

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2010/03739	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9-16 Aldrington Basin/Land South of Kingsway, Basin Road North, Portslade		
<u>Proposal:</u>	Demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 67 residential units in 6 blocks interlinked by five sets of vertical helical wind turbines. Change of use of existing Magnet showroom at Basin Road North level to storage with associated service area, lorry delivery bay and car parking.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	31/12/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01 April 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road		
<u>Applicant:</u>	Harbour View Developments (Sussex) Ltd, Mr Colin Brace, The Paddock, London Road, Hassocks		

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 applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of existing development to the north and south of the site, and emerging plans for future development at Aldrington Basin. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
2. The development by reason of its constant and unvarying height and massing would create a sense of bulk that would appear excessively out of scale and create a visually overbearing relationship with adjoining development to the north. The proposal is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
3. The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed

receptors. The development, in the absence of this information and suitable mitigation measures, has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise.

The proposal would therefore be detrimental to residential amenity and is contrary to advice contained within Planning Policy Guidance 24 (Planning and Noise), Planning Policy Statement 22 (Renewable Energy) and its Companion Guide (Planning for Renewable Energy), the principles outlined in ETSU-R 97, and policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. The development, in the absence of sufficient justification for a development of this scale in this location, would result in a loss of light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawings and information received on 2nd December 2010, 15th December 2010, 31st December 2010, 11th April, 12th April 2011, 14th April 2011, 18th April, 20th May 2011, 26th May 2011, 7th June 2011, 2nd August 2011, 5th August 2011, 17th August 2011, 30th August and 16th September 2011.
2. The applicants attention is drawn to issues with respect to conflicting information contained in this submission.

2 THE SITE

The application site relates to a strip of land, approximately 18 metres x 15.5 metres, between the southern side of Kingsway and Basin Road North. The site forms part of Shoreham Harbour with commercial uses adjoining to the east, west and south. This is in contrast to the north of Kingsway which is characterised by 1930's residential development.

At Basin Road North level the majority of the site comprises a long single-storey commercial building which accommodates a storage / showroom use (currently occupied by Magnet) and adjoining surface car parking. The eastern section of the site comprises a three-storey building providing a reception / sales area at Kingsway level, with two levels of workshop space below fronting Basin Road North. These existing buildings are currently occupied.

3 RELEVANT HISTORY

Application Site

M/18187/73: Rebuilding of existing depot. Approved.

Britannia House, Kingsway (adjoining site to the east)

BH2011/03300: Application to extend time limit for implementation of previous

approval BH2006/03628. Under consideration.

BH2006/03628: Construction of 2 full floors and 1 half floor of nine new apartments over existing office building and change of use from A2 to B1 at ground floor. Approved.

17-18 Basin Road North (*adjoining site to the west*)

BH2006/01119 & BH2006/02862: Alterations to building including new roof, rebuild front and side walls, relocate roller shutter doors and recladding. Approved.

Mackley's Wharf, Basin Road North (*adjoining site to the south*)

BH2010/02484: Amendment to condition 1 of approval BH2002/01978/FP to extend the temporary B2 use of the site for a further 3 years until 30 September 2015. Approved.

BH2002/01978/FP: Change of use of existing B1/B8 use (light industrial/storage) unit to B2 use (general industrial) involving welding and metal fabrication and open storage of industrial gases. Approved.

4 THE APPLICATION

Planning permission is sought for redevelopment of the site and the creation of a new frontage to Kingsway. The proposal would create a two-storey base element fronting Basin Road North comprising warehousing, servicing facilities, and a car park with spaces for up to 83 vehicles. Above this, and at Kingsway level, a series of 6 buildings are proposed.

The proposed buildings are lozenge shaped, orientated on a south-west / north-east axis, and 5-storeys, plus a mezzanine level, in height. In general terms each building would comprise a commercial use at ground and mezzanine floor levels with 4-storeys of residential units above. The development would provide a total of 67 residential units, of which 26 would be affordable.

At (Kingsway) ground level outdoor recreation space and viewing areas would be provided between each building. This space would be covered by a canopy structure. Above this vertical columns of wind turbines would be sited between each pair of blocks, and the proposed development includes the provision of up to 55 turbines (in columns of 11). The southern elevations and roof areas of each building would accommodate extensive areas of solar photovoltaics. The supporting information outlines that the development has been designed to achieve Code for Sustainable Homes Level 6.

A large amount of information has been submitted during the course of the application, including additional information relating to noise, loss of light and transport, and adjoining residents have been re-consulted.

5 CONSULTATIONS

External:

Neighbours: A **petition of 363 signatures** has been received objecting to

the proposal and calling “*upon the Council to reject the planning proposal for the Portzed development on Kingsway....believe it is much too large, it will block out a considerable amount of sunlight from local houses and it will worsen the current parking problems in the area*”.

155 individual letters have been received from the **addresses annexed to this report (Appendix 1)** objecting to the proposals for the following reasons:-

Design

- The area is characterised by a relatively low density of housing with a reasonable sense of space. The scale and appearance of the development is totally out of keeping with this part of Hove (and would not even be approved in central Brighton);
- The shape of the buildings appears pivotal to the green credentials but the finish is ugly and dated (before it is even built);
- There is no built precedent at this location and the development could lead to a continuous barrier along the southern side of Kingsway;
- There should be a cap of single-storey development to the south of Kingsway;
- The development would block views of the sea from the north;
- The site is not suitable for tall buildings;
- There are no similar buildings on the southern side of Kingsway west of the King Alfred. The proposal would lose the coastal feel of the surrounding area;
- The CGI composites underplay the presence of the building;
- The white façade will quickly become dirty due to constant traffic along Kingsway and salt in the environment;
- The proposal pre-empts a properly coordinated plan for the Basin;
- The main Shoreham Harbour development zone is the other side of Basin Road North. The development is a stand-alone project and is not part of a coherent strategy for this area;
- It is not clear what improvements will be made to Basin Road North, this should include street lighting, pavements and the like;
- The site should be used entirely for industrial / business use;
- The website indicates grassed areas leading out to the sea which is not included as part of the application;
- There is no evidence of finance for the project and the development could be only part implemented if funding runs out, creating a long-term view of a building site;
- The cumulative impact of all developments in this area (*i.e. a 100m radius*) should be taken into account as they incrementally change the character of a neighbourhood.

