

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2011/02824	<u>Ward:</u>	NORTH PORTSLADE
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Portslade Aldridge Community Academy, Chalky Road, Portslade		
<u>Proposal:</u>	Demolition of parts of existing school buildings and remodelling and refurbishment of remainder. Construction of new three storey extension to North elevation with associated landscaping, revised vehicle and pedestrian access on Chalky Road and altered car parking arrangements.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Valid Date:</u>	03/10/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 January 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	HKS Architects Ltd, 7 Soho Square, London		
<u>Applicant:</u>	Brighton & Hove City Council, PO Box 2503, Kings House, Grand Avenue, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a:

Section 106 agreement to secure:

- An employment strategy to secure up to 20% local labour during construction of the project.
- Public art contribution to the value of £10,000.
- Highways contribution of £200,000. This would go towards improvements to local school bus services, a shared-use cycle route along the length of Chalky Road and the implementation of cycle signage to link the school / residential area with Foredown Tower Road linking with the South Downs National Park.

and 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.T306/D1, T308/D3, T309/D3, PL.91.103/P4, PL.91.103/P5, PL.94.104/P1, PL.94.104.P4, HKS-A-L-20-

001/A, 002A, 003A, 005A, 006A, 007A, 008A, 011H, 012H, 013H, 014/C, 020/C, 021/C, 022/C, 028/A, 035/A, 036/A, 037A, SK100/D1, SK101/D1, received on 21st September, 18th, 24th & 25th November and 16th December 2011.

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

- 3) BH05.10 Hard surfaces.
- 4) All trees to remain on site, as shown on drawing PL.94.104/P1, should be protected to standard BS 5837 (2005) Trees in Relation to Construction prior to any development commencing. All pruning operations should be carried out in accordance with BS 3998 (2010) Recommendations Tree Pruning Operations.

Reason: To protect the trees to retained on site and in accordance with policy QD16 of the Brighton & Hove Local Plan.

- 5) Noise associated with plant and machinery incorporated within the development shall be controlled such that Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating and existing background noise levels to be determined as per the guidance provided in BS4142:1997.

Reason: To protect the amenity of adjacent residents and in accordance with policy QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 6) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment, in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in compliance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 7) No development shall commence until details which show the proposed signage and markings within the car park have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

- 8) BH06.02 Cycle parking details to be submitted.

- 9) No development shall commence until detailed drawings, including levels, sections and constructional details of the proposed road, treatments, surface water drainage, outfall disposal and street lighting to be provided, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the

agreed details.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with Local Plan policies TR1, TR7, and TR8

- 10) No development shall commence until a Framework Travel Plan for the development has been submitted and approved by the Local Planning Authority. The Framework Travel Plan shall be approved in writing by the Local Planning Authority prior to the construction of the development and shall be implemented as approved thereafter.

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

- 11) No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of appropriate foul and surface water disposal from the site and in accordance with policy SU2 and QD27 of the Brighton & Hove Local Plan.

- 12) No development shall commence until full details of site and finished floor levels and height of the development, including all hardstanding areas, in relation to surrounding buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

- 13) BH03.01 Samples of materials Non-Cons Area (new buildings).

- 14) BH02.08 Satisfactory refuse.

- 15) BH05.05A BREEAM – Pre-Commencement (new build non-residential) ('excellent' and 60% in energy and water sections).

- 16) No development shall commence until a feasibility study for rainwater harvesting has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed details.

Reason: To ensure the development is sustainable in terms of rain water harvesting and in accordance with policy SU2 and SPD8: Sustainable Building Design of the Brighton & Hove Local Plan.

- 17) BH11.01 Landscaping / planting scheme. (*to include:* 'The landscaping scheme shall show the position of replacement trees and the position of any transplanted trees).

- 18) BH11.02 Landscaping / planting (implementation / maintenance).

- 19) BH08.01 Contaminated land.

- 20) 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 nearby properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 21) Notwithstanding the submitted Lighting Strategy, no development shall take place until details of the external lighting of the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The lighting strategy shall comply with the recommendations of the Institute of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution' (dated 2005), for zone E or similar guidance recognised by the Council. A certificate of compliance (such as a member of the Institution of Lighting Engineers) shall be submitted with the details. The approved installation shall be maintained and operated in accordance with the approved details.

Reason: In the interests of residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.

- 22) No development shall take place until a full Biodiversity Report has been submitted to and approved in writing by the Local Planning Authority. The report shall outline how biodiversity will be enhanced on site to meet the requirements of Annex 6 of Supplementary Planning Document 11: Nature and Conservation. The scheme shall be carried out in full as approved and thereafter retained as such.

Reason: In order secure suitable Biodiversity measures on site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 23) BH05.06A BREEAM – Pre-Occupation (new build non-residential) ('excellent' and 60% in energy and water sections).

- 24) The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

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

Post-Occupation Condition:

- 25) At least three months after occupation of the development the Framework Travel Plan for the development shall be updated to a Full Travel Plan and submitted to the Local Planning Authority. The Full Travel Plan shall be approved in writing by the Local Planning Authority and shall be implemented as approved thereafter and be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 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 application accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character and appearance of the host building and surrounding location.
2. The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community. Adequate mitigation can be achieved in relation to land contamination and to enhance nature conservation features and species on the site. The scheme is also deemed appropriate in terms of sustainability and its impact on highway safety and demand for travel in the area.
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. Please note that East Sussex Fire & Rescue Service has recommended the installation of sprinkler systems for the development. Information concerning guidance and standards for domestic and commercial

sprinkler systems is available by reference to British Standard, Codes of Practice BS 9251 & BS EN 12845.

7. The applicant is advised to contact the Council's Travel Plan Officer for information and assistance on the required Travel Plan. The applicant should also note that to ensure that the public highway is not damaged and any work to the highway is constructed to an appropriate standard, this work will need to be approved by the Highway Authority prior to construction.
8. The Sussex Police Crime Prevention Officer advises that the applicant refers to the Secured By Design Schools 2010 document which can be viewed on their website: www.securedbydesign.com.
9. The applicant's attention is drawn to the detail with consultation responses from Southern Gas Networks, letter dated 16th November 2011, and to the consultation from Southern Water, letter dated 2nd December 2011.
10. The scheme results in the transfer of existing trees from the Quadrant Area. These trees were donated to the Academy and the applicant is advised to contact the original donators regarding the transfer of the trees.
11. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act, 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to: Kill, injure or take a wild bird; Take, damage or destroy the nest of any wild bird while that nest is in use or being built; Disturb any wild bird listed in Schedule 1* while it is nest building, or at a nest containing eggs or young, or disturb the dependant young of such a bird. For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended). If at any time nesting birds are observed during tree works, operations should cease. The bird nesting season usually covers the period from mid-February to the end of August, however, it is very dependent on the weather and certain species of birds may nest well outside this period.
12. In relation to the above condition on land contamination, the phased risk assessment should be carried out in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
13. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR11, Model Procedures for the management of land contamination. This is available

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

2 THE SITE

The application relates to Portslade Aldridge Community Academy located to the south of Chalky Road in Portslade which is in the west of the city. The Academy is comprised of a number of buildings which are modern in design and vary in height from single to three-storeys high, mostly with flat roofs and a brick finish.

The buildings and car park form the northern part of this roughly triangular shaped plot, with the southern part comprising a playing field and an artificial all-weather football/hockey pitch in the south-east corner. The site includes a sports centre located to the north east of the site. The development of the school has been accretive in nature with the original school buildings (dating from the 1920s) to the west of the site. The middle section and sports centre date from the 1950s with additions added in the 1970s and more recently.

The adjoining area to the east, west and south of the site is wholly residential. Currently, there are two vehicle accesses to the site from Chalky Road which slopes east to west and includes traffic calming measures. The site also includes a number of trees mainly located around the north and western boundaries.

3 RELEVANT HISTORY

BH2008/00315: Portslade Community College Chalky Road. Construction of central toilet block in single storey extension. Approved March 2008.

BH2007/01265: Portslade Community College Chalky Road. Replacement of existing sports pitch floodlighting with new energy efficient lighting on existing columns. Approved June 2007.

BH2005/06502: Portslade Community College Chalky Road. 3 x Evergreen Oak - Cut back canopies overhanging adjacent gardens to school side of boundary fence. Approved December 2005.

BH2005/05936: Portslade Community College Chalky Road. Additional lighting columns to car park. Approved June 2006.

BH2003/02890/CD/FP: Portslade Community College Chalky Road. Single storey classroom extension. Approved June 2004.

BH2003/01762/CD/FP: Portslade Community College Chalky Road. Assembly Hall with accommodation teaching block with 4 classrooms, 2 laboratories, extension to community library & enclosed link corridors. Approved July 2003.

BH2001/02904/FP: Portslade Community College Chalky Road. Single storey extension to Sports Centre to provide fitness room and IT classroom for adult education. Approved February 2002.

BH1999/01709/FP: Portslade Community College Chalky Road. Installation of new playground. Approved October 1999.

4 THE APPLICATION

Planning permission is sought for the construction of new three storey extension to the north elevation with associated landscaping, revised vehicle and pedestrian access on Chalky Road. The scheme includes the demolition of parts of the existing school buildings and remodelling and refurbishment of the remainder including the construction of a single-storey covered extension to form a dining area to the western part of the school.

The proposal also includes alterations to the car parking area and the removal of three existing trees. The main three-storey extension is partly intended as a new sixth form building. It is proposed to divide the Academy up to 5 key areas including 'The Hub'. This is an external covered space at the heart of the site which allows for movement between parts of the complex without the need to go outside. This area serves as a covered assembly point, social gathering space, exhibition area and includes a tiered area for seating. It also acts as the main school entrance. The other key areas include a School of Business, School of Culture, School of Creativity and School of Science and Sport. The proposals are integral to the development of the school as an Academy and the enhancement of the educational faculties.

Amendments have been received during the course of the application which includes additional travel / parking information, alterations to the access to the Academy, additional Sustainability details and the removal of large 'PACA' sign from the main extension.

A Community Consultation report has been submitted as part of the application outlining the consultation exercises that have taken place, and this includes two 3 hour community consultation events held in September 2011.

5 CONSULTATIONS

External

Neighbours: Three (3) letters of representation have been received from **3 & 196 Valley Road, Portslade, 161 Church Green, Shoreham-by-Sea** objecting the application for the following reasons:

- From 196 Valley Road, the resident can see that something is going to be built but there is no correspondence about this. There is also concern that a tree is to be removed which would affect the privacy of the residents of the residents of 196. The tree also shields them from noise and objects being thrown.
- The Shoreham resident has stated they are a disabled user of the Sports Centre and are very concerned about the car parking arrangements in the current plans. The current car park has two disabled spaces which are very useful and more would be helpful. There is concern that there will be no parking available during construction works. The resident requests a different part of the site for the new buildings is found.
- The resident of 3 Valley Road has stated that the overall height is hidden within the plans. The size of the building will block views and possibly TV signals to residents. The PACA sign on the building is too large and

unnecessary. External lighting will cause light pollution.

The resident of **216 Valley Road** has no objections to the scheme and they feel the building proposed is attractive. They would however like the school to cut off the tops and thin out the large trees that border the back of their garden.

Councillor Penny Gilbey has commented – her letter is attached as an appendix to this report.

East Sussex Fire & Rescue Service: No comment. The Fire Service recommends the installation of a sprinkler system.

Sussex Police: No objection. In an attempt to reduce the opportunity for crime the applicant is advised to install laminated glazing, secure locking mechanisms and to refer to the Secured by Design Schools 2010.

Southern Gas Networks: There are gas pipes within the site (plan submitted) and the applicant is advised that no mechanical excavations are to take place above or within 0.5m of the low and medium pressure systems and 3 metres of the intermediate systems.

Southern Water: A plan is attached of the water main records showing the approximate position of a public water distribution main in the immediate vicinity of the site. If approved, a condition is recommended requiring details of the proposed means of foul and surface water sewerage disposal to be submitted to the Local Planning Authority for approval prior to commencement of works.

UK Power Networks: No objection.

Internal:

Arboriculture Section: No objection.

The scheme results in the loss of three trees. There is no objection to their loss. A condition is recommended requiring the submission of a landscaping scheme showing proposed trees and an Arboricultural Report which outlines the protection of the remaining trees on site to be submitted for the approval of the local planning authority prior to development commencing.

Ecology: Given the opportunities offered by the proposed development, the application is disappointing with regards to nature conservation. However, this could be remedied through an appropriately worded planning condition.

Environmental Health: The desk top study and site investigation report as originally submitted did not include sufficient information to allow the Environmental Health team to comment. Further work was required on potentially contaminated land, noise, odour and lighting areas.

Subsequently, further discussions took place between the developer and Environmental Health and it was agreed that the above issues could be overcome by appropriate conditions that cover potentially contaminated land, noise and lighting.

Economic Development: The scheme is supported and requests through a Section 106 agreement the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

Children and Young Peoples Trust: The scheme is supported.

City Clean: The waste for this type of property would be collected privately so no advice is given.

Planning Policy: No objection subject to the inclusion of a public art element incorporated into the scheme to the value of £10,000.

Sustainability: No objection subject to conditions. The scheme meets sustainability policy in most respects except delivering renewable technology installation as part of the scheme. As a major non-residential development the standard set through SPD08 is BREEAM 'excellent' with 60% in energy and water sections. This standard should be secured by condition.

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

The Transport Assessment submitted appropriately addresses highway safety issues and the amended vehicular accesses are also deemed an acceptable and safe arrangement. The scheme is also deemed appropriate in terms of the trip generation proposed by the increase in students subject to the submission of an appropriate Framework Travel Plan prior to occupation of the development. Additionally, the level of proposed parking is believed to sufficiently cater for the Academy and Sports Centre and the scheme also proposes suitable cycle parking.

Overall, the Sustainable Transport recommends approval subject to the following conditions to protect the interests of the public using the roads and footways.

- Prior to commencement of works, details of the proposed signage and markings of the car park shall be submitted and agreed by the Local Planning Authority.
- Prior to commencement of works, details of cycle parking areas shall be submitted and agreed by the Local Planning Authority.
- The development shall not be occupied until the parking areas have been provided in accordance with the approved details.
- Prior to commencement of works, a Framework Travel Plan shall be submitted and agreed by the Local Planning Authority.

- At least three months after occupation, the development of the Framework Travel Plan shall be updated to a Full Travel Plan and submitted to the Local Planning Authority for approval. The plan shall be subject to annual review.
- Prior to commencement of works, detailed drawings of level sections and constructional details of the proposed works to roads, surface water drainage, outfall disposal and street lighting shall be submitted to and approved by the Local Planning Authority in writing.
- The applicant is to enter into a Section 278 agreement with the Local Highway Authority to ensure that the public highway is not damaged and any work to the highway is constructed in an appropriate manner.

