to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment, and that opportunities are taken to create new buildings of distinction on suitable sites. In considering development proposals policy QD2 states that design aspects such as the height, scale and bulk of existing buildings will be taken into account.

The Urban Characterisation Study states that the character of the Hove Park area derives from '*large interwar and post war houses on generous plots set back from tree-lined roads*'. The section of Hove Park Road in which the application site is located is reflective of this character. It is considered that this setting is not so sensitive that a modern design, if well conceived and executed, would necessarily be detrimental to the prevailing character and appearance of the area.

The application proposes a replacement three-storey building on the site providing accommodation at lower and upper ground, first and second floor levels. The proposed building incorporates a projecting two-storey forward section, above a recessed garage entrance, and a second floor level set back from the street. In relation to the existing building the proposed dwelling would be set further back from the street and would be inset from both side

boundaries with adjoining properties. The dwelling would feature extensive full height glazing to the rear (southern) elevation with a reduced number of windows to the front. The front elevation would incorporate brick screens, with a 'hit and miss' detail, surrounded by a light grey brick material.

There is no objection in principle to modern design and in isolation it is considered that the proposed building has design merit and is well formulated. The key concern is how the proposed development would appear in the more immediate context of Hove Park Road and adjoining properties. In this respect it is the scale of the proposed building in relation to the plot itself that is of concern.

The development, as a result of the proposed form, would appear visibly cramped in relation to the site itself and the absence of space around the building creates a sense of bulk which is not reflected elsewhere in the same manner. The impact of this would be visible in relation to the transition from both adjoining properties and in longer views along Hove Park Road.

These concerns are exacerbated by the proposed detailing to the front elevation and material choice. The proposed plans and supporting information indicate a light-grey brick with semi-opaque lime based coating. This material is not characteristic of development in the Hove Park area and, although in isolation could provide a high quality finish, in this location would increase the visual prominence of the building and contrast with adjoining properties. In addition the proposed hit and miss brick detail, although partly relieving the expanse of brick (and mortar), is considered to create an uninviting elevation with the resulting interaction between the building and Hove Park Road at odds with its surroundings. Moreover, the scale and expanse of the front projection and the roof design creates an overly horizontal emphasis to the design, which is not characteristic of the area.

The comments of the Urban Design Officer are noted and in principle there is no objection to a replacement dwelling of a modern design. It is though considered that the development by reason of its form, scale, detailing and materials (in relation to adjoining properties and the wider surrounding area) would create a contrast and sense of bulk that would harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

Amenity

For neighbours

The development respects the front and rear building lines of existing development along Hove Park Road and for this reason would not cause any harmful loss of light or outlook. Although a single-storey rear section, at lower ground floor level, would project beyond the main building the impact of this would be mitigated through the presence of adjoining rear extensions to both neighbouring properties and the existing boundary screening.

The key concern in relation to neighbouring amenity is the potential for overlooking of adjoining properties from a raised roof terrace. The terrace includes screening to the side and rear elevations and planters to prevent access to the side wing sections (in closest proximity to adjoining properties). These measures, which could be secured through condition(s), would direct views from the terrace over the rear garden of the application site rather than neighbouring garden areas. It is therefore considered that the development would not result in intrusive overlooking for occupiers of adjoining properties.

For future residents

The development would create a 4-bedroom family house with generous room sizes, natural light and outlook throughout. A sizeable garden area would be retained to the rear. As a new-build development there are no reasons why Lifetime Home standards could not be incorporated in the design and this is reflected in the proposed layout.

Sustainability

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' requires new development to achieve Level 3 of the Code for Sustainable Homes (CSH).

The Design & Access Statement references Passive Haus strategies which have played a role in the development of the proposal. The Sustainability Checklist confirms a commitment to achieve CSH Level 3 and this would comply with the aims of SPD08. If necessary this could be secured through condition.

A waste minimisation statement has been submitted which demonstrates there are no reasons why construction waste could not be minimised in an effective manner. If necessary this could be secured through condition.

Transport

The development incorporates an integral garage at lower ground floor level accessed over a new crossover (to the eastern end of the site) onto Hove Park Road. The Transport Team has no objection to this arrangement which is comparable to that existing and would not create a safety hazard for users of the adjoining highway. The development makes provision for secure cycle parking facilities and if necessary this could be secured through condition.

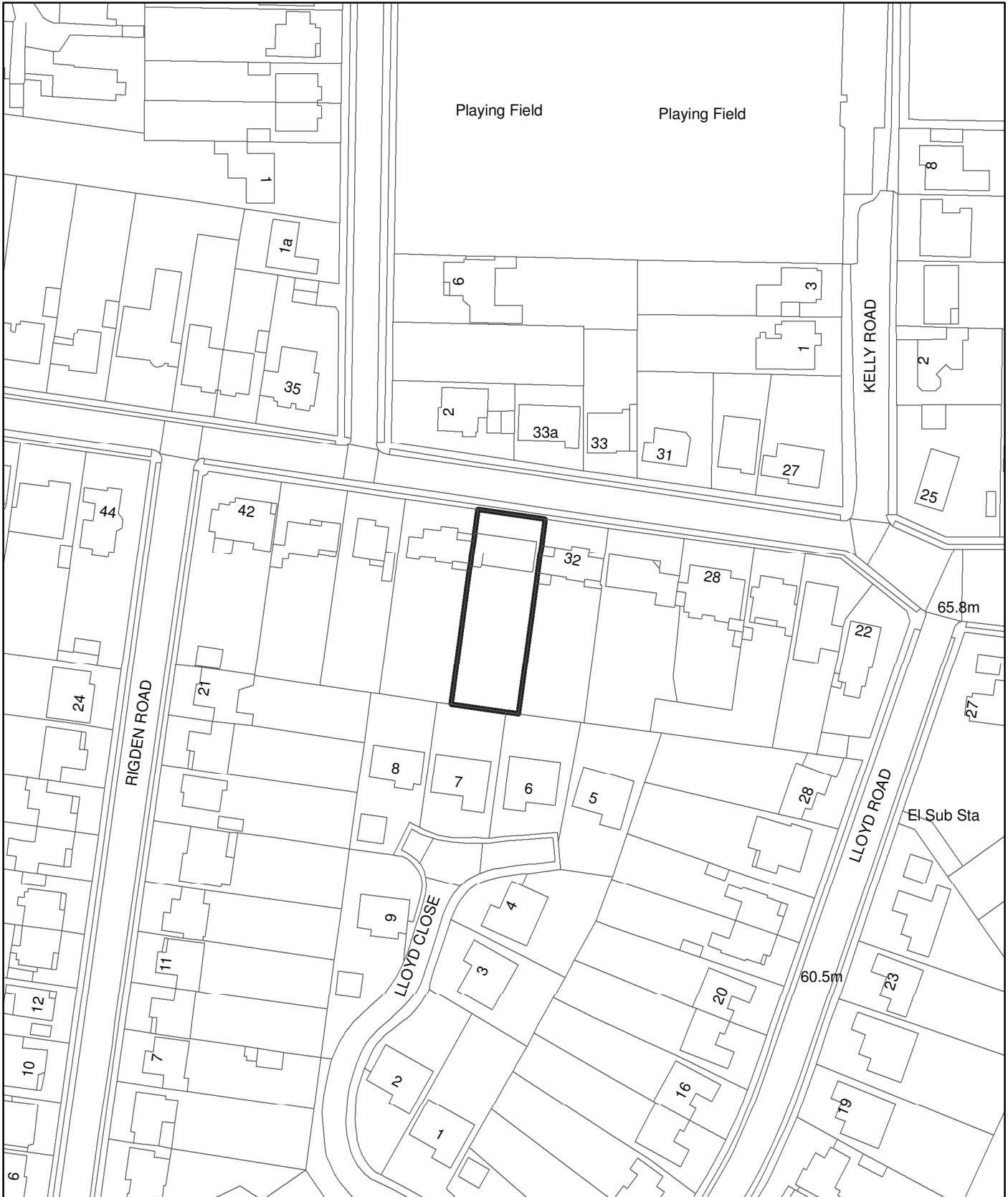
9 CONCLUSION

The development by reason of its form, scale, detailing and materials would appear visibly cramped and create a contrast and sense of bulk, in relation to adjoining properties and the wider surrounding area, that would harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

The development would be built to Lifetime Home standards.

BH2011/01431 34 Hove Park Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 23 NOVEMBER 2011

COUNCILLOR REPRESENTATION

Mr. Guy Everest
Senior Planning Officer
1st Floor
Hove Town Hall
Norton Road
Hove

Date: 5 October 2011

Our Ref: VB/JB/eb

Your Ref:

Dear Mr. Everest

Re: Planning Application BH2011/01431 – 34 Hove Park Road

As ward councillors we would like to again register our strong objections to this planning application. The slightly modified plans are not an improvement.

The proposed house with a flat roof is totally out of character with the surrounding houses that all have brick and rendered facades and tiled roofs. This house would completely ruin the street scene and the established character of the area.

The zinc cladding and pale grey bricks are more suited to the construction of a warehouse and the detailing is not suitable for a residential house.

The large rear terrace at first floor level would cause severe overlooking of the conservatory and garden of 32 Hove Park Road.

If this application should be recommended to the passed we would like it to go before the Planning Committee.

Yours sincerely

Councillor Vanessa Brown
Email: Vanessa.brown@brighton-hove.gov.uk
Tel: 291143

Councillor Jayne Bennett
Email: jayne.bennett@brighton-hove.gov.uk
Tel: 291135

<u>No:</u>	BH2011/00635	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	12 Meeting House Lane, Brighton		
<u>Proposal:</u>	Application to extend time limit of previous approval BH2007/02518 for the conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5 no flats and 1 no retail unit at ground floor level.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	04/03/2011
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	29 April 2011
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Quilichan Consultancy, The Old Manse, High Street, Stockbridge		
<u>Applicant:</u>	Robert Edward Stokely Richard A Moore Haines & Stephen Skinner AS Joint LPA Receivers, C/O Edward Simmons LLP, 2 Sussex Street, London Bridge, London		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the applicant entering into a s106 Planning Agreement and to the following Conditions and Informatives:

S106

- A contribution of £2,500 towards off-site works to improve sustainable transport infrastructure in the vicinity of the site.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 1768 A.03, 1768 A.04 & 1768 D.01 received on 6th July 2007; drawings no. 1768 A.01 A & 1768 D.19 X received on 23rd July 2007; drawing no. 1768 D.16 B received on 17th September 2007; and drawings no. 1768 D.15 D, 1768 D.17 C & 1768 D.18 B received on 28th January 2008.

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

3. The external finishes of the external alterations to 12 Meeting House Lane shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

4. All new windows to the existing building at 12 Meeting House Lane shall be painted softwood, double hung vertical sliding sashes with joinery

details to match originals, where existing, and shall be retained as such.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

6. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

7. All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

8. The development shall take place in accordance with 1:20 sample elevations and 1:1 profiles of the lead canopy and external doors approved under application BH2007/02518 on 5th December 2008 and shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

9. 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.

Pre-Commencement Conditions:

10. 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.

11. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the rear extension and glazed link have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be maintained as such thereafter.

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

12. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further 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.

13. Notwithstanding the approved plans no development shall commence until further details demonstrating the incorporation of lifetime home standards within the rear extension (flats 3 & 4) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

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

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

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

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes

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

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

A completed pre-assessment estimator will not be acceptable.

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

Pre-occupation Conditions:

16. Unless otherwise agreed in writing by the Local Planning Authority, the new-build residential units 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.

17. Unless otherwise agreed in writing by the Local Planning Authority, the flats at first, second and third floor levels within 12 Meeting House Lane shall not be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

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:-

There have been no changes to the adopted development plan or other relevant material considerations to indicate that the proposal is no longer acceptable. The development would make a more efficient and effective use of land within the built up area without causing detriment to the Listed Building or the wider character and appearance of the Old Town Conservation Area. The development would not have a significant impact on neighbouring amenity and would not create a harmful demand for travel.
2. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:
www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and
www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
3. The applicant is advised that the scheme required to be submitted by Condition 10 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.
4. IN04.01 Informative Lifetime Homes
The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. IN.05.02A Informative: Code for Sustainable Homes
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. IN05.04B Informative: Ecohomes Refurbishment

The applicant is advised that details of the Ecohomes Refurbishment assessment and a list of approved assessors can be obtained from the Ecohomes websites (www.breeam.org and www.breeam.org/ecohomes). Details about Ecohomes 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). A new assessment tool called BREEAM Domestic Refurbishment will be published by the Building Research Establishment from late 2010. The use of BREEAM Domestic Refurbishment would satisfy the requirements of the Ecohomes refurbishment conditions. Further information about this assessment tool can be found on the BRE website (www.breeam.org/page.jsp?id=228).

2 THE SITE

The application site relates to a 3-storey Grade II Listed Building with a prominent corner frontage onto Meeting House Lane. The side and rear elevations of the building are less prominent but visible from Clarence Yard, a service road for the rear of properties on North Street and the former Post Office building.

The building currently comprises a retail unit at ground floor level with a residential unit at first, second and third floor levels. The rear of the site incorporates a hardstanding area currently used for parking.

The site is within the Old Town Conservation Area.

3 RELEVANT HISTORY

BH2007/02518: Conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5 flats and 1 retail unit at ground floor levels. Approved (under delegated powers) 07/05/2008.

BH2000/02463/FP: Extension to rear first and second floors. Formation of two maisonettes on first, second and third floors. Associated internal and external alterations. Approved.

4 THE APPLICATION

Planning permission is sought for an extension of time, and therefore a new planning permission, to replace the previously approved scheme which expired on 7th May 2011.

The approved scheme has planning permission for a three-storey building to the rear of 12 Meeting House Lane with frontage to Clarence Yard, a service lane running parallel with North Street. The building comprises a ground floor retail unit with 2 self-contained flats at first and second floor level. The building would incorporate rendered elevations, projecting bays and wall hung planters.

The building would connect to 12 Meeting House Lane through a subservient

/ recessed glazed link extension at first and second floor levels.

The existing building, 12 Meeting House Lane, would be retained as a retail use and frontage at ground floor level. The upper floors, which were last in use as a HMO, would be converted to form two one-bedroom units and one two-bedroom unit. The external changes relate to a new rear dormer, to match the front elevation of the building, and new lead canopy and side window opening. The conversion utilises the existing plan form of the building and this constraint has dictated the resulting size and mix of accommodation.

An accompanying application for an extension of the time to the related listed building consent has been submitted and is included elsewhere on this agenda (ref: **BH2011/00652**).

5 CONSULTATIONS

External

Neighbours: 19 representations have been received from **41 Charmandean Road (Worthing); 28, 46 Church Street; 85 Goldstone Road; 6, 7-8, 10, 11, 12 (x2), 12C, 16, 17, 18, 26A & 44 Meeting House Lane; 26B North Street; 103 Phyllis Avenue (Peacehaven) and 18 (flat 37), The Drive** objecting to the proposal for the following reasons:-

- The proposal is out of character with the Conservation Area and represents an overdevelopment;
- Loss of light;
- Multiple residential properties would cause access difficulties down the side lane;
- Potential for future problems relating to cycle and refuse storage;
- Previous occupants of the upper floors have caused noise and disturbance;
- Disruption during building works;
- Disruption to delivery arrangements along the side lane;
- Will make access to an adjoining flat roof difficult;
- Existing air conditioning units will need to be removed;
- The proposal does not address disabled access and egress;
- Question the impact of building works on the integrity of adjoining structures.

Brighton Archaeology Society: Are unaware of any archaeological implications relating to the application.

County Archaeologist: (previous comments).

The site is within an archaeologically sensitive area within the historic core of the medieval village and post-medieval town of Brighton. In light of the potential archaeological significance of the site the area affected by the proposals should be subject of a programme of archaeological works to enable any deposits and features, disturbed during the works, to be adequately recorded.

Internal:

Conservation & Design: *(previous comments)*

The new extension at the rear of the site, linked by a glass extension, is acceptable in principle subject to conditions (*which are recommended*).

Environmental Health: No comments.

Private Sector Housing: No comments.

Sustainable Transport: No objections subject to the inclusion of transport conditions / obligations as originally recommended (*securing the development as car free and a contribution towards sustainable transport improvements are recommended*).

6 MATERIAL CONSIDERATIONS

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

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

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre
HE1	Listed buildings
HE3	Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards
SPGBH11 Listed Building Interiors
SPGBH13 Listed Buildings – General Advice

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design

Planning Policy Statement

PPS 5 Planning for the Historic Environment

8 CONSIDERATIONS

The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The previous consent, granted on 7th May 2008, expired on 7th May 2011. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now render the proposed development unacceptable.

A site visit has revealed that there have been no material changes to the site. No notable structural alterations have occurred to the existing building or those adjoining and no subsequent planning applications which require further consideration have been approved. Therefore issues previously considered acceptable relating to the standard of accommodation, design, and impact on neighbouring amenity remain identical to the previous application. There have been no changes to local or national policy that would affect the consideration of these issues and render them unacceptable.

In respect of areas where there have been material changes in policy:-

Sustainability

Local Plan Policy SU2 has been supplemented by an adopted Supplementary Planning Document on Sustainability Building Design (SPD08). SPD08 was adopted in June 2008 and was not a material consideration when the original consent was approved. The extension to the time limit for this development must therefore be assessed in light of the adopted guidance.

For a development of this scale SPD08 would require Level 3 of the Code for Sustainable Home Level for the new-build element and EcoHomes for refurbishment for proposed flats within the converted building. The applicant has submitted a sustainability checklist which suggests there are no reasons why the above requirements could not be met, and for a development of this scale it is considered that further details can be required by condition.

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

Transport

A condition on the planning permission required a contribution towards improvements to sustainable transport infrastructure and for the development to be car free. A revised condition, based on the current model conditions, is again recommended to ensure the development is genuinely car free. However, it is no longer possible to secure contributions through condition. A head of term for a s106 agreement is therefore recommended in place of the original condition. This would secure the required contribution. It should be noted that the development proposes 5 residential units and the agreed temporary measures to assist the development industry, involving 1-4 residential units, do not therefore relate to this application.

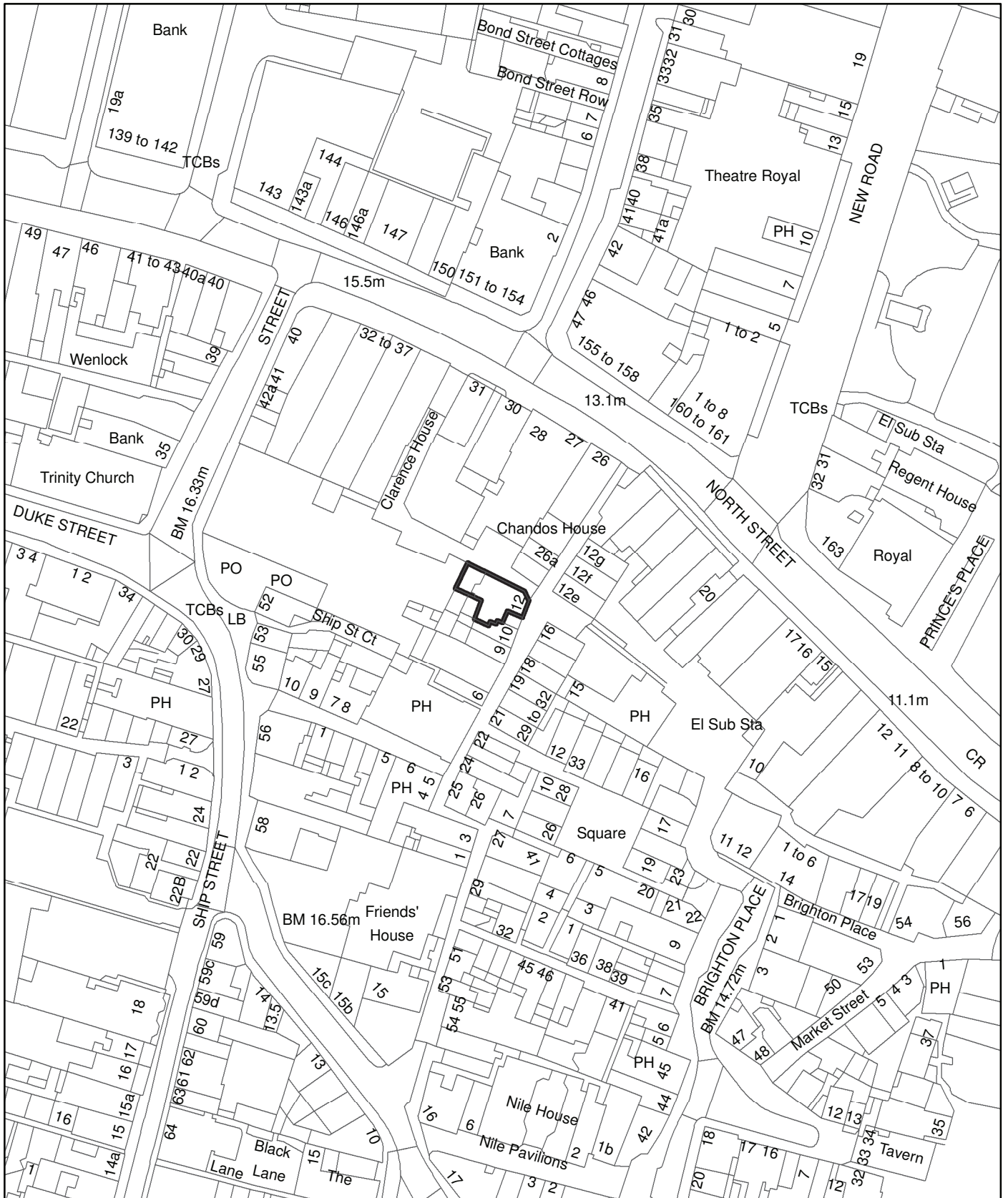
9 CONCLUSION

There have been no changes to the adopted development plan or other relevant material considerations to indicate that the proposal is no longer acceptable. The development would make a more efficient and effective use of land within the built up area without causing detriment to the Listed Building or the wider character and appearance of the Old Town Conservation Area. The development would not have a significant impact on neighbouring amenity and would not create a harmful demand for travel.

10 EQUALITIES IMPLICATIONS

A condition is recommended to secure the incorporation of Lifetime Home standards in the new-build element of the development. There is limited scope to meet Lifetime Home standards in the conversion due to listed building constraints.

BH2011/00635 12 Meeting House Lane, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00652	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Extension to Time Limit Listed Building		
<u>Address:</u>	12 Meeting House Lane, Brighton		
<u>Proposal:</u>	Application to extend time limit of previous approval BH2007/02608 for the conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5no flats and 1no retail unit at ground floor levels.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	04/03/2011
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	29 April 2011
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Quilichan Consultancy, The Old Manse, High Street, Stockbridge		
<u>Applicant:</u>	Robert Edward Stokely Richard A Moore Haines & Stephen Skinner AS Joint LPA Receivers, C/O Edward Simmons LLP, 2 Sussex Street, London Bridge, London		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The external finishes of the alterations to 12 Meeting House Lane shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 3) All new windows to the existing building at 12 Meeting House Lane shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 4) The development shall take place in accordance with 1:20 sample elevations and 1:1 profiles of the lead canopy and external doors approved under application BH2007/02518 on 5th December 2008 and shall be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 5) All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 6) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting a highway.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 7) This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 8) No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the rear extension and glazed link 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 HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. A.01, 02, 03 & 04 received on 9th July 2007; drawing nos. D.19 X received on 23rd July 2007; amended drawing nos. D.16 B received on 17th September 2007; and amended drawing nos. D.15 D, D.17 C & D.18 B received on 28th January 2008.
2. This decision to grant Listed Building Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
There have been no changes to the adopted development plan or other relevant material considerations to indicate that the proposal is no longer acceptable. The development, subject to the recommended conditions, would preserve the historic character and appearance of the Grade II

Listed Building.

2 THE SITE

The application site relates to a 3-storey Grade II Listed Building with a prominent corner frontage onto Meeting House Lane. The side and rear elevations of the building are less prominent but visible from Clarence Yard, a service road for the rear of properties on North Street and the former Post Office building.

The building currently comprises a retail unit at ground floor level with a residential unit at first, second and third floor levels. The rear of the site incorporates a hardstanding area currently used for parking.

The site is within the Old Town Conservation Area.

3 RELEVANT HISTORY

BH2007/02608: Conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5 flats and 1 retail unit at ground floor levels. Approved (under delegated powers) 09/05/2008.

BH2000/02454/LB: Extension to rear first and second floors. Formation of two maisonettes on first, second and third floors. Associated internal and external alterations. Approved.

4 THE APPLICATION

Listed Building Consent is sought for an extension of time, and therefore a new consent, to replace the previously approved scheme granted on 9th May 2008, which expired on 9th May 2011.

The approved scheme has listed building consent for conversion of the upper floors, which were last in use as a HMO, to two one-bedroom units and one two-bedroom unit. The external changes relate to a new rear dormer, to match the front elevation of the building, and new lead canopy and side window opening. The conversion utilises the existing plan form of the building and this constraint has dictated the resulting size and mix of accommodation. The existing building, 12 Meeting House Lane, would be retained as a retail use and frontage at ground floor level.

To the rear of the original building a new three-storey building would be constructed with frontage to Clarence Yard, a service lane running parallel with North Street. This building would comprise a ground floor retail unit with 2 self-contained flats at first and second floor level. The building would incorporate rendered elevations, projecting bays and wall hung planters. The building would connect to 12 Meeting House Lane through a subservient / recessed glazed link extension at first and second floor levels.

An accompanying application for an extension of the time to the related planning permission has been submitted and is included elsewhere on this agenda (ref: **BH2011/00635**).

5 CONSULTATIONS

External

Neighbours: No comments have been received.

Internal:

Conservation & Design: (previous comments)

The new extension at the rear of the site, linked by a glass extension, is acceptable in principle subject to conditions (*which are recommended*).

6 MATERIAL CONSIDERATIONS

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

Policy HE7 of PPS5 states that in decision making, local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that be affected by the relevant proposal. Policies HE9.1 – 9.6 of PPS5 provide specific policy principles for designated assets. There is a presumption in favour of conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption on favour of its conservation should be.

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Buildings

Supplementary Planning Guidance

SPGBH1 Roof alterations and extensions

SPGBH11 Listed Building interiors

SPGBH13 Listed Building - general advice

8 CONSIDERATIONS

The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The previous consent expired on 9th May 2011. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now

render the proposed development unacceptable.

A site visit has revealed that there have been no material changes to the site. No notable structural alterations have occurred to the existing building or those adjoining and no subsequent planning applications which require further consideration have been approved. Therefore issues relating to the impact of the proposal on the historic character and importance of the Listed Building remain identical to the previous application.

As part of this previous application it was considered that the subservient three-storey rear extension and glazed link would provide visual separation and preserve the historic character and appearance of the building. Internally the conversion utilised the existing plan form of the building and the works would not result in the unnecessary loss of original fabric. There have been no changes to local or national policy that would directly affect these previous considerations.

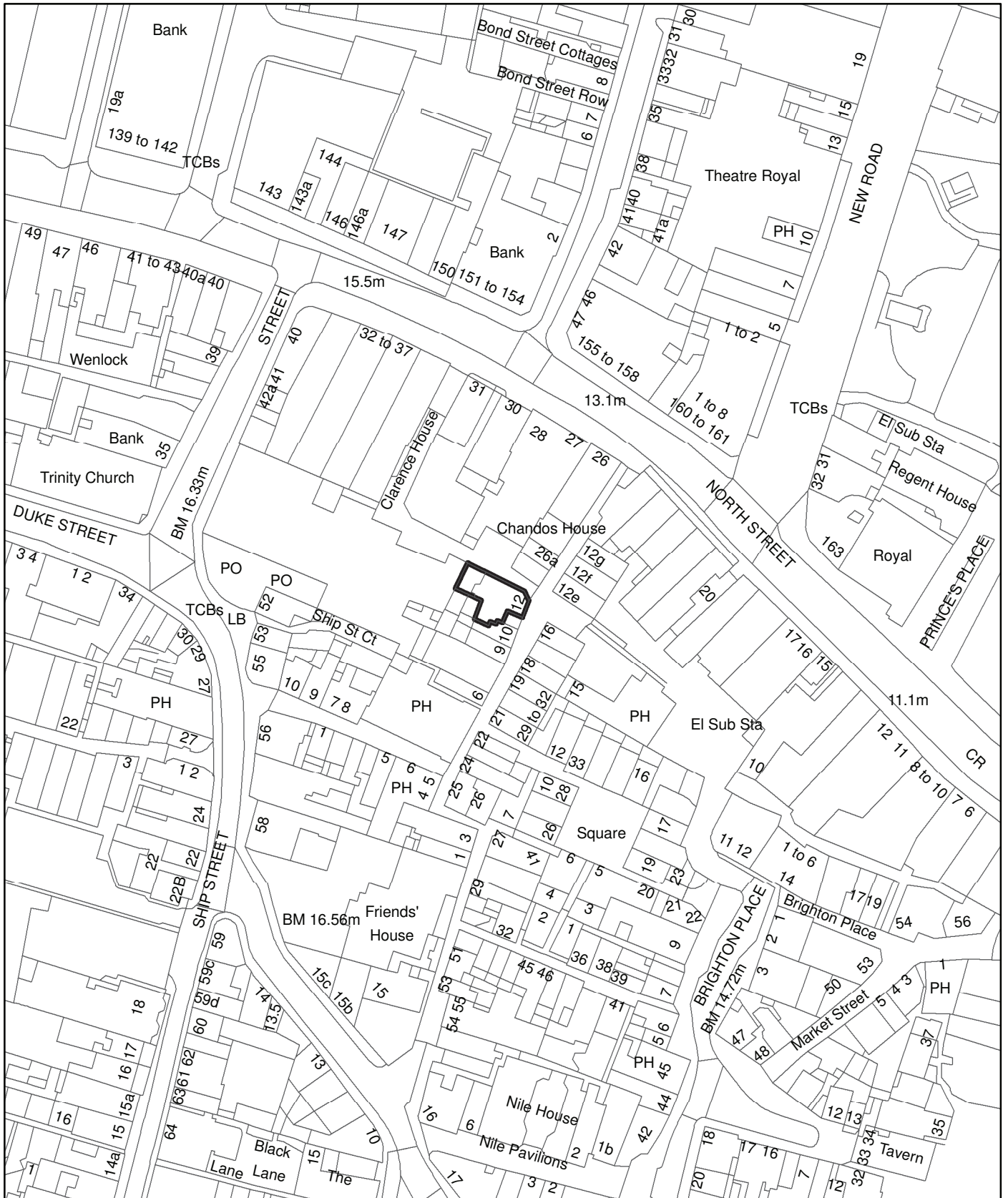
9 CONCLUSION

There have been no changes to the adopted development plan or other relevant material considerations to indicate that the proposal is no longer acceptable. The development, subject to the recommended conditions, would preserve the historic character and appearance of the Grade II Listed Building.

10 EQUALITIES IMPLICATIONS

A condition is recommended to secure the incorporation of Lifetime Home standards in the new-build element of the development. There is limited scope to meet Lifetime Home standards in the conversion due to listed building constraints.

BH2011/00652 12 Meeting House Lane, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/02561	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	54-55 Meeting House Lane, Brighton		
<u>Proposal:</u>	Erection of first floor rear extension, formation of balustraded roof terrace to first floor, new shop front, and internal alterations including creation of ground/first floor mezzanine level in entrance lobby, revised ground floor fire exit and associated works (part retrospective).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	06/09/2011
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	01 November 2011
<u>Listed Building Grade:</u>	Adjoins Grade II*		
<u>Agent:</u>	Rob Shepherd Designs, 87A Mile Oak Road, Portslade		
<u>Applicant:</u>	Mr Paul Craig, 82 High Street, Shoreham-by-Sea		

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. Policy HE6 relates to development within Conservation Areas and states that proposals within a Conservation Area should preserve or enhance the character and appearance of the area. Having regard to the inappropriate design, form and materials of the proposed first floor rear extension and roof terrace, the structures would appear as incongruous and unsympathetic features detrimental to the appearance of the building, which would also fail to preserve the character and appearance of the Old Town Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.
2. Policy QD27 of the Brighton & Hove Local Plan requires new development to respect the existing amenity of neighbouring properties and policy SU10 states that proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings and neighbouring properties. The use of the first floor roof terrace by customers, especially late at night and during early morning hours, would likely result in a significant increase in noise disturbance to the occupiers of nearby residential properties which are in close proximity to the position of the terrace, and no measures to mitigate this noise disturbance have been proposed as part of this planning application. The proposal is therefore contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan and to advice from central government contained in Planning Policy Guidance Note 24 'Planning and Noise.'

Informatives:

1. This decision is based on drawing nos. 2011/0030/A, 0030-2/C, 0030-

3/A, 0031/C, 0031-2/D, 0031-3/A received on 06 September 2011.

2 THE SITE

The application relates to a bar in a terraced property situated on the eastern side of Meeting House Lane. The site is located within the Old Town Conservation Area, and adjoins a Grade II* Listed Building to the north.

The bar layout is on three floors. There is public bar space on the ground and first floors, as well as a ground/first floor mezzanine. On the second floor there is kitchen, store and office space.

On the first floor there is a doorway that leads out onto an unauthorised roof terrace that is located on a flat roof of the building. This space is surrounded by the rear elevations of buildings on Meeting House Lane and Nile Street. The nearest buildings on Meeting House Lane mostly consist of ground floor A1 and A3 uses, with storage and office space on the upper floors. There are two known exceptions, with residential use on the upper floors of nos. 50 and 53 Meeting House Lane.

3 RELEVANT HISTORY

BH2009/00951: Installation of rear glass fire escape enclosure – approved 01/07/2009.

4 THE APPLICATION

Planning permission was granted in July 2009 for a rear glass fire escape enclosure and a first floor 1.5m high screen to encase the existing machinery and create a fire assembly point. Condition 5 of the planning permission stated:

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

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

A first floor rear extension and a timber balustrade roof terrace – as well as other alterations including the removal of the second floor rear window and installation of air conditioning units – were constructed in 2009.