Amenity

- Loss of light to adjoining properties. The height of 17.9 metres on Kingsway, which increases to 22.7 metres with the wind turbines, would result in a paltry amount of diffused sunlight from that area;

- Adjoining properties would be overlooked by the development;
- The wind turbines may cause noise disturbance, wind and light refraction;
- The report for the wind turbines concludes that resulting noise levels are acceptable due to background noise levels from the road. This does not acknowledge that street noise is intermittent whereas noise from turbines would be more continuous;
- There is strong reason to assume that the turbines would not readily achieve acceptable noise levels and the case for them must be proven prior to the application being determined;
- Potential for wind tunnelling through the turbines – the submitted wind analysis suggests speeds would be 70% greater between each building;
- Question what effect future buildings to the south of the site would have on the proposed wind turbines;
- The shadow flicker report is misleading and inaccurate and adjoining properties would be affected;
- Question what impact future further development to the south of Kingsway would have on existing properties to the north;
- Conflict between the proposed development and adjoining uses within the harbour area;
- The residential units would prejudice adjoining commercial units which operate during unsocial hours and cannot be adjusted;
- Question whether family units of accommodation are suitable directly adjoining a busy road;
- Local crime levels will increase;
- The proposed play areas between the blocks could be misused and become places for local youth to congregate;
- Increased noise and pollution during and after construction works;
- Risk of contamination from old coal storage uses.

Ecology

- Swifts, which are a protected species and in decline, come into the area each April and depart in August. There is no evidence one way or the other to show that swifts would be at low risk from the turbines;
- Loss of habitat for local wildlife.

Transport

- Kingsway cannot cope with existing traffic at peak times and the development will increase traffic at the junction with Basin Road North. The development must also be seen in the context of future development on the adjoining Caffyns site;
- There is insufficient provision for resident parking, and overspill onto surrounding roads would become an issue for existing residents;
- The parking survey was carried out during the summer holidays when parking demand may have been lower; a weekend should have been included in the survey. The surveys are therefore unrepresentative and the wide survey area masks local impacts of displaced parking;
- Parking restrictions would need be imposed when none are presently required;

- The development would result in the loss of 4 existing parking spaces;
- The Kingsway level car park is too small and would not therefore be usable;
- The development would result in the loss of 4 spaces on Kingsway;
- The car parking off Kingsway would be a safety hazard for cars turning onto what is a very busy road;
- Inadequate visibility from the Basin Road North car park, with the access to narrow to allow passing vehicles;
- There is no footway in Basin Road North so any servicing should be in a forward gear to prevent a safety hazard.

Other

- The plethora of documents submitted over nearly a year have resulted in complex proposals for a development which is now confused, inconsistent and conflicting;
- There has been insufficient consultation on the proposals;
- The pre-consultation process is seriously flawed and consisted of a residents group representing an area that is a considerable distance from the development and in way affected by sight lines on Kingsway and surrounding streets;
- The development (*as originally submitted*) provides less than 40% affordable housing;
- Surface water and foul water infrastructure will be overburdened;
- There are significant problems with rainwater and the entire drain system needs updating;
- There is no need for a medical centre to be included in the scheme;
- Additional pressures on doctors and dentists;
- There is insufficient school capacity for children of the additional residents;
- Question whether meaningful energy would be recovered from the wind turbines;
- The loss of industrial / warehouse space should be resisted;
- Loss of property value.

41 individual letters have been received from the **addresses annexed to this report (Appendix 2)** supporting the proposal for the following reasons:-

- The proposal is a good example of a well designed, highly sustainable project which will greatly improve the area;
- The proposal will offer housing, jobs and visitors to the area;
- The proposal has potential to act as a catalyst for the port's wider regeneration;
- The creation of a green business hub will be key to small businesses across the City;
- There is an opportunity to publicise what is possible in advance of 2016 zero carbon targets.

17 Little Crescent; Norton Lea, Upper Norton (Selsey); 28 Milner Road; 7 Withdean Rise do not object to the proposal.

38 Saxon Road comments that the development is one storey too high.

Adur District Council: The Council is working jointly with Brighton & Hove City Council and West Sussex County Council on producing a planning strategy and supporting policies for inclusion in development plan documents for the Shoreham Harbour area. An Interim Planning Guidance Note has been produced.

The proposed development has been presented to Adur District Council and the Shoreham Harbour Regeneration Partnership during the pre-application process as an exemplar sustainable development that will act as a catalyst for wider regeneration of the area. Furthermore the proposal, at its initial stages, was discussed as a demonstrator project as part of the partnership bid for Eco Town / Quarter status.

Overall, the Council is supportive of the following aspects and impacts of the scheme:-

- Quality of design that has been commended through an independent design review process;
- High standards in carbon reduction and acts as a visual and operational sustainable development exemplar;
- Provision of an eco-demonstration centre;
- Bringing back into active use previously development brownfield land;
- Stimulating new jobs and economic activity;
- Contribution to meeting local housing need and financial contributions to off-site community facilities;
- Potential to act as a catalyst and attract further sustainable development and inward investment to Shoreham Harbour and contribute to wider regeneration objectives.

The impact on amenity and other locally specific issues are detailed consideration for Brighton & Hove City Council.

Brighton Society: The Society has looked in detail at the planning application for the PortZED development in Basin Road North. Members of our committee have discussed the development with Bill Dunster, the architect, and with local residents who are opposed to it. The application raises a number of serious issues set out below.

Sustainable buildings: PortZED is a serious attempt to create buildings which are genuinely sustainable. It is designed to comply with level 6 of the government's Code for Sustainable Homes. There can of course be much debate about whether it will succeed. However, the government has set a target that all new homes should be designed for Level 6 from 2016. For this target to have any chance of being met, a variety of projects need to be starting now to test the technologies involved. PortZED is one such project and for that reason there should be a strong presumption in favour of it being approved.