The Sustainable Transport Manager also recommends that the developer enter into a legal agreement with the Council to secure a financial contribution of £200,000 towards improving sustainable modes of transport within the vicinity of 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 (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 4: Planning for Sustainable Economic Growth
- PPS 9: Biodiversity and Geological Conservation
- PPS 10: Planning for Sustainable Waste Management
- PPS 22: Renewable Energy
- PPS 23: Planning and Pollution Control

Planning Policy Guidance Notes (PPGs):

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

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards

SU2	Efficiency of development in the use of energy, water and materials
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
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
HO19	New community facilities
HO20	Retention of community facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

8 CONSIDERATIONS

The main considerations of this application relate to the principle of the proposed development and impact on neighbouring amenity, the impact of the development in terms of design and scale on the surrounding landscape and the suitability of the layout. The proposed access arrangements and related highway implications, ecology, landscape design, land contamination and sustainability are also assessed.

Background and Principle of the development:

In May 2010, Ofsted placed Portslade Community College (PCC) into what it calls 'Special Measures', judging the 11-16 education at the school to be 'inadequate' and the sixth form to be 'satisfactory'. As a consequence of these results PCC was given a Notice to Improve.

Given this background, Portslade Aldridge Community Academy (PACA) was formed which is a new 11-18 Academy which replaced Portslade Community College from September 2011. Academies are created from failing schools or those in special measures or deprived areas. The new Academy is co-educational and is proposed to accommodate 1,200 11-16 year olds and a sixth form of 250 pupils. Academies are publicly funded, independently managed schools that aim to provide first class free education to local pupils of all abilities which sits outside of direct Local Authority control.

It is intended that the Academy will specialise in entrepreneurship and science and the lead sponsor is the Aldridge foundation (which is a charity) and, co-sponsored by Brighton & Hove City Council working in partnership with the University of Sussex. The Academy is to remain on the Chalky Road site and the new sixth form is to be relocated from the Mile Oak Road site nearby.

As part of the agreement for the change of status of the college to an Academy, the Government has made £12.7 million available to provide a part remodelled, part refurbished and extended school building.

The intention is that the partnership of the Aldridge Foundation, The University of Sussex and the Council would produce a joined up approach to the provision of 11-19 education and beyond in Portslade.

It is noted that a core part of Aldridge Academies is that they become community assets, something from which everyone can benefit. The facilities at the PACA Academy will continue to be open to the community outside school hours. The sponsors will explore opportunities for members of the community to support Adult learning opportunities, library services, youth services and to create opportunities for sporting and recreational activities.

Policy HO19 of the Brighton & Hove Local Plan supports, in principle, new community facilities including schools provided certain circumstances are acceptable. These relate to accessibility, impact on neighbours, car and cycle provision and accessibility in terms of design.

Design and Impact of the proposed development on the school surrounding area:

Policies QD1 and QD2 sets out the design criteria for the assessment of new development. QD1 requires proposals to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Policy QD2 requires developments to emphasise and enhance the positive qualities of the local neighbourhood by taking into account the local characteristics, of particular relevance is point a) which refers to height, scale, bulk and design of existing buildings.

The school has experienced accretive development throughout its existence since the 1920's. This has resulted in the school's accommodation spread out east to west across the northern half of the school site. Currently, the site measures approximately 64,450sqm and bears accommodation of approximately 12,100sqm. Once developed, the site would contain approximately 15,400sqm of internal accommodation. This represents an increase of approximately 3,360sqm. As percentage of the total site area, the development represents a footprint increase from 16% to 17% (i.e. 1%). This is not significant and considered to be acceptable.

The proposed development does not affect the existing sports / soft

landscape to the rear of the school.

The principle of the proposal is to construct a new three-storey extension in a central position which along with other alterations reconnects the school into a cohesive whole. This allows the school to be divided up into different areas, including areas of expertise which are all connected with the main extension acting as a hub at the heart of the site.

The existing site buildings are not architecturally noteworthy. The new three-storey extension is expressed as three layered contours which sweep across the site frontage, before breaking at 30 degrees towards the south and the heart of the school complex. The idea of this angle is that this draws the eye towards the main entrance where the building becomes the roof over the central hub.

The extension has a length of 74.m (when measured from the front) and a height of 11m with a flat roof which includes plant and machinery. It includes balconies to the west and east elevations and projects 35m from the existing front wall of the building. The extension comes out from an angle from a central position across the front of the building with a gap of 17m maintained between the extension and the main building. The sweep of the building is accentuated with the blue feature in Aldridge colours. The extension is finished in render and the glazing of the extension includes intermittent green and blue glazing in powder coated aluminium frames. The extension also includes an undercroft area with columns with areas of grey brick work. The modern and colourful appearance of the extension will stand out against the backdrop of the sports hall and the red brick of the existing school. However, given its architectural function the extension is appropriate in terms of its appearance and positioning and would not significantly detract from the appearance of the existing buildings.

The extension maintains a gap of 15m between the extension and the pavement and due to its set down into the ground, the extension is relative in height to the existing school and sports hall. In terms of immediate context, the Academy's sports centre, main hall and 1920's school buildings have been considered. The new three-storey building is set into the site slope so that the roof parapet level sits below that of the sports centre. The sports centre comprises a mixture of shed-type buildings generally finished in painted profile metal. The location of the sport centre buildings to the east means that they sit at a greater elevation than the proposed new building. The roof of the new parapet level of the new building sits below that of the adjacent sports centre.

The location of the new building elements has been considered in the context of the Academy's location and function. The new building's principal north façade aligns with the existing building of the sports centre to the East and sits behind the building line prescribed by the residential dwellings on Chalky Road to the west. The main sports hall is a triple height brick-built building

which will sit behind and to the left of the new building as viewed from Chalky Road. The 1920's school is a single-storey building set further down the site slope to the west. The new building steps down three storeys to one to the western side. This step down reflects the scale of the 1920's building.

As the site slopes northwards towards Chalky Road as well as east to west, the new building is further hidden by the site slope when viewed from Chalky Road. A line of mature trees along the Chalky Road frontage further obscures the site buildings.

As stated the scheme also includes other minor works to the building. It is proposed to demolish several existing extensions to the front, centre and rear of the school. The minor alterations are deemed acceptable and comprise the following:

- Coloured glazing to existing windows.
- New windows to match existing.
- New double glazed doors.
- A proposed single-storey infill extension to western part of the school to form a dining terrace.
- Infill extension to eastern part of the school adjacent the sports centre.

Overall the scheme does achieve the transformation of the sprawling, existing Academy building estate into a holistic, well laid out and appropriately designed new environment. There is a carefully thought through strategy for demolition and retention of the various existing buildings linking with key new-build interventions. The new build is appropriate in terms of its design and size and is integral to the transformation of the college into an Aldridge Academy.

Impact on Amenity & Environmental Health concerns:

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 campus is surrounded by residential properties on all sides. The new three-storey extension is located so it faces out across the playing fields between Broomfield Drive and College Close. The neighbouring houses adjoining the playing fields are 39 and 41 Chalky Road. Number 41 is located opposite the sports centre, whilst 39 currently faces the land between the Academy blocks 1 and 2 and is part of terrace of 6 houses which face across from the proposed hub and the position of three-storey extension begins to come out of from the school.

The nearest residential property at no.39 is more than 40m away from the proposed extension. This is a significant distance and it should also be noted that the set down of the extension means that it appears as a two-storey

extension from adjacent houses. This set down reduces its bulk and impact on the adjacent properties. Due to the distance and relationship between the adjacent houses on Chalky Road and the proposed extension the scheme is considered to be appropriate in terms of its impact on the amenity of these properties. The balconies proposed in the front extension are set to the side (west elevation) and rear and would not result in any overlooking of any adjacent houses.

The other works proposed are also considered appropriate in terms of their impact on the amenity of adjacent properties. These other alterations are minor additions and do not have a significant impact on residential amenity. The single-storey dining area extension proposed to the west of the Academy and infills an existing outside square area. This extension is shielded from the nearest residential properties to the west by the existing school and does not result in significant loss of amenity to any adjacent properties.

In terms of use, the proposed increase in pupils (an additional 650) is reasonable for a school of this size and the increase would not result in a significant increase in noise and disturbance. The scheme includes plant and machinery to the roof of the front extension. Environmental Health have commented that this is acceptable subject to a pre-commencement condition which requires the applicant to submit an appropriate acoustic report detailing that the plant is capable of complying with the City Council's noise standard of 5dB(A) below background.

The Environmental Health officer has also stated that the Lighting Strategy submitted is insufficient and has recommended a condition that a more suitable lighting scheme that complies with the recommendations of the Institute of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution' (dated 2005), for zone E or similar guidance recognised by the Council is submitted and approved in writing.

Concerns have been raised at the Portslade Local Action Team about the number of trucks that may be delivering building supplies or removing surplus materials and the routes they would take with possible disruption to the community. There was also concern regarding air pollution. Given the size of and potential length of the construction, it is considered appropriate to require the submission of a Construction Environmental Management Plan (CEMP) to be submitted to and approved by the Local Planning Authority prior to commencement of development.

The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment, in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage.

As originally submitted, the Environmental Health officer commented that insufficient information had been submitted in relation to land contamination in

order to comment. Following discussions with the application and having considered the matter and specifically the responses received, Environmental Health considered that the scheme could be conditioned.

Sustainable Transport:

Policy TR1 requires that developments provide for the demand for travel that they create and maximise the use of public transport, walking and cycling. Policy TR7 states that planning permission will be granted for developments that do not increase the danger to users of pavements, cycle routes and roads. Where there are no acceptable solutions to problems that arise from development proposals, planning permission will be refused.

This development increases the size of the campus from 12,100m² to 15,400m² to accommodate a total of 1,200 students. This is an additional 650 student on site. The development also changes the parking arrangements on site, the car parks are to be accessed from the existing access points. The uplift in students includes the relocation of the sixth form campus from the Mile Oak Road campus to the main PACA campus. It is stated within the Transport Assessment (TA) that the sixth form will accommodate 250 students.

Information on the associated transport impact has been provided to support the Planning Application.

Trip Generation

The TA has provided information on the likely trip generation of the proposed scheme. This has allowed the Transport Team to make a judgement on the likely impact the development will have on the operation of the public highway.

It is envisaged that an additional 449 students will travel to the site on foot with 7 students cycling. Additionally the TA estimates that the development will result in an additional 188 two-way vehicular movements from 0800-0900 and 131 from 1440-1540. The assessment of the main access shows that the development does not have a significant impact on the operation of Chalky Road. The Council's Transport Team do not expect that these additional trips by foot, bicycle or car will have a material impact on the operation of the public highway.

However, the TA also predicts that 72 students will travel to the site by bus, data has not been provided to show that the existing bus network can cater for these additional trips. The applicant has been made aware that we require suitable information to show this. The applicant is currently liaising with the local bus service provider to ensure that the existing network can cater for this increase. The applicant will need to provide information to the Local Planning Authority to show that the development can be served by the existing bus network prior to occupation of the development, it is recommended that this information is to be provided in a Framework Travel Plan.

The applicants supporting information states that on average there are to be 2 heavy goods vehicles accessing the site a day, this number will not have a material impact on the operation or character of the local highway network.

Highway Safety

The TA has examined personal injury accident records along Chalky Road from 2006 to 2010. This data shows that over this period there have been 16 accidents, one of which was a fatality. Since the fatality, a safety improvement scheme was implemented adjacent to the proposed site. This scheme includes traffic calming and a reduced 20mph speed limit along Chalky Road.

The accident/collision data shows that the majority of the collisions have occurred prior to the highway safety improvements. Further information provided within the TA suggests that vehicle speeds are less than 20mph during the school peak hours. As discussed previously the proposal will result in additional traffic on the highway, when compared to the current situation. While it is anticipated that the increase will not have a significant impact on the operation of the highway, the increase in trips to the site is likely to increase the potential for conflict between highway users.

While the conflict is likely to increase, the Council's Transport Team not believe that this will result in a material concern to safety of the public using the highway.

Parking

Currently the school uses a main car park which is shared with the Sports Centre and public library, with a separate car park available for deliveries and evening parking. This current site layout has a total provision of 205 car parking spaces.

The proposal seeks to create two separate car parks with a total of 202 car parking spaces, one serving the staff and sixth form students and the other serving visitors and the sports centre during school hours. 177 spaces would be associated with the education use and 25 spaces with the sports centre/library.

The TA provides detail with regards to the proposed number of staff. This states that the proposed staff levels are;

- Full time teaching staff – 102
- Part time teaching staff – 21
- Full time support staff – 25
- Part time support staff – 37

SPG4 sets out the maximum car parking for an educational establishment outside a CPZ as 1 car space per teaching staff member, plus 1 car space per 3 other staff members, plus 2 spaces for visitors. Disabled driver spaces are based on the following; 2 spaces plus 1 additional space for each 2500 sq

m of floor space.

Based on the assumption that 2 part-time staff represents the equivalent of a full-time staff member, provision up to a maximum of 113 car parking spaces for the teaching staff and 15 spaces for the support staff would be within the thresholds set within SPG4. A minimum of 8 disabled driver car parking spaces should be provided. This is a total of 138 car parking spaces including the 2 visitor spaces. The provision of 177 spaces to serve the educational use is greater than the maximum standards set within SPG4. However, the proposal includes 202 spaces, this is a reduction over the existing available provision of 205 and doesn't consider the evening demand of the combined sites.

The car park is shared between PACA and the sports centre/library with the sport centre peak use being in the evening. The sports centre would have access to both car parks during the evening. The level of car parking proposed is therefore believed to be sufficient to cater for the PACA and the sport centre without displacement of car parking onto the highway.

Suitable cycle parking has been proposed in accordance with Local Plan Policy TR14 and SPG4. This is to be provided in multiple locations across the site to serve the students, staff and sport centre.

Vehicular Access

The current main car park which is used during the day has a separate entrance and exit. Vehicles enter the car park from Chalky Road centrally to the site and egress onto Chalky Road from the east of the development. The deliveries and evening car park has a two way access onto Chalky Road to the west of the development.

The proposal creates two separate car parks, one serving the staff and sixth form students and the other serving visitors and the sports centre. The proposed car park serving the staff and sixth form is to be accessed from the existing deliveries and evening car park access. The visitor and sports centre car park is going to be accessed off of the existing separate entrance and exit that serves the current main car park. This arrangement would be an improvement over the existing arrangement as it disperses the traffic more equally across Chalky Road.

Dropping off and picking up Passengers

Currently passengers are being dropped off along Chalky Road and within the existing site. An increase in the number of vehicles setting down passengers along Chalky Road would increase the risk to users of the public highway. Technical Note 001 provides analysis of the expected number of passengers that will be dropped off at the site. It also states that passengers will be able to be dropped off within both car parks. The provided circulation plan details that an area will be designated within the main car park for passengers to be set down or picked up. This offers the best circulation for drop off while

maintain access to the available car parking spaces.