Through this planning application it is sought to retain the first floor rear extension and roof terrace with alterations to the design.

Part retrospective planning permission is sought for:

- Erection of a first floor rear extension, with flat roof, windows and smooth rendered and paint finish;
- Formation of roof terrace at first floor level, with softwood decking floor, stainless steel rail surrounds, and opaque glass panels;

- New shop front, with hardwood frames and glazing bars, and replacement glass panels;
- The proposed plans also show internal works, including the creation of ground/first floor mezzanine level in entrance lobby, and alterations to internal layout including revised ground floor fire exit and associated works.

The proposed plans show proposed signage on the shopfront. These would require Advertisement Consent.

5 CONSULTATIONS

External:

Neighbours: Five (5) letters of representation have been received from nos. **43, 44, 45-46, 47 and 49 Meeting House Lane**, objecting to the application for the following reasons:

- security issues which led to a burglary;
- mess and litter from patrons has led high clean up costs;
- dropped cigarette butts are a fire hazard due to the timber framed building;
- loss of privacy;
- the structure has already been denied permission for
- gives access to the back of buildings which has lead to a break-in;
- rubbish thrown onto roof;
- unhappy that nothing has resolved their complaint;
- aghast that more changes are now being proposed when original complaints were not followed up.

A **letter** of support has also been received from Cluttons representing Property Services. They have raised the following points:

- The terrace will ensure the continued viability of the premises as there is no external area at ground floor level. The public footpath in front of the premises is narrow and a licence from the Highway Authority would be completely inadequate for the number of smoking customers at the premises. Smokers would inevitably spill over beyond the defined area, causing an obstruction and nuisance to pedestrians passing along Meeting House Lane. A roof terrace provides a better solution by accommodating smokers wholly on-site.
- The proposals would preserve the existing use but also improve the aesthetic appearance of the building and its contribution to the streetscape.

Cllr Kitcat supports the application and has requested it is determined by the Planning Committee (see attached email).

Internal:

Design & Conservation: The design and conservation team has previously expressed reservations regarding the acceptability of the alterations in visual terms. A key consideration is of course the effect of these works on the

amenities of the occupiers of neighbouring properties.

Environmental Health: The application states that the existing air handling units will be retained. There have been no noise complaints relating to these units.

It is considered that hours of use for the smoking terrace should be conditioned and that the chairs should be stacked and not available to use from 11:00pm.

Sussex Police Community Safety: It is requested that the fire exit door be devoid of any external furniture to reduce the opportunity of unauthorised entry and that the door be alarmed indicating when opened or left ajar.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Guidance Notes (PPGs):

PPG 24: Planning and Noise

Brighton & Hove Local Plan:

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

QD14 Extensions and Alterations

QD27 Protection of Amenity

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD02 Shop Front Design

8 CONSIDERATIONS

The main considerations in this application are whether the scheme has a detrimental impact on the character and appearance of the building and

surrounding Conservation Area and on the amenity of any adjacent residential properties.

Planning Policy:

Policy HE6 relates to development within a Conservation Area and states that proposals within a Conservation Area should preserve or enhance the character and appearance of the area.

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.

Policy SU10 states that new development will be required to minimise the impact of noise on neighbouring properties and the surrounding environment.

Design and Appearance:

The unauthorised rear extension, timber decking and timber balustrade currently contribute to an unattractive and untidy rear elevation of the building. It is considered that a scheme for the rear of the building should make a positive contribution to the enhancement and the tidying up of the rear of these properties.

The applicant has attempted to do this by proposing to replace the existing timber cladding of the extension with a render and painted finish. The timber cladding is an inappropriate material, however, its replacement with render is not considered to be a sufficiently significant improvement. The flat roof and the other external materials do not relate well to the original building and appear incongruous. The way that the extension projects beyond the side wall adds to the overall out of keeping appearance with the rest of the building. The proposed render finish on the walls would still be an inappropriate use of materials.

With regards to the roof terrace and balustrading, the existing timber decking is proposed to remain, and again this detracts from the character of the building. The roof terrace and balustrade should respect the character of the building. In this case, the proposed 2m high opaque glass panelled screens supported with stainless steel railings would not be an improvement on the existing timber balustrade, and would also be out of character with the building and the locality.

The proposal is therefore contrary to policy QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

On the front elevation, the proposed timber shop front is considered acceptable in principle. Currently the front elevation entrance includes a roller shutter that is rolled down or half down for much of the daytime. The proposed new glazed doors to the front elevation would be a welcome improvement.

which would increase the vitality of the street. The Conservation Officer has requested large scale details that could be conditioned to ensure that the new joinery matched that of the existing windows above transom level in the event planning permission is granted.

The drawings do not show the redundant ducting at the rear, or that the second floor rear window has been overboarded with pipe work running through it to link to an air conditioning unit mounted on the rear wall. These should be shown on the existing plans if they are proposed to be removed.

Impact on Amenity:

The applicant's proposal is for a terrace that would be used throughout the day and into the evenings, not only for smokers, but to include seating and tables for people outside having drinks.

The Environmental Health Team have indicated that there have been no noise complaints relating to this unit, and have suggested a restriction of time of the use of chairs until 11pm, and the overall use of the terrace until 3:30am. No letters of objection during public consultation of this application have been received from residents regarding noise issues. However the changes that are proposed and the improved facilities such as seating are likely to result in an intensification of the use of the terrace. This increase of use has the potential to significantly increase the noise and disturbance to nearby residents.

The use of the first floor roof terrace by customers, especially late at night and during early morning hours, would especially have an impact on the residents of the self contained flat at no. 50a Meeting House Lane which has windows in close proximity (approximately 6m away) to the terrace. The current owner/occupier of the flat has not submitted an objection, however policy QD27 seeks to protect the amenity of future occupiers as well as present ones.

No measures to mitigate this noise disturbance have been proposed as part of this planning application. It is considered that the proposed 2m high opaque glass panelled screens would not significantly restrict the potential noise from an elevated terrace such as this one that has the potential to contain a high number of customers.

The roof terrace, by virtue of its elevated position, size, and by its close proximity to residential properties, is considered un-neighbourly and intrusive. The proposal is therefore contrary to policies QD27 and SU2, as well as advice from central government contained in Planning Policy Guidance Note 24 'Planning and Noise.'

The proposed 2m high opaque glass panels would limit the potential for overlooking towards residential windows, and as such it is considered that there would be no significant loss of privacy caused by the proposal.

Objections have been raised concerning issues of glass bottles and litter being dropped by customers on the terrace, as well as security problems. The proposed glass panels may limit the potential for these issues continuing.

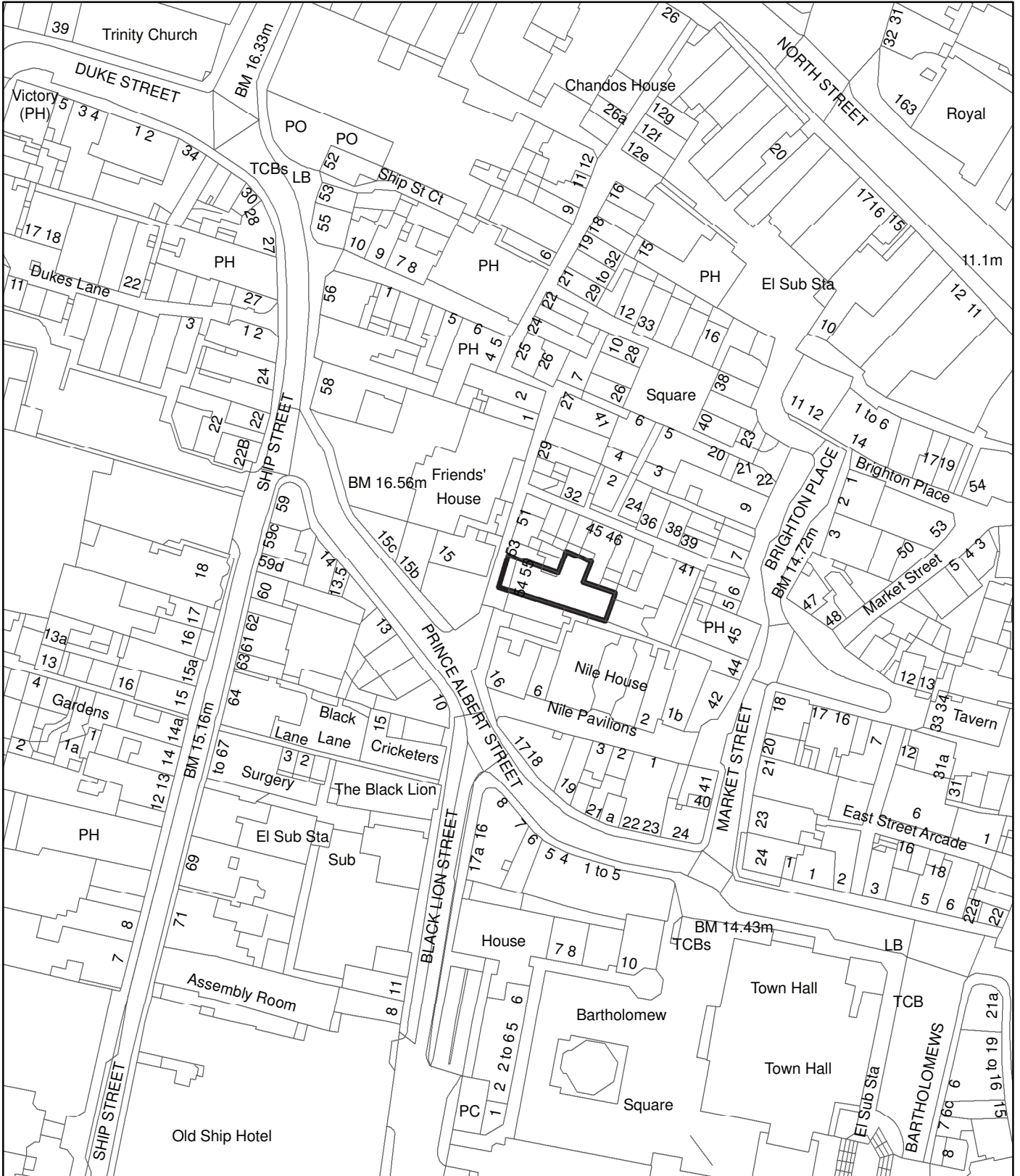
9 CONCLUSION

The proposed first floor rear extension and roof terrace would appear as incongruous and unsympathetic features detrimental to the appearance of the building, the surrounding area and the wider Old Town Conservation Area. Furthermore the proposed roof terrace would have a detrimental impact on the living conditions of the occupiers of neighbouring properties by reason of noise and disturbance. The application is therefore recommended for refusal.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02561 54-55 Meeting House Lane, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

From: Jason Kitcat
Sent: 27 September 2011 14:47
To: Wayne Nee
Cc:
Subject: Letter in support of application BH2011/02561 for 54-55 Meeting House Lane

Dear Wayne

I am writing as a ward councillor to express my support for planning application BH2011/02561 for the venue known as "Ink Bar" at 54-55 Meeting House Lane, Brighton.

The current site is somewhat dilapidated and the external appearance is diminished by an unsightly large metal roller shutter at the front which is often victim of graffiti.

In my view the application would provide for an improved appearance for this part of The Lanes, improve the council-owned building and also improve the operations of the premises to make it a more effective and financially sustainable venue. It has had a troubled past and I believe that the revised layout, smoking area, new entrance and other provisions will improve things significantly, making a good contribution to this part of our city.

Please confirm receipt of this letter.

Sincerely,
Cllr Jason Kitcat

--

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

<http://www.jasonkitcat.com>

+ 44 (0) 7956 886 508

Cabinet member for Finance & Central Services

<u>No:</u>	BH2011/02710	<u>Ward:</u>	WISH
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	6 Glendor Road, Hove		
<u>Proposal:</u>	Installation of first floor front balcony over existing garage. (Retrospective).		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	16/09/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 November 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mel Humphrey MRICS MBE, 39 Northease Drive, Hove		
<u>Applicant:</u>	Stuart Blacklaw-Taylor, 6 Glendor Road, Hove		

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. Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Whilst there is a presence of balconies within Glendor Road, these balconies are situated on older properties of distinct and uniform character. The application property is viewed as a later development, and has group value with nos. 6- 16 (even) none of which feature balconies. Nevertheless, the size and positioning of the balcony/ roof terrace is not comparable to those currently visible on Glendor Road. The balcony/ roof terrace represents an uncharacteristic and incongruous alteration, which would result in significant harm to the recipient property and the wider street scene. The proposal is therefore contrary to the above policy.
2. Policy QD27 of the Brighton & Hove Local Plan states that development will only be granted planning permission if the proposed development would not result in significant loss of amenity to neighbouring properties. The balcony / roof terrace provides for a large area of sitting/ standing out space which has potential to result in significant noise and disturbance and loss of privacy to nearby properties, and in particular no. 4 Glendor Road, the neighbouring property to the south. As such the development is considered to be contrary to the aforementioned planning policy.

Informatives:

1. This decision is based on unnumbered drawing by 'Mel Humphrey' received on 12th September 2011.

2 THE SITE

The application relates to a two storey semidetached house on the east side of Glendor Road.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

Planning permission is sought retrospectively for the creation of a balcony over an existing attached garage, incorporating the erection of timber balustrade and the installation of timber decking.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **nos. 1, 3, 4, 5, 7, 8, and 9 Glendor Road** supporting the application for the following reasons:

- The balcony does not present a loss of privacy to neighbouring properties.
- The balcony is in keeping with the area; there are existing balconies at nos. 2, 3, 4, 5, 7 and 9 Glendor Road.
- The construction is safe and stable, having been well designed and professionally executed.

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

8 CONSIDERATIONS

The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties.

Planning Policy:

Policy QD14 of the Brighton & Hove Local Plan states that development should be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Policy QD27 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.

Design:

The application incorporates the provision of a roof terrace to the flat roof over an existing garage. Visually, the scheme amounts to the erection of timber balustrade to the front and side to a height of 1.1m above floor level and high trellis to the rear, and the installation of timber decking. The balustrade is in the form of evenly spaced vertical posts with a timber rail running round the top.

It is noted that Glendor Road features a number of balconies to the front elevations of properties. Such balconies are readily visible from the street at nos. 1, 3, 5, 7 Glendor Road opposite the application property as well as a nos. 2 and 4 Glendor Road to the south. These properties pre-date the application property and are of distinct and uniform character. The application property is viewed as part of a group of modest and less detailed semi-detached properties, nos. 6 – 16 even, likely constructed in the 1930's. None of these properties feature balconies. Further, the balconies found on Glendor Road are wholly contained within the front elevations of their host properties, and of limited protrusion, with little sitting/standing out room. The balcony constructed is not similarly positioned or sized in relation to these balconies. For the reasons outlined it is considered that the balcony/ roof terrace represents an incongruous and uncharacteristic alteration within the street scene of Glendor Road, which would harm the visual amenity of the recipient property and the wider area.

Impact on Amenity:

The balcony/ roof terrace has a provision of approximately 15m² of sitting/ standing out space. This size of amenity space is significantly larger than that provided by existing balconies on Glendor Road, and has potential to result in significant noise and disturbance to neighbouring properties, by existing or future occupants. The property most likely affected would be no. 4 Glendor Road which features windows at first floor level to the front which would appear to serve a bedrooms. Further, the level of use which the balcony has potential to provide could have implications for properties in less close proximity. In addition, given the style of fenestration at no.4 Glendor Road, the positioning of the terrace is likely to result in overlooking and subsequent loss of privacy to the occupiers of no.4. Whilst no. 4 Glendor Road have written in support of the application and this is noted, future occupiers of the property must be taken into consideration. For the reasons outlined the balcony/ roof terrace is considered to represent significant harm to the residential amenity of no. 4 Glendor Road in terms of potential noise and disturbance and overlooking, contrary to policy QD27 of the Brighton & Hove Local Plan.

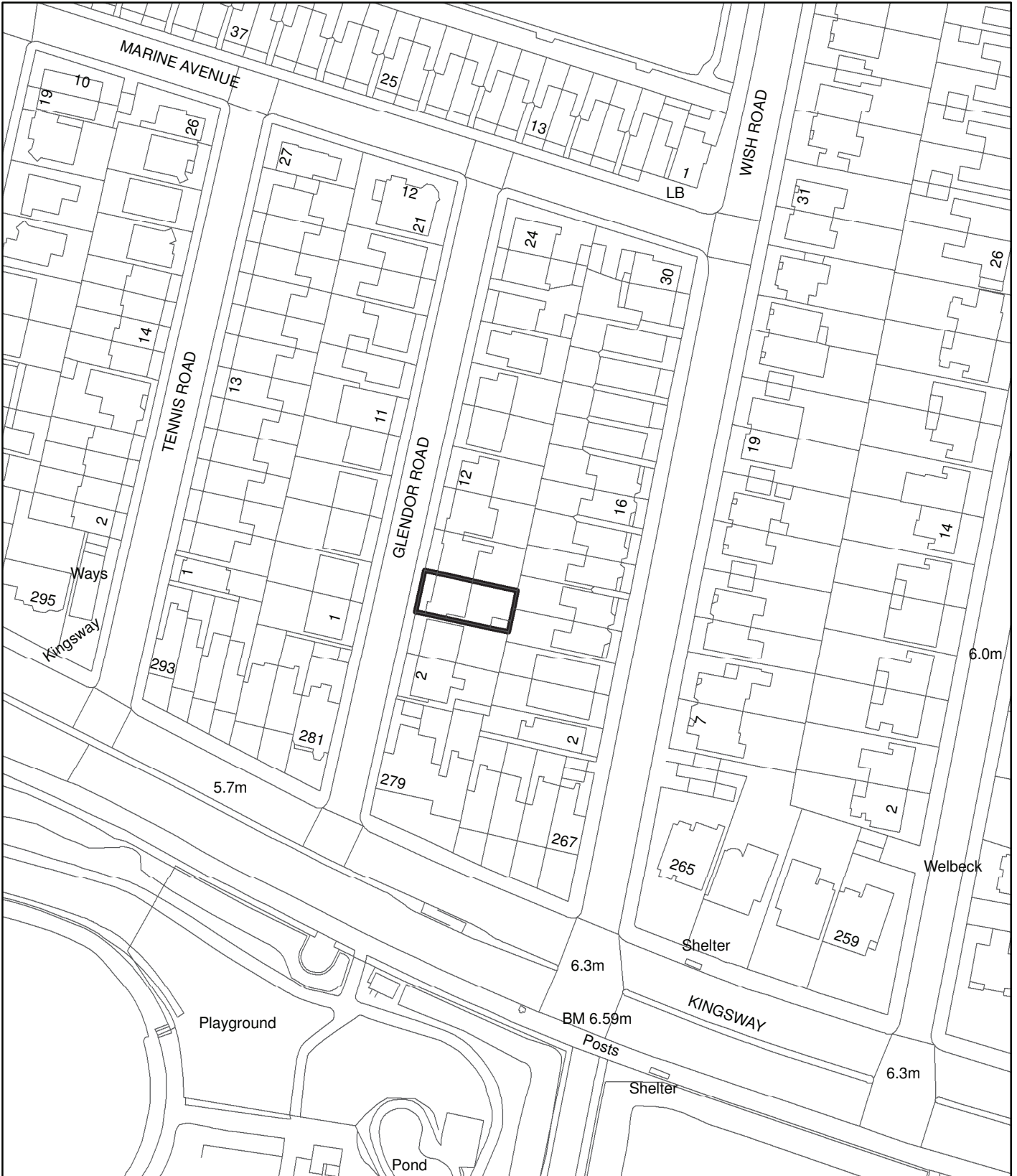
9 CONCLUSION

The roof terrace and associated balustrade would appear as an

uncharacteristic and incongruous addition to the recipient property and the wider street scene. Further, the roof terrace would provide a level of sitting/standing out space which would have potential to cause significant noise and disturbance and overlooking to the residents of no. 4 Glendor Road.

10 EQUALITIES IMPLICATIONS
None identified

BH2011/02710 6 Glendor Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/02909	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4 Roedean Heights, Brighton		
<u>Proposal:</u>	Demolition of existing house and construction of 8 residential apartments.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	28/09/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 November 2010
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr John Bhimji, 4 Roedean Heights, Brighton		

1 RECOMMENDATION

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

1. The proposed development represents an overdevelopment of the site. The scale, bulk and appearance of the proposed building is excessive, fails to respect the immediate and wider context of the application site, and would appear as an incongruous addition to the area which would also harm views from the South Downs National Park to the north of the site. The proposal is therefore contrary to policies HO4, QD1, QD2, QD3, QD4, NC7 and NC8 of the Brighton & Hove Local Plan.
2. The proposed building would have an overbearing impact and create a sense of enclosure when viewed from the dwellings and gardens to either side. Increased overshadowing of neighbouring dwellings and garden areas would also be caused. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development has the potential to cause harm to a site of identified potential archaeological significance. In the absence of sufficient information to demonstrate otherwise, the proposal is contrary to policy HE12 of the Brighton & Hove Local Plan the guidance set out in PPS5 (Planning for the Historic Environment).
4. In the absence of a legal agreement which secures improvements to sustainable transport infrastructure in the vicinity of the site, and the implementation of double yellow lines to ensure that the turning head of Roedean Heights remains clear at all times, the development makes inadequate provision for the increase in demand for travel which would be created, would be likely to cause a highway safety risk, and is therefore contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA510/01, 03, 04A and 05A received on the 13th of September 2010, nos. 06, and 07 received on the

28th of September 2010, and nos. 02E, 10D, 11D, 12D, 13C, 14C, 15C, 16C, 17C, 18D, 20E, 21E, 22D and 23D received on the 16th of August, the Design and Access Statement received on the 13th of September 2010, Car lift and biomass heating system details received on the 22nd of December 2010, and the Daylight and Sunlight Impact Assessment received on the 17th of May 2011.

2. The submitted plans are inaccurate; front and rear elevation drawings and section drawings show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an angle in relation to that at no. 4. The application has been considered in terms of layout as shown on the proposed block plan.

2 THE SITE

The application relates to a dwellinghouse located on the southern side of Roedean Heights. East Brighton Golf Course is located opposite the site to north, which forms part of the South Downs National Park. The rear boundary of the site backs onto Roedean Road. The dwelling forms part of a group of five residential properties (nos. 1-5 Roedean Heights), alongside this group of properties to the west is the recently constructed 'Ocean Heights' building.

The residential development in the area surrounding the application site is primarily characterised by detached dwellinghouses of traditional form and style, set in large plots. Some recent planning permissions have been granted in the area for development of a more contemporary character (e.g. Ocean Heights), some flatted developments have also received recent consents (e.g. Ocean Heights and 39 Roedean Road).

3 RELEVANT HISTORY

Application site

A number of applications were submitted for the redevelopment on the site which now contains nos. 1-5 Roedean Heights (formally known as 'Downside' Roedean Road) in the 1950s, 60s, 70s and 80s. The most recent approval was application ref. **BN87/147F**, for the erection of 5 no. 2-storey detached houses each with double garage, approved in March 1987.

Relevant decisions in the locality of the site

To the east of the site, planning permission was refused in April 2004, and dismissed on appeal in February 2005 (ref. **BH2003/03174/FP**) at **Linwood House, 12 Roedean Way** for the '*Demolition of existing house. Erection of 3-storey block of 9 flats. Provision of 9 parking spaces, cycle and refuse storage to front of property.*'

At '**Ocean Heights**' to the west of the application site, permission was approved in November 2007 (ref. **BH2007/02086**) for the demolition of a dwelling and the construction of a building comprising 7 self contained flats.

A further (part-retrospective) consent for a revised version of the building was approved under application ref. **BH2009/01489** in March 2010.

Opposite the site on Roedean Road planning permission was recently approved (ref. **BH2010/02422**) at no. **39 Roedean Road** for the *'Demolition of existing four storey four bed single dwelling house and erection of 1no 3 bedroom, 4no 2 bedroom and 2no 1 bedroom flats with associated car parking & cycle spaces'* at the Planning Committee of the 22nd of September 2010, following the completion of a s106 agreement this consent was issued in October 2011.

To the south of the site, permission was refused at the Planning Committee meeting of the 2nd of November 2011 (ref. **BH2011/02251**) at **6 Cliff Approach** for the *'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.'*

Other matters currently under consideration

An application (ref. **BH2010/02910**) seeking planning permission for the construction of a block of eight self-contained flats to replace the existing dwellinghouse at no. **5 Roedean Heights** is currently under consideration. (Reported elsewhere on this agenda)

4 THE APPLICATION

Planning permission is sought for the construction of a block of eight self-contained flats to replace the existing dwellinghouse. During the consideration of the application, amended and additional drawings and information have been submitted. Neighbouring residents and statutory consultees have formally re-consulted on the application to provide the opportunity to comment on this information.

The submitted (original and amended) drawings are inaccurate in that they show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an angle in relation to that at no. 4. Furthermore some of the drawings and photo montage illustrations submitted show both nos. 4 and 5 as redeveloped, the current application must however primarily consider the redevelopment at no. 4 as separate to that at no. 5. No existing side elevation drawings have been submitted, and the proposed front (north) elevation drawings show a section rather than an elevation which includes the outbuildings proposed in front of the main building.

5 CONSULTATIONS

Comments based on the application as originally submitted

External

Neighbours: Letters have been received from the occupiers of **12 Paston Place, 5 Roedean Heights, 101 Northease Drive, 1 Middleton Avenue, 30 Nutley Drive (Goring by Sea) and 122 Goldstone Crescent**, stating support for the application on the following grounds:

- Now that Ocean Heights has been built the proposed development will not be out of keeping with the surrounding area.
- The proposed building would bring the existing over-sized flats [Ocean Heights] back in line.
- The development would be environmentally friendly.

Letters have been received from **‘DW Planning’ (on behalf of the Roedean Residents Association), ‘WS Planning’ (on behalf of the owners of no. 2 Roedean Heights), Ecotecture (on behalf of the freeholders of Ocean Heights), ‘CJ Planning’ (on behalf of the freeholders of Ocean Heights), and ‘DMH Stallard’ (on behalf of the freeholders of Ocean Heights), and the occupiers of no. 5 Ocean Heights (40 Roedean Road), nos. 1 and 3 Roedean Heights, nos. 5, 7, 8, 14, 15, 21, 24, 29, 30, 33, 35, 36, 38, 46 and 48 Roedean Crescent, nos. 2, 7, 14, 15, 16, 17, 18, 22, 24, 24A, 25, 29, 32, 34, 36, 38, 40, 45 and ‘White Lodge’ The Cliff, no. 3 Cliff Road, ‘The Outlook’ Roedean Path, nos. 1, 11, 14 and ‘The White House’ Roedean Way, no. 1 Wilson Avenue, no. 4 Greenway Court, no. 1 Roedean Terrace, no. 4 Greenway Court (Marine Drive), nos. 23, 33, 51 and ‘The White House’ Roedean Road, and 4 unknown addresses objecting to the proposed development on the following grounds:**

- The proposed building would harm the character of the area.
- The proposed development is a ‘money making exercise’.
- Development of the type proposed should be kept in centre of cities; the suburbs should be left alone.
- The proposed building would harm the amenity of neighbouring residents, causing increased overlooking and noise disturbance, particularly for occupiers of ‘Ocean Heights’ and nos. 3 and 5 Roedean Heights, the East Brighton Golf Club and properties to the south in Roedean Road.
- Use of the proposed terraces, balconies and garden areas in particular would cause overlooking and noise disturbance. A proposal for a communal garden in relation to the Ocean Heights scheme was considered to be unacceptable for these reasons; a consistent approach should be applied.
- The proposed development would increase traffic generation, congestion, and demand for on-street parking. Parking restrictions which have been brought into force in the locality have encouraged people to seek free on-street parking in Roedean.
- The number of car parking spaces proposed is inadequate given the cars likely to be used by future residents and visitors.

- The proposed car park layout does not provide adequate space for manoeuvring / turning.
- The proposed car lift will be slow to use and this will encourage future residents to park on the street instead. Increased on-street parking would be a hazard to pedestrians and will obstruct emergency vehicles.
- The proposed car lift will use a significant amount of energy.
- No details of a ventilation system for the car park have been submitted.
- The submitted plans and documents do not provide an adequate level of information to enable the determination of the acceptability of the scheme.
- The submitted plans are inaccurate.
- The proposed heating system is not energy efficient / sustainable, and would create emissions.
- The proposed development does not include affordable housing, were the schemes at nos. 4 and 5 to be submitted together as 16 units, a provision of affordable housing would be required.
- The proposed developments at nos. 4 and 5 Roedean Heights should be considered as one project.
- Roedean is a stunning and very unique area of the south coast, a lovely quiet village, and should be preserved as such.
- The Ocean Heights development fronts onto Roedean Road and therefore should not be considered to set a precedent for similar developments on Roedean Heights, which is of a different character. Roedean Road has a mix of uses and development types, whereas Roedean Crescent has a distinct character of detached houses, and Roedean Heights consists of five 'mock-Tudor' style detached dwellings all of a similar design. The proposed four storey development is out of keeping with the surrounding character and density, due to the scale and design of the building.
- The proposed development would take away garden area and alter the alignment of the current buildings.
- The proposed development is contrary to policies QD1, QD2, QD3, QD4, QD27, HO2 and HO4 of the Brighton & Hove Local Plan.
- The proposed development would result in the loss of a large house; there is a shortage of such properties in the city.
- The application site is not well served by public transport, and it is not within walking distance of any facilities or services. There is no pedestrian route along Roedean Road.
- If approval were granted for the proposed development this would set a precedent for the approval of similar schemes in Roedean in the future which would further change and harm the character of the area. Were a number of flatted developments to be constructed the demand for on-street parking could not be accommodated in the area.
- The proposed bulky tall building would be visible in long distance views from for example the seafront and coastline and the South Downs National Park; such strategic views and the skyline would be harmed.
- The expensive flats proposed do not meet the most pressing housing

needs of the city.

- A similar proposal to replace a dwelling with a larger flatted development at no. 12 Roedean Way was refused planning permission in September 2004 and upheld at appeal in February 2005. This proposal was considered by the Inspector to be a scale of development out of character with the surrounding area, which would have harmed an important vista entering the city. Furthermore the parking provision proposed was considered to be inadequate and concerns were raised regarding increased on-street parking.
- The proposed building represents a gross overdevelopment of the site.
- Housing of the proposed density would increase the risk of vermin (rats).
- The amenity space allocated to each flat is insufficient.
- The existing infrastructure (e.g. roads, drainage, parking) may not be able to handle the increased utilisation the proposed development would cause.
- Recent changes made by Government [to PPS3] have re-designated private gardens as Greenfield land, which gives greater scope to challenge developments such as that proposed and reduce 'garden grabbing'.
- The building works required to construct the proposed development would cause disturbance to neighbouring residents.
- Increased use of the Roedean Heights / Roedean Crescent junction may be dangerous.
- Planning permission was refused in the 1980's for the erection of flats, the five existing dwellings were subsequently constructed; if the current application is approved it is likely that the whole of Roedean Heights will become flatted development in the future.
- Ocean Heights was only approved as it is set back from the Road and was said at the time to be a 'one-off'; the proposed building would front directly onto Roedean Heights. Furthermore, the dwelling previously in place at Ocean Heights was considered by Officers to be unattractive and of very little visual merit, and was out of place with the surrounding area, this would not hold as an argument to warrant the replacement of the existing dwellings on Roedean Heights.
- Ocean Heights is being used as a precedent, this building was however strongly objected to by local residents, and now appears as a visually jarring and incongruous building.
- The proposed trees (which it is suggested would mitigate 'urban heat island effect') will not grow successfully due to the strong seafront winds which carry salt.
- The applicants have failed to consult / engage with local residents prior to the submission of the application.
- Insufficient information has been submitted to provide certainty that the proposed development could meet a Code for Sustainable Homes rating of 'Level 5'.
- The commercial vehicles which would need to serve the proposed development such as refuse vehicles and those delivering wood pellets

for the proposed heating system would cause disturbance to neighbouring residents, furthermore due to lack of turning space such vehicles may have to reverse into or out of Roedean Heights which is a highway safety risk.

- At present Roedean is an area of low density with large dwellings set in large gardens; this provides a transition between the countryside and the built up area of the city.
- The proposal would affect the setting of the South Downs National Park; this has not been sufficiently addressed in the supporting documentation submitted.
- Some of the proposed units, particularly at lower ground floor level, would not benefit from sufficient sunlight / daylight levels.
- The construction works proposed would cause significant disturbance, nuisance and disruption, construction vehicles would block the surrounding roads.

Simon Kirby M.P.: Objects to the development on the grounds of over-development, design, increased traffic flow, overlooking and loss of privacy.

Councillors David Smith and Mary Mears have also written in objection to the application, these letters are attached to committee agenda.

Natural England: No comments.

South Downs National Park Authority: Object to the proposed development. The application property is visible from the bridleway and golf course to the north-west of the site. The bulk of the proposed building would detract from views from within the Park. Notwithstanding the recently constructed 'Ocean Heights' development, the proposed scheme is objected to on the grounds of the visual impact and impact on the character of the area it would cause.

South Downs Society: Object on the grounds the proposed blocks would contribute further towards the closing in of views across the Park to the sea. The development if approved would set a precedent for the construction of unsympathetic development along the boundary of the National Park, which should be vigorously resisted.

Brighton & Hove Archaeology Society: A watching brief is recommended.

County Archaeologist: An archaeological assessment/evaluation of the site should be carried out prior to the granting of any consent. Following such an evaluation, should archaeological remains be discovered, it may be that the application would warrant refusal to preserve the remains in situ, or that some or all of the remains would need to be preserved in situ in the context of the development, or that any remains are excavated and recorded during works.