Vibration and noise from the wind turbines: There is a question about whether the wind turbines between the buildings will meet current environmental standards in relation to vibration and noise. This is a serious concern for the future residents of the scheme. However, believe that this concern can be met if the planning authority imposes a condition requiring the turbines to be modified or disabled should they create unacceptable environmental problems. It has been suggested that any attempt to enforce such a condition would be overturned on appeal. If that is the case then the same problem would surely apply if the application were to be rejected now on the grounds of these environmental concerns. The difficulty of imposing effective conditions should not be sufficient grounds for rejecting the scheme.

Public consultation: It seems that the developer has carried out minimal public consultation. Residents claim that their views have not been accurately reported following the one public meeting that has been held. We feel that it is now essential for developers to work closely with the community. Failure to do so in this case is a serious omission.

Visual impact: Local residents are unhappy that a development of this scale is not appropriate so close to the low-rise residential streets in which they live. We have much sympathy with this view.

Local Plan policy QD1 states that “the appropriateness of the scale and height of the development should follow from ... its relationship to adjoining buildings and the surrounding area.” We do not believe that PortZED meets this planning requirement. It is adjacent to a number of well-established residential streets with small low-rise buildings.

Policy QD2 also recognises Brighton & Hove’s “patchwork of local neighbourhoods with different characteristics.” It states that this diversity “should be encouraged by careful integration of development into its context.” Again we believe that PortZED fails to comply. The terrace of lozenge shaped buildings represents a modern style which is very different in character from the rest of the local area.

Policy QD4 also places emphasis on the need to “preserve or enhance” strategic views, important vistas and the skyline. It states that “development that ... impairs a view even briefly ... by wholly obscuring it or being out of context with it, will not be permitted.” PortZED will dramatically change southerly views and the skyline from the A259 and the residential streets that run into it. For example, the computer generated illustration of Derek Avenue in the application documents illustrates this clearly when compared with the same view as it is now.

The wider impact of the decision: It is unfortunate that this major application needs to be decided before development briefs for Shoreham Harbour become available. There is considerable potential for developments of this kind on the south side of the A259 as it runs west from the PortZED site. This

application may be seen as setting a precedent for nearby sites.

The A259 provides distinctive and impressive views over the harbour to the sea and we hope that the forthcoming development brief will recognise the need to preserve these views. This does not necessarily preclude all development on the south side of the road. However, if PortZED is approved we hope that the authority will, at the same time, make it clear that the decision does not set a precedent for uncontrolled coastal development along the A259.

Conclusion: The Brighton Society recognises the important ground-breaking nature of the PortZED proposal, and supports in principle the view that such work is needed. We also acknowledge that more dense developments in Brighton & Hove are inevitable. Nevertheless we have serious reservations about the impact that PortZED will have on the neighbouring area and are concerned that it conflicts with important aspects of the Brighton & Hove Local Plan and the future Joint Area Action Plan for Shoreham Harbour.

Caroline Lucas MP: While the development falls outside the Brighton Pavilion constituency the benefits of the development could be felt City wide.

The Green Business Hub has been designed to act as a focal point for established local businesses as well as to attract others to the area. This could go some way toward helping the local green business community expand. The developer is planning to use local materials and employ local trade people, both of which would provide a boost to the economy.

The project is designed to achieve Code for Sustainable Homes Level 6 and will be a groundbreaking development with a number of innovative features. With only a handful of zero-carbon homes in the country PortZED could go some way towards assisting Brighton & Hove becoming the sustainable city that it has potential to be. Whilst developments that incorporate new technologies can be controversial, the application suggests that the impact on the local business community and housing industry would be positive for the City. The proposal could set a high standard for the quality of future low and zero carbon projects in the City.

Cllr Pissaridou: Objects – letter attached.

Environment Agency: Planning permission should only be granted to the proposed development if conditions are imposed relating to flood risk, flood management and land contamination. Without these conditions the proposed development would pose an unacceptable risk to the environment.

Environmental Protection UK: The concept of zero carbon is a goal that is necessary as we work to reduce carbon emissions, the City wishes to be seen as sustainable and as such needs to encourage and welcome this type of development.

The fundamental issues, based on expert input, are:-

- The proposed wind turbines do not yet exist;
- The wind speeds data was taken at a standard point not reflective of the inter-building array proposed.

The developer has put forward suggested conditions. A concern is that by conditioning the turbine installation the onus falls to the Council to enforce a planning condition. Whilst planning conditions are often employed this is an area that requires significant technical expertise.

From the sustainability documentation the development is expected to provide a surplus of energy. The energy statement states the wind turbines produce 38% of the electricity without which the site cannot achieve its true zero carbon credentials.

The developer provides details of engineering research that is being funded to produce a suitable turbine. This is welcomed as renewable energy requires investment and innovation. Query whether additional resources would be available to provide noise assessments if the development progressed without the turbines in place; note the Code for Sustainable Homes appears to make allowances when requirements are in place for energy supply to be operational at a later date.

Friends of the Earth – Brighton & Hove: Support the application. The development would put Brighton & Hove on the map in terms of sustainable development and showing the way forward for zero-carbon housing. The matching of commercial interests with a commitment to sustainability is long overdue in this country.

The development is an important contribution to the One Planet Living Framework and reducing the City's ecological footprint and Biosphere Reserve application. It will also help Brighton & Hove's ambition to become a zero-carbon city by supporting green jobs and investment.

The following specific comments are made:-

- Welcome the comprehensive approach to managing energy and water on the site;
- Support the novel use of lighting to illustrate energy consumption;
- Support the sensitive design and use of the wind turbines but urge conditions on their hours of use to be avoided;
- Supports the provision of visitor and resident cycle parking but believe more spaces should be provided, and in a way that is easy to use;
- Supports the provision of electrical charging points for bicycles;
- Welcomes careful management of the car parking;
- Would like to see clearer plans of the green wall element, and believe there should be green roofs around the PV cells and tree planting along Kingsway;
- Adequate storage will need to be provided for to separate food waste,

- recycling and remaining residual waste;
- Supports the visitor centre but query how long it would remain in place.