Given that the proposal provides two car parks where passengers can be dropped off or picked up, along with a designated area within the main car park, we do not believe that the proposal will increase the number of people being dropped off within the highway. To encourage dropping off of passengers within the site, sufficient signage or markings should be provided within the car park to direct vehicles to the drop off facility. The design of this should be undertaken in liaison with the Local Planning Authority. A condition has been recommended to ensure that these signage or marking measures are implemented.

Design and Servicing

Plans T306 and T307 show vehicle swept path analysis of a large refuse vehicle entering and exiting the site. Plan T307 shows that a refuse vehicle will need to manoeuvre on to the opposite side of the road to exit the site. Given the anticipated number of times this movement will be expected to occur, it would not be considered a problem.

The access and circulation plan PL.91.103.RevP4 shows a different kerb arrangement leading to the service area to Plans T306 and T307. The access and circulation plan will need to be altered to follow the kerb arrangement shown on the vehicle swept path drawings to enable servicing access. This can be required by condition requiring details to be submitted including an amended plan to be provided to the Local Planning Authority for written approval before commencement of the development.

Plan T309 shows that a coach is able to enter and exit the site, it does however need to use the opposite side of Chalky Road to accomplish this movement. Given the anticipated number of times this movement will be expected to occur, it is not considered a problem.

Access

It is proposed as part of the scheme to widen the existing western access (shown on plan T309), construct an existing access point as footway (current stopped up access) and provide a new pedestrian link centrally to the site onto Chalky Road. To ensure that the public highway is not damaged and any work to the highway is constructed to an appropriate standard, this work will need to be agreed by the Highway Authority prior to construction.

A condition is recommended that no development shall commence until detailed drawings, including levels, sections and constructional details of the proposed road, treatments, surface water drainage, outfall disposal and street lighting to be provided, have been submitted to and approved in writing by the Local Planning Authority.

Travel Plan

A framework travel plan has not been submitted with the application. An

historical travel plan dated 2005, which is now 5-6 years old, has been used within the TA. The TA goes on to state that a new travel plan would be developed and taken forward. For a development of this nature, it is normal practice to complete a framework travel plan as part of the Planning Application submission, updating the site to the pre-redevelopment stage, which is then conditioned by the Council to be updated within 3 months of the development being completed and occupied.

Therefore, it is recommended that a Framework Travel Plan will be required by condition to be submitted to the Local Planning Authority for approval before construction of the development, failure to do so will breach the condition imposed and prevent progression of the project. This should have a significant emphasis on measures and incentives to reduce the use of the private car by all user types, and that a Full Travel Plan be completed 3 months after occupation of the site.

Both Travel Plans will need to be undertaken in liaison with the relevant Travel Planning Officer and accord to the BHCC school travel planning guidelines.

Contributions narrative

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £200,000 to mitigate the impact of this development such as;

- Bus stop improvements within the local vicinity of the site. This will include accessibility improvements such as the installation of accessible kerbs, real time information signs with 'React' and shelters.
- A shared-use cycle route along the length of Chalky Road. This creates a link to the school from the designated quiet roads within the cycle network to the south, including Wickhurst Rise, Valley Road and Southdown Road and also to roads and the estate to the north including Mile Oak Road in the west to Broomfield Road in the east.
- Implementation of cycle signage to link the school/ Residential area with Foredown Tower Road linking with the South Downs National Park.

Subject to the above contribution and suitable conditions to ensure the scheme protect the interests of the public using the roads and footways, the proposal is considered to be acceptable.

Landscaping / Impact on trees:

The landscaping proposal consists of a variety of treatments designed to enhance and integrate the external areas with architectural form while also contributing to the context and appearance of the wider public realm.

The landscaping scheme includes external learning and dining areas which provide 'break out' spaces from classrooms to extend teaching linked to the

curriculum outdoors. The scheme also includes covered circulation from the hub to the business school and dining area. The landscaping scheme also includes a knowledge garden as an extension of the internal science school, an innovation garden as an extension to the innovation centre, a communication garden, tree planting, hard works and allotments. An open area is also proposed which can be used for open-air performances as well as school assemblies.

As part of the scheme, it is proposed to remove three trees across the site. The Council's Arboricultural Officer has commented that the Arboricultural Report submitted with the application is comprehensive and the Arboricultural Officer is in full agreement with the report. There are many trees on site and the submitted report gives a full health and safety report on each tree. Two trees on site are to be removed on the grounds of Health and Safety. There is no objection to their loss.

Only one tree, a Hornbeam, in the Quadrant Area, will need to be removed to facilitate the development. The tree is within an enclosed courtyard area and cannot be seen from the road. The Arboricultural Section does not object to its loss but would like to make it a condition of the planning consent that a landscaping scheme is submitted detailing its replacement on site. They are two other trees in the Quadrant area which were donated to the school. It is proposed to transfer the trees to a different site. It is recommended that the person/s who originally donated the trees are informed if possible.

Overall, the Arboricultural Section has no objection to the proposals in this planning application subject to suitable conditions being attached to any consent granted to protect trees that are to remain on site and replace any that are to be lost. A condition is also recommended requiring the submission of an appropriate landscaping scheme the proposed additional trees.

Sustainability:

Following discussions with the applicant, the Council's Sustainability Officer is satisfied the scheme meets sustainability policy in most respects except delivering renewable technology installation as part of the scheme. As a major non residential development the standard set through SPD08 is BREEAM 'excellent' with 60% in energy and water sections. This standard will be secured by condition.

The applicant aspires to meet an 'excellent' standard but there are potential difficulties with meeting this standard which relate to working with an existing building and site. The applicant has committed to achieving 60% in energy and water sections of BREEAM but has recognised some elements of a BREEAM 'excellent' score will be very challenging. Despite this a condition securing 'excellent' has been agreed.

Ways in which the scheme meets local policy includes reduction in greenhouse gas emissions: via gas CHP; passive design measures which

include passive ventilation, cooling, and lighting; intention; intention to undertake feasibility for rainwater harvesting and greywater recycling; and considerate constructors' scheme. The scheme is also coming forward with a proposed allotment area.

The energy approach has focused on energy efficiency and carbon reduction, and whilst there are no renewables proposed, the development proposes gas CHP which provides low carbon heat and power. This is the only aspect of the scheme which falls short of local policy.

In relation to waste minimisation measures, 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.

Ecology/Nature Conservation:

The Council's Ecologist has commented that the Biodiversity Checklist submitted in support of the application highlights three areas of potential concern; the clearance of shrubs or woodland of more than 100m²; the loss of a hedge of 10m or more and the loss of grassland of more than 100m². However, these areas are not addressed directly through the submitted ecological report. This was due to lack of details regarding the proposed extension and alterations.

The Council's Ecologist feel that the ecological input should have been available from the earliest stages through to completion of the final design, so that both any existing features of value and new ecological features could be properly integrated. However, it is agreed that the existing site is of minimal nature conservation interest. Notwithstanding this, an opportunity has been missed to develop an innovative scheme that fully integrates biodiversity into the design.

More information is required which clearly defines and quantifies the amount of biodiversity which will be provided as part of the scheme in accordance with SPD11.

On this basis, the Council's Ecologist recommends approval subject to a condition requiring the submission of a biodiversity report prior to commencement of works which explains how biodiversity will be enhanced on site to meet the requirements of SPD11. A condition is also recommended which prevents the clearance of habitat suitable for breeding birds during the breeding season.

Other Considerations:

The Sussex Police Crime Prevention Design Adviser has recommended

certain security measures including new doors to conform to certain standards and glazing to be laminated. The applicant has responded that it is not possible to fully meet the standard required due to financial restrictions but that they have incorporated security measures into the scheme.

Southern Gas networks and Southern Water have both commented that the applicant should be aware of the presence of gas mains and water mains within the vicinity of the school. Maps are included showing the adjacent mains which are not within close proximity of any of the works. The applicant has been sent copies of the plans for their information.

9 CONCLUSION

The application has been assessed against relevant policies. It will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character and appearance of the host building and surrounding location.

The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community. Adequate mitigation can be achieved in relation to land contamination and to protect and enhance nature conservation features and species on the site. The scheme is also considered appropriate in terms of sustainability and its impact on highway safety and demand for travel in the area.

10 EQUALITIES IMPLICATIONS

The scheme allows suitable access for all users. It is an underlying principle of the Portslade Aldridge Community Academy to avoid any potential limitations and barriers to learning opportunities within the building and environmental structure for all users.

BH2011/02824 Portslade Aldridge Community Academy, Chalky Road



**Brighton & Hove
City Council**



Scale: 1:2,500

From: Penny Gilbey
Sent: 14 November 2011 22:52
To: Jason Hawkes
Subject: RE: Portslade Aldridge Community Academy, Chalky Road BH2011/02824

Dear Jason

At the Portslade Local Action Team (LAT) meeting tonight concerns about the BH2011/02824 were raised by residents who have issues about the numbers of trucks that may be delivering building supplies or removing surplus materials and the routes they would take with possible disruption to the community and for how long and also any risk of air pollution from these and the building site.

I was also requested to ask for this application to be discussed at a full Planning Committee which I believed as a local councillor I am able to do. Is there a correct procedure to do this and would the request be made through you as a Planning Officer or, if not, could you advise me further on this.

Regards
Penny

*Penny Gilbey
Labour & Cooperative Councillor North Portslade Ward
Deputy Chair Labour & Cooperative Group
Member of Licensing & Licensing (2003) Committee
Member of Environment & Community Safety Overview & Scrutiny Committee
Member of Adult Social Care & Housing Overview & Scrutiny Committee*

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/03093	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Rear of 25 Dyke Road Avenue, Hove		
<u>Proposal:</u>	Erection of new two storey four bedroom detached dwelling house with basement.		
<u>Officer:</u>	Christopher Wright, 292097	tel: <u>Valid Date:</u>	13/10/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 December 2011
<u>Agent:</u>	Alan Phillips Architects, 31 Montefiore Road, Hove		
<u>Applicant:</u>	Mr & Mrs S Hardman, C/O Alan Phillips Architects		

This application was deferred at Committee on the 14th December to allow a site visit to take place.

1 RECOMMENDATION

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

Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawing nos. HH.01, HH.03, HH.04, HH.05, HH.06, HH.07, HH.08, HH.09, HH.13, HH.14, HH.15, HH.16, HH.17 and HH.18 received on 13 October 2011; the supporting information received on 24 October 2011; drawing no. HH.02 Revision B received on 3 November 2011; the supporting information received on 24 November 2011; and drawing nos. HH.10, HH.11, HH.12 and HH.18 received on 25 November 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further

development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. BH02.04 No permitted development (windows and doors)
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes' standards prior to its 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.
6. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
7. The vehicle parking area and garage shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
8. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

9. 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 5 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 5 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.
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development as indicated in the approved Arboricultural Report.
- 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.
11. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with the scheme contained in the Arboricultural Report submitted. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
- Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
12. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11: Nature Conservation and Development.
13. No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting

and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details.

14. **Reason:** To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

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

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

16. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 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. 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.

18. The development hereby permitted shall not be occupied until a scheme to enhance the ecological value of the site, including bat and bird boxes to be attached to mature trees retained within the site, has been submitted and approved by the local planning authority and fully implemented. The development shall be retained as such thereafter.

Reason: To increase the biodiversity and nature conservation interest of the site, to mitigate any impact from the development hereby approved and to comply with policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11: Nature Conservation and Development.

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 design, form, external finishes, scale and siting of the proposed dwelling is considered of sufficient quality and is considered appropriate to the site and its wider context and would not detract from the character and appearance of the locality. For reasons including the design, layout, siting and separation distances with neighbouring properties, the proposal would not have a significant adverse impact on residential amenity. The development would achieve a minimum of Code Level 5 of the Code for Sustainable Homes and incorporates landscaping and cycle and car parking to provide for the transport demand generated by the development together with measures to enhance the ecological value of the site. In view of the above the proposal accords with the development plan.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
 3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
 4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2 THE SITE

The application relates to a plot of land to the rear of 25 Dyke Road Avenue, which is adjacent to the junction with Chalfont Drive and backs onto Woodlands.

Access to the plot would be via a strip of land along the north side of 25 Dyke Road Avenue, measuring between 4m and 12m in width alongside the flank wall of the existing house and at the opening of the site onto the public footway respectively. The plot itself is somewhat triangular in shape, having a

maximum width of 32m and a depth of between 12m and 71m. The plot area is propounded to be 0.1155 hectares.

Excluding the strip of land to be used for access to the site, the plot of land measures some 770 square metres in area.

3 RELEVANT HISTORY

BH2010/00602: On 12 May 2010 an application for the proposed erection of a one and two storey residential dwelling with associated new access, was withdrawn owing to officer concerns related to:

- The scale, footprint, height, bulk of the building and the limited space around it together with the close proximity of the building to the plot boundaries being cramped and unduly dominant in the backland location.
- Height, proximity and position of windows/balconies having an overbearing impact and result in overlooking of neighbours.
- Removal of protected trees without satisfactory landscaping/planting scheme incorporated at design stage.

BH2007/00730 & BH2006/03598: On 13 March 2007 and 8 November 2006, permission was granted for the lopping of protected trees.

BH2004/00050/FP: Approval was granted for a replacement front boundary wall on 3 February 2004 following the refusal of a previous application for a replacement front boundary wall on 21 October 2003 (ref. BH2003/02821/FP).

3/95/0638(F): Permission was granted on 31 January 1996 for the erection of a swimming pool enclosure over an existing open air pool in the rear garden.

3/81/0234: Erection of a swimming pool enclosure over an existing open air pool in the rear garden – approved 12 June 1981.

3/74/0164: Alterations to existing house to form two self-contained flats – allowed to lapse.

M/16501/72: Alterations – not proceeded with.

M/4378/56: Erection of a small temporary garage – not proceeded with.

4 THE APPLICATION

The application is a revised submission following the withdrawal of application BH2010/00602 and is for the proposed sub-division of the rear garden of 25 Dyke Road Avenue to form a separate plot and to construct a 4-bedroom detached dwelling on two storeys and with a basement and underground car parking and cycle storage.

First Floor:

- Three en-suite bedrooms including master bedroom and hallway.

Ground Floor:

- Living room, kitchen and dining area semi open plan style.

Basement:

- Garage for one car and 4 bicycles; laundry and utility rooms; control centre for Microgeneration; bedroom, bathroom and playroom; underground rainwater harvesting tank.

On the roof it is proposed to install Microgeneration equipment including solar vacuum tubes and photovoltaics. The proposed dwelling is designed to achieve Level 5 of the Code for Sustainable Homes.

During the course of the application, the applicant has submitted a letter in support of the scheme and responds to the matters raised by objecting residents.