Internal

Sustainable Transport: Recommend conditions to secure the cycle and vehicular parking proposed, and require a scheme to improve sustainable transport infrastructure or alternatively a s106 agreement to secure a financial contribution of £12,000. Some of the proposed parking bays are rather small, and future users may need to reverse on to / off the proposed lift; Roedean Heights is however a lightly trafficked road and it is not considered that a highway safety risk would result.

Arboriculture: An Arboricultural Method Statement is required to ensure that existing trees on the site are protected during construction works. Trees to the rear of the back garden area could be protected by a fence across the site, a small *Crataegus* spp to the front of the property should also be protected in compliance with BS 5837 (2005).

Private Sector Housing: No comments.

Environmental Health: Based on the submitted details, it is considered that a noise disturbance would not be caused by the development and no objections are raised in this regard. The flue to serve the proposed biomass heating system is set at a low level; this could introduce the risk of adverse air quality within proposed habitable rooms served by the windows and balconies closest to the flue location. Further information would be required to confirm that an unacceptable impact would not be caused (in all wind conditions).

Air Quality Officer: The flue to serve the proposed biomass heating system is set at a low level; this could introduce the risk of adverse air quality within habitable rooms served by the windows and balconies closest to the flue location. Further information is required to justify the flue height and exit velocity to demonstrate that harm would not be caused. It is recommended that the emission flue should be repositioned to a location which terminates at least one metre above the main building top.

Further comments the submission of additional / amended drawings and information

External

Letters have been received from ‘DMH Stallard’ (on behalf of the freeholders of Ocean Heights), the Roedean Residents Association, ‘DW Planning’ (on behalf of the Roedean Residents Association) and the occupiers of nos. 5 and 6 Ocean Heights (40 Roedean Road), no. 1 Roedean Heights, nos. 23 and 51 Roedean Road, ‘Zaldia’ and no. 8 Roedean Way, nos. 5, 14, 20, 28, 29, 33, 35, 36, 38 and 46 Roedean Crescent, nos. 22, 34 and 45 The Cliff, and ‘Jason Hartop’ (address unknown) reiterating the objections detailed above and raising the following further points:

- The additional information submitted regarding the biomass heating systems does not alleviate concerns regarding pollution and dust

dispersal. Smoke could be blown into neighbouring properties, windows and air intakes on the Ocean Heights building.

- Full sunlight and daylight reports should be submitted to demonstrate the impact of the Development upon nos. 3, 4, and 5 Roedean Heights, and upon 'Ocean Heights'. The proposed development would overshadow and overlook Ocean Heights.
- Storing fuel for the biomass system in proximity to a timber framed property is a fire safety risk.
- The proposed development would not comply with Building Regulations and fire safety standards.
- The photo-montages submitted demonstrate that the proposed buildings would result in a visually jarring and totally inappropriate impact upon the established character and appearance of the locality.
- PPS3 identifies that design which is inappropriate to its context should not be accepted and that more intensive development is not always appropriate.
- Use of the area of land to the north of Ocean Heights, which is part of the no. 5 Roedean Heights site, would harm the privacy of residents of Ocean Heights. Rotary clothes driers are proposed to this piece of land; people using the driers would overlook Ocean Heights.
- There is no need for new housing in the Roedean area. The impact of the proposed development environmentally, socially and economically would be negative.
- The proposed biomass heating system has negative environmental impacts.
- The proposed building would overshadow and overlook the golf course.

County Archaeologist: Reiterates the previous comments submitted. Assessment/evaluation of the site should be carried out prior to the granting of any consent. It appears that such work has not been carried out.

South Downs Society: Reiterates the concern previously raised that the proposed building would be of an unsympathetic appearance and would contribute towards the closing in of views from the National Park to the sea. This has been further demonstrated by the additional information submitted.

South Downs National Park Authority: Reiterate the concerns previously raised which have not been addressed. The proposed development would be harmful to the setting, special qualities and therefore the purposes of the National Park.

Brighton & Hove Archaeology Society: A watching brief is recommended.

Natural England: No comment; the proximity of identified sites of importance is however highlighted.

Internal

Environmental Health: No objections.

Air Quality Officer: The proposed roof top flues are considered acceptable. The flues should be 1 metre above maximum roof height and should be clear of windows, terraces and any mechanical / passive air intakes.

Ecologist: Initial comments- It is likely that the nature conservation / ecology measures proposed would address the requirements of policy QD17 and the guidance set out in SPD11. Further details of the proposed measures are required and should be secured by condition if approval is granted.

Sustainability: It is proposed that the development would meet a Code for Sustainable Homes rating of Level 5 which appears feasible in this case. This would comply with policy SU2 and the guidance set out in SPD08. Ideally an alternative to the car lift proposed should be sought.

6 PLANNING POLICIES

National Planning Policy

PPS1	Delivering sustainable development
PPS3	Housing
PPS5	Planning for the Historic Environment

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
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
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing and ‘windfall’ sites
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
NC7	Sussex Downs Area of Outstanding Natural Beauty

NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

7 **CONSIDERATIONS**

Principle of development

The applications under consideration at nos. 4 and 5 Roedean Heights were submitted at the same time and are of a similar character and description. Many of the objectors to the proposed schemes have questioned whether the two schemes should be considered as one development, which due to the number of residential units proposed would result in the application being classed as ‘Major’ and therefore subject to additional policy requirements such as the provision of affordable housing. The applications are however separate and the two sites are in separate ownership. Whilst the possibility of both sites being developed must be taken into account, the applications must be considered individually. The Local Planning Authority has no remit to do otherwise.

This said; it is the case that some elements of the proposal appear to have been conceived on the basis that both developments would occur concurrently. For example some of the drawings and visualisations submitted only show the two developments alongside one another rather than providing two differing versions, with only one of the sites developed in each. It appears that the full impacts of developing no. 4 in isolation from no. 5 may not have been fully considered during the conception of the proposal.

The principle of the type and scale of development proposed must be considered having regard to PPS1 and PPS3, and policies HO4, QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan.

Changes to PPS3 published in June 2010 include the exclusion of private residential gardens from the definition of previously developed (brownfield) land. The national indicative minimum housing density target were also removed from the PPS, such targets do however remain in the South East Plan (RSS). The site currently contains a dwellinghouse and garden area, on that basis the site can be considered partly brownfield (within the footprint of the dwellinghouse), and greenfield on those areas which form garden land. As such, a residential redevelopment of the site beyond the footprint of the existing dwelling would not be resisted in principle, but must be carefully

assessed and considered.

It is considered that the principle of acceptability in this case relates to the density and scale of development proposed. The application site has an area of approximately 1823m². The existing 'dwelling density' of the site therefore currently stands at 5.5 dwellings per hectare. The proposed development would see this increase to 44 dwellings per hectare. National, regional and local planning policy seeks to encourage higher densities of development where appropriate, and subject to a proposed scheme of a suitably high standard of design, which is appropriate to its context.

Policy HO4 of the Brighton & Hove Local Plan states that:

To make full and effective use of the land available (in accordance with Policy QD3), residential development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal:

- a. exhibits high standards of design and architecture;***
- b. includes a mix of dwelling types and sizes which reflect local needs;***
- c. is well served by public transport, walking and cycling routes, local services and community facilities; and***
- d. respects the capacity of the local area to accommodate additional dwellings.***

In regard to criterion (a), as detailed below, it is considered that the proposed development fails to exhibit a high standard of design and is not appropriate to its immediate context. The scale and bulk of the proposed building is inappropriate. The dwelling density proposed is greater than that which characterises the surrounding area, and in this case it is considered that the design of scheme proposed does not comply with the requirements of national, regional and local policy. The scheme is considered an overdevelopment of the site and is unacceptable.

In regard to criterion (b), one three-bedroom unit, six two bedroom units, and one one-bedroom units is proposed; this is considered to be an appropriate mix in this case. In regard to criterion (d) whilst not in a central location, the site is in close proximity to bus route and walking and cycling routes. Services and community facilities are available in the locality of the site and city centre amenities are accessible.

Visual Impact and impact upon the setting of the South Downs National Park

The proposed building would be of a prominent appearance, particularly when viewed from the south and east of the site, and from the National Park to the north. As detailed above, the submitted drawings are inaccurate in that they show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an

angle in relation to that at no. 4. Furthermore some of the drawings and photo montage illustrations submitted show both nos. 4 and 5 as redeveloped, the current application must however primarily consider the redevelopment at no. 4 as separate to that at no. 5. On that basis it would have been beneficial to provide a version of all drawings and montages showing only no. 4 as redeveloped. Notwithstanding these inaccuracies and omissions, an assessment of the visual impact of the proposed development can be made based on the information submitted.

The Council's Urban Characterisation Study (published January 2009) defines Roedean as:

'A residential area of predominantly detached or semidetached houses, with some blocks of flats, set on the cliff top above the sea, mainly in private ownership and owner occupation.'

It is acknowledged that significant enlargement and alterations to dwellings in the area have been granted planning permission in the past, and also that redevelopment of sites in a contemporary style has been considered acceptable and granted consent in some cases. It does however remain the case that the area is primarily characterised by detached dwellings of traditional form and character set in large plots.

Ocean Heights, Roedean Road

Whilst the considerations of this report must focus upon the current proposal which will be judged on its own merits, the previously approved and implemented scheme at 'Ocean Heights', Roedean Road should be reviewed as this scheme could be said to set a precedent for the approval of the replacement of single dwellings with larger flatted developments. The dwelling previously in situ at Ocean Heights was of a particularly odd appearance; a three storey block-like structure with a large projecting terrace. This dwelling was out of keeping with surrounding dwellings and appeared as incongruous, the building having a particular prominence due to its open frontage and raised setting above Roedean Road. This building was not part of a group of similar dwellings. The proposal to replace this building was therefore considered in the context that the existing building was of a prominent and unusual appearance. As such, the replacement of the dwelling with a prominent flatted development was not considered to be an inappropriate change. Furthermore the height and massing of the proposed building in comparison to the dwelling in situ was considered acceptable.

Since the approval of this development, there have been significant changes to the planning policy context. Firstly, PPS3 has been revised as detailed above; it is considered that this change requires careful consideration of any development which encroaches upon residential garden land which is now defined as undeveloped (greenfield). Secondly, the South Downs National Park was formally adopted on the 1st of April 2011. This adoption requires that the impact of proposed development on the setting of the National Park area

be given greater weight.

Current and future proposals for flatted developments in the vicinity of Ocean Heights must therefore be considered in this altered policy context. In the case of the current application, the existing dwelling at no. 4 forms part of a group of 5 dwellings of a similar character set on a similar building line, fronting onto Ocean Heights. The immediate context of the site therefore differs significantly to that of Ocean Heights.

Moving back to the application site, the application site is not of a prominent appearance when viewed from the west of the site on Roedean Road, considerations of visual impact will therefore focus on views from the south, east and north / north-west. The contemporary / modernist design style and palette of materials proposed is in contrast to the predominantly traditional character of the Roedean area, this approach is however considered acceptable. The considerations of the visual impact of the development therefore focus upon the scale, form, height, bulk, and features of the building proposed.

The building proposed presents a flat roofed three-storey appearance with sunken lower ground floor level to Roedean Heights, with a number of balconies, sets of glazed doors and windows. Ancillary outbuildings are proposed in front of the building to this side to house a refuse and recycling store, and cycle storage. A car lift is proposed, it is not clear whether this would appear as a platform rising from the ground, or as an enclosed space as is shown on some of the illustrations submitted. The north elevation drawing submitted is in fact a section showing the lower ground floor level and does not therefore confirm the appearance of the proposed outbuildings.

Sedum green roofs and green walls are proposed. A white painted render finish to the walls of the building are proposed, with composite aluminium / timber framed windows and doors. Projecting roofs are proposed above each rear terrace which appear to be of timber construction / finish. A flue at roof level would expel emissions from the biomass heating system proposed.

To the rear of the building facing south towards Roedean Road a 'stepped' elevation is proposed, with the rear elevation of each level from the top floor down set progressively further back. Large terrace areas are proposed to each floor with full height screening to each side and a lower balustrade to the front of the terraces. An inset central section of the building provides a visual split between the two side of the proposed block when viewed from the front and rear.

In regard to landscaping, it is proposed that all existing trees and hedges within the site would be retained, with additional planting proposed. Raised beds and a pond are proposed to the southern end of the site.

Distance views (from Marine Drive and open space)

The application site is visible from the south-east, primarily from Marine Drive which is the main access route into the city from the east. The application site appears as part of a group of buildings set at the top of a sloping area of open land and as such redevelopment of the site will affect the skyline of this vista. It is considered that this view represents a 'strategic view' as defined by policy QD4. QD4 states that:

'In order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted.'

In distance views from Marine Drive to the south-east of the site, the Ocean Heights building is visible and contrasts with the surrounding development which predominantly consists of traditional dwelling houses with pitched tiled roofs. The proposed building in conjunction with Ocean Heights would cumulatively create an appearance of greater prominence in comparison to the existing situation. Thus the contrast between the scale and character of such developments and the more traditional character of the dwellings surrounding the site would be emphasised. No illustrations have been submitted to demonstrate the visual impact of the proposed development from such vantage points. Based on the information submitted, it is considered that the excessive scale and bulk of the proposed building would fail to sit in harmony with its context and would harm this strategic view.

Closer views from the south / east (from Roedean Road, Roedean Way and open space)

When viewed from Roedean Road and Roedean Way in closer proximity to the application site, again the proposed development would sit in contrast to the more traditional character of the dwellings surrounding the site.

The existing situation is relatively unusual. Roedean Heights is a group of 5 detached dwellings of similar character and appearance, the primary elevations of these dwellings face northwards onto Roedean Heights, with the rear of the dwellings facing towards Roedean Road. The properties have extensive rear gardens with a densely planted bank sloping down to Roedean Road. Therefore, from directly behind the properties on Roedean Road the dwellinghouses are largely screened from view. Ocean Heights has a greater visual presence along Roedean Road as its vehicular access is from this road and its primary elevation fronts onto Roedean Road.

From the south-east the dwellings of Roedean Heights are clearly visible and appear as a group of similar buildings positioned along a relatively consistent building line. Ocean Heights appears as separate to this group, whilst in close

proximity to no. 5 Roedean Heights, its positioning, well forward from the dwellings along Roedean Heights, sets it apart when viewed from this angle. When viewed from Roedean Road and Roedean Way to south east of the site it is considered that the proposed building would sit in stark contrast to the remaining dwellings along Roedean Heights and would detract from the street scene. Views where no. 5 Roedean Way is also visible would appear as particularly odd; the proposed building would be situated between two dwellinghouses with little spacing in between. No. 5 Roedean Heights would appear 'crammed in' between the Ocean Heights building and the proposed development. The proposed development fails to pay respect to the constraints of the site on this regard and would appear as an overdevelopment

The large block proposed, 'stepping down' with the gradient of the site is of a significantly larger bulk than the dwellings to either side. As detailed above, the Ocean Heights block sits on a separate building line to the dwellings in Roedean Heights. The rear of the proposed building is effectively set along a building line with the front of Ocean Heights, with the front of the building being set along a building line which aligns with the front of the dwellings along Roedean Heights. I.e. the proposed building is aligned with two groups of buildings and therefore has an awkward relationship with both groups. The fact that no. 5 Roedean Heights is located between the application site and Ocean Height accentuates the inappropriate nature of such an approach.

It is considered that a redevelopment of no. 4 should pay respect to the building lines of the group of buildings of which it forms a part (nos. 1-5 Roedean Heights), and especially of the dwellings directly to either side (nos. 3 and 5 Roedean Heights). Such an approach, if combined with an appropriate scale of building, would typically deliver a more appropriate appearance and would also have a lesser impact upon the occupants of dwellings located to either side of the application site.

Views from Roedean Heights (street scene)

The drawings submitted do not fully demonstrate the appearance of the proposed development in the Roedean Heights street scene. The proposed front elevation drawings submitted show the proposed building with nos. 3 and 5 Roedean Heights to either side, the drawing is however a section rather than an elevation. The submitted site plans / floor plans and illustrations show ancillary outbuildings to the front of the building, vehicular parking is proposed at lower ground floor level accessed by a car lift. The appearance of the proposed development to this side is more of a rear / secondary character, with the south facing elevation appearing as primary.

The Roedean Heights street scene is primarily characterised by dwellinghouses fronting on to open garden areas and driveways, with some ancillary outbuildings. Usually it would most appropriate for such outbuildings to be set alongside or back from the front elevation of the dwellinghouse to ensure a subservient appearance, particularly when the properties have open

frontages rather than high boundary treatments. Nos. 3 and 5 Roedean Heights have garages set in front of the dwelling houses, the garage of no. 3 is however set at a sunken level and that of no. 5 is set away from the dwellinghouse and is again set into the ground which reduces its prominence.

It is considered that a redevelopment of the application site should pay respect to this character, presenting a strong elevation with ideally open space in front, and outbuildings (if required) sensitively located. The outbuildings proposed would have an excessive visual impact with the main building appearing as set back behind these structures. The primacy of the main building would be diluted by this layout and the frontage presented to the street would be unusual and inappropriate. It is considered that the development would detract from the Roedean Heights street scene for these reasons.

Views from the National Park and over the national park from the north east

At present the dwellinghouse in situ is visible from the South Downs National Park to the north of the site, the house is however set at a lower level in relation to the park, therefore it is the roof of the house which is most visible from this angle. When viewed from the National Park the roof of no. 4 and upper floors of the Ocean Heights building are visible alongside the application property. When viewed from Wilson Avenue and the open space to the eastern side of Wilson Avenue which includes East Brighton Park, the roofs of nos. 4 and 5 Roedean Heights and the upper floors of Ocean Heights form part of the skyline with the sea visible beyond.

An illustrative photo-montage has been submitted showing the appearance of the proposed buildings at nos. 4 and 5 Roedean Heights viewed from the National Park immediately to the north of the application site. This illustration demonstrates that the proposal at no. 4 would significantly alter this view, emphasising the abrupt transition from relatively open land to the built up area of the city beyond. The boundaries of the National Park have been drawn in such a way that there is no staged transition from the Park to the built up area of the city, and the proximity of the built up area is apparent in many views from the Park. It is however the case that schemes for the redevelopment of sites located within the immediate setting of the Park must be carefully considered as to whether they would be unduly prominent or would detract from views into or out of the Park.

It is noted that the appearance of the proposed building when viewed from the National Park would be similar to that of 'Ocean Heights'. This neighbouring building was however granted consent prior to the adoption of the National Park and replaced what was a rather odd / prominent dwellinghouse. The dwelling in situ at no. 4 Roedean Heights is of a more traditional appearance and the roof visible from the National Park has a lesser visual impact. The proposed building in conjunction with Ocean Heights would have a cumulative visual impact, which would be worsened were a similar development to take place at no. 5 Roedean Heights as is currently proposed under

BH2011/02910.

The proposed development would emphasise the contrast between the National Park and the built up area and would detract from the views from the National Park. The South Downs National Park Authority has objected to the proposal on these grounds. The proposal is considered contrary to policies NC7 and NC8 of the Brighton & Hove Local Plan.

No illustrations have been submitted demonstrating the impact of the proposed development on distance views from Wilson Avenue and the open space to the eastern side of Wilson Avenue which includes East Brighton Park, it is again considered that the proposed development in conjunction with the Ocean Heights building (and the potential development at no. 5 Roedean Heights) would result in a prominent appearance which would contrast with the dwellings of traditional form with pitched roofs on this skyline.

Neighbouring amenity

Bulk

The proposed building is of a significantly increased bulk in comparison to the existing dwellinghouse. It is considered that this increase in bulk would create a sense of enclosure and would have an overbearing impact when viewed from the rear windows and rear garden areas of nos. 3 and 5 Roedean Heights. It is considered that the harm which this would cause to neighbouring amenity is of a magnitude which warrants the refusal of planning permission. To a lesser extent the outlook from the rear windows and gardens of nos. 1 and 2 Roedean Heights would also be harmed as the proposed building steps significantly beyond the rear building line of the dwellings in Roedean Heights.

In regard to sunlight and daylight, the rear windows and gardens of nos. 3 and 5 Roedean Heights have an open southerly aspect. As such, were the proposed development constructed, they would continue to receive substantial levels of daylight and sunlight. The proposed development would however result in increased overshadowing of no. 5 in morning hours, and no. 3 in evening hours. The rear garden areas of these properties would be particularly affected.

A sunlight and daylight report has been submitted to demonstrate the impact of the proposed development upon the light levels which the windows of no. 3 Roedean Heights receive. No study has been submitted to demonstrate the impact of the development upon no. 5. The submitted study does explain that the loss of light to the rear windows of no. 3 would not breach recommended standards. It is however the case that some increased overshadowing would result, and furthermore the study submitted does not take into account impact on the rear garden of no. 3. Overall, it is considered that significantly increased overshadowing would result, and the application is contrary to policy QD27 of the Brighton & Hove Local Plan in this regard.

Privacy

The proposed development would significantly increase overlooking. The existing dwelling would be replaced with a multi-storey block with numerous windows, glazed doors, balconies and terraces. An assessment must therefore be made as to whether this increased overlooking would cause significant harm to neighbouring privacy.

To the rear (southern elevation) of the proposed dwelling glazed doors and large terrace areas are proposed with privacy screens to their sides. These screens would restrict views from the terraces to primarily the south; the application site rear garden and the dwellings and views beyond. Some views of the rear section of the rear gardens of the properties to either side would be available; it is not considered that such views would cause significant harm to privacy as the section of the neighbouring gardens closest to the dwellinghouses are most likely to be intensively used as private amenity spaces.

Side facing windows are proposed; at lower ground floor level these face into lightwells and would not therefore harm neighbouring privacy. At ground floor and above the side windows proposed are secondary windows and could therefore be reasonably controlled by condition as obscure glazed.

To the front (northern elevation) of the building windows, glazed doors and balconies are proposed. The balconies proposed do not all have full height screening to their sides. Views available would primarily be across the road towards high hedging and the National Park Beyond, views to either side would be of the front gardens / driveways of neighbouring properties; again significant harm to neighbouring privacy would not be caused.

Noise

The proposed development would be likely to cause increased noise in comparison to the existing use as the site would be used in a more intensive fashion. Vehicular and pedestrian comings and going would be increased, and use of the proposed terraces, balconies and gardens would also cause some noise disturbance greater than normal in this suburban terrace. It is however considered the application does not warrant refusal having regard to increased noise.

Other objections raised on amenity grounds

Objections have been raised regarding the proposed communal garden and the overlooking and noise disturbance which the use of this area may cause. It is however the case that each flat would benefit from private amenity spaces in the form of substantial terraces, therefore the communal garden would be unlikely to be used in an intensive fashion. Any overlooking or noise caused would not be likely to be of a level which would cause significant harm to neighbouring amenity.

Objections have been raised regarding the proposed biomass heating system

and the potential for smoke and dust nuisance. The flue for the system has been relocated from the low level outlet previously proposed to roof level. It is considered that this change would ensure that nuisance would not be caused, this matter is addressed further below.

Standard of accommodation and accessibility

In general, the proposed residential units would provide generous layouts and a high standard of accommodation. Some of the lower ground floor rooms proposed would be reliant on light and outlook provided by lightwells which is not ideal, both lower ground floor units would however benefit from substantial full height glazing and high quality light levels and outlook to the rear of the building. At ground floor level the outlook from the front (north facing) fenestration and terraces would be compromised by the outbuilding proposed directly in front of the building. Notwithstanding these deficiencies, it is considered overall that the proposed units would provide a high standard of accommodation. Adequate refuse, recycling and cycle storage is proposed. The proposed balconies, terraces and communal garden area represent a high standard of outdoor amenity space provision in compliance with policy HO5.

In regard to accessibility, full compliance with Lifetime Homes Standards is proposed and could be secured by planning condition.

Archaeology

The County Archaeologist has advised that the proposed development has the potential to cause significant harm to an area which has been identified as of potential archaeological interest. Excavation work on site and desktop work would be required to demonstrate that the proposed development would not cause unacceptable harm. The agents for the application were made aware of these comments at an early stage in the application; to date no such work has been carried out.

Without such work taking place, it would not be appropriate to recommend approval of the application, as conditions would have to be applied requiring such works, the results of which could rule out the proposed development in principle. It is therefore considered that the proposal is contrary to policy HE12 of the Brighton & Hove Local Plan which states that proposals that are likely to have an adverse impact on the archaeological interest, character or visual amenity of sites of known and potential archaeological interest not be permitted.

Transport

Parking for 8 vehicles is proposed at lower ground floor level to be accessed by a car lift. Cycle parking facilities are proposed in the form of a single storey building to the front of building on Roedean Heights.

The Sustainable Transport Team have commented on the application and have advised that in order for the proposed development to provide for the

travel demand it would create, and comply with policy TR1 of the Brighton & Hove Local Plan, improvements to sustainable transport infrastructure in the vicinity of the site would be required or alternatively a financial contribution to secure such improvements. Based on established formulae it has been calculated that a contribution of £12,000 would be required in this case.

This contribution would help fund improvements to the east bound bus stop in Roedean Road, which is currently in the grass verge & has no formal disembarking area or connections to the surrounding footways. The west bound bus stop would also benefit from Real Time Information Displays. Junctions in the vicinity of the site would benefit from being made accessible to mobility and/or visually impaired pedestrians by the provision of dropped kerbs & tactile paving. This would also benefit pedestrians pushing buggies & prams.

It is also advised that to ensure that the turning head at the end of Roedean Heights remains clear at all times, the introduction of double yellow lines would be required to ensure cars, delivery vehicles and refuse vehicles would not have to reverse along the length of the road. This would require an amendment to the relevant Traffic Regulation Order which would need to be funded by the developers of the scheme. These matters would have to be secured by legal agreement; as no such agreement has been prepared the proposed development is contrary to policies TR1 and TR7 and warrants refusal on these grounds.

The proposed car parking is reliant on a rather cramped lower ground floor layout which would restrict manoeuvrability of vehicles. The layout is however considered acceptable. The details of the proposed car lift are unclear as some of the illustrations submitted show a partially enclosed area which the lift would rise into, others appear to show a platform which would rise from the ground. In either case, it is of concern that the lift could represent a fall and crushing hazard. It is considered that this concern could be addressed by the submission of further details regarding safety measures; such details could be required and secured by planning condition.

The proposed cycle parking is secure and adequate; both the cycle storage and vehicular parking provision could be secured by planning condition were planning permission to be granted.

Objections have been raised regarding the impact of the proposed development in regard to on-street parking. Concerns relate to possibility of future residents and visitors parking vehicles on the street as well as, or as an alternative to the lower ground floor car park proposed. The requirement to use a car lift and the cramped layout of the proposed car park have been cited as reasons which may discourage future residents from using the car park proposed. As detailed above, the introduction of double yellow lines to the turning head of the road would ensure that a highway safety risk would not be caused by on street parking. As off-street parking provision is

proposed, and there does not appear to be a high demand for on-street parking in the locality of the application site, a reason for refusal based on increased pressure on on-street parking provision is not justified in this case.

Objections have also been raised regarding the general increase in traffic and associated disturbance which the development would cause. It is not considered that the increased disturbance which would be generated by the development would represent significant harm to neighbouring amenity.

Environmental Health

The application as originally submitted included a low level flue to serve the biomass heating system for the building. This raised concern regarding the nuisance smoke could cause at this level. This feature has not been moved to roof level to address this issue, the Environmental Health Team have confirmed that this is an acceptable solution. Concerns were also raised regarding the potential for the car lift proposed to cause noise nuisance, further details of the lift have been submitted and it is considered that a nuisance would not be caused.

Environmental Sustainability

Policy SU2 of the Brighton & Hove requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. SPD08 provides further guidance on the level of sustainability which development should achieve. The application site is partially developed (within the footprint of the proposed dwelling), and partially undeveloped garden land. SPD08 advises that in regard to new-build developments of 3-9 residential units located on previously developed land, a Code for Sustainable Homes rating of Level 3 should be met. In regard to new build developments located on undeveloped (greenfield) land, it is advised that a Code for Sustainable Homes rating of Level 5 should be met.

The proposed development includes a number of sustainability measures, including:

- Green roofs and walls
- A biomass heating system
- Mechanical ventilation with heat recovery
- Grey water recycling
- Solar thermal and photovoltaic panels
- Large areas of south facing glazing

It is stated that a Code for Sustainable Homes rating of Level 5 would be met by the development. The Sustainability Team have commented on the application and consider it feasible that this level of sustainability could be met by the proposed development. The proposed development is partly located upon undeveloped (greenfield) land, and involves a significant intensification of the use of the site for residential purposes. In addition, the applicants have proposed a Code for Sustainable Homes rating of Level 5. In this case, it would therefore be considered reasonable, were planning permission to be

granted, to secure this level of sustainability by planning condition.

Trees and landscaping

It is proposed that the existing trees located within the application site would be retained. The Arboriculturalist has visited the site and commented upon the application; an Arboricultural Method Statement is required to ensure the protection of these trees during construction works. A statement and the implementation of such works could be secured by planning condition. Some details of landscaping have been submitted, full details and implementation of landscaping measures could be secured by planning condition.

Ecology and Nature Conservation

Landscaping is proposed as detailed above; the retention of existing trees, new planting and a pond. Green roofs and walls are also proposed along with bird and bat boxes to the building. The submitted sustainability statement details that specific planting is proposed to encourage wildlife. The Ecologist has commented on the proposed measures and considers that, in principle, they are appropriate and sufficient. It is considered that were planning permission to be approved, full details of appropriate nature conservation measures and their implementation could be secured by planning condition.

Other objections raised

Objections to the disturbance which construction works would cause have been raised; such concerns would not however warrant the refusal of planning permission in this case.

Concern has been raised that the proposed trees would not grow successfully in such an exposed location. Trees are however in situ on site and any new tree species would be approved by the Arboriculturalist as part of a detailed landscaping scheme.

It has been raised that the proposed development would increase the risk of vermin (rats). Adequate refuse storage is however proposed therefore such concerns appear to be unfounded.

It has been suggested that the proposed development would not meet Building Regulations and fire safety standards. The proposed development does not present any particularly unusual scenarios in this regard, such matters would be addressed under the relevant legislative frameworks and do not warrant refusal of the current application.

8 CONCLUSION

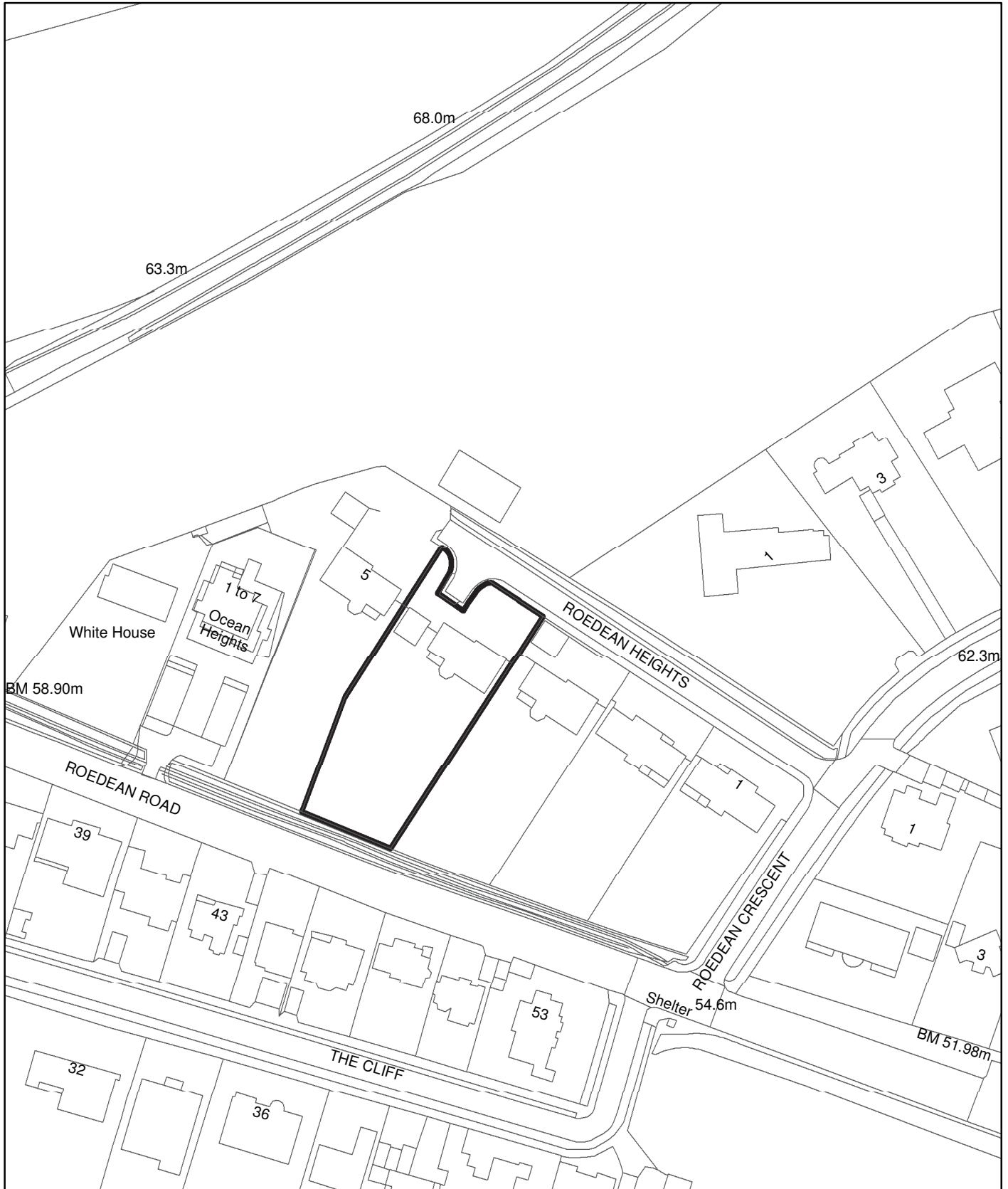
The submitted plans are inaccurate and further information would be required to fully demonstrate the impact of the proposed development. Notwithstanding these facts it is considered based on the information submitted that the proposed development would have an inappropriate appearance which would detract from the appearance of the Roedean Way and Roedean Heights street scenes, and would harm views from the National Park to the north. The

bulk and scale of the proposed building would appear as an overdevelopment of the site which would fail to pay adequate respect to the site constraints and context. The bulk of the proposed building would harm neighbouring amenity, increased overshadowing would also be caused. Insufficient information has been submitted to demonstrate that the proposed development would not cause unacceptable harm to a site of identified archaeological interest. Furthermore, in the absence of a planning legal agreement, the proposed development would not make adequate provision for the increase in demand for travel which would be created and would cause a highway safety risk. Refusal of planning permission is therefore recommended.