Hove Civic Society: Support the application. The proposal is a welcome addition to an area of the City that will substantially benefit from the physical improvements that the scheme seeks to bring about. Particularly welcome the innovative design and strong emphasis on making the scheme zero carbon. The scheme would set a new benchmark in terms of sustainability performance of new developments and has potential to provide substantial benefits to the City as a whole in the future.

Kingsway and West Hove Residents Association: Object. The proposed development claims to provide benefits to the city with innovative zero-carbon homes and workplaces, and the re-use of brownfield land at the harbour level. However the application fails to adequately recognise the development's full context, and therefore does not take account of its very serious adverse impact on the adjacent residential area, which outweighs any claimed broader benefits to the city.

The plethora of documents submitted over nearly a year have resulted in complex proposals for development which are now confused, inconsistent and conflicting. However they have done nothing to change our view that this is a fundamentally flawed planning application, which is contrary to important planning policies. The key objections relate to:-

- The height, scale and bulk of the development, which would result in the irreplaceable loss of the character and quality of life in the surrounding area;
- Loss of light to existing homes on Kingsway;
- Impact on PV energy cells that have been fitted to adjoining properties;
- The application does not provide robust evidence to support the view that the turbines would not cause disturbance;
- The control of noise and flicker would prejudice the contribution of the turbines to the zero-carbon rating;
- Siting turbines alongside the highway is bad planning on safety grounds;
- The development would destroy outlook over the harbour and out to sea from adjoining homes;
- The development would be an obstruction to the dispersal of traffic fumes;
- The impact on air quality from biomass needs to be fully considered as part of the application;
- Fear that parking will overflow into the surrounding area. The submitted parking survey does not reflect the normal situation;
- The visitor centre and information hub are only temporary spaces in the building;
- There is no indication of any intention to set up and fund a structure to operate what is portrayed as a green business hub, in essence a small café, retail and office units are proposed;
- Regeneration of Shoreham Harbour would not be advanced by this premature proposal. The application puts the cart before the horse;

- Sustainable development is not just about buildings being zero-carbon, but is also about a development's impact on its surroundings.

saveHOVE: Objects. The design is invasive and overbearing for the site. Its unrelated design elements are there for eco-technology reasons independent of integrated design values.

With the sun to the south of the proposed helical turbines (and very low in the winter sky) there is potential for flicker problems. This violates QD27 not just for basic amenity but also for extended health reasons.

It is further likely that potential residents within portZED would be living too close for comfort with the danger of anxiety being triggered by the activity of the turbines. This includes noise. Elements of the helical turbines, if they fell off, could potentially injure human life and should be enclosed, if they must be there at all.

Zero carbon housing is a wonderful idea but the development ruthlessly sacrifices quality of life to attain it and makes a virtue out of conspicuous display of the ways of getting it. This is like putting a building's innards on the outside. These fashion statements do not look good beyond their trendy and fashionable moments. The design is not a long-term classic and is not prestige, landmark design.

Whilst saveHOVE supporters want development on this site on the whole the application has been greeted by dismay. The basic character of the area is open and quiet with a low intensity of use. There needs to be variation in levels of activity across the whole of the city.

Kingsway is a major artery and source of pollution. Putting high intensity use on the site would increase traffic levels and presence of cars, not just from residents but from servicing and visitors. This could create pockets of slow traffic which would intensify exhaust pollution. Perhaps finding a way for development to be accessed and egressed from within the port area would be helpful.

Southern Gas Networks: No mechanical excavations should take place above or within 0.5m of low and medium pressure system or within 3m of the intermediate pressure system in the proximity of the site.

Southern Water: Foul sewerage disposal can be provided to service the proposed development. A formal application would be required to connect to the public sewer.

The applicant would be required to provide details relating to surface water drainage to demonstrate that the proposed flows would be no greater than existing flows received by the sewer.

To protect the public water supply and avoid cross-contamination details of rainwater recycling should be sought.

The detailed design for the basement should take into account the possibility of surcharging of public sewers. The proposed drainage system should therefore take this into account.

Sussex Police: The Sustainability Checklist indicates that the principles of Secured by Design have been used to develop the design.

Wish Park Residents Association (WPRA): Comment that WPRA have not been consulted on the proposals but have concerns regarding the extra parking problems the development would bring to the area.

Internal:

Design & Conservation: The development has undergone little if any development since the design concept was first presented to CABE in 2007. That said in principle, this development is a good and effective use of the site.

The Council's urban characterisation study locates it within the South Portslade harbour basin character area. It can also be considered to be within the Shoreham Harbour tall building area, as described in the Tall Buildings SPG and the emerging Core Strategy. It is therefore within an area where a step change in scale of developments is appropriate and necessary, if future employment and housing needs are to be met. As the TB SPG guidance states, *the utilitarian character of the (harbour) area offers significant opportunities for development that maximises the use and potential of this brown field asset.* Nevertheless this guidance goes on to advise that *further planning study will be required to clarify the capacity of the entire harbour area to absorb tall development, having particular regard to the traffic impact, employment issues and to the need to clarify the various agreements that will need to be in place to ensure a cohesive approach to the development of the area, and to guide development proposals.*

Previously, concerns were raised regarding possible prejudicial impacts from this development on the future redevelopment of the harbour, but it now appears that the ambitions for the harbour have changed. The adopted Shoreham Port Masterplan describes Aldrington Basin as an area with significant potential for change, but that this change will mostly comprise either new port-related activities or new employment (non-port related) development. Ambitions for housing within this area appear to have been dropped. The Port Authority's overarching vision for the future is to continue to develop the harbour as a modern viable niche port, focusing on construction materials, but also expand into new trades especially related to renewable energy.

The PortZED development appears compatible with this ambition and it is judged unlikely to prejudice future development plans. However there is no

certainty as to the layout and form of future developments within the harbour, so care should be taken to ensure the proposed development works well with existing site conditions. In the absence of an urban design framework for the harbour it is not possible to advise what if any off site connections to the harbour might usefully be made or safeguarded, to make for better connectivity.