5 CONSULTATIONS

External:

Neighbours: Sixteen (16) letters have been received from **12 The Close; 23 and 25 Dyke Road Avenue; 7 Elsted Crescent; Green Ridge; Flat 4, 26 Holland Road; 4 Playden Close; 9 Powis Villas; 30 Stanford Avenue; 25 Varndean Drive; 165 Westbourne Street; 30 Whittingehame Gardens; 2 Woodlands “Barrowfield” (x 2); and 9 Woodland Avenue and 12b Woodlands**, supporting the application for the reasons summarised below:-

- Excellent use of the land
- Fits comfortably on site of disused swimming pool
- Suitable for size of the plot
- Sympathetic size, scale and appropriate in the area
- Both existing and proposed homes will have large gardens
- Attractive and contemporary design which would enhance the design of neighbourhood
- Tradition of large gardens being redeveloped for bespoke houses
- Improved landscaping
- Environmentally friendly and sustainable
- Ecological enhancement
- Modern and innovative
- Bike storage incorporated
- No infringement of adjoining properties
- Much needed housing
- Housing elderly relatives close by

Five (5) letters have been received from **7 Chalfont Drive; 15, 16, 17 and 18 Woodlands**, including a submission from landscape architects commissioned by **17 Woodlands**, objecting to the application for the reasons summarised below:-

- Outlook
- Visual amenity
- Out of keeping
- No precedent
- Town cramming and would be harmful to character of area
- Breaches Chalfont Drive building line
- Scale and height is out of character with the area
- Detrimental to amenity and result in an overbearing impact
- Overlooking, loss of privacy and intrusive design
- Missing long sections

- No 3D photomontages
- Limited landscape proposals
- Removal of trees
- The planted screening is inadequate and likely to fail
- Inadequate arboricultural report and planting
- Full impact on root protection areas has not been assessed and the impact of trees on adjacent properties not assessed
- Impractical arrangement for temporary construction access
- Misrepresentative design and access statement
- Greenfield back garden land should not be built on
- Reference to typical density is misleading
- Does not overcome issues with previous application
- Environmentally unfriendly
- Letters of support for the application are not material

Councillor Vanessa Brown raises an objection. Letter attached.

Internal:

Sustainability Officer: No objection.

The proposals meet policy SU2 and the SPD08 standard for Code level 5 on previously undeveloped land. Energy and carbon reduction are addressed robustly with a dwelling that will have good thermal performance and a substantial solar array of Photovoltaics and solar hot water to enable the dwelling to be zero carbon in its central and water heating needs and fixed lighting. The dwelling will minimise water use through efficient water systems including a rainwater harvesting system.

Sustainable Transport: No objection.

It is recommended the vehicular access to the site is widened to 4.1m to allow for two cars to pass.

Council Ecologist: No objection subject to enhanced biodiversity.

Additional nature conservation requirements are necessary to meet the requirements of SPD11.

Arboriculture: No objection.

Of six trees covered by Tree Preservation Order No. 4 of 2010, five are in the rear garden. One Sycamore in the rear garden will need to be felled to facilitate the development. This has been categorised as a “C1” grade tree, indicating it is in adequate condition to remain until new planting could be established. Of the four remaining trees to be felled that are not covered by the TPO, two should be removed as soon as possible on the grounds of Health and Safety.

This means eight trees in the vicinity of the development will remain on-site post development.

Overall, the Arboricultural Section has no objection to the proposed development subject to conditions being attached to ensure landscaping and screening/hedging are plentiful in the vicinity of the new development, all trees to remain on site are protected during the course of the development, and the new driveway in the vicinity of root plates of trees is constructed in such a way as to ensure the retention of the roots beneath.

Additional comments received following the receipt of the Furse Landscape Architects letter which was commissioned by a neighbouring occupier.

Furse Landscape Architect's letter received 10 November 2011 raises valid points regarding this application, however, it is considered the issues raised can be overcome by engineering solutions and can be addressed using planning conditions should permission be granted. There are many successful examples of building in close proximity to tree roots and therefore it is considered that refusal of planning permission for the reasons given in the letter could not be upheld.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 3: Housing
- PPS 9: Biodiversity and Geological Conservation
- PPS 22: Renewable Energy

Planning Policy Guidance Notes (PPGs):

- PPG 13: Transport

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
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD06: Trees & Development Sites

SPD08: Sustainable Building Design

SPD11: Nature Conservation & Development

8 **CONSIDERATIONS**

The principal considerations in the determination of the application include whether residential development is acceptable in principle; the design and relationship of the development with the site and its wider context; impact on neighbour amenity; transport; and sustainability.

Principle

In June 2011 a revised PPS3: Housing was issued by central Government and private residential gardens no longer can be considered as previously developed land. As such they are Greenfield sites.

This does not mean they are not appropriate for development, but any development which is permitted to take place should be of the highest design quality and seek to minimise its environmental impact, for example by enhancing natural features and by minimising use of energy, water and materials.

In this particular instance the proposed dwelling would partly occupy the site of an existing outdoor swimming pool which is no longer used and the scheme would achieve Level 5 of the Code for Sustainable Homes as required for development of a Greenfield site.

In principle the application accords with policy QD3 of the Local Plan as it would make efficient and effective use of the existing large rear garden area and create an additional residential unit. The proposed housing density would be just under 13 dwellings per hectare and this is not considered out of keeping with densities typically found in the locality and is accords with policy HO4 of the Local Plan. The area is characterised by relatively large

residential dwellings set in plots with front and rear gardens and the proposed dwelling type and size, being a 4-bedroom house, is not out of character with these predominant characteristics. Furthermore, the proposal is considered to meet the requirements of policy HO3 as it responds to the need for additional housing in the city.

Design

Policy QD1 of the Local Plan states 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. Design aspects taken into consideration include the scale and height of development; architectural detailing; quality of materials; visual interest; and appropriate levels and type of landscaping.

Policy QD2 of the Local Plan requires proposals to take into account local characteristics with the aim of the development to emphasise and enhance the positive qualities of the neighbourhood. The appearance of proposed development and its relationship to its surroundings are matters that relate to the design of buildings and to urban design. Policy QD3 of the Local Plan concerns the efficient and effective use of sites, but makes clear that in order to avoid town cramming, proposals for “backland” development will be rigorously examined in respect of features including the design and quality of spaces between buildings, grassed areas and trees.

There were concerns with the plot coverage, design, bulk and massing of the previous application, and the limited space proposed between the building and the plot boundaries.

These concerns have been resolved in the current application. The footprint of the proposed dwelling as seen above ground would be 13.5m across and 9m in depth. This is comparable with existing houses in Chalfont Drive and the existing property of 25 Dyke Road Avenue. In addition, there would be open space around the building appropriate to the layout and spatial characteristics of existing housing development and the property would be between 5m and 15m from the plot boundary at the closest and farthest points, and separated from neighbouring 2 Chalfont Drive by a gap of some 8.4m. In addition the front elevation of the dwelling would be separated from the boundary of the remaining rear garden of 25 Dyke Road Avenue by a distance of 7.4m.

The lower ground level and excavated area would extend out from the footprint of the dwelling and seen above ground level.

However, the plot coverage and space around the proposed dwelling is considered appropriate for development on a backland site and in keeping with the spatial characteristics of neighbouring development and would ensure the development is not cramped or appearance or unduly dominant. The space around the building would also create an appropriate setting for the style and architecture of the property proposed.

The proposed external finishes include white render and glass walls and a flat roof with photovoltaic cells and solar panels. The windows would have powder coated aluminium frames. Small details would be of stainless steel and the front door and garage door made from close horizontal timber boards of Douglas Fir. The east elevation of the building, forming the principal façade and facing the rear elevation of 25 Dyke Road Avenue, would feature Galaxy Structuran polished recycled glass to provide interest, allow passing of light and also obscure views to prevent overlooking. Existing brick boundary walls would be kept and a 1.8m high timber fence erected along the boundary with 25 Dyke Road Avenue. The driveway and hard surfaces would be permeable surfaces to allow for natural drainage. The palette of materials is considered to be acceptable.

The form of the dwelling would have a flat roof up to a maximum height of 6.7m above ground level and comprising three 'blocks' at first floor level, resting on the rectangular base of the ground floor. The property would be less high than the neighbouring property in 2 Chalfont Drive and 3.8m lower than the ridge height of 25 Dyke Road Avenue. The reduced height of the dwelling helps reduce its potential dominance and is appropriate for this scale of development within a backland site surrounded by street fronting development, which should remain the predominant features of the street scene.

The front and rear elevations feature curved facades at one end of the property and this helps to add architectural interest and articulation as well as serving a functional purpose for the design of the interior and measures to safeguard neighbouring occupiers' amenity. The windows openings comprise a series of bespoke slots and narrow openings together with square and rectangular openings. The overall design of the building is consistent and unified and would form an attractive building of modern appearance.

The objections expressed by some of the neighbouring occupiers are noted, however, the application site is significantly larger than the plots of other neighbouring dwellings, and the scale and position of the proposed dwelling is considered appropriate within the site context.

For reasons included safeguarding the character of the area and the amenity of adjoining residents it is recommended a condition is imposed removing permitted development rights for future extensions and alterations to the proposed dwelling.

In view of the above the proposal is considered to comply with policies QD1, QD2 and QD3 of the Local Plan.

Impact on Amenity

In order to meet the requirements of policy QD27 of the Local Plan it is important the development would not have a significant adverse impact on neighbouring amenity, with particular reference to overbearing impact, loss of

light, overlooking and loss of privacy.

The two storeys of the dwelling above ground level would be set in from the plot boundaries and the first floor layout and design has been carefully considered.

The front elevation would be 7.4m back from the plot boundary and 33m from the rear elevation of 25 Dyke Road Avenue. This is sufficient separation to preclude overshadowing and overlooking. Similarly, 23 Dyke Road Avenue is a considerable distance from the proposed building and the orientation of the southern flank elevation, together with the curved façade and window design of the front elevation, would preclude any direct views towards this property. The southerly flank elevation faces towards the line where back gardens in Woodlands and Dyke Road Avenue meet. In any case, first floor glazing to the front elevation is proposed to be Structuran recycled glass arranged in narrow strips angled randomly, similar to a fixed blind, allowing slots of light to pass through but preventing views from the proposed dwelling into neighbouring properties. A sample of the Structuran recycled glass has been submitted.

The northerly flank elevation of the dwelling would have high level slot windows 1.77m above finished floor level and this would preclude overlooking of the rear garden of 2 Chalfont Drive, and these together with the proposed separation distance of 9.5m is adequate to prevent significant harm to amenity.

Properties in Woodlands have raised objections to the proposal, in particular 16, 17 and 18 Woodlands, which adjoin the rear boundary of the plot. The shape of the plot is such that the proposed dwelling would not be parallel to the rear boundary and the rear elevation of the dwelling would be at an angle of less than 45 degrees to properties in Woodlands and hence not directly opposite. The proposed house would be between 7m and 11m from the rear boundary of the plot and a minimum of 31.5m to 18 Woodlands and 37m to 17 Woodlands. 16 Woodlands would be nearly 40m from the rear elevation of the proposed house. These separation distances are considerable and mean the development will not result in undue overshadowing or have an overbearing impact and the potential impact is further mitigated by the low height of the proposed dwelling. A planning condition can also be used to obtain precise levels and ensure the dwelling is not constructed any higher up than shown on the plans. There is a gentle downward slope of the land towards Woodlands but this would not have a meaningful effect on the amenity impact of the development.

Residents have also raised concerns there would be balconies at first floor level on the rear elevation of the building. The applicant has responded to this in their letter received on 24 November. An inward opening “window” is proposed to the master bedroom and a sliding door on one of the single bedrooms. These would open out onto shallow ledges which are recessed

within the footprint of the dwelling and beneath the overhang of the roof. At between 500mm and 1m these would not be large enough to sit out on, and in any case the “ledges” are within the footprint of the building and no closer to neighbouring properties and as such the amenity impact would not be significantly greater than sliding doors or opening windows.

In addition, the applicant proposes a landscaping scheme including tree planting which would aid screening of the development.

The proposal includes a driveway with parking or turning in front of the dwelling and a ramped access to an underground garage for one car. Four secure, covered and convenient cycle parking spaces are proposed in the garage also.

The amount of car parking proposed is considered reasonable. SPGBH4 requires a minimum of one cycle parking spaces per dwelling and the proposal would provide four cycle parking spaces. A condition can be imposed to ensure this level of cycle parking provision is provided within the development. Whilst raising no overall objection, Transport Planning has raised the issue of potential future uses of the garage could preclude cycle storage within it.

The proposal is considered to satisfactorily provide for the transport demand generated and complies with policies TR1, TR14 and TR19 of the Local Plan.

Sustainability

The proposal is to develop back garden land and this constitutes Greenfield. As such, to meet the requirements of SPD08: Sustainable Building Design, the development should achieve a minimum of Code Level 5 of the Code for Sustainable Homes. The applicant has submitted a BRE Pre-Assessment Estimator which demonstrates an overall Code Level 5 with the water use achieving Code Level 6. The applicant has also submitted a Sustainability Checklist.

The application proposes efficient heating and construction and includes a plant room at low ground level and an array of evacuated tubes and photovoltaic solar panels on the flat roof. These would be set in from the roof edges and hidden from view by the parapet upstand around the edge of the roof. The proposal is also orientated to maximise natural light from the south.

The proposal is considered to accord with policy SU2 of the Local Plan and SPD08: Sustainable Building Design and the Sustainability Officer raises no objection.

As a new residential property, the proposal has been designed to achieve Lifetime Homes and accessible housing requirements under policy HO13 of the Local Plan. This includes wheelchair circulation in all living areas, level access, sufficient space for disabled parking and adequate widths of corridors

and doorways as well as appropriate height of switches, sockets and service controls between 450mm and 1200mm above floor level.

Landscaping and biodiversity

In accordance with the requirements of policies QD15 and QD16 of the Local Plan the applicant has submitted an arboricultural report and a simple landscaping plan shown on the proposed site plan (drawing no. HH.17).

The Council's Arboricultural team is in agreement with the arboricultural report submitted and has provided additional comments in response to the objection commissioned by residents of Woodlands of their own landscape architect. The trees to be felled have been agreed with the Council's Arboriculturalist and the applicant proposes to comply with BS5837:2005 "Trees in Relation to Construction – Recommendations" in terms of protecting trees to be retained during construction. The proposed driveway runs through root protection areas of three trees (T5, T6 and T17) and a porous surfaced "no dig" driveway constructed using a cellular confinement system to bridge over the root area of the trees. During construction fencing to BS5837 is proposed to protect existing trees and prevent plant and materials straying onto protected root areas.

The proposed site plan shows some landscaping, including planting of birch trees along the rear boundary of the site. This would act as a border and screening of the development site and help to soften its appearance and merge with the character of the local area. The landscaping also includes wildflower grassland, shrubs and some water features. The precise details of the landscaping scheme, including species and projected heights of trees, can be controlled by planning condition.