9 EQUALITIES IMPLICATIONS

It is proposed that the development would comply fully with Lifetime Homes Standards and this could be secured by planning condition were planning permission to be approved.

BH2010/02909 4 Roedean Heights, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 23 NOVEMBER 2011

COUNCILLOR REPRESENTATION

Jonathan Puplett
Brighton & Hove City Council
Development Control
Norton Road
HOVE BN3 3BQ

5th November 2010

Dear Jonathan

Re: BH/2010/02909 & BH2010/02910–Proposed demolition of Nos. 4 & 5 Roedean Heights and erection of 2 Blocks of 8 apartments each block.

As a City Councillor for Rottingdean Coastal Ward I write to object most strongly to the above planning applications. Although two separate applications, to all intents and purposes they are virtually identical in content, thus the following objections apply equally to each individual application.

These applications are contrary to National planning guidance for the following reasons:-

Design - Planning Policy statement PP3 – Housing – makes it clear that design which is inappropriate in its context should not be accepted. Para 49 also stresses that careful attention to design is particularly important where, as in this instance, intensification of the existing urban fabric is involved and that more intensive development is not always appropriate.

Character – The urban fabric or character of the immediate locality is one of large detached pitched-roof dwellings in a small cul-de-sac which is part of a residential area off Roedean Crescent and within which there are no other blocks of flats.

Location – The applicants claim that the proposals are consistent with the revised PPS3. They claim that it would be an effective and efficient use of previously developed land. However this ignores the balance that needs to be struck as per Para 49 between intensification of the existing urban fabric and the character, appearance and quality of the area. It also ignores the fact that although the site may have been described as previously developed, this does not mean that all future proposals are automatically acceptable.

Unacceptable Precedent – To permit either one or both of these applications would set an undesirable precedent for the possible similar re-development of 1, 2 and 3 Roedean Heights, the cumulative effect of which would be to totally change, if not destroy forever, its current character as a quiet cul-de-sac of detached, pitched roof dwellings and their replacement with higher, more modern, contemporary designed flat roof buildings. I understand that it is a matter of law that permission may be refused on the grounds of the

possible precedent effect of the decision, and the pressures that may follow for the unlocking of the whole area for development once permission is granted for one site within it.

In my opinion Ocean Heights (a hideous development) upon which the applicants rely heavily in support of their proposals, is a development with frontage in Roedean Road whereas these applications are for Roedean Heights. Therefore this proposed development should not be considered in the same context.

As I have already stated, Ocean Heights is a visually hideous building that can be seen from the north end of Wilson Avenue and also from the A259 coast road. AND if approved, this development would have an extremely detrimental impact in the West and North and would adversely affect views from the new National Park.

In my opinion the site is not suitable, if only for the fact that it does involve an element of garden-grabbing which the revised definition of 'previously developed land' (excluding private residential gardens in built-up areas) was specifically aimed at preventing. A comparison between the existing and proposed block plans indicates that the proposals involved not only the replacement of the existing 2 houses, but also a significant expansion of the respective ground floor areas, or footprints, of those dwellings into the rear gardens. This means that not only is there an increase in built-form of around 80% over the existing, but there is an extension of buildings into the rear buildings, out of character with the cul-de-sac which currently comprises large houses but set within long undeveloped rear gardens.

Furthermore, the proposals exacerbate the intrusion into the existing building line, to the detriment of the appearance of the street scene.

I conclude that the proposed development of these 2 sites is so at odds with the surrounding locality that they should be refused permission. My fellow Ward Councillor Mary Mears is in total agreement with my objections set out above and wishes to have her name added.

Please put my objection letter to the planning committee. I will reserve my right as a Ward councillor to attend the appropriate planning committee meeting and speak against the 2 planning applications.

Yours truly,



Cllr David Smith
Rottingdean Coastal Ward Councillor

<u>No:</u>	BH2010/02910	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5 Roedean Heights, Brighton		
<u>Proposal:</u>	Demolition of existing house and construction of 8 residential apartments.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	28/09/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 November 2010
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Steve Antram, 5 Roedean Heights, Brighton		

1 RECOMMENDATION

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

1. The proposed development represents an overdevelopment of the site. The scale, bulk and appearance of the proposed building is excessive, fails to respect the immediate and wider context of the application site, and would appear as an incongruous addition to the area which would also harm views from the South Downs National Park to the north of the site. The proposal is therefore contrary to policies HO4, QD1, QD2, QD3, QD4, NC7 and NC8 of the Brighton & Hove Local Plan.
2. The proposed building would have an overbearing impact and create a sense of enclosure when viewed from the dwellings and gardens to either side. Increased overshadowing of neighbouring dwellings and garden areas would also be caused. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development has the potential to cause harm to a site of identified potential archaeological significance. In the absence of sufficient information to demonstrate otherwise, the proposal is contrary to policy HE12 of the Brighton & Hove Local Plan the guidance set out in PPS5 (Planning for the Historic Environment).
4. In the absence of a legal agreement which secures improvements to sustainable transport infrastructure in the vicinity of the site, and the implementation of double yellow lines to ensure that the turning head of Roedean Heights remains clear at all times, the development makes inadequate provision for the increase in demand for travel which would be created, would be likely to cause a highway safety risk, and is therefore contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA510/01, 03, 04 and 05 received on the 13th of September 2010, nos. 06, and 07 received on the 28th of

September 2010, and nos. 02C, 10B, 11B, 12B, 13B, 14B, 15A, 16B, 17B, 18C, 20C, 21C, 22C and 23B received on the 22nd of December, the Design and Access Statement received on the 13th of September 2010, Car lift and biomass heating system details received on the 22nd of December 2010, and the Daylight and Sunlight Impact Assessment received on the 5th of August 2011.

2. The submitted plans are inaccurate; front and rear elevation drawings and section drawings show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an angle in relation to that at no. 4. The application has been considered in terms of layout as shown on the proposed block plan.

2 THE SITE

The application relates to a dwellinghouse located on the southern side of Roedean Heights. East Brighton Golf Course is located opposite the site to north, which forms part of the South Downs National Park. The rear boundary of the site backs onto Roedean Road. The dwelling forms part of a group of five residential properties (nos. 1-5 Roedean Heights), alongside this group of properties to the west is the recently constructed 'Ocean Heights' building.

The residential development in the area surrounding the application site is primarily characterised by detached dwellinghouses of traditional form and style set in large plots. Some recent planning permissions have been granted in the area for development of a more contemporary character (e.g. Ocean Heights), some flatted developments have also received recent consents (e.g. Ocean Heights and 39 Roedean Road).

3 RELEVANT HISTORY

Application site

A number of applications were submitted for the redevelopment on the site which now contains nos. 1-5 Roedean Heights (formally known as 'Downside' Roedean Road) in the 1950s, 60s, 70s and 80s. The most recent approval was application ref. **BN87/147F**, for the erection of 5 no. 2-storey detached houses each with double garage, approved in March 1987.

Relevant decisions in the locality of the site

To the east of the site, planning permission was refused in April 2004, and dismissed on appeal in February 2005 (ref. **BH2003/03174/FP**) at **Linwood House, 12 Roedean Way** for the '*Demolition of existing house. Erection of 3-storey block of 9 flats. Provision of 9 parking spaces, cycle and refuse storage to front of property.*'

At '**Ocean Heights**' to the west of the application site, permission was approved in November 2007 (ref. **BH2007/02086**) for the demolition of a dwelling and the construction of a building comprising 7 self contained flats.

A further (part-retrospective) consent for a revised version of the building was approved under application ref. **BH2009/01489** in March 2010.

Opposite the site on Roedean Road planning permission was recently approved (ref. **BH2010/02422**) at no. **39 Roedean Road** for the *'Demolition of existing four storey four bed single dwelling house and erection of 1no 3 bedroom, 4no 2 bedroom and 2no 1 bedroom flats with associated car parking & cycle spaces'* at the Planning Committee of the 22nd of September 2010, following the completion of a s106 agreement this consent was issued in October 2011.

To the south of the site, permission was refused at the Planning Committee meeting of the 2nd of November 2011 (ref. **BH2011/02251**) at **6 Cliff Approach** for the *'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.'*

Other matters currently under consideration

An application (ref. **BH2010/02909**) seeking planning permission for the construction of a block of eight self-contained flats to replace the existing dwellinghouse at no. **4 Roedean Heights** is currently under consideration. (Reported elsewhere on this agenda)

4 THE APPLICATION

Planning permission is sought for the construction of a block of eight self-contained flats to replace the existing dwellinghouse. During the consideration of the application, amended and additional drawings and information have been submitted. Neighbouring residents and statutory consultees have formally re-consulted on the application to provide the opportunity to comment on this information.

The submitted (amended and original) drawings are inaccurate in that they show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an angle in relation to that at no. 4. Furthermore some of the drawings and photo montage illustrations submitted show both nos. 4 and 5 as redeveloped, the current application must however primarily consider the redevelopment at no. 5 as separate to that at no. 4. No existing side elevation drawings have been submitted, and the proposed front (north) elevation drawings show a section rather than an elevation which includes the outbuildings proposed in front of the main building.

5 CONSULTATIONS

Comments based on the application as originally submitted

External

Neighbours: Letters have been received from the occupiers of **12 Paston Place, 4 Roedean Heights, 1 Middleton Avenue, 21 Alpine Road, 122 Goldstone Crescent, 44-46 Old Steine, 77 Beaconsfield Villas and 32 Lustrells Crescent**, **‘The Ridgeway’ Woodingdean, 27 Elm Drive, 101 Northease Drive, 11a Hilgrove Road, the resident’s flat at East Brighton Golf Course, 30 Nutley Drive (Goring by Sea), Downderry Lewes Road (Ringmer), and Primrose Cottage Freshfield Lane (Danehill)** stating support for the application on the following grounds:

- Now that Ocean Heights has been built the proposed development will not be out of keeping with the surrounding area.
- The luxury flats proposed will enhance the area.
- The proposed building would bring the existing over-sized flats [Ocean Heights] back in line.
- The development would be environmentally friendly.
- The development may increase membership of the East Brighton Golf Club and result in increased custom for its bar and restaurant.
- The proposed development of ‘high-end’ accommodation may act as a catalyst for further modernisation of the area and attract a younger generation of homeowners.

A letter has been received from the **East Brighton Golf Club** stating that the Club ‘is maintaining a neutral stance’ in relation to the application.

Letters have been received from **‘DW Planning’ (on behalf of the Roedean Residents Association), ‘WS Planning’ (on behalf of the owners of no. 2 Roedean Heights), Ecotecture (on behalf of the freeholders of Ocean Heights), ‘CJ Planning’ (on behalf of the freeholders of Ocean Heights), and ‘DMH Stallard’ (on behalf of the freeholders of Ocean Heights), and the occupiers of nos. 2, 5 and 6 Ocean Heights (40 Roedean Road), nos. 1 and 3 Roedean Heights, nos. 5, 7, 8, 14, 15, 21, 24, 29, 35, 36, 38, 46 and 48 Roedean Crescent, nos. 2, 7, 14, 15, 17, 18, 22, 25, 29, 32, 34, 36, 38, 40, 45 and ‘White Lodge’ The Cliff, no. 3 Cliff Road, nos. 1, 11, 14 no. 1 Wilson Avenue, no. 1 Roedean Terrace, no. 4 Greenway Court (Marine Drive), nos. 33, 51 and ‘The White House’ Roedean Road, no. 50 Milton Park (North London) and 3 unknown addresses** objecting to the proposed development on the following grounds:

- The proposed building would harm the character of the area.
- The proposed development is a ‘money making exercise’.
- The proposed building would harm the amenity of neighbouring residents, causing increased overlooking and noise disturbance, particularly for occupiers of ‘Ocean Heights’ and nos. 3 and 5 Roedean Heights, the East Brighton Golf Club and properties to the south in Roedean Road.
- Use of the proposed terraces, balconies and garden areas in particular

would cause overlooking and noise disturbance. A proposal for a communal garden in relation to the Ocean Heights scheme was considered to be unacceptable for these reasons; a consistent approach should be applied.

- The proposed development would increase traffic generation, congestion, and demand for on-street parking. Parking restrictions which have been brought into force in the locality have encouraged people to seek free on-street parking in Roedean.
- The number of car parking spaces proposed is inadequate given the likely number of cars to be used by future residents and visitors.
- The proposed car park layout does not provide adequate space for manoeuvring / turning.
- The proposed car lift will be slow to use and this will encourage future residents to park on the street instead. Increased on street parking would be a hazard to pedestrians and will obstruct emergency vehicles.
- The proposed car lift will use a significant amount of energy.
- No details of a ventilation system for the car park have been submitted.
- The submitted plans and documents do not provide an adequate level of information to enable the determination of the acceptability of the scheme.
- The submitted plans are inaccurate.
- The proposed heating system is not energy efficient / sustainable, and would create emissions.
- The proposed development does not include affordable housing, were the schemes at nos. 4 and 5 to be submitted together as 16 units, a provision of affordable housing would be required.
- The proposed developments at nos. 4 and 5 Roedean Heights should be considered as one project.
- Roedean is a stunning and very unique area of the south coast, a lovely quiet village / hamlet, and should be preserved as such.
- The Ocean Heights development fronts onto Roedean Road and therefore should not be considered to set a precedent for similar developments on Roedean Heights, which is of a different character. Roedean Road has a mix of uses and development types, whereas Roedean Crescent has a distinct character of detached houses, and Roedean Heights consists of five 'mock-Tudor style detached dwellings all of a similar design. The proposed four storey development is out of keeping with the surrounding character and density, due to the scale and design of the building.
- The proposed development would take away garden area and alter the alignment of the current buildings.
- The proposed development is contrary to policies QD1, QD2, QD3, QD4, QD27, HO2 and HO4 of the Brighton & Hove Local Plan.
- The proposed development would result in the loss of a large house; there is a shortage of such properties in the city.
- The application site is not well served by public transport, and it is not within walking distance of any facilities or services. There is no

pedestrian route along Roedean Road.

- If approval were granted for the proposed development this would set a precedent for the approval of similar schemes in Roedean in the future which would further change and harm the character of the area. Were a number of flatted developments to be constructed the demand for on-street parking could not be accommodated in the area.
- The proposed bulky tall building would be visible in long distance views from for example the seafront and coastline and the South Downs National Park; such strategic views and the skyline would be harmed.
- The expensive flats proposed do not meet the most pressing housing needs of the city.
- A similar proposal to replace a dwelling with a larger flatted development at no. 12 Roedean Way was refused planning permission in September 2004 and upheld at appeal in February 2005. This proposal was considered by the Inspector to be a scale of development out of character with the surrounding area, which would have harmed an important vista entering the city. Furthermore the parking provision proposed was considered to be inadequate and concerns were raised regarding increased on-street parking.
- The proposed building represents a gross overdevelopment of the site.
- Housing of the proposed density would increase the risk of vermin (rats).
- The amenity space allocated to each flat is insufficient.
- The existing infrastructure (e.g. roads, drainage, parking) may not be able to handle the increased utilisation the proposed development would cause.
- Recent changes made by Government [to PPS3] have re-designated private gardens as Greenfield land, which gives greater scope to challenge developments such as that proposed and reduce 'garden grabbing'.
- The building works required to construct the proposed development would cause disturbance to neighbouring residents.
- Ocean Heights was only approved as it is set back from the Road and was said at the time to be a 'one-off'; the proposed building would front directly onto Roedean Heights. Furthermore, the dwelling previously in place at Ocean Heights was considered by Officers to be unattractive and of very little visual merit, and was out of place with the surrounding area, this would not hold as an argument to warrant the replacement of the existing dwellings on Roedean Heights.
- Ocean Heights is being used as a precedent, this building was however strongly objected to by local residents, and now appears as a visually jarring and incongruous building.
- The proposed trees (which it is suggested would mitigate 'urban heat island effect') will not grow successfully due to the strong seafront winds which carry salt.
- The applicants have failed to consult / engage with local residents prior to the submission of the application.
- Insufficient information has been submitted to provide certainty that the

proposed development could meet a Code for Sustainable Homes rating of 'Level 5'.

- The commercial vehicles which would need to serve the proposed development such as refuse vehicles and those delivering wood pellets for the proposed heating system would cause disturbance to neighbouring residents, furthermore due to lack of turning space such vehicles may have to reverse into or out of Roedean Heights which is a highway safety risk.
- At present Roedean is an area of low density with large dwellings set in large gardens; this provides a transition between the countryside and the built up area of the city.
- The proposal would affect the setting of the South Downs National Park; this has not been sufficiently addressed in the supporting documentation submitted.
- Some of the proposed units, particularly at lower ground floor level, would not benefit from sufficient sunlight / daylight levels.
- A restrictive covenant restricts development on the plot to one house.
- The construction works proposed would cause significant disturbance, nuisance and disruption, construction vehicles would block the surrounding roads.

Simon Kirby M.P.: Objects to the development on the grounds of over-development, design, increased traffic flow, overlooking and loss of privacy.

Councillors David Smith and Mary Mears have also written in objection to the application, these letters are attached to committee agenda.

Natural England: No comments.

South Downs National Park Authority: Object to the proposed development. The application property is visible from the bridleway and golf course to the north-west of the site. The bulk of the proposed building would detract from views from within the Park. Notwithstanding the recently constructed 'Ocean Heights' development, the proposed scheme is objected to on the grounds of the visual impact and impact on the character of the area it would cause.

South Downs Society: Object on the grounds the proposed blocks would contribute further towards the closing in of views across the Park to the sea. The development if approved would set a precedent for the construction of unsympathetic development along the boundary of the National Park, which should be vigorously resisted.

Brighton & Hove Archaeology Society: A watching brief is recommended.

County Archaeologist: An archaeological assessment/evaluation of the site should be carried out prior to the granting of any consent. Following such an evaluation, should archaeological remains be discovered, it may be that the

application would warrant refusal to preserve the remains in situ, or that some or all of the remains would need to be preserved in situ in the context of the development, or that any remains are excavated and recorded during works.

Internal

Sustainable Transport: Recommend conditions to secure the cycle and vehicular parking proposed, and require a scheme to improve sustainable transport infrastructure or alternatively a s106 agreement to secure a financial contribution of £12,000. Some of the proposed parking bays are rather small, and future users may need to reverse on to / off the proposed lift; Roedean Heights is however a lightly trafficked road and it is not considered that a highway safety risk would result.

Arboriculture: No objections.

Private Sector Housing: No comments.

Environmental Health: No objections.

Air Quality Officer: Further information is required to justify the flue height and exit velocity to demonstrate that harm would not be caused.

Further comments the submission of additional / amended drawings and information

External

Letters have been received from ‘DMH Stallard’ (on behalf of the freeholders of Ocean Heights), ‘Right of Light Consulting’ (on behalf of the freeholders of Ocean Heights), the Roedean Residents Association, ‘DW Planning’ (on behalf of the Roedean Residents Association), and the occupiers of nos. 2, 5 and 6 Ocean Heights (40 Roedean Road), no. 1 Roedean Heights, no. 51 Roedean Road, ‘Zaldia’ nos. 5, 14, 20, 29, 33, 35, 36, 38 and 46 Roedean Crescent, nos. 22, 34 and 45 The Cliff, reiterating the objections detailed above and raising the following further points:

- The additional information submitted regarding the biomass heating systems does not alleviate concerns regarding pollution and dust dispersal. Smoke could be blown into neighbouring properties, windows and air intakes on the Ocean Heights building.
- Full sunlight and daylight reports should be submitted to demonstrate the impact of the Development upon nos. 3, 4, and 5 Roedean Heights, and upon ‘Ocean Heights’. The proposed development would overshadow and overlook Ocean Heights.
- Storing fuel for the biomass system in proximity to a timber framed property is a fire safety risk.
- The proposed development would not comply with Building Regulations and fire safety standards.
- The photo-montages submitted demonstrate that the proposed buildings

would result in a visually jarring and totally inappropriate impact upon the established character and appearance of the locality.

- PPS3 identifies that design which is inappropriate to its context should not be accepted and that more intensive development is not always appropriate.
- Use of the area of land to the north of Ocean Heights, which is part of the no. 5 Roedean Heights site, would harm the privacy of residents of Ocean Heights. Rotary clothes driers are proposed to this piece of land; people using the driers would overlook Ocean Heights.
- The submitted sunlight and daylight report does not fully demonstrate the impact that the proposed building would have on Ocean Heights. Should the proposed building be approved a Right to Light Claim may be lodged.

County Archaeologist: Reiterates the previous comments submitted. Assessment/evaluation of the site should be carried out prior to the granting of any consent. It appears that such work has not been carried out.

South Downs Society: Reiterates the concern previously raised that the proposed building would be of an unsympathetic appearance and would contribute towards the closing in of views from the National Park to the sea. This has been further demonstrated by the additional information submitted.

South Downs National Park Authority: Reiterate the concerns previously raised which have not been addressed. The proposed development would be harmful to the setting, special qualities and therefore the purposes of the National Park.

Brighton & Hove Archaeology Society: A watching brief is recommended.

Natural England: No comment; the proximity of identified sites of importance is however highlighted.

Internal

Environmental Health: No objections.

Air Quality Officer: The proposed roof top flues are considered acceptable. The flues should be 1 metre above maximum roof height and should be clear of windows, terraces and any mechanical / passive air intakes.

Ecologist: No comments received.

Sustainability: It is proposed that the development would meet a Code for Sustainable Homes rating of Level 5 which appears feasible in this case. This would comply with policy SU2 and the guidance set out in SPD08. Ideally an alternative to the car lift proposed should be sought.

6 PLANNING POLICIES

National Planning Policy

PPS1	Delivering sustainable development
PPS3	Housing
PPS5	Planning for the Historic Environment

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
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
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing and ‘windfall’ sites
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
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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

7 CONSIDERATIONS

Principle of development

The applications under consideration at nos. 4 and 5 Roedean Heights were submitted at the same time and are of a similar character and description. Many of the objectors to the proposed schemes have questioned whether the two schemes should be considered as one development, which due to the number of residential units proposed would result in the application being classed as 'Major' and therefore subject to additional policy requirements such as the provision of affordable housing. The applications are however separate and the two sites are in separate ownership. Whilst the possibility of both sites being developed must be taken into account, the applications must be considered individually. The Local Planning Authority has no remit to do otherwise.

This said; it is the case that some elements of the proposal appear to have been conceived on the basis that both developments would occur concurrently. For example some of the drawings and visualisations submitted only show the two developments alongside one another rather than providing two differing versions, with only one of the sites developed in each. Therefore it appears that the full impacts of developing no. 5 in isolation from no. 4 may not have been fully considered during the conception of the proposal.

The principle of the type and scale of development proposed must be considered having regard to PPS1 and PPS3, and policies HO4, QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan.

Changes to PPS3 published in June 2010 include the exclusion of private residential gardens from the definition of previously developed (brownfield) land. The national indicative minimum housing density target were also removed from the PPS, such targets do however remain in the South East Plan (RSS). The site currently contains a dwellinghouse and garden area, on that basis the site can be considered partly brownfield (within the footprint of the dwellinghouse), and greenfield on those areas which form garden land. As such, a residential redevelopment of the site beyond the footprint of the existing dwelling would not be resisted in principle, but must be carefully assessed and considered.

It is considered that the principle of acceptability in this case relates to the density and scale of development proposed. The application site has an area of approximately 1906m². The existing 'dwelling density' of the site therefore currently stands at 5.25 dwellings per hectare. The proposed development would see this increase to 42 dwellings per hectare. National, regional and local planning policy seeks to encourage higher densities of development where appropriate, and subject to a proposed scheme of a suitably high standard of design, which is appropriate to its context.

Policy HO4 of the Brighton & Hove Local Plan states that:

To make full and effective use of the land available (in accordance with

Policy QD3), residential development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal:

- a. exhibits high standards of design and architecture;***
- b. includes a mix of dwelling types and sizes which reflect local needs;***
- c. is well served by public transport, walking and cycling routes, local services and community facilities; and***
- d. respects the capacity of the local area to accommodate additional dwellings.***

In regard to criterion (a), as detailed below, it is considered that the proposed development fails to exhibit a high standard of design and is not appropriate to its immediate context. The scale and bulk of the proposed building is inappropriate. The dwelling density proposed is greater than that which characterises the surrounding area, and in this case it is considered that the design of scheme proposed does not comply with the requirements of national, regional and local policy. The scheme is considered an overdevelopment of the site and is unacceptable.

In regard to criterion (b), seven two bedroom units, and one one-bedroom units is proposed; this is considered to be an appropriate mix in this case. In regard to criterion (d) whilst not in a central location, the site is in close proximity to bus route and walking and cycling routes. Services and community facilities are available in the locality of the site and city centre amenities are accessible.

Visual Impact and impact upon the setting of the South Downs National Park

The proposed building would be of a prominent appearance, particularly when viewed from the south and east of the site, and from the National Park to the north. As detailed above, the submitted drawings are inaccurate in that they show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an angle in relation to that at no. 4. Furthermore some of the drawings and photomontage illustrations submitted show both nos. 4 and 5 as redeveloped, the current application must however primarily consider the redevelopment at no. 4 as separate to that at no. 5. On that basis it would have been beneficial to provide a version of all drawings and montages showing only no. 5 as redeveloped. Notwithstanding these inaccuracies and omissions, an assessment of the visual impact of the proposed development can be made based on the information submitted.

The Council's Urban Characterisation Study (published January 2009) defines Roedean as:

'A residential area of predominantly detached or semidetached houses, with

some blocks of flats, set on the cliff top above the sea, mainly in private ownership and owner occupation.'

It is acknowledged that significant enlargement and alterations to dwellings in the area have been granted planning permission in the past, and also that redevelopment of sites in a contemporary style has been considered acceptable and granted consent in some cases. It does however remain the case that the area is primarily characterised by detached dwellings of traditional form and character set in large plots.

Ocean Heights, Roedean Road

Whilst the considerations of this report must focus upon the current proposal which will be judged on its own merits, the previously approved and implemented scheme at 'Ocean Heights', Roedean Road should be reviewed as this scheme could be said to set a precedent for the approval of the replacement of single dwellings with larger flatted developments. The dwelling previously in situ at Ocean Heights was of a particularly odd appearance; a three storey block-like structure with a large projecting terrace. This dwelling was out of keeping with surrounding dwellings and appeared as incongruous, the building having a particular prominence due to its open frontage and raised setting above Roedean Road. This building was not part of a group of similar dwellings. The proposal to replace this building was therefore considered in the context that the existing building was of a prominent and unusual appearance. As such, the replacement of the dwelling with a prominent flatted development was not considered to be an inappropriate change. Furthermore the height and massing of the proposed building in comparison to the dwelling in situ was considered acceptable.

Since the approval of this development, there have been significant changes to the planning policy context. Firstly, PPS3 has been revised as detailed above; it is considered that this change requires careful consideration of any development which encroaches upon residential garden land which is now defined as undeveloped (greenfield). Secondly, the South Downs National Park was formally adopted on the 1st of April 2011. This adoption requires that the impact of proposed development on the setting of the National Park area be given greater weight.

Current and future proposals for flatted developments in the vicinity of Ocean Heights must therefore be considered in this altered policy context. In the case of the current application, the existing dwelling at no. 5 forms part of a group of 5 dwellings of a similar character set on a similar building line, fronting onto Ocean Heights. The immediate context of the site therefore differs significantly to that of Ocean Heights.

Moving back to the application site, the application site is not of a prominent appearance when viewed from the west of the site on Roedean Road, considerations of visual impact will therefore focus on views from the south, east and north. The contemporary / modernist design style and palette of

materials proposed is in contrast to the predominantly traditional character of the Roedean area, this approach is however considered acceptable. The considerations of the visual impact of the development therefore focus upon the scale, form, height, bulk, and features of the building proposed.

The building proposed presents a flat roofed three-storey appearance with sunken lower ground floor level to Roedean Heights, and a number of balconies, sets of glazed doors and windows. A central projection houses the stairway and lift. Ancillary outbuildings are proposed in front of the building to this side to house a refuse and recycling store, car lift gear, and cycle storage. A car lift is proposed, it is not clear whether this would appear as a platform rising from the ground, or as an enclosed space as is shown on some of the illustrations submitted. The north elevation drawing submitted is in fact a section showing the lower ground floor level and does not therefore confirm the appearance of the proposed outbuildings.

Sedum green roofs and green walls are proposed. A white painted render finish to the walls of the building are proposed, with composite aluminium / timber framed windows and doors. Projecting roofs are proposed above each rear terrace which appear to be of timber construction / finish. A flue at roof level would expel emissions from the biomass heating system proposed.

To the rear of the building facing south towards Roedean Road a 'stepped' elevation is proposed, with the rear elevation of each level from the top floor down set progressively further back. Large terrace areas are proposed to each floor with full height screening to each side and a lower balustrade to the front of the terraces. South-facing balconies are proposed to either side of the terraces, set forward from the main rear elevation.

In regard to landscaping, it is proposed that all existing trees and hedges within the site would be retained, with additional planting proposed. Raised beds and a pond are proposed to the southern end of the site.

Distance views (from Marine Drive and open space)

The application site is visible from the south-east, primarily from Marine Drive which is the main access route into the city from the east. The application site appears as part of a group of buildings set at the top of a sloping area of open land and as such redevelopment of the site will affect the skyline of this vista. It is considered that this view represents a 'strategic view' as defined by policy QD4. QD4 states that:

'In order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted.'

In distance views from Marine Drive to the south-east of the site, the Ocean Heights building is visible and contrasts with the surrounding development which is predominantly consists of traditional dwelling houses with pitched tiled roofs. The proposed building in conjunction with Ocean Heights would cumulatively create an appearance of greater prominence in comparison to the existing situation. Thus the contrast between the scale and character of such developments and the more traditional character of the dwellings surrounding the site would be emphasised. No illustrations have been submitted to demonstrate the visual impact of the proposed development from such vantage points. Based on the information submitted, it is considered that the excessive scale and bulk of the proposed building would fail to sit in harmony with its context and would harm this strategic view.

Closer views from the south / east (from Roedean Road, Roedean Way and open space)

When viewed from Roedean Road and Roedean Way in closer proximity to the application site, again the proposed development would sit in contrast to the more traditional character of the dwellings surrounding the site.

The existing situation is relatively unusual. Roedean Heights is a group of 5 detached dwellings of similar character and appearance, the primary elevations of these dwellings face northwards onto Roedean Heights, with the rear of the dwellings facing towards Roedean Road. The properties have extensive rear gardens with a densely planted bank sloping down to Roedean Road. Therefore, from directly behind the properties on Roedean Road the dwellinghouses are largely screened from view. Ocean Heights has a greater visual presence along Roedean Road as its vehicular access is from this road and its primary elevation fronts onto Roedean Road.

From the south-east the dwellings of Roedean Heights are clearly visible and appear as a group of similar buildings positioned along a relatively consistent building line. Ocean Heights appears as separate to this group, whilst in close proximity to no. 5 Roedean Heights, its positioning, well forward from the dwellings along Roedean Heights, sets it apart when viewed from this angle. When viewed from Roedean Road and Roedean Way to south east of the site it is considered that the proposed building would sit in stark contrast to the remaining dwellings along Roedean Heights and would detract from the street scene. The proposed development fails to pay respect to the constraints of the site on this regard and would appear as an overdevelopment.

The large block proposed, 'stepping down' with the gradient of the site is of a significantly larger bulk than the dwellings to either side. As detailed above, the Ocean Heights block sits on a separate building line to the dwellings in Roedean Heights. The rear of the proposed building is effectively set along a building line with the front of Ocean Heights, with the front of the building being set along a building line which aligns with the front of the dwellings along Roedean Heights. i.e. the proposed building is aligned with two groups of buildings and therefore has an awkward relationship with both groups.

It is considered that a redevelopment of no. 5 should pay respect to the building lines of the group of buildings of which it forms a part (nos. 1-5 Roedean Heights). Such an approach, if combined with an appropriate scale of building, would typically deliver a more appropriate appearance and would also have a lesser impact upon the occupants of dwellings located to either side of the application site.

Views from Roedean Heights (street scene)

The drawings submitted do not fully demonstrate the appearance of the proposed development in the Roedean Heights street scene. The proposed front elevation drawings submitted show the proposed building with no. 4 Roedean Heights to either side, the drawing is however a section rather than an elevation. The submitted site plans / floor plans and illustrations show ancillary outbuildings to the front of the building, vehicular parking is proposed at lower ground floor level accessed by a car lift. The appearance of the proposed development to this side is more of a rear / secondary character, with the south facing elevation appearing as primary.

The Roedean Heights street scene is primarily characterised by dwellinghouses fronting on to open garden areas and driveways, with some ancillary outbuildings. Usually it would most appropriate for such outbuildings to be set alongside or back from the front elevation of the dwellinghouse to ensure a subservient appearance, particularly when the properties have open frontages rather than high boundary treatments. Nos. 3 and 5 Roedean Heights have garages set in front of the dwelling houses, the garage of no. 3 is however set at a sunken level and that of no. 5 is set away from the dwellinghouse and is again set into the ground which reduces its prominence.