Policy QD2 requires developments to reinforce the positive qualities of the local neighbourhood. Kingsway provides the edge to two contrasting character areas, i.e. Aldrington in the West Hove neighbourhood to the north of Kingsway and the harbour basin in the South Portslade neighbourhood to the south. This site serves to mediate between the two. It is fair to say that the presumption previously was that the harbour basin would also provide higher density mixed use development, i.e. a new urban centre with a stronger built form to which PortZED might form the edge. For example Policy EM12 of the Local Plan refers to redevelopment opportunities relying on new land reclaimed from the sea becoming available for port use. Through its Shoreham Harbour masterplan, the Port Authority appears to have scaled back its ambition, such that the PortZED development may well in the medium term at least stand out in isolation. As such, there would be townscape merit in my view in reducing the height of the end blocks to respond better to the height, scale, and bulk of buildings on adjacent sites to east and west and provide a more dynamic form with a taller central focus.

In broad terms the design concept is entirely appropriate. It has been endorsed by CABI, and opens up public views seaward across the harbour. There appears to be no urban design benefit from retaining the existing open Kingsway frontage, nor from providing as an alternative low rise continuous urban frontage or low rise pavilions. Strategic views will be preserved, no important vistas will be affected nor significant skylines or landmark buildings harmed. The design is appropriate in this context.

The project is to be developed over time to a phasing programme; the last phase being the wind turbines. Unless economies of scale, or other technical issues are thought important, the integrity of the scheme would suggest that turbines are installed on completion of adjacent blocks. There is a need for consideration of how future bridge links to the harbour developments might be safeguarded and public access to the new Kingsway terrace secured.

Tall building assessment: In longer views the development will read as a series of identical blocks, that will from some view points appear to coalesce in to a mid rise terrace. From the side streets immediately to the north the detached curved form will be readily apparent with the eye drawn to the narrow turbine filled gaps. The blocks' appearance is strongly maritime, which is entirely appropriate and in choice of colour and material not dissimilar to the recently approved scheme on the site of the former Caffyn's garage; a site with a history of buildings clearly of their time, and stylish additions. From the Kingsway the PortZED development creates a pleasing regular rhythm,

through use of common shape and detail.

Design Quality (QD1): This stretch of the Kingsway provides a good opportunity for distinctive new buildings, and that this is a site where traditional design need not be replicated. This is a complex scheme which in some respects has not developed from the original design concept. Neither the frontage to Harbour Basin North nor the various spaces beside the Kingsway is clearly illustrated or detailed. There also appear to remain inconsistencies between floor plans and elevations and the layout and design of spaces at ground floor and mezzanine level look to require more detailed development. Moreover CABI expressed the view that the turbines ' need to be carefully considered and intelligently detailed, especially where they meet other elements' if they are to be seen as integral to the buildings and not just a sculptural addition. Yet the turbines and canopies do not appear on large scale layout plans. CABI also expressed reservation over the arrangement of the pv and solar thermal panels which they considered unconvincing.

Further design development and resolution is recommended.

Economic Development: The proposal provides a comprehensive commercial, retail and residential redevelopment of a site currently occupied by Magnet kitchen showrooms.

The scheme proposes to replace the existing uses of retail warehouse and business unit with a new retail showroom and warehouse space for the existing occupier, an additional retail unit, B1 commercial space, restaurant/café use, 67 residential units and internal car parking which are detailed within the planning statement.

There is a reduction in the amount of retail space on the site within the proposed scheme, the B1 office space provision is increased by approximately 20% which includes a dual use of D1 potentially to provide alternative use options for medical and / or nursery / crèche provision on the site. There is also a new storage and distribution use brought to the site together with the residential development to provide a comprehensive mixed use redevelopment of the site.

The employment generation figures quoted in the Planning Statement are supported as the applicant has based the figures on the offPAT employment density figures used by the economic development team when considering commercial planning applications. The scheme has the ability to provide employment for 48 jobs based on the use of the 'commercial' space for B1 use. This figure would diminish should this space be used for the alternative proposed use of D1 medical and / or nursery / crèche uses there would however still be employment generated from this alternative use. The applicant has covered this within the Planning Statement stating that the scheme is likely to create a minimum of 30 jobs.

The applicant states within the Planning Statement that the developer will work with the Council's Local Employment (Labour) Scheme initiative which is welcomed and supported. The developer is requested to provide an Employment Strategy as part of any S106 agreement which will include an agreed percentage of local employment being used during the construction phase. Together with this the developer is also hoping to engage with local education establishments offering sustainable apprenticeships throughout the construction phase which again is welcomed and supported.

Education: The schools closest to the application site have a surplus of just 5%. The proposed development would eat into this surplus capacity leaving parents with no choice of school for their children. A sum of £142,251 is required to ensure the statutory requirement for school places can be met.

Environmental Health: In considering planning applications which include wind turbines in the majority of cases conditions to manage noise can be used if the following information is available:-

- A robust background noise survey which has been agreed by the local planning authority and identifies the nearest sensitive receptors;
- A technical report for the proposed turbine which demonstrates that its performance has been tested in accordance with BS EN 61400-11:20034; and
- A comprehensive acoustic report that demonstrates the noise impact on the agreed receptors.

The application does not include a comprehensive background noise survey and is using bespoke turbines which have never been manufactured or tested in accordance with the above. This makes it impossible to understand the noise impact on the receptors in the area and therefore makes it impossible to finalise mitigation measures into the design and appearance of the proposed development. Comprehensive evidence is required, as outlined above, to demonstrate that use of the turbines would not adversely affect residents of either the proposed development or the largely residential area around the port.

A specialist noise consultant has assisted the Environmental Health Team with the assessment of this application.

Housing: The proposed provision of affordable housing on this site will help meet the key strategic Priority in the Housing Strategy (2009-14) 'Improve Housing Supply'. The developer is offering almost 40% of the units for affordable housing, which equates to 26 units, in two of the buildings and this is acceptable. The scheme meets the standards outlined in the Council's Affordable Housing Brief.

Planning Policy: The aspiration to deliver a mixed use, exemplar development in the Shoreham Harbour area is welcomed. The principle of mixed use, high quality and highly sustainable development is very much

consistent with the Council's regeneration aspirations for the area. The principle of introducing housing on this site is accepted as part of a mixed-use development, and the development as a whole is welcomed for its contribution to the wider regeneration of the Shoreham Harbour area.