A biodiversity checklist has been submitted in accordance with policy QD17 of the Local Plan and SPD11: Nature Conservation and Development. The checklist states the development would involve change to a "derelict area with exposed soil, brambles, piles of rubble etc. of more than 100 square metres" and "veteran trees on or overhanging the development site". Veteran trees are trees with holes, cracks or cavities or with peeling bark, or with large dead branches or which support well established ivy growth. This has triggered a Extended Phase 1 Habitat Survey. The site currently supports typical suburban garden characteristics including hardstanding, lawn and borders containing ornamental garden flora and shrubs with some trees which are common habitats and of low ecological value. The report states there are no signs of protected species such as bats or badgers on the proposal site and there are no notable habitats which could potentially support protected species. One tree is found to have a medium potential for supporting roosting bats, and this is to remain in situ (a horse chestnut). One tree was found to have a low potential for supporting roosting bats (a mature sycamore), and this is proposed to be removed for health and safety reasons. No signs of badgers were found on the site and it is not considered suitable for amphibians or likely to support reptiles. Recommendations for enhancing the

ecological value of the site include bird and/or bat boxes together with planting of native fruit trees and the applicant has stated in the design and access statement submitted that bat and bird boxes would be placed on the mature trees retained on site.

The Council Ecologist raises no objection to the report submitted but considers additional measures, such as Sedum roof and a small green wall could be required to further enhance the nature conservation value of the site and meet the requirements set out in SPD11: Nature Conservation and Development. The applicant is amenable to these suggestions and it is recommended a condition be imposed to that effect.

9 CONCLUSION

The proposal seeks to make more efficient and effective use of the site providing an additional dwellinghouse, and is considered acceptable in terms of design, materials, scale and siting, and would be appropriate to the size of the plot and wider context.

The dwelling would be of high quality contemporary design whilst taking into consideration the height and spatial characteristics of existing development. The appearance of the proposed dwelling together with its landscaped setting would not be detrimental to visual amenity.

Due to the design, layout and position of the proposed house in relation to neighbouring properties, there would be no significant adverse impact on residential amenity by way of loss of privacy, overshadowing or an overbearing impact.

Although situated on Greenfield land, the scheme proposes a high level of sustainability, achieving a minimum of Code Level 5 of the Code for Sustainable Homes, together with measures to enhance the ecological value of the site with bat and bird boxes. A landscaping scheme incorporating new tree planting is proposed and considered to be acceptable.

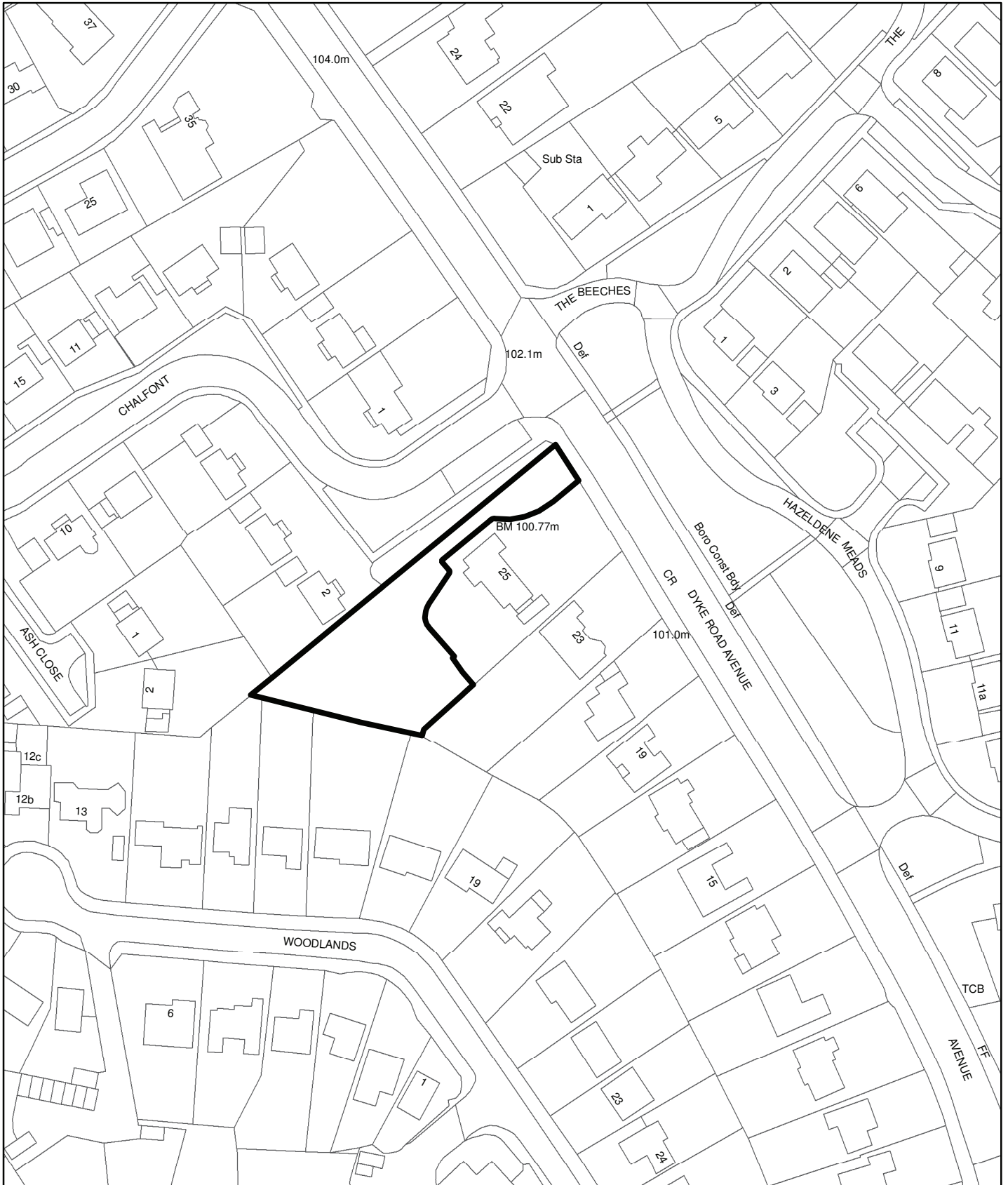
In addition the proposed development would be accessible and meet Lifetime Homes' standards and would also provide for the additional transport demand generated with secure and covered cycle storage and off-street parking.

For these reasons the proposal is considered to meet the requirements of the development plan and guidance listed in part 7 above and approval subject to conditions is recommended.

10 EQUALITIES IMPLICATIONS

The development shall be constructed to be accessible and meet Lifetime Homes' standards wherever practicable.

BH2011/03093 Land Rear of 25 Dyke Road Avenue, Hove.



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 11 JANUARY 2012

COUNCILLOR REPRESENTATION

From: Vanessa Brown
Sent: 11 November 2011 20:40
To: Christopher Wright
Subject:

Dear Mr Wright

Re: BH2011/03093 Land to the rear of Dyke Road Avenue

As a councillor for Hove Park Ward I am writing to object to this application for a back garden development. These developments are changing the distinctive character of those parts of the ward that are characterised by individually built houses in large gardens.

This development will have an adverse effect on the Barrowfield and Woodlands area of Hove which is characterised by being a semi rural area with many trees. This application is for a very large house which will be an overdevelopment of the site. It will have a particularly detrimental effect on the residents of 17 Woodlands who will suffer overlooking from the three large bedroom windows and a door at first floor level that will presumably open onto a balcony. The small amount of replacement planting would not form an effective screen. Windows in the proposal would also overlook the garden of 23 Dyke Road Avenue causing a loss of privacy.

The design of the house is also completely out of keeping with the surrounding neighbourhood.

If this application is not recommended for refusal I would like it to go before the planning committee.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown
Cabinet Member for Children and Young People
Member for Stanford Ward

<u>No:</u>	BH2011/02485	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	52 Preston Road, Brighton		
<u>Proposal:</u>	Conversion of single dwelling property to 4no self contained flats, erection of single storey rear extension and construction of new frontage at ground floor.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	26/09/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 November 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Hardwick Hartley Partnership, 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 scheme fails to provide a unit of accommodation that is suitable for occupation by a family (including garden access) and as such the proposal is contrary to policy HO9 of the Brighton & Hove Local Plan.
2. The application fails to demonstrate that the site would fall within a satisfactory noise category and have no adverse air quality issues and as such could cause harm to the amenity of the future occupiers of the units. As such the proposal would be contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
3. The proposed rear extension would have an unacceptable impact on the character and appearance of nos. 52 and 54 Preston Road, resulting in an overly dominant extension by virtue of its excessive width and depth. As such the proposal would be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
4. The proposed development would have an unacceptable impact on the living conditions of the future occupiers by virtue of a cramped form of accommodation, particularly within the ground floor units, poor outlook and would result in inter-overlooking between the proposed and existing units (including neighbouring residential accommodation). Therefore the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The application fails to provide for an acceptable standard of cycle parking provision and as such the proposal is contrary to policies TR14 and HO9 of the Brighton & Hove Local Plan.
6. The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and as such would be contrary to policy HO13 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 1110-20 received on 22.08.11 and drawing no. 1110-21D received on 28.11.11.
2. Any subsequent application would need to address potential contamination issues at the site by including a phased land quality assessment in order to address the issues raised within policy SU11 of the Brighton & Hove Local Plan.

2 THE SITE

The application site is a three storey Victorian building situated on the northeast side of Preston Road and is located within the designated London Road Town Centre, although outside its prime retail frontage.

It has a commercial shopfront to the ground floor, with its own entrance. This and the remainder of the ground floor is known as no. 52A.

The upper floors also benefit from their own entrance and include part of the ground floor entrance hall and the two top floors of the building. These are known as no. 52B.

The site is currently in use as a single dwelling, and a certificate of lawful use has recently been approved to confirm this.

3 RELEVANT HISTORY

BH2011/00952: Certificate of lawfulness for existing use of property as a single dwelling house – approved 20/05/2011.

BH2001/02894/FP: Replacement shopfront – approved 23/01/2002.

BH1998/00136/FP: Change of use from part D1/part A1 to A1 at front and residential at rear – approved 11/06/1998.

4 THE APPLICATION

Planning permission is sought for the subdivision of the existing building to 4 no. residential units comprising 2 no. 1 bed units on the ground floor, 1 no. 1 bed unit on the first floor and 1 no. 2 bed unit across the second and attic floors.

The application also involves the erection of an L-shaped extension wrapping around the northern corner of the existing rear projection measuring approximately 3.0m deep (min) and 5.7m deep (max) x 3.6m wide (min) and 7.25m wide (max – including the side return of the neighbouring property no. 54 Preston Road which is also in the applicants ownership) x 2.85m high, being flat roofed.

5 CONSULTATIONS

External:

Neighbours: Five (5) standard letters of representation have been received from **64 Stanford Avenue, 27 Hill Brow, 58 Breamore Road, 11 Silverdale Road and 22 Eaton Court, Eaton Gardens** supporting the application for the

following reason:

- The proposed extension and conversion would make an efficient use of the building and would be appropriate for the surrounding environment.

Internal:

Environmental Health: Insufficient information on which to comment. Specifically an acoustic report carried out in accordance with PPG24 and a phased land quality assessment are required.

Records available to the City Council indicate that the site was a dry cleaners in 1956 and prior to this, a coal and coke merchants from 1908-1916. A large engineering works to the rear (north West of the property) referred to as Argyle engineering was present from 1938 to 1949. As such, the historic uses may have had the potential to cause localised contamination which may impact on the new uses. The rear extension will require investigation to ensure that it does not present any adverse human health or contamination impacts to the end residents. The introduction of private patio gardens is likely to require specific consideration.

The site is located on a busy arterial road out of Brighton and there are concerns regarding road traffic noise. It is appropriate to consider road traffic noise at a very early stage. On viewing the DEFRA noise mapping in combination with the plans in drawing number 1110-21, it is noted that a number of the flats have bedrooms located on the western and main road façade. Therefore at present there is insufficient information to gauge whether road traffic noise is likely to present an issue to future occupants.

It is therefore important that a critical appraisal of noise is carried out prior to the design stage. Given both the noise and potentially contaminated land issues as identified above, it is considered that there is insufficient information on which to make a decision.

2009 pollution monitoring data at 56 Preston Road shows NO₂ concentrations above the limit value. The 2010-11 monitor is closer to vehicles accelerating northbound from Preston Circus and therefore more worse-case than the site in question. The premises façade is 4 m from the kerb; so likely to be 6 metres from passing vehicle exhausts.

52 Preston Rd is a marginal-case for future breach of pollution limit values. Therefore introduction of permanent new residential quarters solely on the ground floor is not ideal.

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

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a

financial contribution of £750 to help finance off-site highway improvement schemes within the vicinity of the site.

The site is located within Zone Y of the city's controlled parking zone (CPZ). There is currently a 12 month waiting list. SPG4 states that a dwelling within the CPZ can provide a maximum of 1 car parking space per dwelling plus 1 per 5 dwellings for visitors. This proposal seeks to create 1 two bedroom residential dwelling and could therefore provide car parking for 1 vehicle on site.

The proposal seeks to remove 2 existing car parking spaces. It is anticipated that the existing demand and proposal would generate an additional parking demand of approximately 3 vehicles based on the analysis of Census data with an average dwelling owning 0.62 vehicles within the St Peter's and North Laine Ward.

In my opinion this level of uplift would not result in a material impact on the demand for parking on the local highway that would support a reason for refusal.

The existing crossover should be constructed as footway in accordance with the Local Planning Authorities design standards, this should be linked directly to this application in the interests of public safety. These works extends beyond the red line boundary. A new red line boundary plan should be sought and the below condition included if permission is granted.

Cycle parking is proposed in accordance with Local Plan Policy TR14 and SPG4.

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 Guidance

PPS3: Housing

PPG13: Transport

Brighton & Hove Local Plan

TR1 Development and the demand for travel

TR2	Public transport accessibility and parking
TR7	Safe Development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD5	Design - street frontages
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the change of use, impact on the building and wider area, amenity, contamination, highways and sustainability issues.

Principle of the change of use

The building is currently in use as a 6 bedroom dwelling (i.e. one residential unit), which appears to be rented out to a group of students. There is no in principle objection to a conversion scheme however any scheme needs to comply with policy.

Policy HO9 of the Local Plan will permit the conversion of dwellings, including maisonettes into smaller units of self-containment when all of the following criteria are met:

- a. the original floor area is greater than 115m² or the dwelling has more

- than 3 bedrooms as originally built;
- b. at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms;
- c. the proposal is not detrimental to adjoining properties, including those within the same building, in terms of noise and nuisance and there is adequate provision for the storage of refuse;
- d. secure, covered cycle parking is provided (if off-street cycle parking is not available and provision cannot be made on-street, then a contribution may be sought towards cycle parking nearby);
- e. the proposal will not result in an unacceptable level of on-street car parking;
- f. if the building is listed, the proposal preserves the character of the listed building; and
- g. if the building is in a conservation area, the proposal preserves or enhances the character of the conservation area.