It is considered that a redevelopment of the application site should pay respect to this character, presenting a strong elevation with ideally open space in front, and outbuildings (if required) sensitively located. It would appear that the proposed outbuildings would be partially set into a raised area of ground which would reduce their impact. No elevations of the proposed outbuildings have been submitted, it remains unclear as to whether the proposed car lift would be housed in an enclosed structure; the submitted section drawing appear to show low walls around the lift platform. Insufficient information has been submitted to demonstrate whether the proposed outbuildings and thus the site arrangement which would be presented to the Roedean Heights street scene would be of an appropriate nature.

Views from the National Park

At present the dwellinghouse in situ is visible from the South Downs National Park to the north of the site, the house is however set at a lower level in relation to the park, therefore it is the roof of the house which is most visible from this angle. When viewed from the National Park the roof of no. 5 and the upper floors of the Ocean Heights building are visible alongside the application property. When viewed from Wilson Avenue and the open space to the eastern side of Wilson Avenue which includes East Brighton Park, the

roofs of nos. 4 and 5 Roedean Heights and the upper floors of Ocean Heights form part of the skyline with the sea visible beyond.

An illustrative photo-montage has been submitted showing the appearance of the proposed buildings at nos. 4 and 5 Roedean Heights viewed from the National Park immediately to the north of the application site. This illustration demonstrates that the proposal at no. 5 would significantly alter this view, emphasising the abrupt transition from relatively open land to the built up area of the city beyond. The boundaries of the National Park have been drawn in such a way that there is no staged transition from the Park to the built up area of the city, and the proximity of the built up area is apparent in many views from the Park. It is however the case that schemes for the redevelopment of sites located within the immediate setting of the Park must be carefully considered as to whether they would be unduly prominent or would detract from views into or out of the Park.

It is noted that the appearance of the proposed building when viewed from the National Park would be similar to that of 'Ocean Heights'. This neighbouring building was however granted consent prior to the adoption of the National Park and replaced what was a rather odd / prominent dwellinghouse. The dwelling in situ at no. 5 Roedean Heights is of a more traditional appearance and the roof visible from the National Park has a lesser visual impact. The proposed building in conjunction with Ocean Heights would have a cumulative visual impact, which would be worsened were a similar development to take place at no. 4 Roedean Heights as is currently proposed under BH2011/02909.

The proposed development would emphasise the contrast between the National Park and the built up area and would detract from the views from the National Park. The South Downs National Park Authority has objected to the proposal on these grounds. The proposal is considered contrary to policies NC7 and NC8 of the Brighton & Hove Local Plan.

No illustrations have been submitted demonstrating the impact of the proposed development on distance views from Wilson Avenue and the open space to the eastern side of Wilson Avenue which includes East Brighton Park, it is again considered that the proposed development in conjunction with the Ocean Heights building (and the potential development at no. 4 Roedean Heights) would result in a prominent appearance which would contrast with the dwellings of traditional form with pitched roofs on this skyline.

Neighbouring amenity

Bulk

The proposed building is of a significantly increased bulk in comparison to the existing dwellinghouse. It is considered that this increase in bulk would create a sense of enclosure and would have an overbearing impact when viewed from the rear windows and rear garden area of no. 4 Roedean Heights. In regard to the Ocean Heights building, a large part of the bulk of the proposed

building would be located alongside Ocean Heights, and therefore would not have a significant impact. The northern section of the proposed building would be set behind Ocean Heights, and would be of an increased bulk in comparison to the existing dwelling. (This would have an impact on outlook from the rear of Ocean Heights, however the views straight ahead of the rear fenestration of the Ocean Heights building would be largely unaffected). It is considered that the harm which the development would cause to the amenity of residents of no. 4 Roedean Heights is of a magnitude which warrants the refusal of planning permission. To a lesser extent the outlook from the rear windows and gardens of nos. 1, 2 and 3 Roedean Heights would also be harmed as the proposed building steps significantly beyond the rear building line of the dwellings in Roedean Heights.

In regard to sunlight and daylight, the rear windows and garden of no. 4 Roedean Heights have an open southerly aspect. As such, were the proposed development constructed, they would continue to receive substantial levels of daylight and sunlight. The proposed development would however result in increased overshadowing of no. 4 in evening hours. The rear garden areas of this property would be particularly affected. The north and south facing fenestration and terraces of Ocean Heights would suffer some increased overshadowing in morning hours.

A sunlight and daylight report has been submitted to demonstrate the impact of the proposed development upon the light levels which some of the windows of Ocean Heights receive. No study has been submitted to demonstrate the impact of the development upon no. 4. The submitted study explains that the loss of light to some of the windows of Ocean Heights would not breach recommended standards, however some of the standards would be breached if not all windows are included in the study. The study does not take into account impact upon outdoor spaces (terraces and balconies). It is considered that significantly increased overshadowing of no. 4 Roedean Road and Ocean Heights would result, and the application is contrary to policy QD27 of the Brighton & Hove Local Plan in this regard.

Privacy

The proposed development would significantly increase overlooking. The existing dwelling would be replaced with a multi-storey block with numerous windows, glazed doors, balconies and terraces. An assessment must therefore be made as to whether this increased overlooking would cause significant harm to neighbouring privacy.

To the rear (southern elevation) of the proposed dwelling glazed doors and large terrace areas are proposed with privacy screens to their sides. Rear facing balconies are proposed to either side of the building with full height walls to their sides. These screens and walls would restrict views from the terraces and balconies to primarily the south; the application site rear garden and the dwellings and views beyond. Some views of the rear section of the rear garden of Roedean Heights properties to the east would be available,

some views into the curtilage to the front of the Ocean Heights building would also be available. It is not however considered that such views would cause significant harm to privacy as the section of the neighbouring gardens closest to the Roedean Heights dwellinghouses are most likely to be intensively used as private amenity spaces, and the terraces to the front of Ocean Heights have privacy screens in situ.

Side facing windows are proposed; at lower ground floor level these face into lightwells and would not therefore harm neighbouring privacy. At ground floor and above most of the side windows proposed are secondary windows and could therefore be reasonably controlled by condition as obscure glazed. One east facing ground floor window is the only window serving a bedroom, this window would need to be conditioned as obscured which would reduce the quality of accommodation which this second bedroom would provide.

To the front (northern elevation) of the building windows, glazed doors and balconies are proposed. The balconies proposed do not all have full height screening to their sides. Views available would primarily be across the road towards high hedging and the National Park Beyond, views to either side would be of the front gardens / driveways of neighbouring properties to the east, and the land behind Ocean Heights to the west; again significant harm to neighbouring privacy would not be caused.

Noise

The proposed development would be likely to cause increased noise in comparison to the existing use as the site would be used in a more intensive fashion. Vehicular and pedestrian comings and going would be increased, and use of the proposed terraces, balconies and gardens would also cause some noise disturbance greater than normal in this suburban location. The application does not warrant refusal having regard to increased noise.

Other objections raised on amenity grounds

Objections have been raised regarding the proposed communal garden and the overlooking and noise disturbance which the use of this area may cause. It is however the case that each flat would benefit from private amenity spaces in the form of substantial terraces, therefore the communal garden would be unlikely to be used in an intensive fashion. Any overlooking or noise caused would not be likely to be of a level which would cause significant harm to neighbouring amenity.

Objections have been raised regarding the proposed biomass heating system and the potential for smoke and dust nuisance. This matter is addressed below.

Standard of accommodation and accessibility

In general, the proposed residential units would provide generous layouts and a high standard of accommodation. Some of the lower ground floor rooms proposed would be reliant on light and outlook provided by lightwells which is

not ideal, both lower ground floor units would however benefit from substantial full height glazing and high quality light levels and outlook to the rear of the building. As detailed above, one ground floor bedroom would not benefit from any outlook as the window would have to be conditioned as obscure glazed. Notwithstanding these deficiencies, it is considered overall that the proposed units would provide a high standard of accommodation. Adequate refuse, recycling and cycle storage is proposed. The proposed balconies, terraces and communal garden area represent a high standard of outdoor amenity space provision in compliance with policy HO5.

In regard to accessibility, full compliance with Lifetime Homes Standards is proposed and could be secured by planning condition.

Archaeology

The County Archaeologist has advised that the proposed development has the potential to cause significant harm to an area which has been identified as of potential archaeological interest. Excavation work on site and desktop work would be required to demonstrate that the proposed development would not cause unacceptable harm. The agents for the application were made aware of these comments at an early stage in the application; to date no such work has been carried out.

Without such work taking place, it would not be appropriate to recommend approval of the application, as conditions would have to be applied requiring such works, the results of which could rule out the proposed development in principle. It is therefore considered that the proposal is contrary to policy HE12 of the Brighton & Hove Local Plan which states that proposals that are likely to have an adverse impact on the archaeological interest, character or visual amenity of sites of known and potential archaeological interest not be permitted.

Transport

Parking for 8 vehicles is proposed at lower ground floor level to be accessed by a car lift. Cycle parking facilities are proposed in the form of a single storey building to the front of building on Roedean Heights.

The Sustainable Transport Team have commented on the application and have advised that in order for the proposed development to provide for the travel demand it would create, and comply with policy TR1 of the Brighton & Hove Local Plan, improvements to sustainable transport infrastructure in the vicinity of the site would be required or alternatively a financial contribution to secure such improvements. Based on established formulae it has been calculated that a contribution of £12,000 would be required in this case.

This contribution would help fund improvements to the east bound bus stop in Roedean Road, which is currently in the grass verge & has no formal disembarking area or connections to the surrounding footways. The west bound bus stop would also benefit from Real Time Information Displays.

Junctions in the vicinity of the site would benefit from being made accessible to mobility and/or visually impaired pedestrians by the provision of dropped kerbs & tactile paving. This would also benefit pedestrians pushing buggies & prams.

It is also advised that to ensure that the turning head at the end of Roedean Heights remains clear at all times, the introduction of double yellow lines would be required to ensure cars, delivery vehicles and refuse vehicles would not have to reverse along the length of the road. This would require an amendment to the relevant Traffic Regulation Order which would need to be funded by the developers of the scheme. These matters would have to be secured by legal agreement; as no such agreement has been prepared the proposed the proposed development is contrary to policies TR1 and TR7 and warrants refusal on these grounds.

The proposed car parking is reliant on a slightly cramped lower ground floor layout which would restrict manoeuvrability of vehicles. The layout is however considered acceptable. The details of the proposed car lift are unclear as some of the illustrations submitted show a partially enclosed area which the lift would rise into, others appear to show a platform which would rise from the ground. In either case, it is of concern that the lift could represent a fall and crushing hazard. It is considered that this concern could be addressed by the submission of further details regarding safety measures; such details could be required and secured by planning condition.

The proposed cycle parking is secure and adequate; both the cycle storage and vehicular parking provision could be secured by planning condition were planning permission to be granted.

Objections have been raised regarding the impact of the proposed development in regard to on-street parking. Concerns relate to possibility of future residents and visitors parking vehicles on the street as well as, or as an alternative to the lower ground floor car park proposed. The requirement to use a car lift and the cramped layout of the proposed car park have been cited as reasons which may discourage future residents from using the car park proposed. As detailed above, the introduction of double yellow lines to the turning head of the road would ensure that a highway safety risk would not be caused by on street parking. As off-street parking provision is proposed, and there does not appear to be a high demand for on-street parking in the locality of the application site, a reason for refusal based on increased pressure on on-street parking provision is not justified in this case.

Objections have also been raised regarding the general increase in traffic and associated disturbance which the development would cause. It is not considered that the increased disturbance which would be generated by the development would represent significant harm to neighbouring amenity.

Environmental Health

The application as originally submitted raised concerns regarding the proposed biomass heating system, further details have now been submitted and are considered acceptable. Concerns were also raised regarding the potential for the car lift proposed to cause noise nuisance, further details of the lift have been submitted and it is considered that a nuisance would not be caused.

Environmental Sustainability

Policy SU2 of the Brighton & Hove requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. SPD08 provides further guidance on the level of sustainability which development should achieve. The application site is partially developed (within the footprint of the proposed dwelling), and partially undeveloped garden land. SPD08 advises that in regard to new-build developments of 3-9 residential units located on previously developed land, a Code for Sustainable Homes rating of Level 3 should be met. In regard to new build developments located on undeveloped (greenfield) land, it is advised that a Code for Sustainable Homes rating of Level 5 should be met.

The proposed development includes a number of sustainability measures, including:

- Green roofs and walls
- A biomass heating system
- Mechanical ventilation with heat recovery
- Grey water recycling
- Solar thermal and photovoltaic panels
- Large areas of south facing glazing

It is stated that a Code for Sustainable Homes rating of Level 5 would be met by the development. The Sustainability Team have commented on the application and consider it feasible that this level of sustainability could be met by the proposed development. The proposed development is partly located upon undeveloped (greenfield) land, and involves a significant intensification of the use of the site for residential purposes. In addition, the applicants have proposed a Code for Sustainable Homes rating of Level 5. In this case, it would therefore be considered reasonable, were planning permission to be granted, to secure this level of sustainability by planning condition.

Trees and landscaping

It is proposed that the existing trees located within the application site would be retained. The Arboriculturalist has visited the site and commented upon the application; the existing trees on site are of little value and as such no further details of protection measures are required. Some details of landscaping have been submitted, full details and implementation of landscaping measures could be secured by planning condition.

Ecology and Nature Conservation

Landscaping is proposed as detailed above; the retention of existing trees, new planting and a pond. Green roofs and walls are also proposed along with bird and bat boxes to the building. The submitted sustainability statement details that specific planting is proposed to encourage wildlife. The Ecologist has commented on the proposed measures and considers that, in principle, they are appropriate and sufficient. It is considered that were planning permission to be approved, full details of appropriate nature conservation measures and their implementation could be secured by planning condition.

Other objections raised

Objections to the disturbance which construction works would cause have been raised; such concerns would not however warrant the refusal of planning permission in this case.

Concern has been raised that the proposed trees would not grow successfully in such an exposed location. Trees are however in situ on site and any new tree species would be approved by the Arboriculturalist as part of a detailed landscaping scheme.

It has been raised that the proposed development would increase the risk of vermin (rats). Adequate refuse storage is however proposed therefore such concerns appear to be unfounded.

It has been suggested that the proposed development would not meet Building Regulations and fire safety standards. The proposed development does not present any particularly unusual scenarios in this regard, such matters would be addressed under the relevant legislative frameworks and do not warrant refusal of the current application.

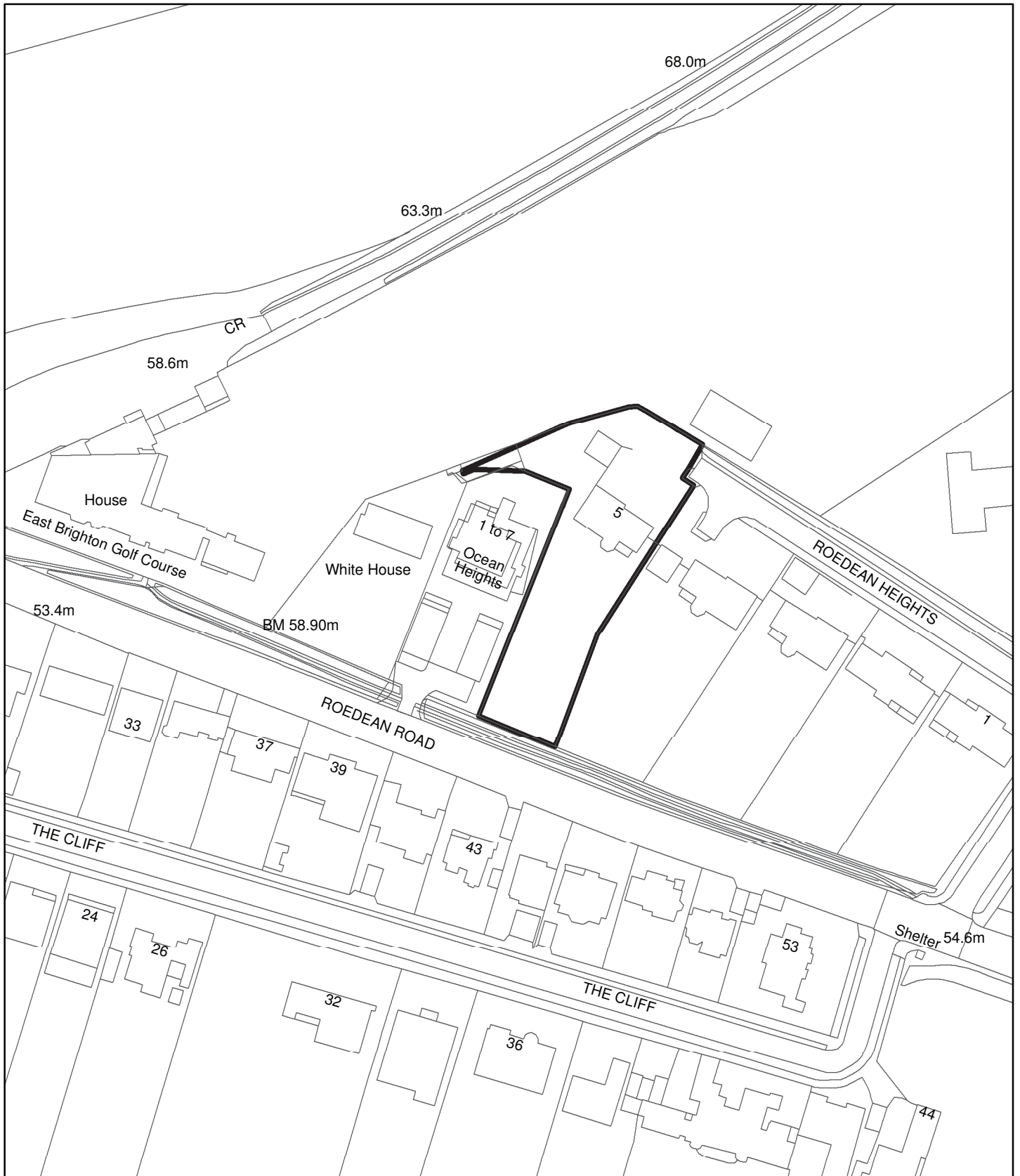
8 CONCLUSION

The submitted plans are inaccurate and further information would be required to fully demonstrate the impact of the proposed development. Notwithstanding these facts it is considered based on the information submitted that the proposed development would have an inappropriate appearance which would detract from the appearance of the Roedean Way street scene, and would harm views from the National Park to the north. The bulk and scale of the proposed building would appear as an overdevelopment of the site which would fail to pay adequate respect to the site constraints and context. The bulk of the proposed building would harm neighbouring amenity, increased overshadowing would also be caused. Insufficient information has been submitted to demonstrate that the proposed development would not cause unacceptable harm to a site of identified archaeological interest. Furthermore, in the absence of a planning legal agreement, the proposed development would not make adequate provision for the increase in demand for travel which would be created and would cause a highway safety risk. Refusal of planning permission is therefore recommended.

9 EQUALITIES IMPLICATIONS

It is proposed that the development would comply fully with Lifetime Homes Standards and this could be secured by planning condition were planning permission to be approved.

BH2010/02910 5 Roedean Heights, Brighton



**Brighton & Hove
City Council**

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Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 23 NOVEMBER 2011

COUNCILLOR REPRESENTATION

Jonathan Puplett
Brighton & Hove City Council
Development Control
Norton Road
HOVE BN3 3BQ

5th November 2010

Dear Jonathan

Re: BH/2010/02909 & BH2010/02910–Proposed demolition of Nos. 4 & 5 Roedean Heights and erection of 2 Blocks of 8 apartments each block.

As a City Councillor for Rottingdean Coastal Ward I write to object most strongly to the above planning applications. Although two separate applications, to all intents and purposes they are virtually identical in content, thus the following objections apply equally to each individual application.

These applications are contrary to National planning guidance for the following reasons:-

Design - Planning Policy statement PP3 – Housing – makes it clear that design which is inappropriate in its context should not be accepted. Para 49 also stresses that careful attention to design is particularly important where, as in this instance, intensification of the existing urban fabric is involved and that more intensive development is not always appropriate.

Character – The urban fabric or character of the immediate locality is one of large detached pitched-roof dwellings in a small cul-de-sac which is part of a residential area off Roedean Crescent and within which there are no other blocks of flats.

Location – The applicants claim that the proposals are consistent with the revised PPS3. They claim that it would be an effective and efficient use of previously developed land. However this ignores the balance that needs to be struck as per Para 49 between intensification of the existing urban fabric and the character, appearance and quality of the area. It also ignores the fact that although the site may have been described as previously developed, this does not mean that all future proposals are automatically acceptable.

Unacceptable Precedent – To permit either one or both of these applications would set an undesirable precedent for the possible similar re-development of 1, 2 and 3 Roedean Heights, the cumulative effect of which would be to totally change, if not destroy forever, its current character as a quiet cul-de-sac of detached, pitched roof dwellings and their replacement with higher, more modern, contemporary designed flat roof buildings. I understand that it is a matter of law that permission may be refused on the grounds of the

possible precedent effect of the decision, and the pressures that may follow for the unlocking of the whole area for development once permission is granted for one site within it.

In my opinion Ocean Heights (a hideous development) upon which the applicants rely heavily in support of their proposals, is a development with frontage in Roedean Road whereas these applications are for Roedean Heights. Therefore this proposed development should not be considered in the same context.

As I have already stated, Ocean Heights is a visually hideous building that can be seen from the north end of Wilson Avenue and also from the A259 coast road. AND if approved, this development would have an extremely detrimental impact in the West and North and would adversely affect views from the new National Park.

In my opinion the site is not suitable, if only for the fact that it does involve an element of garden-grabbing which the revised definition of 'previously developed land' (excluding private residential gardens in built-up areas) was specifically aimed at preventing. A comparison between the existing and proposed block plans indicates that the proposals involved not only the replacement of the existing 2 houses, but also a significant expansion of the respective ground floor areas, or footprints, of those dwellings into the rear gardens. This means that not only is there an increase in built-form of around 80% over the existing, but there is an extension of buildings into the rear buildings, out of character with the cul-de-sac which currently comprises large houses but set within long undeveloped rear gardens.

Furthermore, the proposals exacerbate the intrusion into the existing building line, to the detriment of the appearance of the street scene.

I conclude that the proposed development of these 2 sites is so at odds with the surrounding locality that they should be refused permission. My fellow Ward Councillor Mary Mears is in total agreement with my objections set out above and wishes to have her name added.

Please put my objection letter to the planning committee. I will reserve my right as a Ward councillor to attend the appropriate planning committee meeting and speak against the 2 planning applications.

Yours truly,



Cllr David Smith
Rottingdean Coastal Ward Councillor

<u>No:</u>	BH2011/01736	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 The Broadway, Brighton		
<u>Proposal:</u>	Change of use from retail (A1) to hot food take-away (A5)		
<u>Officer:</u>	Sonia Gillam, tel: 292359	<u>Valid Date:</u>	12/07/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 September 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Mr Zulfukar Akyol, C/O Lewis & Co Planning		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in 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.

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with drawing no. 01, the site location plan and block plan, and the 'Extraction Equipment Information' document by Purified Air received on the 12th July 2011, and the 'Kitchen Extract Fan Noise Impact Assessment Final Report' by Anderson Acoustics received on the 9th September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The use hereby permitted shall not be open to customers except between the hours of 12.00 to 24.00 on any day.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 and 19.00 on Monday to Friday and 08.00 and 18.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. No development shall commence unless the scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration, contained in the 'Kitchen Extract Fan Noise Impact Assessment Final Report' by Anderson Acoustics received on the 9th September 2011, is fully implemented. The measures shall be implemented in strict accordance with the approved details prior to the

occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6. No development shall commence unless the 'Extraction Equipment Information' scheme of odour control equipment to the building by Purified Air received on the 12th July 2011 is implemented. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

Informatives:

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

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

- (ii) for the following reasons:-

It has been adequately demonstrated that an A1 use to the unit is currently not economically viable. The change of use of the unit would not cause significant harm to the vitality and viability of the shopping centre or to the amenity of neighbouring occupiers, and is acceptable in regard to transport matters.

2. Licensing

It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.

3. Investigations under the Environmental Protection Act 1990

The applicant should be aware that although conditions have been applied to the application, the future investigation of nuisance under the above legislation is not mitigated against. Should future investigations identify a Statutory Nuisance this could result in further noise control measures.

4. Food Safety

The applicant is advised to register the food business with the Food Safety Team at least 28 days prior to opening.

2 THE SITE

The application relates to a ground floor retail unit which is part of a parade (The Broadway). This Parade forms part of the Whitehawk Road Local

Shopping Centre. Within the parade there are residential units at first floor level and gardens to the rear. The agent has advised that the rear garden at no. 3 is connected to the shop and not to the flat above.

3 RELEVANT HISTORY

BH1998/00779/FP: Change of use to A3 cafe/hot food takeaway. Withdrawn.
96/1126/FP: Change of use from Use Class A1 (Retail) to Use Class A3 (cafe/hot food takeaway). Refused 23/12/1996.

4 THE APPLICATION

Planning permission is sought for the change of use from retail (A1) to hot food take-away (A5). A flue is proposed to the rear of the property.

5 CONSULTATIONS

External:

Neighbours: Letters of objection have been received from **1a, 2a The Broadway** (x2), **9 Rycroft Whitehawk Road** (owner of flat above **3 The Broadway**), **50 North Way Lewes** (owner of **Flat 4a The Broadway**).

A petition objecting to the application has been received from the following: **2, 2a, 3b, 4a, 7, 8 The Broadway, 1, 3, 5, 9 Reading Road, 35 Whitehawk Road.**

Grounds of objection to the application include:

- Odour
- Noise and late night nuisance
- Litter
- Waste disposal
- Health risks
- Reduced property values
- Prevent enjoyment of garden
- Proliferation of fast food outlets in the area

Sussex Police: No objections.

Internal:

Environmental Health: Approve with conditions relating to hours of opening, restrictions on loading and unloading times, soundproofing of plant and machinery, and odour control equipment.

Sustainable Transport: No objections.

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

- SR6 Local Centres
- SU9 Pollution and noise control
- TR1 Development and the demand for travel
- SU10 Noise nuisance
- QD27 Protection of amenity

8 CONSIDERATIONS

The key issues of consideration relate to the principle of the change of use from retail (A1) to a hot food take-away (A5), the impact on neighbouring amenity and traffic issues.

Principle of development

The application property forms part of the Whitehawk Road Local Centre as defined by the Local Plan proposals map. Policy SR6 therefore applies. Policy SR6 states that:

The change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses will be permitted, provided that all of the criteria, a) to e), are met:

- a. it would not result in either the number of non-retail units or the proportion of frontages exceeding 35% of the centre;
- b. it has been adequately demonstrated that a Class A1 retail use is no longer economically viable in that particular unit or the centre as a whole;
- c. the proposed use would attract pedestrian activity (particularly in the daytime) which would make a positive contribution to the vitality and viability of the centre;
- d. the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area; and
- e. the location and prominence of the proposed use would not lead to a significant break of more than 10 metres in the frontage.

Criterion (a)

At present, of the 25 units in the identified Local Centre, 18 are in A1 retail use, 2 are in use as café/sandwich shops (A3/A1), and 5 are in non-A1 use. The current percentage of non-A1 uses is therefore 20%, or 28% including the café/sandwich shops. Were the change of use to be approved, this figure would increase to 24%, or 32% including the café/sandwich shops. The proposed change of use would therefore comply with criteria (a).

Criterion (b)

The supporting text to Policy SR6 details that indicators to be taken account

of affecting the economic viability of a unit are:

- the characteristics of the unit;
- its position in the centre;
- the pedestrian flow associated with the unit and the centre as a whole;
- the number of other vacancies in the centre; and
- the length of time that the unit has been actively marketed on competitive terms.

The specific unit is not in a poor location and its internal layout does not appear to be ill-suited to an A1 use. Pedestrian flow attracted to the unit would be of a similar nature to other units in the centre. The unit is currently vacant. It is part of a terrace of 8 units; all of the other units were occupied at the time of the site visit. However in the centre as a whole, 5 units are currently vacant (a vacancy rate of 20%). It is therefore acknowledged that vacancy rates in the centre are at a relatively high level.

Evidence has been submitted in the form of a letter from Parsons Son and Basley estate agents detailing the marketing strategy. It is advised that the property was first vacated in April 2010 following a fire. Works to rectify the damage were not completed until January 2011. It is confirmed that marketing was instigated in January 2011 by way of the erection of an advertising board and preparation of marketing particulars and advertising. Evidence of the marketing particulars has been submitted with the application. The estate agent has advised that the rental was originally set at £9,500 with a reduction to £8,750 from 25th February 2011 as the original figure was not producing much interest. The only interest received during the marketing period was for potential A5 businesses.

The current use of the property falls under the A1 Use Class however the unit is vacant. It is therefore the case that the unit is at present making little contribution to the local centre as a whole. The property has been marketed for a period of time and little interest has been generated. The lack of interest has been explained by reason of the small size of the retail unit and the current A1 vacancy rate in the parade and the wider centre suggesting that retail units are not currently in high demand in this location. The size of the unit does appear to be smaller and with a less uniform layout compared to other units within the parade.

Taking into account all of the indicators detailed in SR6, the case made to demonstrate that an A1 retail use is no longer viable is considered adequate and in compliance with SR6.

Criterion (c)

It is proposed that the takeaway would be open between the hours of 12.00 to 24.00. Therefore it is considered that the proposed use would attract pedestrian activity, including potential daytime trade, and would make a positive contribution to the shopping centre, given the current vacant status of the unit.

Criterion (d)

Regard should be given to the amenities of nearby occupants. With regard to noise from the proposed extraction system, an acoustic report has been submitted. The report confirms that the extract system would result in noise levels below that of the Council's noise criteria. The flue has been designed to dissipate odours above eaves level. Subject to conditions, the Council's Environmental Health team have no concerns regarding the noise levels or the odour control equipment. However it is recommended that the hours of opening are restricted to between 12.00 and 24.00, and that no vehicular movements nor any loading or unloading of vehicles should take place on the site except between the hours of 07.00 and 19.00 on Monday to Friday and 08.00 and 18.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Criterion (e)

The proposed change of use would lead to a break in the retail frontage of approximately 7.5 metres, which is clearly not in excess of the 10 metre maximum defined by SR6.

Visual Impact

The proposed flue is not considered to be of an excessive size. It would be sited to the rear of the property and would not be visible from The Broadway. It would be partially visible from the Marlow Road, but this would be at some distance and would not significantly impact upon the character and appearance of the street scene.

Traffic

The Council's Sustainable Transport team has no objections to the change of use as it is considered that there would be no significant change in the volume or character of the traffic generated by the site.

Other issues

There have been objections received regarding the disposal of waste created by the use of the unit as a takeaway. It has been confirmed that the waste will be stored inside the unit and collected on a daily basis by a commercial waste company. With regards to litter, there is a public bin on the footpath in The Broadway.

Sussex Police have no objections to the proposal from a crime prevention viewpoint.

Matters relating to property prices are not material planning considerations.

Conclusion

Policy SR6 of the Brighton & Hove Plan states that change of use from retail in Local Centres will only be granted where the Class A1 retail use is no longer economically viable in that particular unit or the centre as a whole. It is acknowledged that the unit has been marketed for a period of time and that

little interest has been lodged. There are currently a number of vacant units in the local centre. The proposal would not result in a significant break in the retail frontage of the centre and, additionally, the applicant has demonstrated that the amenity of neighbouring occupants would not be significantly impacted by noise or odour. It is therefore considered that a change of use to A5 (hot food takeaway) would be acceptable in this case, particularly given that the unit has been vacant for some time.

Approval is recommended.

9 CONCLUSION

It has been adequately demonstrated that an A1 use to the unit is currently not economically viable. The change of use of the unit would not cause significant harm to the vitality and viability of the shopping centre or to the amenity of neighbouring occupiers, and is acceptable in regard to transport matters.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/01736 3 The Broadway, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/02946	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	162 Elm Grove, Brighton		
<u>Proposal:</u>	Installation of new shop front. (Retrospective)		
<u>Officer:</u>	Sonia Gillam, tel: 292359	<u>Valid Date:</u>	30/09/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25 November 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Moon Atelier Limited, 30 Petworth House, Davigdor Road, Hove		
<u>Applicant:</u>	McNoel Wines, Mr Dereas, 162 Elm Grove, Brighton		

1 RECOMMENDATION

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

1. The shopfront, by reason of its design, proportions, materials and colour has a visually intrusive appearance which is out of keeping with the appearance of the building and adversely affects the visual amenity of the surrounding area. The roller shutter and box housing are bulky and prominent and obscure the shopfront and window display. When down, the shutter creates an unattractive, dead appearance to the frontage. Approval of the application would set a harmful precedent which would seriously weaken the Council's position when seeking to secure appropriate alterations to shopfronts in the future. The proposal is therefore contrary to policies QD2, QD8 and QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document on Shop Front Design (SPD02).

Informatives:

1. This decision is based on drawing nos. 1003-100P1, 101P1, 102P1, 103P1 received on the 30th September 2011.

2 THE SITE

The application relates to a ground floor retail unit on the southern side of Elm Grove at the junction with Lynton Street. This section of the street is predominantly residential with a handful of businesses such as retail units and public houses.

3 RELEVANT HISTORY

BH2011/01828: Installation of new shop front. (Retrospective). Refused 16/08/2011.

BH2005/05702: Conversion of existing store to a one bedroom house. Refused 29/11/2005.

BH2005/01850/FP: Change of use of ground floor from launderette to A1 retail. Approved 02/08/2005.

BH2004/02786/FP: Change of use of ground floor (launderette) to A1 (retail). Demolition of existing store. Erection of a two storey extension to form 1 no. 2 bedroom flat. Refused 03/11/2004.

4 THE APPLICATION

Planning permission is sought for the installation of a new shop front with security shutters. The application is retrospective.

The application is a resubmission of a previous application (BH2011/01828) which was refused on the grounds of the shopfront design, proportions, materials and colour providing a visually intrusive appearance and being out of keeping with the building and adversely affecting the visual amenity of the surrounding area. Additionally the roller shutter and box housing obscure the shopfront and window display when down, creating an unattractive, dead appearance to the frontage and the shopfront does not provide disabled access.