The proposed phasing for the pods shows clearly the first one would be built, but how and when the other pods will follow is less clear.

A primary objective for the regeneration of the wider Shoreham Harbour area is that development should be employment-led, so it is important that the introduction of mixed uses on this site does not compromise employment uses on the site or in surrounding port area.

There is currently 410m² of employment floorspace and the proposal is to replace this with 468m² of B1/D1 (plus 16.6m² of B1), so there is a potential increase in B1 provision but also a risk that the majority of the employment floorspace on the ground floor could be lost from employment uses and used for D1 instead. The proposed possible D1 uses are a medical centre and crèche/nursery, and the applicant proposes that the market should decide whether B1 or D1 is more appropriate.

Policies EM5 and EM6 seek to retain sites/ premises in business use unless they are genuinely redundant and unsuitable for modern employment use. There is insufficient information in this proposal to be reassured that the employment floorspace would be protected. If alternatively the applicant is suggesting that the market might favour D1 uses and that employment floorspace might not be viable in this location then further evidence needs to be supplied to demonstrate this. No marketing evidence has been submitted to indicate that the existing B1 employment use is redundant.

According to the Brighton & Hove Strategic Flood Risk Assessment the site is in an area of potential flood risk (Flood Zone 3). The principle of the development in this location meets the tests in national planning policy about flood risk and avoiding vulnerable uses in high risk areas. The issue of safe dry access from all residential and commercial occupants has also been addressed via access from Kingsway, and there is a commitment to advise residents about the flood warning system and actions to take in the event of a flood. This should be implemented prior to occupancy. The comprehensive assessment of flood risk submitted with this proposal is welcomed.

The proposal site adjoins the EM12 designation but is outside of it. Policy EM12 seeks to avoid development that would prejudice regeneration of the port area. Further technical work has been carried out since EM12 was adopted however the broad principle remains. In the context of emerging proposals for the regeneration of the wider Shoreham Harbour area, and this site falls within the wider regeneration area, then this proposal is welcomed for demonstrating an exemplary standard of sustainability consistent with the broad principles of Eco-Town designation of the regeneration area.

EM9 identifies the port area as a key site for major mixed use development, again the proposed site adjoins the EM9 designation but the proposal is broadly in line with what might be expected within the EM9 area, which is welcomed.

Shoreham Port Authority has recently published its Port Masterplan and although the Masterplan is not a statutory planning document, the City Council does broadly support it and therefore its proposals should be considered. The Masterplan proposes primarily residential uses for the site so this proposal is consistent with it.

Bearing in mind some of the key objectives of the regeneration proposals for the Harbour area it would be useful to have further information about how the applicant has considered:

- a) the objective to retain at the heart of the regeneration, a working port. Therefore although the area immediately adjacent to the proposed site is identified in the Port Masterplan for a mix of non-port operational business and leisure, there are – and may be in future - some potentially less-neighbourly uses, around the Aldrington Basin and further west in the main Harbour area. The councils would not wish to see future operation of the port prejudiced by the introduction of residential uses to the area.
- b) The aspiration is that the regeneration of the harbour area should also bring benefits to the surrounding communities including South Portslade. It would be useful to have further information about how this proposal might contribute to ensuring a more sustainable community.

The applicant proposes relocating the existing Magnet and timber showrooms to a more prominent position at the upper ground level to provide an active frontage onto the Kingsway. The existence of retail on the site already in the form of Magnet and the decrease in floorspace does not prompt the requirement for a Retail Impact Assessment in this instance.

It is noted that retail floorspace currently exists along the Kingsway and this proposal is considered to supplement the units already located here in providing retail services for the local residential community.

In order to minimise risks to the vitality and viability of the Boundary/Station Road Centre, it is recommended that planning conditions are placed on the proposed retail uses to specify that the Magnet (450 m²) site is permitted for retail showroom use only, and that the smaller 228 m² unit should be for the sale of comparison goods only.

Sustainability: The application proposes standards of sustainability far in excess of those expected by Local Plan policy SU2 and SPD08 and of a higher level than has been seen in Brighton & Hove. It represents the first

Code Level 6 residential development and the first non-residential development to seek a BREEAM 'Outstanding' standard (exceeding BREEAM 'Excellent'). The scheme has the potential to significantly raise the bar for sustainable building in Brighton & Hove.

Sustainable Transport: No objections, subject to a contribution of £10,950 and conditions relating to cycle and disabled parking, a travel plan, car club details and TRO funding, and an informative regarding the need for a crossover licence.

General: This application is supported by a Transport Statement which has been amended as part of the application process.

Car parking: SPG4 requires that at most 209 general spaces and at least 18 disabled spaces are provided. The provision proposed is 65 general and 19 disabled spaces. The general provision is acceptable provided that compensating provision for sustainable modes is provided and no displaced parking problem arises, these points are discussed later. The number of disabled bays is adequate but hatching around them needs to be provided and this should be required by condition.

Displaced car parking: The previous proposals to provide a CPZ in the area adjoining the application site are subject to review. There has been substantial analysis and discussion of this aspect. The applicants have produced a TRICS based parking accumulation analysis which indicates that the theoretical maximum displaced parking would be 112 cars. This would not happen in practice because the estimate assumes that the peak hours for different uses coincide, which is not the case, and makes no allowance for the shared use of spaces.

An acceptable Car Park Management Plan which describes how the spaces would be shared has been submitted. Allowing for sharing the amount of displaced parking would be at worst 47 cars. The applicants have commissioned professional parking beat surveys in the residential area within 5-6 minutes walk of the site and these indicate that the number of vacant on-street spaces is on average 309 during the period 5AM- 6AM (i.e. overnight) and 348 during 10AM-11AM. This is clearly far more than the maximum amount of displaced parking expected to arise and therefore there is no problem in complying with policy TR2.