The requirement within criterion b) for a unit of family accommodation will not apply when:

- i. a different mix of units is essential to preserve the character of a listed building; or
- ii. a different mix of units is necessary to meet the needs of existing occupants who will remain on completion of the conversion;
- iii. the proposal is poorly located to meet the needs of families; or
- iv. the proposal is specifically for people with special housing needs.

The aim of criterion a) is to protect small family dwellings from conversion, as there remains a high level of demand for these dwellings within Brighton & Hove. When calculating the original floor area, later additions such as extensions, garages and loft conversions must be excluded, and the calculation of the original floor area must be based on internal dimensions only. The internal floor area of the original dwelling is approximately 161 sqm (excluding the attic space), and is therefore above the threshold of 115 sqm defined within criterion a).

Criterion b) requires that at least one unit is suitable for family accommodation and contains 2 bedrooms or more. The top maisonette is the only unit that would include 2 bedrooms. Family accommodation should also have provision for adequate outdoor private amenity space, and thus unit does not, yet the smaller 1 bedroom units on the ground floor do. As such the proposal is contrary to criterion b) as none of the exception criteria is considered relevant to this proposal.

With regard to criterion c), it is considered that the proposal makes adequate provision for recycling and refuse, and would not be of detriment to adjoining properties in terms of noise and nuisance.

The information submitted with regard to criterion d), the provision of cycle parking, indicates that secure parking would be in various locations across the

development. 4 no. spaces are proposed under the stairs, and each of the ground floor units has provision within their amenity areas.

However, the usability of these spaces is questioned, as all are proposed to be accessed via a narrow hallway, through a tight doorway into the communal ground floor hallway. In addition, the under stair provision is not usable as there is inadequate space for 4 no. cycles with sufficient access, and the route to the amenity space for proposed flat 1 would be even more convoluted, via an additional narrow hallway and would need to be carried over a bed (not to mention other obstructions such as wardrobes etc) to obtain access to the cycle parking spaces.

As such it is not considered that the provision of cycle parking is adequate, and thus the proposal fails to accord with criterion d.

With regard to criterion e) of policy HO9, the impact on the local highway network/parking is discussed later in this report.

With regard to criteria f) and g), the property is not a listed building nor is it within a conservation area.

The scheme is therefore unacceptable.

Impact on the building and wider area

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

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

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

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

Policy QD14 relates to extensions and alterations and confirms that they will

only be granted if the proposals are well sited, designed and detailed in relation to the host property.

The application proposes a large single storey rear extension, as described in section 4. The proposed extension would be the full width of the site, and would also extend into the side return of the neighbouring building, no. 54 which is also in the applicant's ownership.

The extension itself would relate poorly with the existing building and would create an overly dominant extension by virtue of its excessive width and depth. This impact is exasperated by the fact the extension extends into the neighbouring property, further dominating the character of the rear of these two properties.

The applicant contends that a similar extension could be constructed under permitted development rights which is incorrect. Limited extensions of a maximum of 3m in depth could be taken off each of the rear elevations of no. 52 itself (so a staggered extension), and no extension to no. 54 would be permitted for residential use, as this is in commercial use at ground floor level. If permitted development rights were used to extend the property (whilst it was still a single residential unit) this would result in a significantly lower level of built form at the site than is proposed as part of this application.

It is noted that some neighbouring properties have large single storey rendered extensions to the rear. However, a search through planning history of Preston Road reveals no permissions for these structures after 1993, and as such if they are authorised structures, these would have been permitted under a historic form of planning policies and guidance and as such set no precedent for similar types of development today. It is considered that these existing extensions are harmful to the original buildings due to their sheer size and scale and over dominate the existing buildings and also the development to the rear of the site.

As such, the rear extension is considered to be wholly unacceptable by virtue of its excessive scale, bulk, massing and causes an overly dominant impact on the existing building.

Alterations are also proposed to the front elevation replacing the historic shopfront and installing more domestic style windows (yet retaining the opening size of the window whilst removing a secondary front entrance door). This is considered to be acceptable, without unduly harming the character or appearance of the building or the wider street scene.

Amenity issues

For Neighbours

Policy QD27 protection of amenity 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.

Whilst the proposed rear extension is large, it is not considered to give rise to any adverse amenity concerns as the ground floor neighbouring uses are in commercial use. As such there would be no undue loss of light or overbearing impact issues that would harm residential amenity.

The conversion to 4 residential units could give rise to concerns of increased noise and disturbance. However, the property is already in residential use and the creation of these additional units is not considered to cause any undue harm.

The proposed rear ground floor unit includes a window facing back towards the rear elevations of nos. 52 and 54 Preston Road. This would mean that interlocking and overlooking would be possible between the units on the upper floors of these properties and the ground floor unit. This relationship is unacceptable and would cause a harmful impact on amenity.

For Future Residents

Policy QD27 requires new residential development to provide a high standard of living accommodation, suitable for future occupiers.

Policy HO13 requires residential units to be lifetime home compliant. When dealing with conversions it is recognised that the existing built form of the property may restrict full compliance with this policy but compliance should be sought wherever possible.

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

The layout of the proposed conversion varies in its level of acceptability. The layout of the proposed units on the first, second and attic level floors are considered to be acceptable. Each of these room sizes are considered to be sufficient for their function with most having natural light and ventilation (save for bathrooms).

However, the situation on the ground floor is far from satisfactory. In particular the units are considered to provide a cramped form of accommodation and room sizes are not adequate for their function, which is particularly relevant in the proposed bedrooms which have insufficient space for any furniture other than a bed. In addition, the living room area for flat 1 is also considered to be constrained and of inadequate size for its function.

The ground floor units do not meet lifetime homes criteria where they could feasibly do so, particularly as the internal layout is altering completely. The only rooms which show compliance are the combined living rooms. As such the proposed design demonstrably fails to comply with policy HO13.

The proposed ground floor front unit, Flat 1, is also considered to have a poor outlook from the front, with the lower part of the windows to be etched glazed, giving no view, and even if there were a view, this would be equally poor for the main outlook of the property. As such this would provide a poor level of amenity for the proposed occupiers.

Concern has also been raised from the Environmental Health team regarding noise levels and air quality. No information has been submitted with the application to address these issues.

It is noted that the property is currently in residential use as a single unit and thus gives the occupiers the option to move within the building to utilise rooms which are not as adversely impacted by noise or pollution, such as to the rear of the property.

This choice of movement would be removed if the application were to be approved, due to the cramped subdivision into 4 residential units. The impact would be particularly acute in relation to air quality for the ground floor units, notably Flat 1 to the front of the building.

Amenity space is provided for each of the ground floor units. The upper floors do not have any amenity space provided.

It is considered that the provision for the ground floor units is acceptable, although relatively small is appropriate in size for the scale of the units. However, the only unit suitable to accommodate a family is across the second and attic levels and this does not have access to outside space, as such the proposal is contrary to Policy HO5.

It is considered that the proposed conversion is a poor example of the subdivision of a building into multiple units which would result in an unacceptable standard of accommodation for the future occupiers.

Contamination issues

Policy SU11 confirms that proposals for the development of known or suspected polluted land and/or premises will help to ensure effective and productive use is made of brownfield sites and will be granted, in accordance with the other policies of the development plan, where the following can be met:

- a. The application is accompanied by a site/building assessment and detailed proposals for the treatment, containment and/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses, and to prevent leaching of pollutants;
- b. The proposal will not give rise to an increase in contamination and atmospheric pollution; and
- c. Conditions can be imposed and/or a planning obligation sought in order to ensure the fulfilment of any necessary remediation measures and/or future monitoring.

Planning permission will not be granted for the development of polluted land or land adjacent where the nature and extent of contamination is such that even with current methods of remediation the proposed development, people, animals and/or surrounding environment will be put at risk.

Where the suspected contamination is not felt to be significant or not of a high risk, permission may be granted subject to conditions requiring site investigation and any necessary remedial measures.

The comments from the Environmental Health Team are noted, in that the land is suspected to be contaminated due to the previous uses of the site itself and the adjacent site to the rear.

No information has been submitted with the application to address the suspected contamination, and as such a judgement cannot be made as to the risk level of this. Therefore the applicant has failed to demonstrate that there are no undue contaminated land issues and as such the application is lacking in this respect.

Highway issues

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

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

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

The site is located within a controlled parking zone (CPZ) and it would be appropriate to restrict the future occupiers from obtaining a parking permit, and a condition to this effect would be recommended were the application to be recommended for approval.

Comments have been provided above regarding the inadequate cycle parking provision and as such this is unacceptable to conform to the requirements of TR14.

The Sustainable Transport Team also recommends a legal agreement to mitigate against the impact of the development. However, the Local Planning Authority is not currently seeking such contributions on schemes of less than 5 residential units to assist the development industry during these times of austerity.

Sustainability issues

Any new residential building upon the site would need to conform to the requirements of SPD08 and policy SU2.

The applicants have submitted the new Brighton & Hove Sustainability Checklist, in accordance with SPD08. No information has been provided detailing how the development would minimise its reliance on energy, water and materials, and as such fails to demonstrate compliance with policy SU2.

However, were the application to be recommended for approval, this could be addressed by a suitable condition.

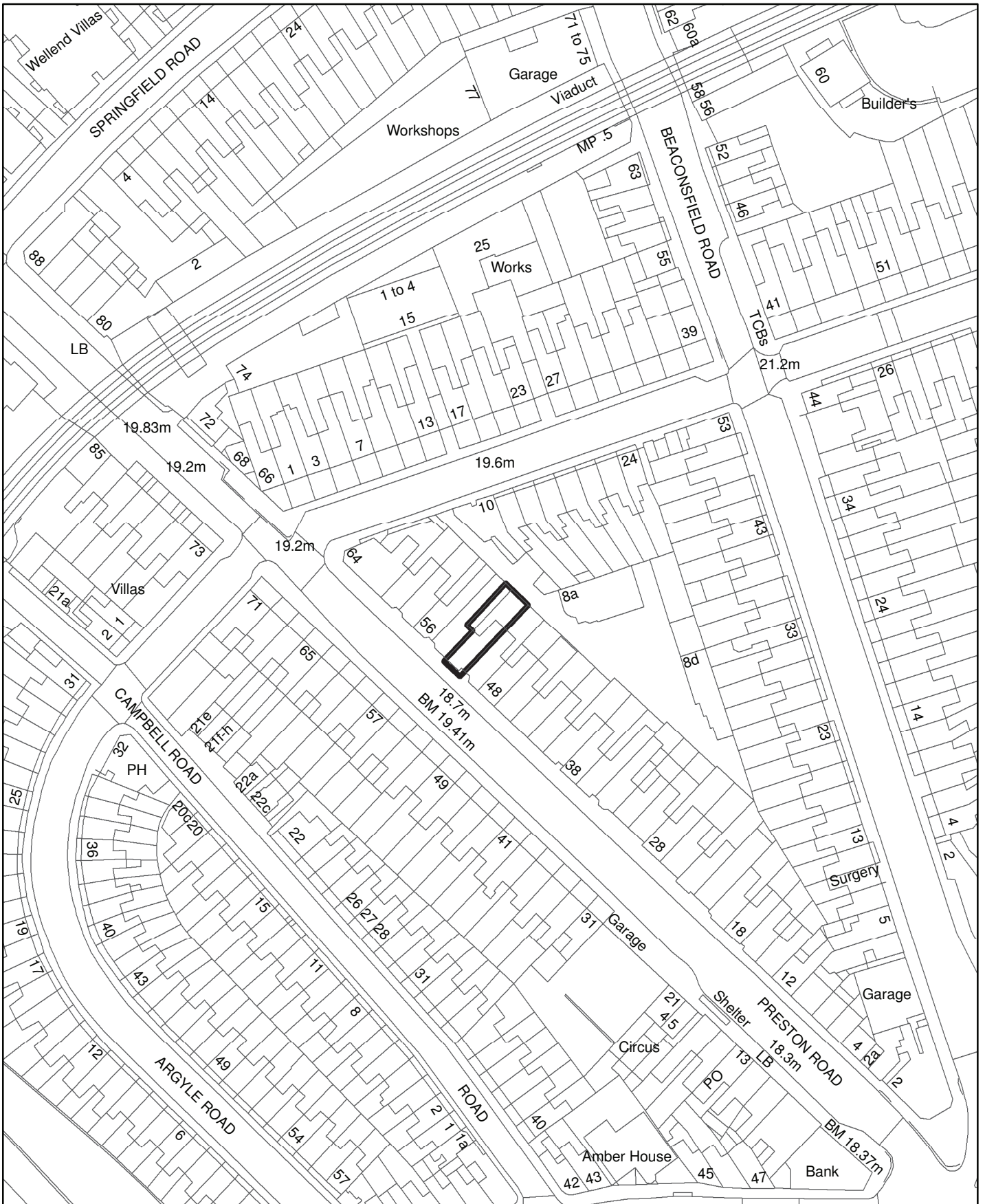
9 CONCLUSION

The application fails to demonstrate that the proposed occupiers would not be adversely affected through excessive noise and poor air quality, would create a sub-standard level of residential accommodation, including cramped units and overlooking, provides for inadequate cycle parking provision, would create an overly dominant rear extension with a poor relationship to the existing building and also fails to demonstrate that the site is free from contamination. As such the proposal is considered to be contrary to development plan policies.

10 EQUALITIES IMPLICATIONS

The application fails to meet lifetime homes standards where it could feasibly do so.

BH2011/02485 52 Preston Road, Brighton



Scale: 1:1,250

<u>No:</u>	BH2011/03016	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	68 Western Road, Brighton		
<u>Proposal:</u>	Demolition of existing rear three storey section of the property and erection of four storey building of 3no residential units fronting and with access via Stone Street. Refurbishment and extension of existing retail unit and refurbishment of existing flats above to create 2 bedroom maisonette.		
<u>Officer:</u>	Christopher Wright, tel: 292097	<u>Valid Date:</u>	14/10/2011
<u>Con Area:</u>	Regency Square CA	<u>Expiry Date:</u>	09 December 2011
<u>Agent:</u>	M A + D , 6 Manor Close, Brighton		
<u>Applicant:</u>	Mr & Mrs Yau, 6 Manor Close, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the drawing nos. 11-004-101-A and 11-004-302-A received on 14 October 2011; drawing no. 11-004-303-B received on 21 November 2011; and drawing no. 11-004-301-A received on 9 December 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
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 cables, wires, aerials, satellite dishes, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
5. The rendered external finishes shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, balcony and door openings and the render work shall not use metal or plastic

expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of safeguarding the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

6. The proposed replacement windows on the original Western Road frontage building shall be painted timber vertically sliding sashes with no trickle vents and shall match exactly the original sash windows, including their frame and glazing bar dimensions and profiles and subcill, masonry cill and reveal details and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match.