Discussions between the agent and planning officers have taken place since the above refusal. Despite detailed advice and guidance being provided by planning officers, the application effectively proposes the shopfront as it exists with minimal alterations to :

- Disabled access
- Panels above to the shop window and door

A letter from Sussex Police has been provided to support the addition of the roller shutter.

5 CONSULTATIONS

External:

Neighbours: Emails from nos. **149, 178 (x2) and 198 Elm Grove, Flat 4 Buckingham Lodge, Buckingham Place, 16 Bernard Road, 69 Bonchurch Road, 21 Lynton Street, 59 Whippingham Road, and 24 Park Crescent Road** who support the application. Grounds for support include:

- improvement on the previous appearance;
- high quality design;
- design in keeping with area;
- the shop is a useful facility;
- concern that business would cease trading leading to empty premises

A **petition** has been received, signed by **199** people, in support of the design of the existing shopfront.

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:

- QD2 Design – key principles for neighbourhoods
- QD5 Design - street frontages
- QD8 Shop Shutters
- QD10 Shopfronts
- QD14 Extensions and alterations to existing buildings
- QD27 Protection of amenity

Supplementary Planning Document:

- SPD02 Shop Front Design

8 CONSIDERATIONS

The main issue for consideration is the impact of the existing shopfront and proposed alterations on the appearance of the building and the surrounding area.

Design and Appearance:

The Council has adopted clear and detailed guidance on new shopfronts in SPD02 – Shopfront Design. An appropriate shopfront should respect the scale, proportion and architecture of the building above it, so that it forms an integral part of the building. The wider character of the area must also be respected. The shopfront in question is unacceptable in terms of design and appearance on a number of counts which are discussed below.

The proportions of the shopfront are not sympathetic to the historic building above. The lurid colour gives the shopfront an overtly dominant appearance in the street scene. The signage adds to the inappropriate appearance by virtue of its colour, large lettering and temporary-looking appearance. There is no stall riser to speak of; this should form a solid base to the shop front. The glazing bars give the window a cluttered and awkward appearance. Additionally there is an uncharacteristic half door element to the shopfront.

The applicant has advised that panels would be added to the shopfront window and door, presumably to give the appearance of a stall riser. It is unclear how this addition would improve the appearance of the shopfront. Additionally the applicant has advised that the colour of the fascia and window frame is the colour of Premier, a local shop chain, and in due course the shop will form part of this chain. However these details are not relevant in terms of assessing the existing shopfront as part of this application. In any case the existing colour does not match that of the Premier chain.

The fascia is over-large, and although this was the case with the previous

shopfront, the opportunity has not been taken to reduce its dimensions. Additionally the housing box for the security shutter has given the property a sub-fascia element which gives the fascia the appearance of added height.

The roller shutter and box housing are not considered to be acceptable. Roller shutters obscure the shop front and window display when down, creating an unattractive dead appearance to the frontage. The box housing is not concealed behind the fascia and actually projects out slightly from the fascia. It appears bulky and prominent. The applicant has provided a copy of a letter from a local Police Officer supporting the installation of the shutters in security terms. It is not clear whether any other security measures were advised by the Police and if so if they have already been undertaken. An internal shutter would offer the same security benefits to protect the shop's stock, would be far less visually intrusive and would not require a planning application. Officers do not therefore consider that security issues on this site justify the external shutter. The applicant has advised that in due course the box housing would be of an appropriate depth, however that proposal is not before the LPA as part of this application.

Any proposed alterations to an existing shop front should result from a full appraisal of accessibility options. Adequate provision would be made for easy access to the shop for disabled people, the elderly and people with pushchairs. It is proposed that the entrance door would be widened to an appropriate width and level access would be provided. The improvements to accessibility are welcomed.

It is acknowledged that the previous shopfront was not of a particularly sympathetic design and had some of the elements of the new shopfront, such as the large fascia and an un-traditional colour. However the opportunity to improve on the appearance of the previous shopfront has been missed. Additionally elements have been added, such as the shutter and box housing, which further harm the appearance of the shopfront. Approval of the application would set a harmful precedent which would seriously weaken the Council's position when seeking to secure appropriate alterations to shopfronts in the future.

Other Considerations:

Comments have been received from residents relating to the friendly customer service and useful facility provided by this local business. These matters are not relevant to the primary considerations of the application which relate to the design and appearance of the existing and proposed shopfront alterations. Notwithstanding the positive comments received regarding the nature of the business, the appearance of the alterations is fundamentally unacceptable as detailed above.

9 CONCLUSION

The shopfront, by reason of its design, proportions, materials and colour has a visually intrusive appearance which is out of keeping with the appearance of

the building and adversely affects the visual amenity of the surrounding area. The roller shutter and box housing are bulky and prominent and obscure the shopfront and window display. When down, the shutter creates an unattractive, dead appearance to the frontage. Approval of the application would set a harmful precedent which would seriously weaken the Council's position when seeking to secure appropriate alterations to shopfronts in the future

10 EQUALITIES IMPLICATIONS

Adequate provision is proposed for easy access to the shop for disabled people, the elderly and people with pushchairs.

BH2011/02946 162 Elm Grove, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/01611	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Block B, The Priory, London Road, Brighton		
<u>Proposal:</u>	Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	09/06/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 August 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Strutt & Parker, 31 North Street, Chichester, West Sussex		
<u>Applicant:</u>	Anstone Properties Ltd, 29 Palmeira Mansions, Hove		

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.A1510/01, 03, 04, 05, 06 (note:06 is for information Only) received on 6 June 2011 and A1510/07 received on 19 October 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. During the construction period of the development hereby approved the flight corridor of the Pipistrelle Bats to nearby trees along the northern boundary of the access road shall be kept clear of all obstructions (cranes, scaffolding etc) from sunset to sunrise, no removal or other works to the trees along the northern boundary of the access road shall be undertaken, no additional lighting shall be installed along the access road, whether permanent or temporarily, and no obstructions shall be erected above the access road to the north of Block D.
Reason: To ensure the protection of the Pipistrelle Bat colony and to

comply with policy QD18 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

5. 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.

6. 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.

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

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

8. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

Pre-Occupation Conditions:

9. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until the mitigation measures against rail and traffic noise set out in the report by Anderson Acoustics dated 11th September 2011 have been implemented. The measures shall be implemented in strict accordance with the approved measures prior to the occupation of the development and shall thereafter be retained as such.

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

10. 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.

Informatives:

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

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

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

- (ii) for the following reasons:-

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.

2. The development includes a new hydraulic lift which will share a party wall with a bedroom. Insulation that exceeds Part E Building Regulations should be considered to ensure the future occupants are not disturbed by noise and vibration.

2 THE SITE

The application site is located on the western side of London Road just to the north of its junction with The Deanway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and

Blocks C & D are situated at the front, presenting a continuous façade to London Road. There are 43 garages and 32 parking spaces located within the site with vehicular access from London Road. There is a 20m to 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.

The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deanway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton rail line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.

London Road (A23) is a heavily trafficked classified road with parking restrictions in the vicinity of the application site.

3 RELEVANT HISTORY

BH2010/01898: Construction of 4 no. additional garages. Refused on 22 October 2010 for reason of loss of landscaped amenity space.

BH2009/00058 (Blocks C and D): Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Allowed on appeal 9 April 2010.

BH2005/06744: Construction of an additional storey to each of the existing blocks of flats to form 6 four bedroom and 2 five bedroom flats, with a roof garden to each unit together with the provision of 22 car parking spaces and a new cycle store. Refused on 18 January 2008.

93/0503/OA: Construction of an additional floor to each of the four blocks of flats to form ten new flats together with the provision of 15 new parking spaces. Refused 13 August 1993.

4 THE APPLICATION

Planning permission is sought for the erection of an additional storey to form 2 no three bedroom flats each with roof garden and associated cycle store. The height of the extension would be approximately 2.3 m (3m including the height of the lift housing), 12.6m wide and 24m long and it would be set in between 2m and 1.5 m from the edge of the existing building to create a roof terrace for the flats.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from; **19, 53, 32, 52 (x2) Homeleigh, London Road, Flat 1, 3, 5, 7, 9, 11, 12, 12A, 14, 17, 19, 23, 22, 27, 35, 36, 37, 39, 40, 41, 44, 46, 49 (x2), 51, 55, 59, 61, 65, 69, 74, 75, 76, 79, The Priory, 119 Woodland Avenue, 16 Welesmere Road (freeholder of flat 80 The Priory), 23 Florence Road (owner of Flat 44 The Priory), "Shepherd's Cottage", Rushlake Green (owner of Flat 6 The**

Priory) objecting to the application for the following reasons:

- Out of character with the area, the increase in height would make the block higher and bulkier than properties on the opposite side of London Road.
- Overlooking, loss of privacy and increased noise levels from roof terraces.
- Overdevelopment; communal amenities and living conditions for present and future residents must be preserved.
- Noise and disturbance to the flight path of the existing Bat colony caused by the construction work could be fatal and at least detrimental to their health.
- There are no parking spaces proposed, any car owning residents would make the parking situation worse.
- Health and safety of residents would be compromised by the traffic and fumes generated by the extra traffic.
- No provision made for extra bin storage for the additional residents. Bin store is at capacity for the existing 80 flats.
- Loss of garden area to form disabled access to the front entrance of the building is not acceptable.
- Lift motor room will still be visible and not totally screened by the development. The lift could also be out of action for long periods during the construction work.

Patcham Priory (Ltd) freeholder: Object to the development as freeholders of the site and state that the applicant has no permission to attach another storey to the building or construct anything in the grounds.

Cllrs Pidgeon & Geoffrey Theobald: Object to the application (letter attached).

Internal:

Environmental Health: Have studied the DEFRA noise maps and determined that during the day, the development might lie in NECs A and B (of PPG24) due to road noise and B due to rail noise.

These noise maps are designed to be used for strategic purposes. Additionally, NEC B states that noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise. An acoustic report based on PPG24 should be provided before any judgements can be made as to the suitability of this development for residential use. Note the development includes an internal lift which shares a party wall with a bedroom. In order that this machinery does not cause a future noise and vibration nuisance to the occupiers of the development an appropriate condition is required.

Comments on acoustic report:

Road and Railway Noise

The acoustic report was supplied by Anderson Acoustics (11th September 2011). This acoustic assessment concludes that to achieve internal noise

criteria recommended in BS8233 the glazing specification and alternative means of ventilation should achieve a sound level reduction of at least 35dB. The report mentions three possible types of ventilation, the choice of which will depend on the airflow requirements for each room. The consultant's recommendations should be incorporated into the development.

The standard noise condition for plant should be included in case the developer decides to install mechanical ventilation. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Ecologist: The bats are located under shiplap on the western façade of Block D. According to the Bat Assessment Report submitted in support of application BH2009/00058, their normal flight pattern is to turn north, along the main access road before dispersing into mature trees along the northern boundary of the site. The following measures will ensure no disturbance to the colony takes place during any construction work on Block B:

1. No removal or other works to the trees along the northern boundary of the access road.
2. No additional lighting to be installed along the access road, whether permanent or temporarily, during the construction period.
3. No obstructions erected above the access road to the north of block D during the construction phase.

Sustainable Transport: No car parking is proposed, this does not cause the Highway Authority any concerns as London Road is covered by a Clearway Order that means any parking overspill will not affect the public adopted highway network. Condition required to ensure that the development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans.

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 and Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD14	Extensions and alterations
QD18	Species protection
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

Supplementary Planning Guidance

SPGBH4	Parking Standards
SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

8 CONSIDERATIONS

The main issues in the determination of this application are the design of the proposal upon the character and appearance of the area, the planning history of the site, amenity issues, transport and highways issues, sustainability, living accommodation standards and ecology / nature conservation.

Planning history and principle of development:

This application is similar to a scheme which was refused in September 2009 and subsequently allowed on appeal in April 2010. (BH2009/00058) which sought an additional storey of accommodation to provide 4 x 3 bedroom flats on blocks C and D which lie at the front of the site. This current application is of a comparable design, and size to the approved scheme. The increase in height of both schemes is the same at approximately 2.3m or 3m including the height of the lift housing.

Design:

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 of the area.

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 proposed additional storey has a contemporary design with the front and rear elevations having extensive glazing. The design, scale and materials closely match the approved scheme on the neighbouring Blocks C and D. Both schemes propose UPVC double glazed windows, and timber/asphalt roof and brick walls. The additional storey would be set back from the existing roof parapet by a minimum of 1.5m on all sides. It is considered that the design compliment the existing building and is in keeping with the development already approved on the site.

In terms of the impact on the street scene Block B is set well into the site and lies behind Blocks C and D and there is also a dense tree screen on the boundary, when viewed from directly opposite the site on London Road and Carden Avenue. The block is currently not visible from the front of the site and given the existing screening even with the increase in height its visibility would not be increased. Part of the south side elevation and the front of the Block B are currently visible from The Deanway with long views available from London Road and the roof extension would be seen from these views. However it is considered that the large exposure of glazing and simple pattern would provide a clean modern contrast to the existing building and provides a visual relief to the main building and would preserve the visual amenity of the area.

Impact on Amenity:

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.

The Priory is characterised by modest sized blocks of flats set within spacious communal formal grounds. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension will maintain an acceptable relationship with its surroundings. The blocks within The Priory are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

It is noted that the Inspector when allowing the additional storey to Blocks C and D stated did not consider that there would be any overlooking of Homeleigh approximately 11m to the north of the site. In this case Block B is set much further away from Block A and Blocks C and D, approximately 14m

and 21m respectively. To the south the site is some 25m away from detached residential properties located in the Deanway. It is therefore considered that there would be no detrimental impact on amenity in terms of overlooking or loss of privacy.

It is not considered that the addition of two flats would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and in this case, it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal. It is noted that in regard to the planning appeal for four flats on blocks C and D the inspector commented;

'I am not persuaded that the occupants of blocks B and C would be unduly disturbed by noise emanating from the occupants of the new flats whether inside or using the roof terraces...'

While the concerns of residents regarding noise are noted it is not considered that this could be justified as a reason for refusal given the recent appeal decision and the separating distances between blocks.

The amenities of future occupiers

The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.

Policy HO13 of the Local Plan requires all new residential development to comply with Lifetime Homes standards. The Design & Access Statement indicates that the development would comply with Lifetime Homes standards providing appropriate door widths, circulation space and lift access. Notwithstanding this, a condition is recommended to secure compliance.

In terms of amenity space provision, each unit would be provided with a sizable private roof terrace in accordance with policy HO5 of the Local Plan.

The Environmental Health Officer was initially concerned that as the site is situated approximately 60m away from a railway line and 80m from London Road, noise may therefore impact on future residents. The Officer has therefore requested that an acoustic report should be provided before any judgements could be made as to the suitability of this development for residential use. A noise report was consequently carried out and submitted.

The Environmental Health Officer has assessed the acoustic report and agrees with the findings. This acoustic assessment concludes that to achieve internal noise criteria recommended in BS8233 the glazing specification and alternative means of ventilation should achieve a sound level reduction of at

least 35dB. The report mentions three possible types of ventilation, the choice of which will depend on the airflow requirements for each room. Therefore appropriate conditions are recommended to ensure that adequate glazing is provided to mitigate against possible rail and traffic noise.

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

The Traffic Engineer has raised no objections to the application particularly as while there is no car parking proposed, this would not cause the Highway Authority any concerns as London Road is covered by a Clearway Order that means any parking overspill will not affect the public adopted highway network.

In allowing the appeal for 4 additional flats on Blocks C and D the Inspector was satisfied that any new traffic generated could be accommodated safely in the estate roads and would not present a hazard to pedestrians, and that the access into the site would be able to accommodate additional traffic movements. The Inspector also considered the site to be in a very sustainable location in relation to public transport, close to bus stops and Preston Park Station. Given the provision of cycle parking and the parking spaces on site, the parking available in The Deanway and the pedestrian route through to the site from there, the Inspector was not persuaded that the lack of additional car parking was reason to refuse permission. Similar considerations apply to this current proposal.

A secure brick built 10 space cycle store adjoining an existing block of garages on the southern boundary of the site is proposed which also formed part of the previous application BH2009/00058 and would serve both developments. Although this accords with the Council's requirements, it is recommended that a condition be imposed requiring the submission of further details on this matter.

A condition is recommended to ensure that the development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans.

Sustainability:

Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of small scale developments and in this case a minimum rating of level 3 of the Code for Sustainable Homes would be required.

The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme. These include the use of photovoltaic cells to power the lighting of the communal areas. Appropriate planning conditions are recommended to ensure that the required code level 3 of the Code for Sustainable Homes is achieved.

No details of refuse or recycling have been submitted as the applicant has argued that the site already has an existing bin store for the 80 flats currently on the site and additional space would not be required to accommodate refuse from two additional flats. Their argument is considered acceptable in this case.

Ecology/Nature Conservation:

Policy QD18 of the Local Plan requires that where it is evident that a proposal could directly affect a species of animal protected under national legislation the applicant will be required to undertake an appropriate site investigation and if deemed necessary adopt measures to avoid any harmful impacts and where practicable enhance the habitat of the respect species.

A large maternity roost and possibly a hibernation roost of Common Pipistrelle Bats exists under the shiplap cladding above Flat 16 in Block D. All species of bat benefit from the highest level of species protection available under UK legislation, being protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations (which implement the EC Habitats Directive into UK legislation). Essentially, it is unlawful to disturb damage or destroy a bat roost outside a dwelling house. Accordingly the consent for an additional storey on Blocks C and D BH2009/00058, included conditions to ensure mitigation measures were carried out to avoid harm to the bat population.

In regard to the impact on the bats from the current application the Council's Ecologist has referred to the Bat Assessment Report submitted in support of the earlier application BH2009/00058 and the bats normal flight pattern is to turn north, along the main access road before dispersing into mature trees along the northern boundary of the site. Therefore the Ecologist is satisfied that providing conditions are attached to any approval to ensure there is no removal or other works to the trees along the northern boundary of the access road; no additional lighting to be installed along the access road, whether permanent or temporarily, during the construction period; and no obstructions erected above the access road to the north of Block D during the construction phase, then these measures will ensure no disturbance to the colony takes place during any construction work on Block B.

Other Considerations:

A letter has been received from the freehold company stating that they object to the development and that the applicant has no permission to attach another storey to the building or construct anything in the grounds. In response the applicant has submitted a letter from their solicitor stating that the applicant is the lessee in respect of the roof areas of Blocks B, C and D. While the

contents of these letters are noted these are not planning matters as any planning consent would not override the rights of current landowners.

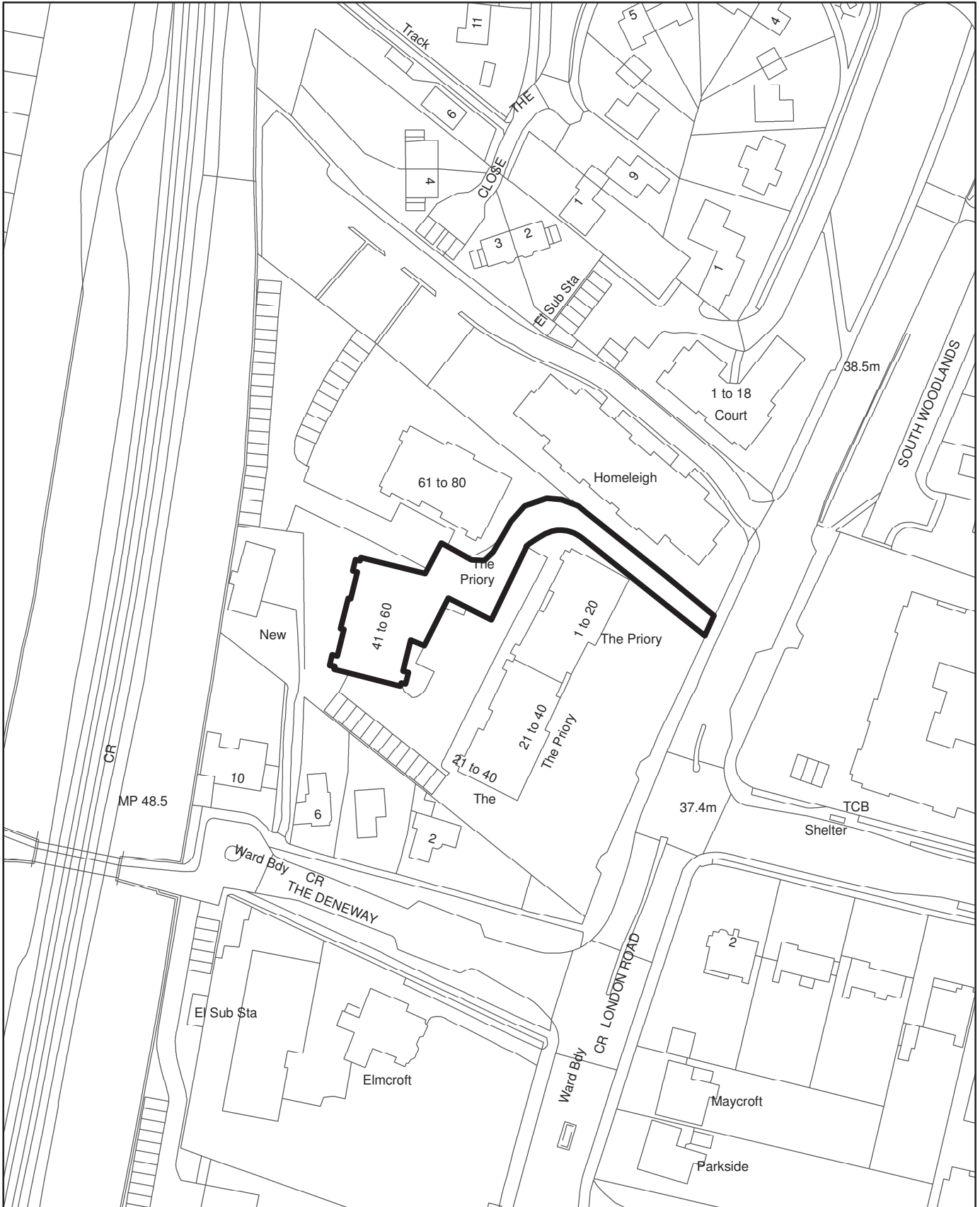
9 CONCLUSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. There would be no adverse impact on the protected Pipistrelle Bat roost. The development would be in accordance with the policies of the adopted local plan.

10 EQUALITIES IMPLICATIONS

The flats have been designed to comply with Lifetime Home standards.

BH2011/01611 Block B, The Priory, London Road, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 23 NOVEMBER 2011

COUNCILLOR REPRESENTATION

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

Date: 7 July 2011

Our Ref: GT/EB

Dear Mrs Walsh

Planning Application: NO. BH2011/01611
Applicant: Anston Properties Ltd
Site Address: Block "B" The Priory, London Road, Brighton
Description: Full Planning – Erection of additional storey to form 2 no. three bedroom flats each with roof garden and associated cycle store

We have again been contacted by a number of very concerned residents about yet another application to building flats on top of the existing flats at The Priory, on this occasion on top of Block B.

We always have been and are still of the view that this is inappropriate and should be refused. Residents purchased their flats based on what they viewed, never dreaming that in the future a developer would be applying for planning permission to build a additional storey above their homes.

As we have stated before, these blocks of flats were built in 1972 and have a uniform appearance, being 4 storeys high. This development would make the height of this block higher than surrounding properties and thus detrimental to the street scene and the original character and design of The Priory. In our opinion there would be loss of privacy and daylight from the height of the new flats with their roof gardens overlooking the other flats. Instead of having a roof above their heads the residents of the top floor in this block will have flats and roof gardens that will increase the noise levels.

Every time that we visit our electors at The Priory we have a problem with car parking, and any additional flats will make the existing situation worse even if it is the intention to produce a car free environment. Does this mean that the purchasers of the flats would not be permitted to own a car and if so how can this be enforced? The Deneway the road to the south that has a veterinary surgery is also at full capacity, one can see vehicles parked all over the grass verges.

There is only one narrow vehicular entrance into and out of The Priory from and to London Road. It is particularly difficult to attempt to turn right from The Priory towards central Brighton and it is not much easier to turn left. Any additional building at The Priory would make the situation worse.

P.T.O.



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There will also be chaos in our view while the works are being carried out if the planning application is granted, not only from noise and inconvenience but also from the necessity to use some of the car parking spaces for the vehicles servicing the development.

We are also concerned about the disturbance that would be caused to the flight path of The Priory bat colony, a protected species.

The loss of the use of the lift while the proposed new lift is being installed may make it difficult for some residents to access their flats and we wonder what provision would be made for them.

We notice that there does not appear to be any extra bin storage for the additional flats and the existing bin store is already at maximum capacity. To provide level disabled access to the entrance doors of Black B would regrettably result in the loss of a large garden area for the ramp according to the drawings.

We trust therefore that you will take into account the planning and highway aspects and the adverse effects on residents' privacy and noise when making your recommendation.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the worried and concerned residents at The Priory, many of whom are elderly and refuse this application?

We would also confirm that one of us would wish to speak on behalf of our electors against the application should it be considered by the Committee. Mr. Roy Tuohy of Flat 3, the Company Secretary of the freeholders Priory (Patcham) Ltd would also wish to speak on behalf of the residents against the application and would you please inform him of the day and time of the Planning Committee Meeting.

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

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

cc: Jane Clarke, Senior Democratic Services Officer, King's House.

<u>No:</u>	BH2011/02874	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Flat 1, 100 St Georges Road, Brighton		
<u>Proposal:</u>	Erection of first floor extension over existing flat roof.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	04/10/2011
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	29 November 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Hove		
<u>Applicant:</u>	Mr M Burnard-Epstien, C/O Lewis & Co Planning		

1 RECOMMENDATION

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

1. The proposed extension, due to its height, bulk, massing, fenestration and prominent location would form an intrusive and incongruous feature that would significantly harm the existing property and the street scene as well as detract from the surrounding conservation area and the setting of the adjoining listed buildings. The development is therefore contrary to policies QD1, QD2, QD14, HE3 & HE6 of the Brighton & Hove Local Plan.
2. Insufficient information has been submitted with the application regarding the structural stability of the ground floor unit. The applicant has therefore not demonstrated that the additional storey can be built without adverse impact to the shop below. The development is therefore contrary to policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 01 and un-numbered site plan received on 23rd September 2011.

2 THE SITE

The application relates to an end of terrace property, on the corner with St Georges Road and Bloomsbury Place. The site lies within East Cliff conservation area, and is within a local parade. The property adjoins the listed terrace fronting Bloomsbury Place and the ground floor shop unit is a later addition, infilling the triangular corner fronting St Georges Road.

3 RELEVANT HISTORY

BH2010/03547: Replacement of existing front window with double doors to create access to flat roof incorporating installation of steel railings to form roof terrace at first floor level (retrospective) Refused 25/02/2011. Dismissed at appeal 07/07/2011.

BH2010/02648: Replacement of existing front window with double doors to

create access to flat roof incorporating installation of steel railings to form roof terrace at first floor level (retrospective). Refused 15/10/2010.

17 Bloomsbury Place (above 102 St Georges Road)

BH2011/01501: Erection of timber screening inside existing railing on rear balcony. Refused 15/08/2011. Enforcement action to be taken.

4 THE APPLICATION

Planning permission is sought for the erection of first floor extension over the existing flat roof to the ground floor shop unit to extend the existing bed sitting unit.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **Nos. 6, St James Furnishing Co Ltd 16 Garnet House, Kerfuffle 14, Brick A Brick 17, The Golden Cannon 20-21, Kemp Town Trading Post 28, The Butlers Wine Cellar 88, 92, Marie Curie Cancer Care 99, 100, Hartleys 102 & 106 St Georges Road, 31 Brangwyn Avenue, 20 Ticehurst Road, Hyman Fine House 20 Burlington Street, 1st Class Garage 25 Montague Place, 33 West Hill Street, 14 Egremont Place, 7 Tillington Swanborough Drive and 9 Cuthbert Road** supporting the application for the following reason:

- The proposal respects the character and appearance of the host building and surrounding conservation area.

Internal:

Design & Conservation:

Statement of Significance

The significance of the East Cliff conservation area lies in its surviving intactness as Regency and early Victorian development, in terms of both urban grain and historic fabric. Number 100 St George's Road is an early Victorian building typical of this part of East Cliff and which occupies a very prominent position within the conservation area, forming the end stop to views westwards along St George's Road. The ground floor shop unit appears to be a later infill of the triangular corner and is a modest, low key structure that is significantly lower in height than the typical older shop fronts along St George's Road.

Relevant Design & Conservation Policies and Documents

PPS5. Local Plan policy HE6. SPD02 on Shop Front Design.

The Proposal and Potential Impacts

The proposal is to erect a first floor above the small triangular retail unit that occupies the ground floor. The extension would provide additional residential accommodation to the first floor bed sit unit. Given the significant area of blank walling that separates numbers 100 and 101 (currently mostly taken up by an unauthorised advertisement sign) and which partly terminates the view along

St George's Road from the east, it is considered that in principle a well detailed extension at first floor level only could be appropriate and would remain deferential in scale to the main building. As currently submitted, however, the application is inadequate in enabling this to be fully assessed.

Given that the current shop unit has no apparent structural walls or columns to its frontage, however, it is highly unlikely that the existing structure can support an extension. In this respect it is noted that no structural survey or similar has been included with the application. But the shop unit will inevitably need to be rebuilt and the incorporation of structural support would change its appearance. This should not necessarily be problematic in principle (as it is not an historic shop front) but any consequential changes to the shop unit should be considered as part of this application.

The application drawings do not include a true elevation of the corner as existing and proposed; they only show it obliquely. This gives misleading impression of the width of the new extension and the visual relationship of the new window to the building above. A true elevation is needed in order to be able to judge the appropriate fenestration to the extension. Certainly no new window should be as wide as that shown, it should be no wider than the existing first floor window on the north elevation. But it may be more appropriate to have two windows rather than one. A true elevation is needed to assess this point. In view of the small scale of the elevations a 1:20 scale detail of the new window(s) will also be needed.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

QD1	Quality of development and design statements
QD2	Key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

8 CONSIDERATIONS

The main considerations in this application are the impact of the development

upon the appearance of the existing property and the historic character of the surrounding East Cliff conservation area. Any impact on neighbouring amenity must also be assessed.

The application seeks permission for the erection of a first floor above the triangular retail unit at ground floor. The extension would provide additional residential accommodation to the existing first floor bedsit.

Design

The significance of the East Cliff conservation area lies in its surviving intactness as Regency and early Victorian development, in terms of both urban grain and historic fabric. Number 100 St George's Road is an early Victorian building typical of this part of East Cliff and which occupies a very prominent position within the conservation area, forming the end stop to views westwards along St George's Road. The site also adjoins the listed terrace that fronts south onto Bloomsbury Place. These listed properties Nos. 13-18 Bloomsbury Place are four storey terrace properties, that when built had rear yards adjoining St George's Road. These rear yards have since been in filled with single storey shop units and now form part of the commercial character of the area.

The ground floor shop unit at No. 100 St Georges Road is a later infill of the triangular corner and is a modest, low key structure that is significantly lower in height than the adjoining typical older shop fronts. These older units, although they have been altered over the years, retain their well designed and proportioned shopfronts with appropriate fascia boards and are common in similar situations across the city. Their form and design shows the historic development of the area and contributes positively to the character and appearance of the conservation area.

The shop unit at the application site, has little architectural merit and has the least importance, in terms of historic significance, of the adjoining properties. The shop unit is poorly designed and does not relate well with the main property or the adjoining shop units. It has a poorly designed and proportioned shop front and makes no positive contribution to the conservation area.

The proposed additional storey, would be highly prominent within the street scene. In views from the west, the extension would be visible beyond the 1st floor boundary wall, which would further exacerbate the poor relationship with the adjoining traditional shop units, which all remain single storey. It would also highlight this boundary wall which is already an odd feature. The proposed extension would dominate views from the east and west within St George's Road and would significantly detract from the original shops and the rear of the listed buildings, which are visible from the east.

The extension is also considered to poorly relate to the shop unit below. The extension has been designed to match the features of the main building, such

as the parapet wall and sliding sash windows to match the design and method of opening as the existing. However these features have no relation to the shop below and would appear to be a traditional extension over a non-traditional corner infill extension, neither of which relate to the buildings around. It would also draw more attention to the inappropriate shop unit.

The Conservation Officer previously objected to the refused applications for the roof terrace (BH2010/03547 & BH2010/02648), stating that the proposed timber screening would be incongruous and out of keeping with the surrounding area. Whilst the Conservation Officer has not objected to the principle of the current proposal, there is no doubt that it would, due to the height, size and bulk would appear even more incongruous in the street scene than the timber screening.

The Conservation Officer raises concerns that the proposed front window on the extension would be too wide, and any new window should be no wider than the existing window on the north elevation of the first floor. However the elevations submitted only show an oblique angle of the front elevation and therefore provides a misleading impression of the width of the proposed extension and the visual relationship of the proposed window and the building above.

The applicant has referenced No. 96-99 St Georges Road, which also has a first floor infill above the shop unit. This situation is not comparable and is also on a much less prominent corner and there appears to be no planning history for any extensions.

Whilst the actual detailing of the proposed extension may have some historical accuracy and attempts to match the existing property, the proposal is an inappropriate addition, and given its prominence within the street scene would form an intrusive and incongruous feature, that would significantly harm the adjoining listed buildings and the surrounding conservation area.

Insufficient information has been submitted with the application regarding the structural stability of the ground floor unit. The applicant has therefore not demonstrated that the additional storey can be built without adverse impact to the shop below. This concern has been raised by the Conservation Officer.

Impact Upon Amenity

The proposed extension is not considered to have a significant impact upon the neighbouring properties.

The proposal would be mostly screened by the existing boundary wall from the properties to the west. To the east, the nearest property to the proposal is over 10m. Therefore the bulk of the extension would not have an adverse impact in terms of loss of light, overshadowing or loss of outlook.