Cycle parking: The number of cycle parking places proposed is just above the minimum required by SPG4- 106 compared to 96. However, the residential provision proposed in Lozenge 5 consists of Josta 2-tier racks which are not supported as pushing up/ lifting a bike needs a certain amount of strength which may exclude some, it is not easy for new users to understand, and it precludes the use of child seats and pannier bags/ racks. It would be feasible to provided better cycle parking provision by reducing the number of general parking spaces, and this should be required by a condition

attached to any consent.

Highways impact: The applicants have demonstrated using TRICS surveys that the traffic impact would be minimal and there is no pattern of accidents locally which may be worsened by the extra trips generated. The visibility splay at the vehicular access to Kingsway is in accordance with design guidance. An informative should be added to any consent advising the applicants that a highways licence will be needed for the construction of the crossover.

Sustainable modes/ contributions: The quality of local sustainable modes provision is considered in the Transport Statement but some shortfalls are unidentified e.g. local bus stops are not of a high standard. The applicants propose to provide a travel plan and this should be required by condition prior to occupation. They also propose a car club.

The contractual details of the car club arrangements, excluding the price, should be subject to approval and these should include the standard requirement of the payment of 2 years membership fees for first occupants of the residential units and adequate arrangements for publicity of the scheme. If (as is likely) a car club is required on Kingsway or another highway, the TRO process (which as always would have no guarantee of success) would have to be funded by the applicants, and this should be required by condition. In accordance with the standard formula applied to the applicants' estimate of person trip generations a contribution of £10,950 for sustainable modes should be required. This would be spent on local improvements for buses, cycling or walking.

6 MATERIAL CONSIDERATIONS

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

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

7 PLANNING POLICIES

Planning Policy Guidance (PPG):

PPG24 Planning and Noise

PPG13 Transport

Planning Policy Statements (PPS):

PPS1 Delivering Sustainable Development

PPS3 Housing

PLANS LIST – 22 FEBRUARY 2012

PPS4	Planning for Sustainable Economic Growth
PPS22	Renewable Energy (and its Companion Guide)
<u>Brighton & Hove Local Plan:</u>	
TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
EM7	Warehouses (B8)
EM9	Mixed uses and key mixed use sites

EM12	Shoreham Harbour - mixed uses
SR2	New retail development beyond the edge of existing established shopping centres
SR3	Retail warehouses

Supplementary Planning Guidance

SPGBH4	Parking Standards
SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space (draft)
SPGBH15	Tall Buildings

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation

Shoreham Port Masterplan (October 2010)

Shoreham Port Authority has recently published a Port Masterplan, which the Department for Transport recommends for ports (in England and Wales) handling at least 1 million tonnes per annum. The Masterplan is not a statutory planning document. As such although of limited weight it represents the intentions of the Port Authority and should be considered as part of the planning application process.

Shoreham Harbour - Interim Planning Guidance (August 2011)

The Interim Planning Guidance provides a summary of the existing planning policy framework for the Harbour and an overview of the future development priorities for the Shoreham Harbour regeneration area during an interim period (2011-2013) whilst detailed policies are prepared and adopted.

8 CONSIDERATIONS

The main considerations in the determination of this application relate to:-

- Principle of development
- Character and appearance
- Amenity for adjoining residents
- Impact of wind turbines
- Housing type, size, mix and quality
- Transport
- Sustainability

Background

The application site immediately adjoins Shoreham Harbour which includes local plan allocations for industrial and business use (policy EM1); a key site for major mixed use development (policy EM9); and a harbour specific policy which seeks to avoid development that would prejudice regeneration of the port area in anticipation of more detailed policy documents emerging in the future (policy EM12).

There is a well documented and long standing aspiration to maximise the potential of Shoreham Harbour and revitalise the area for the benefit of local communities and the wider sub-region. The long term aim is to create a high-quality exemplar sustainable development at Shoreham Harbour which could potentially comprise a mix of residential, employment, community, education, leisure and ancillary retail development.

At the heart of the regeneration programme is a commitment to prepare and adopt a comprehensive planning framework relating specifically to the regeneration area. This framework is likely to be in the form of a Joint Area Action Plan that would be adopted by Adur District Council, Brighton & Hove City Council and West Sussex County Council. The plan would ultimately form part of each Councils' Development Plan.

In advance of a specific planning framework Interim Planning Guidance (IPG) has been adopted. The IPG does not establish new policy but instead sets out the background and context to the regeneration plans and encourages development in keeping with the future aims for the Harbour. The application site forms part of the Shoreham Harbour regeneration area as identified in the IPG. There are no sound reasons to consider the application site separate from the Shoreham Harbour regeneration area.

Future planning of Shoreham Harbour

The Joint Area Action Plan, and the comprehensive planning framework, would encompass a detailed development brief for Aldrington Basin (in addition to the other character areas of the harbour). The development brief for Aldrington Basin is in the process of being commissioned and would be carried out between February and September of this year. Once finalised this would provide guidance on possible building heights / uses for this part of the harbour.

The proposed development has not arisen through the Shoreham Harbour Partnership work but has arisen independently. The proposal therefore amounts to a stand alone development on a site which forms part of a wider, and larger, regeneration area. There is a need to ensure the proposal would not prejudice full regeneration of Shoreham Harbour, and specifically Aldrington Basin, and that there is no risk to orderly planning of the wider area.

The proposed development is not considered to be dependent on an overriding master plan / development brief to the extent that permission could only be granted once a wider plan / brief were in place. The emerging framework could well establish that the principle of a zero / low carbon residential led mixed-use development on this site would be acceptable in terms of the potential re-development of Aldrington Basin as a whole. A master plan / development brief for Aldrington Basin is unlikely to provide a level of detail that would negate the need for a thorough assessment of the proposal as part of the planning application process.

It is acknowledged that there are issues relating to the relationship between the application site and wider harbour area, particularly the adjoining wharfs to the south of the site fronting Aldrington Basin. There are though no reasons why the relationship could not be considered as part of this planning application, and in advance of further development briefs / policy work.

Whilst the application site is part of the Shoreham Harbour regeneration area, and specifically Aldrington Basin, it is not by itself essential to achieving successful redevelopment of the area. The proposal should not therefore be seen as premature in the context of the emerging policy framework for Shoreham Harbour, and development of the site would not necessarily prejudice more comprehensive regeneration of Aldrington Basin or the wider harbour area. The application should therefore be considered on its own merits having regard to adopted planning policy and all other material considerations.