Reason: To ensure a satisfactory appearance to the development and in the interests of safeguarding the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

7. The proposed French doors to the original southern facing elevation of the Western Road building shall be painted timber, without trickle vents and with glazing bar dimensions and mouldings and frame mouldings to match exactly those of the original windows and with a masonry step. The doors shall be set back from the outer face of the building and recessed into the reveals to the same depth as the original windows. The development shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of safeguarding the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

8. All roof ventilation and extract outlets shall use flush, concealed slate or tile vents, to match the roof covering, and concealed ridge and eaves ventilators. The development shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of safeguarding the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

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

Reason: To ensure a satisfactory appearance to the development and in the interests of safeguarding the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

10. The first and second floor windows on the rear, north facing elevation, of the new building fronting Stone Street hereby permitted, shall be top hung openers and shall not be glazed otherwise than with obscured glass up to a minimum height of 1.7 metres above the internal floor level of the rooms which they serve, and thereafter permanently retained as such.

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

11. 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.

Pre-Commencement Conditions:

12. The development hereby permitted shall not be commenced until details of sustainability measures for the refurbished unit over the retail shop at 68 Western Road have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

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

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

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the new build development will achieve Code Level 3 for all new 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.

13.

14. 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.

15. The development hereby permitted shall not be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:-

- (i) A 1:20 scale elevation and 1:20 scale vertical sections through the proposed replacement shopfront and its entrance, and through the shopfront and window, and through the pilaster;
- (ii) Joinery sections of the shopfront window, door frames, doors and fascia cornice at 1:1 scale;
- (iii) A 1:5 scale elevation of the pilaster capitals;
- (iv) Precise details of the materials and colours of the shopfront;
- (v) Details of the proposed new pavement lights;
- (vi) Details of any security shutters or awnings (if applicable these should have integrated boxes and guide rails); and the works shall be carried out and completed in strict accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of safeguarding the visual amenities of the locality and to comply with policies QD1, QD10 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD02: Shopfronts.

16. The development hereby permitted shall not be commenced until details of the construction of the proposed pavement lights and details of their highway loading capacity, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in order to comply with policies TR7, TR8 and TR13 of the Brighton & Hove Local Plan.

17. BH06.05 Car Free Housing

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

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

18. The development hereby permitted shall not be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:-

- (i) sample elevations and sections at 1:20 scale showing the building's balconies, new and replacement windows, doors, parapets, balustrades, copings and all other features;
- (ii) details and sections at 1:5 scale of the eaves, copings, cills and door thresholds;
- (iii) sectional profiles at 1:1 scale of windows, doors and door frames, showing their relationship to their reveals and cills.

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

Reason: To ensure a satisfactory appearance to the development and in the interests of safeguarding the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

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

- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

Pre-Occupation Conditions:

20. 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 new build 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.

21. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have

been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

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

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

Informatives:

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

In respect of the principle of development, the design, scale, materials and form, together with the proposed enhancement of the existing building fronting Western Road, the proposal would not have an adverse visual impact or be harmful to the character of the wider Conservation Area. The layout and size of each residential unit is satisfactory, meets Lifetime Homes' standards where practicable and would provide for adequate living conditions for future occupiers. The development would not cause overlooking or overshadowing of neighbouring properties and represents a sustainable form of development that would provide for the transport demand generated, providing sufficient cycle storage and being within close reach of shops and services in the city centre, and frequent bus services.
2. 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.
3. The applicant is advised that details of Lifetime Homes standards can be found on the website: www.lifetimehomes.org.uk .

4. IN06.05 Car Free Housing

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

5. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

2 THE SITE

The application relates to a mid-terraced property on the south side of Western Road, which extends through to Stone Street. Western Road is at a higher level than Stone Street; the ground floor to Western Road forms the first floor to Stone Street and consists of a retail unit with storage to the rear. The first and second floors above the shop form a maisonette which is in a very poor state of repair. This unlisted building is within the Regency Square Conservation Area, as extended.

Due to the difference in ground levels the lower ground floor level in relation to Western Road is actually at street level in Stone Street.

3 RELEVANT HISTORY

BH2010/00529: Demolition of existing rear three storey section of the property and erection of 1 no. four storey residential block (4 residential units) fronting onto and with access via Stone Street. Refurbishment of existing retail unit and refurbishment of residential unit above. Refused on 31 March 2011.

BH2006/03887: Demolition of rear 3 storey property and construction of residential block of three flats and conversion of upper (front) floors into 2 self-contained flats. Approved 5 April 2007.

BH2006/01487: Change of use of basement and ground floor from A1 to A2. Approved 5 July 2006.

BH2005/06534: Demolition of rear 3 storey property and construction of residential block of four flats with refurbishment of existing flats and shop on Western Road. Refused on 10 February 2006.

4 THE APPLICATION

Planning permission is sought for the demolition of the three storey building at the rear fronting Stone Street, and the erection of a four storey building in its place comprising of three residential units accessed via Stone Street. An extension to the link with the building fronting Western Road is proposed and this would be three storeys in height. The existing retail use is proposed to be refurbished and this occupies both the ground floor and lower ground floor levels of the building in Western Road. A new shopfront is also proposed. Above the retail use is a maisonette which is proposed to be refurbished also.

Western Road building:

- Lower ground floor – retail.
- Ground floor – retail and ancillary storage and staff W.C.
- First and second floors – residential maisonette with two bedrooms.

Stone Street proposed building:

- Lower ground floor – studio flat and communal bike storage.
- Ground floor – one bedroom flat with inset balcony.
- First and second floors – two bedroom maisonette.

In total four residential units are proposed, included the existing maisonette above the retail unit.

5 CONSULTATIONS

External:

Neighbours: Five (5) letters have been received from **31, 39 and 42 Regency Square; Flats 1 and 2 – 65/66 Regency Square; and Montpelier Hall, Montpelier Terrace;** objecting to the application for the reasons summarised as follows:-

- Façade is not in keeping with other properties and incorporates an unsuitable design.
- Extra storey higher than existing roof line.
- Breaks building line.
- Not in keeping with Conservation Area or with adjoining buildings and semi-trade and industrial uses.
- Existing building should be preserved because it is historically significant to the Conservation Area.
- Demolition is opposed.
- Views of Conservation Advisory Group are supported.

The **Regency Square Area Society** objects to the application and has made detailed written comments including photographs, summarised as follows:-

- Stone Street is of considerable architectural interest and character.
- Proposed extension would not preserve or enhance Stone Street.
- Design not of sufficient quality.
- Door designs and window materials and styles not appropriate.

- Could set a harmful precedent.

Conservation Advisory Group: Objection.

The group welcomed the renovations to the shopfront and the residential accommodation above the shop on the main Western Road elevation. However, the group were uncomfortable with the increased height of the building and felt the residential accommodation on the ground floor to be substandard in terms of space. The group also felt the rear elevation to be architecturally inadequate in its context. The group recommend refusal of the application.

Internal:

Heritage Team:

The north side of Stone Street is a mixture of unattractive modern commercial building with a few interesting 19th century commercial ones. The south side of the street consists predominantly of two storey 19th century terraced housing with one 3 storey building and a converted 3 storey 19th century warehouse and a 2 storey former coach house and stable. The Stone Street building has been much altered and is of no architectural or historic interest. The three buildings to its west are also 4 storeys tall. To its east is an open yard.

The proposal to demolish the rear building and link and the rear extensions to the Western Road frontage building is acceptable in principle, provided that the surviving parts of the original rear wall of the Western Road frontage building are retained, together with its floors and roof structure in order to preserve the building and its structural stability.

The proposed new building at the rear would be 4 storeys in height but because of its floor to ceiling dimensions the building would stand out significantly above its neighbours and the established roofline of this part of the street. However, the top storey is set back behind a parapet which is the same height as that of the building to the west. Photomontages submitted with the previous application demonstrated that a building of this size would not have a harmful impact on the rooflines and skylines of this part of the street.

The style is modern with rendered walls, large glass windows, recessed balconies at first and second floors and glass balustrades on its Stone Street frontage. The design reflects the 20th Century commercial buildings on this side of the street in a modern way and is considered acceptable in this location. The quality of the render finish should be controlled by condition.

It is important to ensure the joinery sections of the replacement timber sash windows proposed on the Western Road building match exactly the originals and this can be controlled by condition. Off-street bin storage and meter cupboards are shown to serve the proposed flats, which is welcomed.

The replacement shopfront is welcomed as it satisfies policy HE6(f) of the Local Plan. The proposed design approach is acceptable in principle however, no cornice is shown above the fascia. There is no indication of any security measures such as roller grilles, or awnings. Ad hoc retrofitting of these would not be acceptable and these should be integrated into the shopfront.

The replacement shopfront should have painted smooth render masonry stall risers and pilasters without metal or plastic corner or edge render beadings and painted timber shop window and door frames and fascia and cornice.

The drawings lack detail and notation but this can be dealt with by conditions.

Sustainable Transport: No objection.

It is noted that the proposed development is seeking to reinstate pavement lights on the footway outside the site. To safeguard highway users' safety in line with policy TR7 of the Local Plan detailed information should be provided prior to the commencement of the development to ensure that the proposed pavement lights can withstand a sufficient loading capacity. This loading capacity should account for the potential use of heavier vehicles to allow for the existing street cleaning operations. The glass surface should have an adequate slip resistance to avoid slips when wet, maintenance of the pavement lights will be the responsibility of the applicant.

Unlike car parking, cycle parking standards are set as a minimum. For this type of development the cycle parking requirement is calculated on a basis of 1 space per unit per 1 space per 3 units for visitors. The proposal includes 4 flats which would require 5 cycle parking spaces.

The amended plans received on 9 December propose to provide a sufficient area to store bicycles.

The site is in Zone Z of the city's Controlled Parking Zone which has a waiting list for permits of approximately 12 months.

The application does not propose any car parking on site. SPGBH4 states that a maximum provision of 1 car parking space plus 1 car parking space per 5 dwellings for visitors could be provided on site.

The Design and Access Statement makes reference to the proposal being car free and the site is in a Controlled Parking Zone and has excellent access to public transport. It is feasible that the development could remain car free and would not therefore have a material impact on the highway.

It is not expected that the proposed retail unit will generate any additional trips to the development than the existing retail facility. The additional 4 flats are predicted to generate 20 additional daily people trips over the existing use. Following the Interim Guidance on Contributions this will result in a contribution of £2000.

Sustainability Officer: No objection.

The new build will meet Level 3 of the Code for Sustainable Homes. A condition can be used to ensure the refurbished flat over the retail unit also incorporates measures to improve sustainability.

Environmental Health:

A number of comments have been made in respect of previous applications that contemporary trade directories indicate 16 Stone Street and the rear of 68 Western Road as having been a coal and coke merchants and as such potentially contaminated land. The previous approval in 2006 (BH2006/03887) had a specific condition requiring a potentially contaminated land investigation. The applicants have not provided any contaminated land reports or indication that the land might have had a previous use capable of causing localised contamination.

As such there is insufficient information on which to comment.

The case officer should use their discretion where to recommend a contaminated land condition as was recommended under the previous application, BH2010/00529, or whether to request this information prior to a decision be made.

Economic Development Team: No objection.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 3: Housing
- PPS 4: Planning for Sustainable Economic Growth
- PPS 5: Planning for the Historic Environment
- PPS 10: Planning for Sustainable Waste Management
- PPS 22: Renewable Energy
- PPS 23: Planning and Pollution Control
- PPS 25: Development and Flood Risk

Planning Policy Guidance Notes (PPGs):

PPG 13: Transport

PPG 24: Planning and Noise

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

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

SU13 Minimisation and re-use of construction industry waste

SR4 Regional shopping centre

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

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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of development, the design and appearance and the impact on visual amenity and the Regency Square Conservation Area, together with sustainability, transport provision and future and neighbouring occupiers living conditions and amenity.

Planning history

A similar scheme was approved on this site in April 2007 (ref. BH2006/03887) and this included a four storey addition on Stone Street – the top floor being recessed back from the principal façade – and a linking extension between the Stone Street building and the existing building in Western Road. This scheme comprised three flats in the rear building and the upper floors over the shop in Western Road being converted into two self contained flats. This

permission expired on 5 April 2010

The more recent application **ref. BH2010/00529** was refused at Planning Committee in March 2011 for reasons including the narrow layout and limited size of the lower ground floor unit in the Stone Street building and the proposed flat on the second floor, resulting in a cramped scheme detrimental to future occupiers' amenity.

The application was not refused on design grounds and no reference made to the design, bulk or massing of the proposed rear building in Stone Street.

The current application is a revised scheme which seeks to overcome the previous reasons for refusal.

At lower ground floor level the living space within the flat has been widened from 2.5m to 3.5m - made possible by removal of a previously integrated bin store. Also the communal bike store has been moved and a larger bathroom created together with a kitchen.

At second floor level, the smaller unit referred to in the refusal reason has been deleted and maisonette occupying this floor and the floor below is proposed instead.

These amendments mean the current scheme is for four residential units overall, a reduction on the previous scheme **ref. BH2010/00529** which was for five residential units.

Other revisions of the current application in relation to the previous scheme include:

- Reduction in height of the Stone Street building from 11.6m to 11.4m.
- A green roof is proposed in place of zinc.
- The height and bulk of the linking extension between the Stone Street building and Western Road has been reduced, made possible as a top floor link is not required as the upper flat comprises a maisonette.

In view of CAG objections to the previous application, improvements are now proposed to the Western Road elevation also, mainly the installation of a new shopfront, but also repainting and refurbishment of the timber sash windows above.

Retail use

The front of the building faces Western Road and has a retail unit at ground floor level which forms part of the prime retail frontage of the Regional Shopping Centre. The retail unit has a basement and also a small room at the back of the building. The retail unit is currently trading.

The proposal seeks to retain the retail unit on ground and basement levels

occupying 100 square metres floor area. The resulting unit would occupy both ground and basement levels and would retain sufficient storage and staff areas to remain viable as a retail operation and this would not have an adverse impact on this part of the Regional Shopping Centre.

Indeed, investment in the building, including the upper floors, will improve the appearance of the property and have a beneficial effect on the shopping centre. This part of the proposal is almost identical to the previous approval of 2006 and the small reduction in retail floor space is acceptable. In addition, the current scheme proposes to replace the shopfront with one of a style more appropriate to the character of the Conservation Area and the adjoining shop units.

Behind the retail unit there is a bed sit and there is a maisonette on the first and second floors. These are not inhabited and are in a very poor state of repair.