It is proposed to insert a window on the front elevation of the extension. This

window would provide similar views to the existing window, and is considered not to compromise the privacy of the neighbouring properties.

The proposed extension is therefore considered not to significantly harm the amenity of the neighbouring properties.

9 CONCLUSION

The proposal would form a bulky, excessively tall and intrusive element in the St George's Road street scene and would detract from the historic character and appearance of the East Cliff conservation area and the setting of adjoining listed buildings. In addition, the applicant has failed to demonstrate that the ground floor unit is capable of supporting an additional floor without alteration. Consequently, refusal is recommended.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02874 Flat 1, 100 St George's Road, Brighton



N



Scale: 1:1,250

<u>No:</u>	BH2011/02480	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Badgers Walk, Ovingdean Road, Brighton		
<u>Proposal:</u>	Erection of detached single storey building containing swimming pool.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<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>	Beecham Moore Partnership, 50 Beaconsfield Villas, Brighton		
<u>Applicant:</u>	Mr Peter McDonnell, Badgers Walk, Ovingdean Road, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

- The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- The development hereby permitted shall be carried out in accordance with part of the approved drawings no.2272/01RevA received on 18th August 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Conditions:

- 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.
- No development shall take place until a plan showing the size of the construction area has been submitted to and agreed in writing by the Local Planning Authority. The agreed construction area shall be securely fenced off and no vehicle access to the construction site/buildings hereby approved shall be permitted through the Site of Nature Conservation Importance at any time, nor should any storage of materials, machinery or equipment be permitted within the Site of Nature Conservation

Importance. All construction vehicle access to and from the proposed building shall be via the garden area of Badgers Walk.

Reason: To ensure an adverse impact on the Site of Nature Conservation Importance is avoided in accordance with policy NC4 of the Brighton & Hove Local Plan.

5. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further 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.

6. No development shall commence until a scheme for the planting of a replacement tree, in compensation for the Sycamore tree to be felled as a result of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The planting of the replacement tree shall be carried out in strict accordance with the approved scheme in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and of the tree which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and QD16 of the Brighton & Hove Local Plan.

7. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority, showing how all the remaining trees and hedges in the vicinity of the proposed development will be protected during the course of the development in accordance with BS 5837 (2005) Trees in Relation to Construction. The works shall be implemented in strict accordance with the agreed Arboricultural Method Statement.

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

8. No development shall commence until a scheme for the ventilation of the plant included within the building hereby approved has been submitted to

and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

9. No development shall take place until details of the sedum roof, including sections; design, construction details, species mix to be used and a maintenance plan have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained as such thereafter. Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan

Informatives:

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

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

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

- (ii) for the following reasons:-

The proposed development will not have a detrimental impact upon the visual amenities of the parent property, the Ovingdean Road street scene or the wider area, including the setting of the adjacent Site of Nature Conservation Importance or the South Downs National Park. Subject to the compliance with the attached conditions it is considered that the proposal will not have an adverse affect upon the Wanderdown Road Open Space Site of Nature Conservation Importance or the adjacent deciduous woodland. Furthermore it is deemed that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

2 THE SITE

The application site is located upon the edge of the village of Ovingdean and accessed from Ovingdean Road. The land associated with the residential dwelling, known as Badgers Walk, comprises an extensive area of land located to the south-east of Ovingdean Road and to the rear of properties on Wanderdown Road, The Vale and Wanderdown Way. To the west of the residential property of Badgers Walk is part of the Wanderdown Road Open Space Site of Nature Conservation Importance, some of which is owned by the applicant and to the east is an area of deciduous woodland. The northern part of Badgers Walk is also defined as an Archaeological Site. Boundaries of the South Downs National Park are also located within the vicinity of the site.

3 RELEVANT HISTORY

BH2011/01597: Erection of detached single storey building containing swimming pool. Refused 26/07/11.

BH2008/01053: Erection of buildings to provide 3 loose boxes, hay store, food store and tack room, with enclosing fence and yard. Refused 12/02/2009.

BH2005/02352/FP: Mower Shed (Retrospective). Refused 21/09/2005. Appeal allowed 06/10/20065.

BH2004/00097/OA: Outline for detached dwelling. Refused 06/02/2004. Appeal dismissed 07/12/2004.

BH2004/00097/OA: Land Adj. to Badgers Walk, Detached dwelling. Refused 06/02/2004.

94/1220/FP: Erection of gazebo. (Retrospective). Approved 06/02/1995.

90/1978/F: Excavation of area to south west of dwelling and removal of 10 preserved trees to form amenity area with landscaping and tree planting works. Refused 19/02/1991.

4 THE APPLICATION

Planning permission is sought for the erection of a single storey detached building, to the south of the existing dwelling, containing a swimming pool and related facilities, namely a spa, a gymnasium, changing facilities, a sauna and a plat room.

5 CONSULTATIONS

External

Neighbours: 7 Letters of representation have been received from **9, 11, 14 and 15 The Vale, 37 Wanderdown Road (2 e-mails) and 32 Ainsworth Avenue** objecting to the application for the following reasons:

- the proposed building is large (1½ times larger than the average sized bungalow) and more on the scale of a leisure club than one for purely private use,
- the proposal, along with the intention to convert the existing garage, the recently constructed brick stables and the very large equestrian exercise ring (which does not have permission), suggests creeping development of the site, which includes the grounds of the house and the adjoining land. Hope this application is viewed in conjunction with these other developments, which are not all shown on the OS map.
- is not in keeping with the rural environment,
- there is a danger of wildlife being disturbed or destroyed, badgers setts in particular,
- Long Hill is an Area of Important Landscape and Environmental Value,
- the building will be obtrusive to adjoining properties,
- is overdevelopment,
- inappropriate in the wooded hillside setting which has a detrimental affect on distant views from several points within the South Downs National Park,
- concerned the application is part of a wider long-term plan to develop the site,

- will the land, a Site for Nature Conservation Importance, be protected by Council policy from future applications involving further development?
- noise that the swimming pool will create,
- overlooking,
- impact upon adjacent countryside,
- adds a further unwanted intrusion to the countryside aspect of the surrounding area,
- the cumulative affect of this additional substantial building would further compromise and exacerbate disturbance to the activities of local wildlife, and
- this substantial building is considered a step too far.

1 representation from **Monterey Ovingdean Road**, does not object to the application but with no reasons given.

County Archaeologist: The proposed development is situated within an Archaeological Notification Area defining an area of prehistoric activity, including human burials. The applicant's design and access statement suggests that the site has been heavily disturbed, however there is potential for deeper/more robust archaeological features to survive.

Recommends that a watching brief takes place on the site during construction works.

Internal:

Arboriculturist: There is an Area Tree Preservation Order (No. 1) 2002 covering all trees in the vicinity of the property that were present in 2002.

One Sycamore covered by the above Tree Preservation Order will be lost if this development is granted consent.

Has no objection subject to conditions being attached regarding the protection of retained trees and hedges during the construction of the development and the submission and approval of a landscaping scheme, including details of a replacement tree.

Ecology: A condition should be attached to any approval to ensure no damage occurs to the nearby Site of Nature Conservation Importance.

Environmental Health: Note the distance between the building and nearest neighbours' boundary is approximately 20m. Note that the planning statement with the application states that all plant will be contained within the proposed building.

With a previous application for this development had some concerns that break out of noise from the plant could occur in a location that is quiet. However, when re-considering the application is satisfied that if any complaints about noise from the plant (or gym etc) are made, they will be

investigated under Statutory Nuisance Legislation.

Recommend that the applicant considers installing acoustic louvres for any ventilation that is required for the plant, in order to minimise noise break out.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
NC4	Sites of Nature Conservation Importance (SNCI's) and Regional Important Geographical Sites (RIGS)
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE12	Schedules ancient monuments and other important archaeological sites

Supplementary Planning Documents

SPD08	Sustainable Building Design
SPD11	Nature Conservation and Development

Circulars

06/2005	Biodiversity and Geological Conservation, Statutory Obligations and Their Impact Within the Planning System
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8 CONSIDERATIONS

A previous application BH2011/01597, which sought permission for a

development identical to that proposed within this application, was refused as the case officer was unable to gain access to complete an assessment of the proposal with regards to the potential impacts upon the character and appearance of the existing property and the wider area and the impacts upon the amenities of the neighbouring properties. In addition insufficient information was provided to enable the Local Planning Authority to fully assess the impact of the proposal upon the ecology of the site and trees within the area

The main considerations in the determination of this application relate to the impacts that the proposal will have upon the character and appearance of the existing property, the Ovingdean Road street scene and the wider area, the impact of the proposal upon the setting of the adjacent Site of Nature Conservation Importance, the adjacent deciduous woodland and the South Downs National Park. The impacts upon the amenities of the neighbouring properties must also 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, will only be granted if the proposed development:

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

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

Design:

Planning permission is sought for the erection of a detached single storey building to the south of the existing dwelling. This building will contain a swimming pool, a gymnasium, a sauna, a spa, changing facilities and associated plant room.

The existing dwelling has a U-shape built form. The proposed development will be located at the rear of the existing dwelling, on the eastern side. The northern elevation of the proposed development will be located approximately 0.7m from the southern elevation of the existing dwelling.

The proposed building, which will have an irregular footprint, will have a maximum length of approximately 15.5m and a maximum width of approximately 11m.

The new building will comprise two roof forms. The proposed tiled pitched roof will have a ridge height of approximately 4.7m and a flat roof of approximately 3.4m.

The applicant intends to install solar panels on the south facing elevation of the proposed development in addition to a rooflight.

The proposed development, which will not be attached to the existing dwelling, will be constructed of Marley bold roll interlocking tiles, timber boarding, anodised aluminium, rendered elevations on a facing brickwork base. In addition a sedum roof will be located on the flat roof area. It is considered that further details of this proposed sedum roof should be submitted prior to the commencement of the development.

Due to the siting of the proposed development in context with the existing dwelling, the overall size of Badgers Walk and the surrounding built form, it is considered that the proposed building will not be highly visible from within the wider area.

Third party concerns regarding the amount of development occurring/proposed at the site and the construction of an unauthorised development are noted. The construction of the horse exercise arena within land to the west of the dwellinghouse is currently under planning investigation as no planning permission for this development has been sought. Even in conjuncture with the existing dwellinghouse (which has been extended in the past by way of a rear conservatory extension), the existing large garage, the existing stable block (approved under application BH2009/01186) and the unauthorised equestrian exercise area it is not considered that the proposed development will result in overdevelopment of the site given the overall plot size of Badgers Walk, including the adjacent field.

Overall it is not considered that the proposed development will have a detrimental impact upon the visual amenities of the parent property, the Ovingdean Road street scene or the wider area.

Landscaping:

All trees located within the vicinity of site, which were present in 2002, are covered by a Tree Preservation Order (TPO).

In order to facilitate the proposed development an existing Sycamore tree will need to be removed. This tree is a mature specimen with no structural defects that would warrant its removal; however it is surrounded by other mature trees, which means that its public amenity value is seriously diminished. For this reason no objection to the loss of the Sycamore tree is raised by the

Council's Arboriculturist, subject to the retained trees and hedges being protected during construction of the development and approval of a submitted landscaping scheme. The landscaping scheme should include details of a tree to replace the Sycamore tree which will be removed under the proposal. These issues can be dealt with via conditions.

Impact on Amenity:

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

A distance of approximately 20m will be located between the north-east facing elevation of the proposed building and the north-eastern boundary of Badgers Walk, along which a hedge is located and woodland beyond. The neighbouring properties located on The Vale are located approximately 28m from this shared boundary and are set at a much lower level due to the topography of the area.

The boundary with the nearest neighbouring property located on Ovingdean Road is located approximately 47.7m to the north-west of the proposed development. Given this distance and the presence of the existing dwelling in between it is not considered that the proposal will have a significant adverse impact upon the amenities of this neighbouring property.

Ecology/Nature Conservation:

The existing dwelling of Badgers Walk is located adjacent to a Site of Nature Conservation Importance (SNCI). The field which the applicant also owns and which the existing stable block is located is actually sited within the SNCI known as the Wanderdown Road Open Space Site.

Policy NC4 of the Brighton & Hove Local Plan states that development will not be granted for a proposal within or in the setting of an existing or proposed Site of Nature Conservation Importance (SNCI) where it is likely to have an adverse impact on the nature conservation features of the site. Exceptions to this will only be made as a result of two circumstances, namely the proposal can be subject to conditions to prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features or the proposal is essential to meet social, environmental and/or economic needs, of more than local importance within the City, cannot be located anywhere else and certain requirements can be met. These requirements being;

- the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain,
- compensating and equivalent nature conservation features are provided,

- remaining features are protected and enhanced and provision made for their management, and
- improvements to public appreciation of and access to the site are provided.

The site summary sheet for the particular SNCI states the features of nature conservation value at the site. In this case, the main interest features are the ancient chalkland grassland, the rough grassland with scattered scrub and a number of specially protected species.

The SNCI is set at a higher level than the land associated with the dwelling of Badgers Walk and the eastern boundary of the SNCI is aligned with established trees and vegetation. The proposed swimming building will not be constructed on the SNCI, although it may be visible from within parts of the adjacent nature conservation area. Overall it is not considered that the proposed development will have a significant harmful impact upon the setting of the adjacent SNCI. It is however recommended that a condition is attached to an approval to ensure that the SNCI is not damaged during the construction phase, for example from the storage of materials, machinery or other equipment or from access via the SNCI to the development site.

Other Considerations:

Due to the application relating to an area within the curtilage of the existing property, located within the built up area of Brighton & Hove as defined within the Local Plan, and the sitting for the proposed development in context with the boundaries of the South Downs National Park, it is considered that the proposal will not have a significant adverse impact upon the visual amenities of the adjoining South Downs National Park.

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.

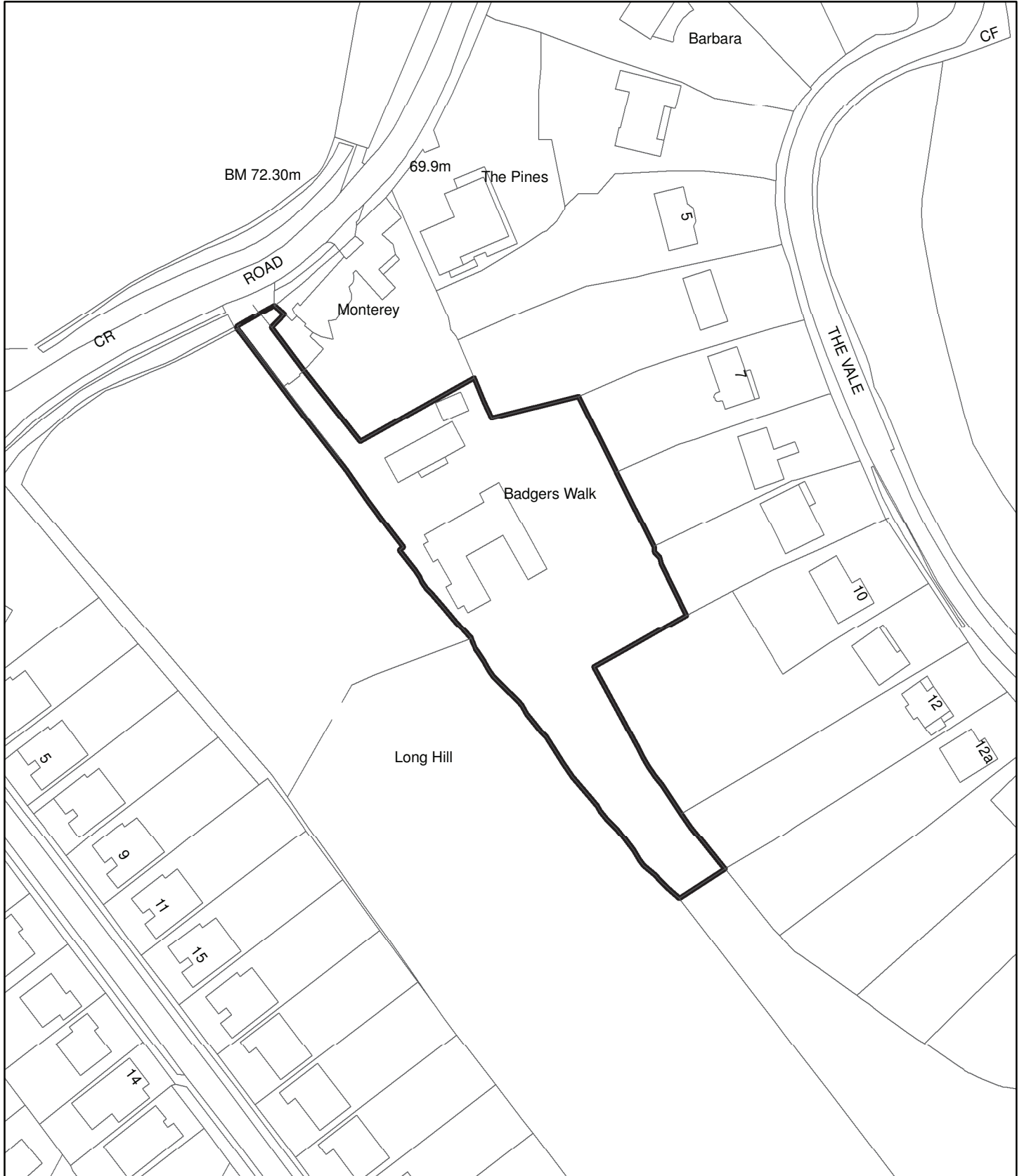
9 CONCLUSION

The proposed development will not have a detrimental impact upon the visual amenities of the parent property, the Ovingdean Road street scene or the wider area, including the setting of the adjacent Site of Nature Conservation Importance or the South Downs National Park. Subject to the compliance with the attached conditions it is considered that the proposal will not have an adverse affect upon the Wanderdown Road Open Space Site of Nature Conservation Importance or the adjacent deciduous woodland. Furthermore it is deemed that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02480 Badgers Walk, Ovingdean Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/01029	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Coombe Farm, Westfield Avenue North, Saltdean, Brighton		
<u>Proposal:</u>	Change of use of agricultural building to a caravan storage place (B8)		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	18/04/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 June 2011
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Collins Planning Services Ltd, 4 Yeomans Ringmer, Lewes		
<u>Applicant:</u>	Mr David Carr, Coombe Farm, Westfield Avenue North, Saltdean		

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 3 untitled drawings received on the 18th April 2011, the Design and Access Statement submitted on the 6th April 2011, a letter from David Collins received on the 6th September 2011 and on 1:2500 Site Plan received on the 27th October 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The total number of caravans stored in the barn shall at no time exceed 40 caravans unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the aforementioned total number, no caravans, whole or part, shall be stored outside the barn and all caravans shall be stored at ground level.
Reason: To ensure that the proposal does not have an adverse upon the visual amenities of the area, including the setting of the South Downs National Park and to comply with policies NC5, NC6 and NC8 of the Brighton & Hove Local Plan.
- 4) The movement of caravans onto and off the site shall be limited to between 09:00 and 18:00 everyday.
Reason: To safeguard the amenities of the occupiers of the surrounding residential properties in accordance with policies QD27 and SU10 of the Brighton & Hove Local Plan.
- 5) The proposed B8 premises hereby approved shall be used for the

storage of caravans only and for no other purpose including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: As the granting of planning permission is based on the stated diversification needs of the farm and the Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interest of safeguarding the amenities of the area and as other uses within the B8 use class could generate significant additional traffic movements and to comply with policies QD27, SU10, NC5 and NC6 of the Brighton & Hove Local Plan and Planning Advice Note 01 on Farm Diversification.

- 6) Unless otherwise agreed in writing by the Local Planning Authority the barn to which the application relates shall be dismantled and removed from the site within 3 months of cessation of the caravan storage facility hereby approved.

Reason: As the granting of planning permission is based on the stated diversification needs of the farm and its removal when redundant would be in the interests of the visual amenities of the area including the setting of the South Downs National Park, in accordance with policies NC5, NC6 and NC8 of the Brighton & Hove Local Plan and Planning Advice Note 01 on Farm Diversification.

Pre-Occupation Conditions:

- 7) The barn shall not be used for the storage of caravans until details of the proposed security measures and lightning have been submitted to and approved in writing by the Local Planning Authority. The security measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that any required security measures do not have an adverse upon the visual amenities of the area, including the setting of the South Downs National Park, to safeguard the amenities of the occupiers of the surrounding residential properties and to comply with policies SU10, QD1, QD27, NC5, NC6 and NC8 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:-

Subject to the compliance with the attached conditions it is considered that the proposal will not have an adverse impact upon the visual

amenities of the area, including the setting of the adjacent South Downs National Park or the Site of Nature Conservation Importance located within the vicinity of the site. Furthermore it is not considered that the amenities of the neighbouring residential properties will be significantly affected by the proposal.

2 THE SITE

The application relates to an existing barn located to the north-west of Westfield Avenue North and to the north-east of Coombe Vale. The barn is located within land associated with Coombe Farm, which is accessed via Westfield Avenue North. The barn to which the application relates lies outside the built up area of the City and but within the urban fringe of the countryside in addition to being located in close proximity to a boundary of the South Downs National Park and within the setting of a Site of Nature Conservation Importance (SNCIs).

3 RELEVANT HISTORY

BH2005/06327: Change of use of temporary building (unit 1) from farm office to dog grooming room (Retrospective). Refused 13/04/2006.

BH2005/05939: Change of use of 332 square metres for the storage of skips and two skip lorries, and waste transfer station. (Retrospective). Refused 12/12/2005

BH2005/02447/FP: Change of use of 332 square metres for the storage of skips and two skip lorries. Withdrawn 13/10/2005.

BH2005/01586/FP: Erection of mobile home for agricultural worker. Refused 14/07/2005. Appeal withdrawn.

BH2005/01075/FP - Change of use of former dairy to B1 business use. **Refused** 05/09/2005.

BH2002/00538/FP: Installation of porta cabin. Refused 11/04/2002.

BH2001/01619/FP: Proposed extension to existing cow housing. Approved 17/12/2001.

BH2000/00880/OA: Erection of detached agricultural dwelling and new vehicular access. Refused 20/07/2000.

BH1999/00958/FP: ("Amended Scheme") Erection of steel and cement-fibre storage barn to the west of existing farm buildings. Approved 13/10/2000.

95/0112/FP: Construction of cattle yard to house dry cows (20) prior to calving and re-arrange access to building. Approved 18/05/1995

4 THE APPLICATION

Planning permission is sought for the change of use of an existing agricultural barn to a caravan storage place (B8).

5 CONSULTATIONS

External

Neighbours: 6 Letters of representation have been received from **35, 87, 89, 91, 93** and an unknown number **Coombe Vale**, objecting the application for the following reasons:

- is in close proximity to dwellings,

PLANS LIST – 23 NOVEMBER 2011

- the surrounding infrastructure is residential, the additional traffic will have safety, noise and emissions impacts on the quiet area,
- movement of vehicles of this type will have a visual impact upon the surroundings, spoiling and detracting from their character,
- the storage of related gas bottles will be a danger hazard,
- the roads into Coombe Farm are very narrow,
- extra traffic will be generated by 40 caravan owners coming to collect and park their caravans on weekends and bank holidays,
- the stated movement estimations are unrealistic and not based on any identifiable research. Does not take into account people visiting to check/maintain their caravans,
- would have an impact on the surrounding area,
- traffic congestion on the corner where the bus stop is and at the end of Westfield Avenue North into Westfield Avenue, the surrounding roads are not wide enough to cater for large caravans and buses,
- once you change agricultural land you lose the farmland and wildlife that goes with it forever,
- no reference is made to opening hours, so therefore assume that there will be constant access to the caravans and therefore local residents will be subject to late night or early morning movements (these are typically the times that caravan owners start their journeys to avoid traffic) which will cause unacceptable levels of noise and disruption,
- is likely that the applicant will use farmland for overspill purposes and/or expansion, area will become a glorified car park,
- the barn is visible from the residential properties and therefore will be to the detriment of local residents, the landscape and the environment,
- noise generated by the movement of caravans in the large barn will cause disturbance to the peaceful rural setting. The barn does not appear to be in good state of repair and provides no protection against noise,
- the risk of damage should a fire occur at the location would be considerable,
- no security measures appear to be included, the increased number of people at the location puts the residential properties backing on to the farmland at an increased risk,
- whilst not included in the National Park, by virtue of its close proximity should be considered in its context when diversification of this nature is proposed,
- it is not suitable and not in keeping with the rural landscape,
- it is clear that the applicant does not intend to continue running the farm as the primary business and believe it is intended to completely change its use over time,
- original planning permission for the barn was given on the understanding that it be used for agricultural use, ie storage of hay, it should go on doing so,
- due to the size of the barn, in order for owners to remove and replace them it would be necessary to arrange the caravans in a chevron design, this will require them to reserve their vehicles into the barn,

- believe the figure of 40 caravans is a short term figure and would contend in the long term a much higher figure is envisaged, as this is a business venture with profit in mind likely that small, well timed increments will take place over a period of time, and
- will set a precedent for change of use from agriculture to who knows what,

1 letter of representation have been received from **4 Hilgrove Road** supporting the application for the following reasons:

- makes good use of the land,
- provides a useful storage facility for caravan owners,
- is welcomed additional income stream for the farm, it is important that the rural economy is supported.

Natural England: Have no comments to make on the proposal.

South Downs Society: The buildings forming Coombe Farm including the barn are set at low elevation within Coombe Bottom and are situated just outside but adjacent to the National Park. Given the expected levels of traffic, do not believe that this would cause a significant impact in the quiet enjoyment of the South Downs. Although the caravans will be stored undercover, presume that there will still need to be an appropriate level of security put in place. If such security measures included, for example, bright lighting and/or alarms, concern would be the consequence of their effect should they radiate out into the National Park. Therefore expect Council to ensure that all measures needed to create and provide a secure caravan storage place will not have any consequential impact upon the surrounding countryside.

South Downs National Park Authority: The site is close to the National Park and in terms of the interests of the Park; the proposed use is unlikely to have a detrimental impact on the Park. Looking at the site location plan, the red site area is for the barn only; this would prevent any external storage of caravans. Subject to this would not raise any objections to this scheme.

Internal:

Economic Development: Have no adverse comments to make.

Planning Policy:

(24/05/2011)

There is sufficient evidence to demonstrate compliance with policy in respect of the proposed use within this countryside location between and adjacent to the city's built up area boundary and National Park boundary.

(13/09/2011 following receipt of additional letter from agent)

The merits of this proposal are very finely balanced and require careful consideration in view of the sensitive location of this site within the countryside between and adjacent the city's built up area boundary and National Park boundary. Subject to appropriate conditions and other

consultation responses it is considered the merits of this proposal may be sufficient to warrant favourable consideration.

Sustainable Transport: Have no concerns or comments to make. The site is accessed at the end of Westfield Avenue North and as such there will be no turning of vehicles towing caravans to access/egress the site.

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 (PPSs)

PPS7: Sustainable Development in Rural Areas

Planning Policy Guidance Notes (PPGs):

PPG 24: Planning and Noise

Brighton & Hove Local Plan:

TR7	Safe development
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
NC4	Sites of Nature Conservation Important (SNCIs) and Regionally Important Geological Sites (RIGS)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Planning Advice Note

PAN 01: Farm Diversification

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impacts that the proposed development will have upon the operations of the rest of the farm to which the barn relates and the impacts upon the visual amenities of the surrounding area, especially the setting of the adjacent South

Downs National Park and the Site of Nature Conservation Importance located within the vicinity of the barn. In addition the impacts of the proposal upon the transport and the amenities of neighbouring properties must be assessed. Matters relating to fire hazard are not material planning considerations.

Proposed Change of Use:

Under application BH1999/00958 planning permission was granted for the erection of a steel and cement-fibre storage barn to the west of the existing farm buildings. Approval was granted for this application on grounds of the applicant's need for the building, for specific purposes, but a condition was attached stating that, "The building hereby approved shall be dismantled and removed from the site if no longer required for the specific use for straw and hay storage", in the interests of the character of the Area of Outstanding Natural Beauty.

Notwithstanding the above condition, due to the recent loss of the farm's dairy herd, the barn is no longer required for the storage of hay and straw or for other farming equipment. The applicant seeks permission for the change of the barn from agricultural to the storage of caravans (Use Class B8). The existing barn measures approximately 30m by approximately 25m. No plans has been provided to show how the caravans will be arranged within the barn however it is stated that up to forty caravans could be stored under cover within the barn.

As set out within the relevant Local Plan policies and the PAN on Farm Diversification, which was adopted in October 2005, the Local Planning Authority recognises that some development in countryside and urban fringe locations may be acceptable and sometimes necessary, for example, the diversification of activities on farms which do not prejudice the agricultural use and help maintain the efficient operation of farms and help make a positive contribution to the rural economy more generally.

Nationally, through PPS7 adopted in 2004, it is recognised that it is increasingly important for farmers to diversify into both agricultural and non-agricultural activities in order to help sustain the viability of many farm businesses. Local Planning Authorities are encouraged to be supportive of well-conceived farm diversification schemes for business purposes that are consistent in scale with their rural or urban fringe location. Diversification should however not result in excessive expansion and encroachment of building development into the countryside and it should be encouraged that existing buildings are re-used or replaced where feasible and new types of on-farm development should not adversely affect the amenity of any nearby residents or other rural businesses.

In terms of considering the suitability of any business as a farm 'diversification' opportunity, with regards to planning, the following important land use planning issues must be considered and addressed;

- the scale and intensity of the proposed use;

- accessibility, access arrangements to the farm, traffic activity and highway safety,
- neighbour amenity issues,
- landscape impacts and opportunities for enhancement,
- wildlife impacts and opportunities for enhancement,
- re-use of rural buildings/new buildings, and
- use of signage/advertisement.

Diversification schemes should help to support, rather than replace farming activities on the rest of the farm.

As set out above the barn is located beyond the boundary of the built up area of the City and therefore policy NC6 is relevant. This policy states that development will not be permitted outside the built up area and that exceptions will only be made where there will be no significant adverse impacts on the countryside/downland and when at least one of the following criteria can be met,

- the proposal is specifically identified as a site allocation elsewhere in the plan,
- a countryside location can be justified,
- in appropriate cases and where enhancements to the countryside/downland will result, proposals for quiet informal recreation, such as horse riding, or
- when the proposal is for the change of use of an existing buildings which are in keeping with their surroundings and are of a sound and permanent construction.

Policy NC5 relates to development within the urban fringe (defined as areas within 2km of the built up area such as within this application), which tends to suffer more from urban pressure than the wider countryside purely because it lies adjacent to the urban area and is thus more readily accessible. The urban fringe is also prone to pressure from the urbanising effects associated with horse-related uses, such as small fenced areas, stables and related storage facilities, such as that proposed.

Policy NC5 requires development to;

- make a positive contribution to the overall enjoyment of the countryside,
- integrate and enhance nature conservation features,
- secure environmental improvements,
- provide a sense of being in the countryside, improve landscape character and use of materials in keeping with the special character of the area; and
- facilitate, where practicable appropriate leisure and recreational use and public access to the countryside, without increasing private vehicle traffic.

Since approval of the 1999 application, the status of the land upon which the barn is sited has changed as it is no longer designated as an Area of Outstanding Natural Beauty (AONB) as a result of the designation of the

South Downs National Park (on the 1st April 2011), which resulted in the AONB being revoked. Whilst development within the countryside still needs to be carefully controlled, it is appropriate to reflect that the barn itself no longer lies within a national designation relating to natural beauty. As a result of this change in the land status it is considered reasonable to give favourable regard to the continued use of the existing barn for alternative purposes, provided it remains necessary for the continuation of the farm enterprise, the building is structurally sound and any adverse impacts can be appropriately mitigated.

Since submission of the application a letter has been received in which it is set out how the farmer intends for the proposal to support rather than replace agricultural activities at the farm. The circumstances of the cessation of the dairy farm use are not apparent from the information provided however it is stated that out of the 280 acres of the farm, 250 acres will now be used for arable farming.

The last accounts for the dairy herd showed an overall profit of approximately £140,000 per annum. The proposed income to be derived from turning the 250 acres into arable farming will be approximately £180 per acre (including a £80 subsidy), a generation of approximately £45,000 per annum. The farm will therefore suffer a shortfall from the previous year income of approximately £95,000 per annum. As a result of this shortfall the applicant intends to generate additional income via the proposal, to support the large difference in income from last year.

It is not known if the other buildings located across the farm are sufficient for the storage of equipment/machinery etc relating to the arable farming activities however the applicant intends to use the existing barn located towards the western side, which is stated to be surplus to the farming requirements of the farm, for caravan storage. Other similar enterprises appear to generate approximately £450 per caravan per year (a total of approximately £18,000 per annum). Although the proposed income generated by the proposal will be minimal in comparison to the income that was generated by the former dairy herd farming, it is stated that the proposal will support the future arable farming on the land to a small extent.

The boundary of the Site of Nature Conservation Importance (SNCI) is located approximately 116m to the east of the existing barn. Policy NC4 of the Brighton & Hove Local Plan states that development will not be granted for a proposal within or in the setting of an existing or proposed Site of Nature Conservation Importance where it is likely to have an adverse impact on the nature conservation features of the site. Exceptions to this will only be made as a result of two circumstances, namely the proposal can be subject to conditions to prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features or the proposal is essential to meet social, environmental and/or economic needs, of more than local

importance within the City, cannot be located anywhere else and certain requirements can be met. These requirements being;

- the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain,
- compensating and equivalent nature conservation features are provided,
- remaining features are protected and enhanced and provision made for their management, and
- improvements to public appreciation of and access to the site are provided.

Despite the revoking of AONBs following the designation of the South Downs National Park earlier this year, policy NC8 is still relevant as the existing barn is located approximately 24m to the south-east of a boundary of the South Downs National Park and therefore the barn is located within its setting. This policy states development within the setting will not be permitted if it would be unduly prominent in, or detract from views into, or out of areas of natural beauty landscapes (i.e. South Downs National Park) or otherwise threaten public enjoyment of these areas.