Proposed residential accommodation

Policy HO3 promotes a mix of dwelling units in new residential development that reflects and responds to the city's housing needs. The proposal is to form a total of 4 units consisting of a studio flat, 1-bed flat and 2 maisonettes each with 2-bedrooms. This is considered an acceptable mix of unit types, particularly as only a small number of units are proposed.

Each of the new flats would benefit from a garden, balcony or terrace, including the existing maisonette, and this is considered to meet the requirements of policy HO5 of the Local Plan. As the site lies in a densely built up area and open space is at a premium this is welcomed. The bedrooms proposed at the rear of the Stone Street building would have an outlook into a deep light-well and as such would receive sufficient natural light and ventilation. In addition the layout and size of the lower ground floor studio flat has been amended and the extra flat on the second floor of the Stone Street building as previously applied for, has now been deleted from the scheme. These amendments are in response to the reasons given for refusal of application BH2010/00529 in April 2011.

This is considered to be satisfactory and overcomes the reasons for refusal of the previous scheme.

Demolition of existing building

The rear building fronting onto Stone Street appears to be a 19th Century building that has been altered and extended upwards. It is in a very poor state of repair does not make a positive contribution to the street scene in this part of the Conservation Area and its demolition is acceptable in principle, subject to securing approval for an appropriate scheme of redevelopment to prevent an unsightly gap being present in the Conservation Area for a prolonged period.

Conservation Area Consent for the demolition is considered under application BH2011/03017.

Form of proposed development

Policies QD1 and QD2 aim to ensure that new development emphasise and enhance the positive qualities of the area by taking into account local characteristics including height, scale, bulk and design of existing buildings. Policy HE6 states that proposals within a Conservation Area should preserve or enhance the character or appearance of the area.

The existing building fronting Stone Street is of limited architectural merit and appears in a run-down condition. The building has a flat roof and does not feature traditional historic features, for example in the pattern of the windows or the finish of the external walls. In addition the building is not in use as does not make effective use of the site. CAG takes a view that these types of buildings characterise some of the back streets in the Conservation Area, but in this instance it is considered that subject to the design being of sufficient high quality, the appearance of the street scene could be enhanced by development of the site and more effective use of the site made.

The proposed building would be 4 storeys in height, and lower than the existing building fronting Western Road. The top floor would be set back from the façade by 2.8m, a considerable distance. The main bulk of the building viewed from the street would therefore be 3 storey, and this is the same number of storeys as neighbouring buildings and would not significantly alter the spatial character and enclosure of Stone Street. A linking building next to the light well and housing the staircase to the flats is proposed and this would have a pitched roof and would be lower in height than the Stone Street building.

External finishes proposed include white render finish to the external walls, a glazed and tiled finish to the staircase structure, glass balustrades and powder coated aluminium window and door frames. Materials samples should be required by condition should permission be granted, particularly with respect to joinery profiles and also the type of rendering system used, in order to ensure the resulting building is of satisfactory appearance.

On the front elevation, the existing façade would be re-painted and it is proposed to replace the existing timber sash windows with Slimlite double glazed units. These can be narrow enough to fit into the existing timber sashes but in the event permission is granted, it is recommended a condition is imposed to secure the precise details.

A new shopfront is proposed also, and this meets the requirements of policy QD10 and the policy guidance for shopfronts contained in Supplementary Planning Document SPD02: Shopfronts. The design improves on the existing shopfront by incorporating a stall riser on either side of an accessible entrance with transom light over. The fascia board matches the proportions

of adjoining shopfronts. A visible means of support would remain on each end of the shopfront. The Heritage Team recommends a cornice is constructed over the fascia and various details should be secure by condition, including joinery sections and details of the proposed pavement lights.

The Stone Street façade would feature a communal entrance and a window at lower ground level (street level) with a pattern of full height windows and balcony doors above, each with a glazed balustrade to provide uniformity in the external appearance. The flat roof of the building, to the recessed top storey, would be a planted green roof with pre-weathered zinc capping.

The scale, form, design and external finishes of the building are considered to be acceptable and would enhance the street scene.

Effect on residential amenity

Policy QD27 aims to safeguard existing and future occupiers and neighbours from harm to amenity, particularly increase noise and disturbance, loss of light and overlooking.

In this case the proposed increase in the number of residential units is not considered likely to result in a significant increase in noise and disturbance for neighbouring occupiers, owing to the densely built up and populated character of this city centre location. No windows are proposed on the flank wall of the proposed Stone Street building and potential mutual overlooking within the development itself, between the rear elevation of 68 Western Road and the Stone Street building, has been addressed in the design with obscure glazed top hung windows on the north wall of the proposed new building and first and second floor level.

The adjoining building to the west side of the development, 69 Western Road, has no windows or other openings on its flank elevation. The building to the east, 67 Western Road, appears to have some form of residential accommodation at first and second floor level but the windows on the rear elevation do not appear to serve habitable rooms. The lower windows are very small but the windows at second floor level are larger and of more traditional proportions. The proposed roof terrace at first floor level and for use by the existing maisonette over the shop in Western Road, would make use of an existing flat roof area, and the neighbouring building appears to make informal use of a similar flat roof area as a terrace. It is not considered that, in this location, the use of the proposed terrace would have a harmful impact on neighbour amenity by way of noise or disturbance.

The proposed Stone Street building would adjoin an existing building of similar height on one side, and on the other would abut an open space used for parking behind 67 Western Road. As such the extension would not have an overbearing impact or give rise to undue loss of light.

In view of the above the proposal is considered to meet the requirements of

policy QD27.

Sustainable Transport

In order to meet the requirements of policies TR1, TR14 and TR19, the development should provide for the transport demand generated and provide maximum and minimum levels of car and cycling parking in accordance with SPGBH4: Parking standards.

The application should provide secure and convenient cycle parking for 5 bikes. Amended plans show the proposed cycle store accessible from Stone Street and near to the communal entrance of the development. The cycle store would be of sufficient size to accommodate 5 cycles and would be secure, covered and accessible. Transport Planning raises no objection to this level of cycle provision and it is considered to meet the requirements of policy TR14 and the minimum levels set out in SPGBH4.

There is no scope for providing off-street car parking within the development site as the building occupies the whole site area. This is a characteristic of many neighbouring buildings also. The site is in a very central location with excellent access to frequent buses and city centre shops and services. The standards for off-street car parking set out in SPGBH4 are maximum standards and in not providing for off-street parking the development accords with policy. Transport Planning raises no objection owing to the sustainable location of the site with respect to transport. The site is within a controlled parking zone for which there is currently a waiting list of approximately 12 months for a permit. There is a fixed number of permits available and hence the proposal could not materially worsen on-street parking within the local area.

Sustainability

On order to meet the requirements of policy SU2 the development should demonstrate efficiency in the use of energy, water and materials, and Supplementary Planning Document SPD08: Sustainable Building Design, requires that for mixed use/new built developments of between 3 and 9 units the scheme should achieve a minimum of Level 3 of the Code for Sustainable Homes for the new build element.

The applicant has submitted a sustainability checklist and identifies the proposal would achieve Level 3 of the Code for Sustainable Homes. This is acceptable and demonstrates efficiency and sustainability in the use of energy, water and materials, and also indicates the location is sustainable, provision will be made for cycling, the site is in an area of low flood risk and levels of biodiversity would not be adversely affected by the scheme.

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

Main entrance doorway has 900mm clear width and all corridors in the new building are proposed to be 1100mm wide and the doors within each flat a clear width of 800mm. However, many doors do not have 300mm space to the leading edge and those that do have a space of 250mm, which is less than the 300mm nib recommended by Lifetime Homes.

Circulation space in kitchen areas is acceptable, kitchens are mainly situated along the edge of the living rooms, and kitchen on the lower ground floor flat has clear space of 1200mm in front of the units, which accords with Lifetime Homes' standards. Main bedrooms are shown on the plans to accommodate 750mm clear width on each side of a bed and at the foot of a bed. The proposed living areas can accommodate clear turning circles of 1500mm diameter. The lower sills of the proposed windows are shown to be within 800mm above the height of floor level and the top hung method of opening means the controls/handles would be at the bottom of the windows. The 900mm clear width of the communal stairs would also allow for a seated stairlift to be installed if required in future.

The proposal is considered to meet the requirements of policy HO13.

9 CONCLUSION

The previous application was not refused permission on grounds of form, scale or design, but for reasons of the standard of accommodation and future occupiers' amenity. These concerns have been satisfactorily addressed in the current application. A similar scheme to the current application was approved in April 2007. Notwithstanding the views of the Conservation Advisory Group and some local residents it is not considered a recommendation for refusal on design grounds would be consistent or justified in this case.

In respect of the principle of development, the design, scale, materials and form, together with the proposed enhancement of the existing building fronting Western Road, the proposal would not have an adverse visual impact or be harmful to the character of the wider Conservation Area. The layout and size of each residential unit is satisfactory, meets Lifetime Homes' standards where practicable and would provide for adequate living conditions for future occupiers. The development would not cause overlooking or overshadowing of neighbouring properties and represents a sustainable form of development that would provide for the transport demand generated, providing sufficient cycle storage and being within close reach of shops and services in the city centre, and frequent bus services.

Planning permission is therefore recommended for approval.

10 EQUALITIES IMPLICATIONS

The development should be accessible and meet Lifetime Homes' Standards wherever practicable.

BH2011/03016 68 Western Road, Brighton.



**Brighton & Hove
City Council**



N

Scale: 1:1,250

<u>No:</u>	BH2011/03017	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	68 Western Road, Brighton		
<u>Proposal:</u>	Demolition of three storey section of property facing Stone Street.		
<u>Officer:</u>	Christopher Wright, tel: 292097	<u>Valid Date:</u>	19/10/2011
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	14 December 2011
<u>Agent:</u>	M A & D, 6 Manor Close, Brighton		
<u>Applicant:</u>	Mr & Mrs Yau , 6 Manor Close, Brighton		

1 RECOMMENDATION

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

Conditions:

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The building does not make a positive contribution to the area and its demolition and replacement with a building more sensitive to the surrounding area will enhance the character and appearance of the Regency Square Conservation Area.
2. This decision is based on drawing nos. 11-004-101-A and 11-004-302-A received on 14 October 2011 and drawing no. 11-004-101-B received on 19 October 2011; drawing no. 11-004-303-B received on 21 November 2011; drawing no. 11-004-301-A received on 9 December 2011; and the email clarification and drawing no. 11-004-0304-# received on 16 December 2011.

2 THE SITE

The application relates to a mid-terraced property on the south side of

Western Road, which extends through to Stone Street. Western Road is at a higher level than Stone Street; the ground floor to Western Road forms the first floor to Stone Street and consists of a retail unit with storage to the rear. The first and second floors above the shop form a maisonette which is in a very poor state of repair. This unlisted building is within the Regency Square Conservation Area, as extended.

Due to the difference in ground levels the lower ground floor level in relation to Western Road is actually at street level in Stone Street.

3 RELEVANT HISTORY

BH2010/00530: Demolition of rear 3 storey section of property facing Stone Street. Refused on 31 March 2011.

BH2010/00529: Demolition of existing rear three storey section of the property and erection of 1 no. four storey residential block (4 residential units) fronting onto and with access via Stone Street. Refurbishment of existing retail unit and refurbishment of residential unit above. Refused on 31 March 2011.

BH2006/03986: Demolition of rear 3 storey section of property. Approved on 10 April 2007.

BH2006/03887: Demolition of rear 3 storey property and construction of residential block of three flats and conversion of upper (front) floors into 2 self-contained flats. Approved 5 April 2007.

BH2006/02740: Demolition of rear 3 storey section of property. Refused on 23 November 2006.

BH2006/01487: Change of use of basement and ground floor from A1 to A2. Approved 5 July 2006.

BH2005/06534: Demolition of rear 3 storey property and construction of residential block of four flats with refurbishment of existing flats and shop on Western Road. Refused on 10 February 2006.

4 THE APPLICATION

The application seeks Conservation Area Consent for demolition of the building fronting Stone Street and abutting the rear wall of historic buildings fronting Western Road. The building which is three storey, measures 5m wide x 18.2m in length x 10.2m in height. The floorspace forms a bedsit and storage to the retail unit fronting Western Road.

A separate planning application for redevelopment of the site, including constructing a new building in place of that proposed to be demolished, is also under consideration **ref. BH2011/03016**.

5 CONSULTATIONS

External:

Neighbours: Three (3) written representations have been received from 31 and 42 Regency Square and Flats 1 and 2 – 65/66 Regency Square, objecting to the proposal for the reasons summarised as follows:-

- New building unsuitable in this environment.

- Proposed façade out of keeping with other houses.
- Extra storey proposed is out of keeping with existing building line.
- Height and style out of keeping with Conservation Area.

The **Regency Square Area Society** objects to the application and has made detailed written comments including photographs, summarised as follows:-

- Stone Street is of considerable architectural interest and character.
- Proposed extension would not preserve or enhance Stone Street.
- Design not of sufficient quality.
- Door designs and window materials and styles not appropriate.
- Could set a harmful precedent.

Conservation Advisory Group: No objection to the proposed demolition of the existing building.

Internal:

Conservation and Design:

The drawings accompanying the application for CAC consent do not clearly annotate the extent of demolition. The plans and sections should be clearly shaded or hatched to show clearly what is to be retained and what is new work and pecked lines showing what is to be demolished. They should have an annotated key clearly identifying these.

It appears that the retained structure is shaded dark grey on the proposed plans and black on the partial sections but should to be confirmed. There is no shading on the roof plan and this should also be shaded to indicate retained structure. A full section through the buildings is required, similarly shaded. This should be provided at this stage but could be dealt with by a condition if necessary.

The proposal to demolish the rear building and link and the rear extensions to the Western Road frontage building is acceptable in principle, provided that the surviving parts of the original rear wall of the Western Road frontage building are retained, together with its floors and roof structure in order to preserve the building and its structural stability. A condition will be needed to control the extent of demolitions.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

8 CONSIDERATIONS

The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Regency Square Conservation Area.

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a. supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
- b. viable alternative uses cannot be found; and
- c. the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.

The Stone Street building is in a poor state of repair of no architectural or historic interest. The façade is plain with a variety of obscure glazed windows and constructed from unpainted render. The Heritage Team considers that its removal and replacement with a new building sympathetic to the character of the Conservation Area would be welcomed. A scheme for the site's redevelopment has been recommended for approval, **ref. BH2011/03016**, and on this basis demolition of the existing building is considered acceptable. A condition is recommended to ensure a contract exists for the construction of the replacement building so as to avoid there being a potentially unsightly gap left within the Conservation Area for a prolonged period, as this would be detrimental to visual amenity and the character of the local area.

9 CONCLUSION

The building does not make a positive contribution to the area and its demolition and replacement with a building more sensitive to the surrounding area will enhance the character and appearance of the Regency Square Conservation Area.

10. EQUALITIES IMPLICATIONS

None identified.

BH2011/03017 68 Western Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