The storage of caravans, especially on a large scale, is not uncommon with the countryside and such a location is considered justified.

No details of how the proposed caravans will be positioned within the barn have been provided as part of the application, however it is stated that up to 40 caravans could be stored. The north-western facing elevation of the barn is open and therefore the caravans will be visible within the barn from areas to the north-west of the barn with Coombe Farm and parts of the adjacent South Downs National Park. However it is considered that from areas further afield, including areas which are set at a higher gradient than the barn, the barn and associated caravans will be viewed in the wider context of the farm and will therefore not have a significant adverse impact upon the visual amenities of the surrounding area, including the setting of the South Downs National Park and the nearby SNCI.

It is recommended that a condition should be attached to an approval to ensure that no more than 40 caravans are stored within the barn and that notwithstanding this maximum number, no caravan (part or whole) is stored outside of the barn in order to protect the visual amenities of the area, especially the setting of the adjacent South Downs National Park and the neighbouring SNCI.

It is stated within the submitted information that the cost of initial set up and security measures have not yet been factored into the proposed first year profits. In addition no details of such security measures have been provided as part of the application. It is recommended that a condition should be attached to an approval requiring the submission and approval of any required security measures prior to the barn being brought into use as

caravan storage to allow the Local Planning Authority to assess the impacts of such measures on the visual amenities of the wider area and the amenities of the surrounding residential properties.

Overall it is considered that the proposal will allow diversification at the farm, which will support rather than replace farming activities on the rest of Coombe Farm. Subject to the compliance with the attached conditions, it is considered that the proposal will not have an adverse effect upon the visual amenities of the area including the setting of the adjacent South Downs National Park and the Site of Nature Conservation Importance located in the vicinity of the site.

Sustainable Transport:

Coombe Farm is located at the northern end of Westfield Avenue North.

It is stated that the former dairy business which operated from the farm until recently delivered to 28 doorstep and operated wholesale milk rounds. 38 members of staff were employed in relation to this business and 30 milk floats operated out of the farm on a daily basis.

The Council's Transport Planner has assessed the proposal on grounds of highway capacity and public safety and raises no objections. Due to the existing access road to the farm there will be no turning of vehicles towing for access or egress to the farm.

It is stated by the agent that it is foreseen that most owners would only take their caravans out of storage once or twice a year.

Regardless if owners access their caravans on a more regular basis than the stated twice a year, in comparison to the former dairy business it is considered that the traffic generation associated with the proposed use would be less than that related with the former dairy business.

Impact on Amenity:

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

The existing barn is sited a minimum of approximately 70m to the north-east of residential properties located on Coombe Vale and a minimum of approximately 57m to the north-west of residential properties located on Westfield Avenue North.

It is not considered that the principle of the storage of caravans within the barn will have a significant adverse impact upon the amenities of the neighbouring properties. However, as set out above, it is recommended that a condition is attached relating to required security measures to ensure that

they do not have a significant adverse impact upon the amenities of neighbouring residential properties.

Although it is not known exactly how many trips will be generated by the proposal, as a result of owners coming to the site to collect/return their caravans to the barn, it is not considered that the proposal will have a significant adverse impact upon the amenities of the neighbouring properties in comparison with traffic which would have been generated by the previous dairy business. It is however recommended that a condition is attached to an approval relating to the hours that the movement of the caravans can take place in order to ensure that the amenities of the neighbouring properties are not significantly affected.

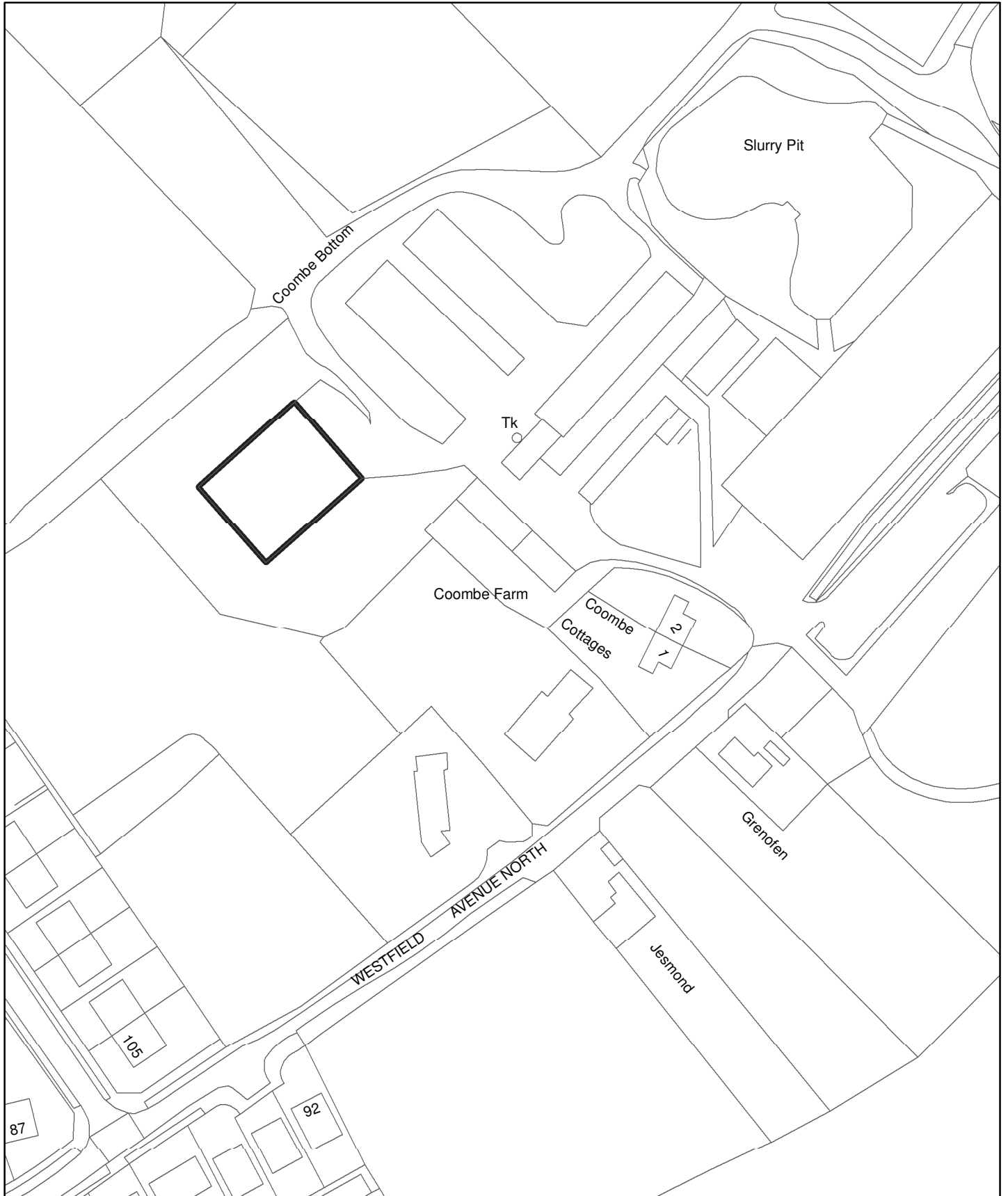
9 CONCLUSION

Subject to the compliance with the attached conditions it is considered that the proposal will not have an adverse impact upon the visual amenities of the area, including the setting of the adjacent South Downs National Park or the Site of Nature Conservation Importance located within the vicinity of the site. Furthermore it is not considered that the amenities of the neighbouring residential properties will be significantly affected by the proposal.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/01029 Coombe Farm, Westfield Ave North, Saltdean



**Brighton & Hove
City Council**



Scale: 1:1,250

No:	BH2011/02555	Ward:	ST. PETER'S & NORTH LAINE
App Type:	Council Development (Full Planning)		
Address:	The Level, Ditchling Road, Brighton		
Proposal:	Erection of single storey building comprising of café, public toilets and gardeners mess room with associated landscaping.		
Officer:	Liz Arnold, tel: 291709	Valid Date:	06/09/2011
Con Area:	Valley Gardens	Expiry Date:	01 November 2011
Listed Building Grade:			
Agent:	N/A		
Applicant:	City Infrastructure, Miss Kelly Jaggard, Projects Office, Hollingdean Depot, Upper Hollingdean Road, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

1. The 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. LEV.P.11RevA received on the 13th October 2011, drawing no. LEV.P.12 received in the 7th October 2011, drawing nos. LEV.P.05 and LEV.P.08 received on the 30th August 2011 and drawing titled The Level Tree Survey and drawing nos. LEV.P.00RevB, LEV.P.01RevA, LEV.P.02RevA, LEV.P.03RevA, LEV.P.04RevA, LEV.P.06RevA and LEV.P.09RevB received in the 27th October 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The café use hereby permitted shall not be open to customers except between the hours of 08.00 and 20.00 each day.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. Deliveries to the café hereby approved shall only be made between the hours of 10am and 4pm Monday to Saturday and at no times Sunday or Bank Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

5. 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.

6. No development shall commence until details of the construction of the green roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, species mix to be used and a maintenance plan. The scheme shall then be carried out in accordance with the approved details.

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.

7. No development shall take place until details of security shutters 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.

8. No development shall commence until a scheme to enhance the nature conservation interest of the site, including the number and positioning of bat and bird boxes, 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.

9. 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 a scheme for the plating of 7 trees in compensation for the 7 trees to be removed as a result of the development hereby approved, 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.

10. Notwithstanding the details submitted, no development shall commence until details of revised secure cycle parking facilities for the customers of the café hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities and those within the service yard for staff shall be fully implemented and made available for use prior to the first 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.

Pre-Occupation Conditions:

11. The sustainability measures set out in the application, including the ground source heat pump, solar thermal panels and green roof, shall be installed prior to the first occupation of the development hereby approved.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
12. 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.

Informatives:

1. In relation to condition 5 above, the applicant is advised that the most preferable option for the proposed security shutters is some form of roller grille or perforated roller shutter with a box housing incorporated into the roof structure and the grille/shutter colour finished in a colour to be agreed. For further advice please refer to part B of Supplementary Planning Document 02 on Shop Front Design.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, 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:-
Subject to the compliance with the attached conditions it is considered that the new building, which will provide a new café and gardeners/attendance facilities for the park, will not have a detrimental impact upon the visual amenities of the comprehensive public park, the Ditchling Road, Union Road and Lewes Road street scenes or the wider

area, including the surrounding Valley Garden Conservation Area and the setting of listed buildings located within the locality of The Level. In addition the proposal will enhance the biodiversity of the site whilst providing new improved facilities without having a significant adverse impact upon the amenities of neighbouring properties.

2 THE SITE

The application relates to an area of land within The Level currently occupied by a building known as 'The Mess Room'. The related part of the park is located on the western side of The Level, to the south of the east to west pathway which runs through the park and to the north of the children's play area. The existing building currently provides storage facilities for the garden/maintenance staff associated with the surrounding park, however it was originally built in the 1970s to provide changing room and toilet facilities.

The Level is one of the major public open spaces within the City. The flat open space has an open feel but is encircled by an avenue of elm trees. The historic open space and its current form and layout date from the first half of the 19th Century, with later changes to the southern half, in particular in 1927. A rose walk forms the central east to west pathway separating the two halves. The Level has a triangular shape which is bounded on all sides by busy roads, including the A23 and the A270. The whole of The Level is located within the Valley Gardens Conservation Area and Listed Buildings are located to the west of the children's playground on Ditchling Road and to the east of whole park, on Richmond Terrace and Hanover Crescent.

3 RELEVANT HISTORY

BH2011/01878: Demolition of Mess Room. Approved 06/09/2011.

BH2006/02349: Former Mess Rooms. Change of use of former parks maintenance and management office to B1 local administrative office for a property services company (retrospective). Approved 26/09/2006.

BH2006/02347: Site Adjoining former Mess Rooms. Formation of 2 car parking spaces (Retrospective). Refused 24/10/2006.

BH2005/06569: Mess Room. Change of use from staff mess room to A3 cafe and associated alterations to fenestration. Withdrawn 27/01/2006.

BH2001/01544/FP: Sports Changing Room. Change of use of existing changing rooms to Police Box, including alterations to elevation consisting of alterations to existing windows, installation of new window and installation of new door. Approved 04/09/2001.

BH1999/00328/FP: Cafe Building. Retention of three dutch blinds and roof mounted extract duct. Approved 21/04/1999.

94/0506/CA: Demolition of existing screen wall to disused public convenience. Approved 13/07/1994.

94/0505/FP: Alterations to change the use of disused public convenience to snack bar including demolition of existing screen wall. Approved 13/07/1994.

91/0133/FP: Refreshment Kiosk. Erection of a brick enclosure with entrance door and fenestration. Approved 30/04/1991.

4 THE APPLICATION

Planning permission is sought for the erection of a single storey building comprising a café (Use Class A3), public toilets and gardeners mess room with associated landscaping. Currently the land to which the application relates is occupied by a building known as The Mess Room. Under application BH2011/01878 Conservation Area Consent was granted for the demolition of the existing Mess Room building.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **13 Newhaven Street, 18 and 19 Queens Gardens, 25 Howard Road, 14 Aberdeen Road (2 e-mails), 11 Edinburgh Road, 19 West Drive and 34 Kensington Place** objecting to the application for the following reasons:

- the proposed café will be 3 times larger than the current mess room it will replace,
- the height of the proposed café is greater than that of the Mess Room,
- the café will be 250m² to service a park of only 3.3ha and there are 13 local cafes within a radius of 300m, which is high in comparison to other parks such as Queen's Park which has a kiosk of 33m² serving a park of 6ha and with only 2 other cafes within 300m and Preston Park which has 2 cafes totalling 370m² serving a park of over 23ha and with only 1 café within 300m of either café, (comparative information for Hove Park, Stanmer Park, East Brighton Park and Wild Park also provided). A park the size of The Level in such an inner city location needs only a kiosk such as the one in Queen's Park to meet the demands of park users (who will not be expecting to eat out at The Level),
- The Level is in a Conservation Area and the café will distract from its appearance,
- the café will be placed horizontally across the south-west quadrant which is neither in line with the placement of MacLaren's lengthways (north to south axis) arrangement of the pavilions and bares no relation to and is not sympathetic with MacLaren's 1930's architectural style,
- the horizontal placement will obscure views across the Valley Vista, including views from Ditchling Road across to St Peter's and the café due to its large scale, including steeply pitched roof, will make it extremely prominent in views across The Level and from Ditchling Road,
- whilst not mentioned in the application bid, part of the Heritage Lottery Fund design used in support of this application, entails the cutting down the existing birch trees lining the rose walk and replacing them with a row of new species of trees, (in an attempt to hide the new proposed skate park),
- the size of the café together with the proposed fountain features clutters the south end to an extent there is not room for the much loved skate park, which will be forced to be relocated to the northern end of the park, it will have the effect of 'squeezing' other amenities,
- there are many contradictions and inaccuracies in the documents submitted, as with everything in the new proposed bid, the truth has been

- skewed and/or stretched in order to justify the ill conceived proposals,
- The Level is already host to a much loved kiosk and café/restaurant,
 - not counting all the cafes and other food outlets in London Road, Lewes Road, Baker Street and Oxford Roads, there are 5 other outlets in the immediate vicinity of The Level on Ditchling Road, the local area does not need yet another café of the type proposed,
 - the design, size and sighting and orientation of the proposed café will detract from the appearance of the Valley Gardens Conservation Area, which is centred along the ribbon of public open green space between Old Steine and Park Crescent,
 - Captain Bertie Hubbard MacLaren's original design, which is so important to the Heritage Lottery Fund bid, never included a café,
 - the existing Mess Room building is awkwardly sited and orientated in relation to the historic layout of The Level and is not an attractive feature. The demolition of the building is therefore welcome and would enhance the appearance of the Conservation Area, irrespective of any future proposals to the site, but the design of the proposed café is unsympathetic to the existing MacLaren's designs and is a replication of the architect's design of the café in Russell Square, London,
 - the building is out of proportion and over-dominant in its historic setting,
 - would question the commercial viability of the proposal given its location distant from the main areas of the city where people congregate in large numbers. Furthermore the people in the catchment area of The Level are unlikely to want to eat in an expensive restaurant. What alternative use will the building be put to if the intended use is a commercial failure,
 - it is not stated out the impact of the development upon trees and bushes in the area will be mitigated,
 - there is no information about the hours of opening of the café, this is fundamental to the type of service to be provided and the impact upon the park overall, the café could be open 15 hours a day and attract business and traffic to The Level which would be inappropriate,
 - the increase of business and impact on neighbours of lighting and noise must be considered,
 - the consultation was too narrow considering the potential effect such a large facility will have on the public amenity.

CAG: Group welcome this application.

Sussex Police: Makes comments regarding the security of the proposed building in relation to the windows and doors, the toilets, CCTV installation, intruder alarm installation, the security of the proposed refuse bins, the prevention of access to the roof by ensuring no climbing aids are provided, the yard and perimeter fencing, the installation of the solar panels, the proposed sun canopy and the lighting of the building.

Internal:

Arboriculturist: (Original Comments 5/10/2011)

No objection. Would like to see a condition attached to any consent granted

regarding a comprehensive landscaping scheme.

(Verbal Comment 25/10/2011)

Following query from case officer regarding trees which will be lost as a result of proposal) the Council's City Services Project Team are currently liaising with the people, who donated 5 of the 7 trees which will be lost, regarding their replacement, nevertheless the replacement of the 7 lost trees should form part of a landscaping condition.

Design & Conservation: The proposed building would replace the utilitarian mess room building, for which consent for demolition has already been granted. It would be a long low building of clearly contemporary design with a lightweight feel, particularly at the eastern end where the café function is situated, with visual permeability between interior and exterior space. The location of the building makes sense in functional terms, particularly as part of the wider proposals for restoring and re-landscaping The Level, and in visual terms it would not interfere with any key views across the open space and would not alter the historic layout of The Level. The design is considered to be of good quality, appropriate to its park setting, and the green roof would help the building to blend into its setting in longer views. The proposal is very much welcomed and, as part of the wider proposals, would enhance this historic open space and the wider conservation area.

However, it is noted that the proposed building includes extensive areas of glazing. Whilst this is considered appropriate in visual terms concern is raised about its vulnerability to vandalism or other damage, given the building's location. No security or protection measures appear to have been built in to the design and it is considered that this issue should be addressed now, at the design stage, to avoid potentially unsightly measures being taken by a future café operator.

Ecology: (Original Comment 13/10/11)

The application creates several opportunities to integrate biodiversity into the development but information is lacking. In most cases this can be secured by condition, but further bat survey data is required prior to determination to ensure the application conforms to national planning guidance.

(Additional Comments 1/11/2011 following submission of additional information)

The supplementary statement is helpful regarding bats; it seems that their potential presence in the existing building is not relevant to this application. Other matters require further detail (green roof construction, addressing the shortfall in nature points) but is satisfied that these can be addressed by condition.

Economic Development: Fully supports the application.

Environmental Health: As there is no permanent residence proposed,

exposure to near road airborne pollution is not deemed to be an issue.

Sustainability: Further to previous comments made towards the application on the 03/10/2011, which are now superseded, comments dated the 1/11/2011 state that as a small scale scheme there are no BREEAM requirements for the development. However, the scheme has been designed to a high standard of water and energy performance and meets well all local policy requirements from Local Plan Policy SU2.

There is an ambitious use of renewables which includes ground source heat pumps and solar thermal panels. The design is energy efficient incorporating good levels of insulation with passive solar design. A green roof is proposed which will contribute to greening and mitigate against overheating.

Sustainable Transport: The application fails to provide for the demand for travel that it creates including for cyclists. In all proposals for new development and changes for use applicants should provide facilities for cyclists in accordance with the parking guidance and the application has failed to do this. Further detailed plans regarding the cycle parking need to be submitted to ensure they are up to standard and in the correct locations as the 2 in the staff area conflict with doors and the 10 at the entrance to the park should be by the café customer areas.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

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

QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

8 CONSIDERATIONS

Matters relating to the demolition of the existing building, known as 'The Mess Room' are not material planning considerations as this was subject to approved application BH2011/01878.

Third party comments regarding the number of existing cafes (A1 and A3) in the area are noted however Local Plan policies do not restrict the number of A3 cafes in an area and will only restrict such uses in defined shopping areas, which The Level is not. The competition created as result of the proposal for the existing surrounding A1/A3 café premises is not a material planning consideration in the determination of the application.

The main considerations in the determination of this application relate to the impacts that the proposed development will have upon the visual amenities of the comprehensive public park, the Ditchling Road, Union Road and Lewes Road street scenes and the wider area, including the Valley Gardens Conservation Area and the setting of listed buildings located within the locality of The Level.

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 relates to development affecting the setting of listed Buildings. This policy states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.

Design:

As set out above, the part of the park to which the application currently relates is occupied by a building known as 'The Mess Room'. Under application BH2011/01878 Conservation Area Consent was granted for the demolition of this existing building. This application seeks permission for the construction of a new building which will contain a gardener's room (with associated toilet facilities), changing room, a public toilet and a disabled public toilet on the northern side of the building, three public toilets and a disabled toilet on the southern side of the building and separate toilets, café staff facilities, a plant room, a store room and an office in relation to the proposed café.

The proposed new building will form part of an intended larger overall Masterplan for the enhancement of The Level, which will be funded by a Heritage Lottery Fund and a Big Lottery Fund Parks for People. Consultation has been carried out with the public regarding the content of the bids. Details of and responses to the public consultation process have been submitted as part of the application. In addition pre-application advice was sought from the Local Planning Authority.

It is stated that various options for the siting of the new building were investigated and tested at the outset. The proposed location was the most popular location borne out of the public consultation period.

The existing Mess Room building measures approximately 8.25m by approximately 7.3m. The ridge of the related pitched roof is located approximately 4.5m above related ground level and is located on a north to south basis.

The proposed building will measure a maximum of approximately 28.2m in length by a maximum of approximately 10.2m in width. The maximum height of the building will be approximately 4.7m above ground level. The proposed building will be orientated on a west to east basis.

Within a supporting statement the increase in footprint of the replacement building is justified to be as result of the proposed development performing the function of three existing buildings under the wider scheme for The Level. At present, under the Masterplan only the existing Mess Room building will be demolished, the existing kiosk and toilet buildings will become converted to community space.

The proposed building will have a north and south pitched roof and east and west facing gable ends. A flat roof area approximately 1.2m wide will run along the length of the building. This flat roof area will comprise grill vents above the proposed plant room, towards the western end of the building, a kitchen cooker hood extract and glass rooflights.

Solar panels will be located on the eastern half of the proposed south facing pitched roof with a grass roof on the western side. A timber slated sunshade and a synthetic rubber roof will provide a flat roof area on the southern side of the building. These will project from the southern elevation by approximately 2.1m and have a height of approximately 2.5m.

A grass roof will cover the north facing pitched roof. A flat roof area will be located on the northern side of the building. The western side of this flat roof area will comprise a synthetic rubber roof, whilst the eastern end will comprise a glass canopy. These features will project from the northern façade of the building by approximately 1.2m and will have a height of approximately 2.6m.

A PVC coated polyester tensile fabric canopy will also be located on the eastern end of the building in association with an external seating area for the café. This canopy will project from the eastern elevation by approximately 4.5m and will have a height of approximately 4.7m and will have a form to match the roof of the proposed building.

The proposed building will be constructed of the following materials;

- external walls – timber cladding (north and south elevations) and painted render (western elevation),
- roof – bio-diverse planted roof and solar panels and synthetic rubber, and
- windows/doors – timber framed double glazed windows and oak framed glazed doors.

It is recommended that a condition is attached to an approval requiring the submission and approval of the finish materials.

Pairs of out-ward opening oak framed doors will be inserted within the eastern end of the building, in relation to the proposed internal seating area of the café. These doors will provide direct physical access from the café to the proposed external seating areas located directly to the east of the building (under the proposed canopy discussed above) and on the eastern side of the southern and northern side of the building in addition to providing a visual permeability between the interior and exterior space. A serving hatch window

will also be installed within the south facing elevation of the west of the proposed outward opening glazed doors.

It has been confirmed that shutters will be installed in relation to the glazed parts of the building for security measures. No details of the proposed shutters have been submitted as part of the application. It is recommended that a condition should be attached to an approval requiring the submission and approval of shutter details prior to the commencement of the development.

The proposed building, which will replace the existing utilitarian building, would be a long, low level building of a contemporary design with a lightweight feel, particularity at the eastern end as a result of the inclusion of the glazed doors.

The construction of the proposed building on the western side of the park, to the south of rose walk, is considered to make sense in functional terms, particularly as part of the wider proposal for the restoration and re-landscaping of The Level. In visual terms it is not considered that the proposed building will interfere with any key views across the open space and will not alter the historic layout of The Level. The design of the proposed building is considered to be appropriate to the park setting and the proposed green roof will help blend the building into its setting in longer views.

Listed Buildings are located to the south-west and east of the building upon Ditchling Road and Lewes Road/Richmond Terrace.

Overall, subject to the compliance with the attached conditions, it is considered that the proposed building will not have a detrimental impact upon the visual amenities of the public park, the related street scenes or the wider area, especially the surrounding Conservation Area or the setting of the neighbouring Listed properties.

Landscaping:

Despite the submitted information stating that the proposed development will not affect any trees within The Level it is apparent from the submitted tree survey and from the Arboriculturist and Case Officer's site visits that 7 trees will be removed in order to facilitate the proposed new building. The Council's Arboricultural Team has been aware of the proposed removal of these trees, 5 of which have been donated by members of the public and the Council's City Services Projects Team is liaising with the donors regarding replacing trees elsewhere within The Level. It is however recommended that a condition should be attached to ensure that the lost trees are replaced as part of a landscaping scheme for the development.

Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it

would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The building will be located on the western side of The Level, approximately 34.6m to the east of neighbouring properties located on the western side of Ditchling Road and approximately 45m to the nearest neighbouring property located on the eastern side of Lewes Road, on Richmond Terrace.

It has not been stated what hours the proposed café will operate. In principle it is not considered that the proposed development will have a significant adverse impact upon the amenities of neighbouring properties given the positioning of the proposed development within The Level, the distance to the neighbouring properties and the existing mixed commercial/residential character of the immediate area. It is recommended that a condition is attached restricting the hours of opening of the café and the hours of deliveries in order to protect the amenities of the 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.

The yard area to the west of the café building will allow for the parking of at least one service vehicle. The Level is located within Zone Y of the City's Controlled Parking Zones. Existing pay and display public parking facilities are located on the northern, eastern and western side of The Level for users of the park and the wider area.

As part of the proposal cycle parking facilities for users of the new building will be provided to the north on rose walk and to the north of the proposed service yard. In addition separate cycle parking facilities will be provided for staff within the secure service yard area.

Concerns have been raised by the Council's Transport Officer in relation to the positioning of the proposed cycle parking facilities adjacent to the northern elevation of the building due to the proposed stands obscuring the footpath. The applicant has confirmed that they are willing to further amend the location but to date no amended plans have been forthcoming. It is considered that this issue can be dealt with via the attachment of a condition.

The concerns raised by the Transport Officer regarding the outward opening of the toilet doors however it is considered that an alteration to inward opening would affect the usability of the facilities due to space constraints. The applicant has stated that measures to direct pedestrians away from these doors will be located at in the final specifications of the landscaping of the development.

Sustainability:

The proposed non-residential development constitutes a small scale scheme under SPD08 and therefore is expected to deliver reductions in energy and water use in addition to addressing requirements of SU2.

The proposal incorporates passive design principle with natural ventilation throughout via cross and stack ventilation (except for extraction in the toilets), natural lighting to all areas, exposed thermal mass in floor and extensive south facing glazing with solar shading over the southerly and easterly facades.

Solar thermal panels will provide hot water. These panels will be positioned on the eastern side of the south facing roofslope and will be positioned away from trees which would overshadow and reduce the efficiency of the panels.

The proposal also includes the insertion of a ground source heat pump harnessing the stable ground temperature immediately to the north of the café and a green roof. This proposed green roof will provide mitigation against urban heat in addition to providing energy efficiency benefits.

The proposal has been designed as an energy efficient scheme which addresses energy and water requirements in a robust way, maximising passive solar design and minimising energy and water inputs. The proposed development includes an ambitious use of renewables for such a small scale scheme which will considerably reduce the carbon impact of the development.

Due to the small scale of the development there is no BREEAM requirement however it is recommended that a condition is attached to ensure sustainability measures are incorporated into the construction the development.

Space will be provided within service yard to the west of the building for the storage of refuse and recycling facilities. Recycling and waste will be collected as part of the park waste collection service.

Ecology/Nature Conservation:

The proposal incorporates the creation of a grass roof to the northern and southern facing roofslopes. This proposed roof is described as a chalk/flower rich grass roof. Insufficient details regarding the construction and the choice of plants have been provided as part of the application however it is considered that further information can be ensured via the attachment of a

condition.

An Ecological Appraisal has been provided however this is based on a Phase 1 survey carried out in December 2010. Despite the Council's Ecologist considering that this survey has been carried out at a time of the year that is far from ideal for such assessment, the Council's Ecologist does not disagree with the reports findings.

The demolition of the existing building has been approved under application BH2011/01878 and therefore the removal of this building and the impact upon roosting bats is not in the remit of this current application. However it has been confirmed that the provision of bat and bird boxes will be part of the overall activity plan for the park. No details of the number intended and the proposed location of these boxes has been provided however it is considered that this issue can be dealt with via the attachment of a condition.

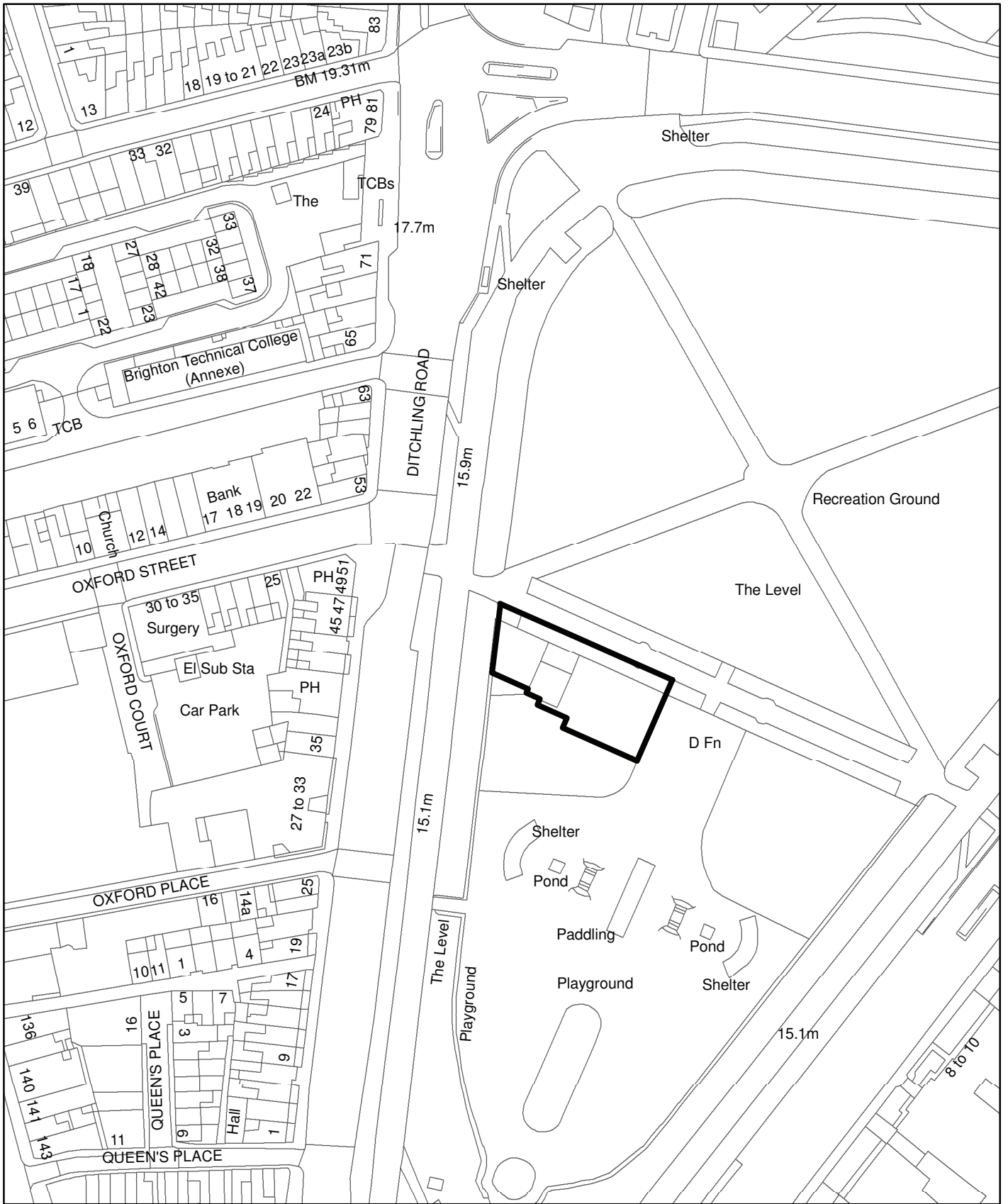
9 CONCLUSION

Subject to the compliance with the attached conditions it is considered that the new building, which will provide a new café and gardeners/attendance facilities for the park, will not have a detrimental impact upon the visual amenities of the comprehensive public park, the Ditchling Road, Union Road and Lewes Road street scenes or the wider area, including the surrounding Valley Garden Conservation Area and the setting of listed buildings located within the locality of The Level. In addition the proposal will enhance the biodiversity of the site whilst providing new improved facilities without having a significant adverse impact upon the amenities of neighbouring properties.

10 EQUALITIES IMPLICATIONS

Thresholds will be level to allow for easy disabled access in addition to public toilets and a changing facility, suitable for disabled persons, being provided within the proposed building.

BH2011/02555 The Level, Ditchling Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