Character and appearance

The proposal involves the construction of 6 detached 5-storey (plus mezzanine level) buildings comprising ground and mezzanine level commercial uses with residential accommodation above. A vertical column of 11 wind turbines would be sited between each building.

The prevailing built form of the immediate surroundings comprises low-rise buildings of two to three storeys in height. Whilst within this there is some variation, such as Saxon Court and the approved scheme at 331 Kingsway which are four-storey in height, the scale and form to the north of the application site is broadly consistent.

This stretch of Kingsway provides a good opportunity for distinctive new buildings and this is a site where traditional design need not be replicated. In principle the creation of a new frontage along Kingsway is welcomed. The pavilion approach would retain the potential for viewing corridors to the south of Kingsway from adjoining streets to the north and in broad terms the architectural concept and typology is considered appropriate to this location

The Council has adopted specific and detailed guidance in relation to applications for tall buildings in the form of Supplementary Planning Guidance Note 15 (SPG 15). This defines tall buildings as those of 18 metres and above. The proposed buildings would measure approximately 18 metres in height above Kingsway and 24 metres in height above Basin Road North. The wind turbine columns would rise approximately 5 metres above the roof level of the adjoining buildings creating a maximum structural height of approximately 23 metres above Kingsway and 29 metres above Basin Road North. The proposed development constitutes a 'mid-rise' tall building.

In recognition of the regeneration opportunities that Shoreham Harbour provides for the City SPG15 identifies the Harbour as a node which may be appropriate for tall buildings. The SPG refrains from defining precise

boundaries but states, *'the Shoreham Harbour area is focused on the eastern most area of the harbour.....and includes both the docksides, and the commercial area north of Wellington Road.'*

The Tall Buildings Statement accompanying the application considers that the site forms part of the Shoreham Harbour tall building node and there is potential for a larger cluster of tall buildings due to the likelihood of the port's regeneration. The SPG does though go onto state that *'a further planning study will be required to clarify the capacity of the entire harbour area to absorb tall development'*. The planning application has been submitted in advance of further studies on the appropriateness of tall buildings at Shoreham Harbour. These studies, and detailed development briefs, are in the process of being commissioned and will involve community engagement to explore, amongst other issues, appropriate building heights in this part of the harbour.

In the absence of a framework it would need to be demonstrated as part of this application that the site is appropriate for tall buildings. This would need to be considered in the context of existing development to the south, future aspirations for Shoreham Harbour and the existing context of Kingsway and adjoining streets.

The key local plan policies relating to design and the quality of the environment are policy QD1, which states that proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment; and QD2, which seeks to ensure that proposals emphasise and enhance the positive qualities of the local neighbourhood by taking account of local characteristics including, height, scale build and design of existing buildings.

Shoreham Harbour

In the absence of a detailed development brief for Aldrington Basin the proposal would be seen as a stand alone development on the edge of the main Harbour site. There would be a considerable change in scale between the application site and wharfs to the south. In the short to medium term, and in the context of adjoining development to the south and Shoreham Harbour as existing, the development would be viewed as an anomaly.

This would not though necessarily be to the visual detriment of the area and to some extent, given the change in levels between Kingsway and Basin Road North, a change in scale would be expected given the form and uses of existing development to the south. Similarly the development could represent a necessary change in scale and form if the aspirations for Shoreham Harbour are to be achieved. It is therefore considered that, in isolation of adjoining development to the north, there is scope for taller buildings on the application site to form an edge to Aldrington Basin and associated future plans for its regeneration.

It is though unclear however how a series of tall buildings on this site would relate to future development elsewhere in Aldrington Basin. This is particularly in relation to the need to ensure adequate outlook in the future to the development, and the potential impacts on the sustainable credentials of the scheme (in relation to wind and solar technology). This issue is not explored in any great detail as part of supporting information, and although impressions have been provided outlining how the proposed development could relate to future proposals on land to the south this tends to support the notion that building heights would be compromised.

The existing development along Basin Road North forms a hard edge to the road, which is largely a result of the existing industrial and commercial uses established at Aldrington Basin. The lower levels of the proposed development (between Kingsway and Basin Road North levels) would provide servicing arrangements and parking for up to 84 vehicles.

The submitted elevations do not indicate any resolved architectural detailing for the Basin Road North frontage and the floorplans only indicate access / egress points for vehicles. Whilst the Design & Access Statement includes references to a green wall there are strong reservations whether this would be effective given the maritime climate and extremely limited opportunities for planting to this elevation.

The justification for a tall building on the site is partly based on the potential for future regeneration of the wider Shoreham Harbour area; despite this the Basin Road North frontage, which relates directly to the wider Aldrington Basin area, has not been resolved. It is acknowledged that lower levels of the proposed development provide floorspace for storage, servicing and parking. This would not however justify, or dictate, an undeveloped elevation that fails to interact with the surrounding area, particularly given the aspirations for regeneration of the Harbour.

Kingsway (and adjoining streets to the north)

The development would create a cluster of tall buildings on the southern side of Kingsway. The tall building statement considers the proposal would be seen as an addition to the existing row of 6 to 9 storey blocks that extend along the seafront. The cluster would though appear visibly detached from existing tall buildings on the northern side of Kingsway and the proposed development would not be seen as a continuation of existing tall buildings along Hove seafront.

The proposed scheme would therefore be viewed as a stand alone development fronting Kingsway and, on the basis of the submitted information, the development would appear significantly taller than adjoining buildings to the north. The proposed scale and massing would result in an abrupt change in height and this would be readily apparent in views from the surrounding area. As a result of the abrupt change in height and lack of any meaningful buffer between the proposed building and Kingsway, with the

proposed buildings sited up against the public highway, the proposed buildings would appear intrusive and overbearing in views along Kingsway and towards the seafront in views from the north. The proposed height and lack of variation in form also means that in oblique views the buildings would coalesce and provide a uniformity of outline inconsistent with the more varied surrounding building heights and scale.

This impact would not be off-set by the width of Kingsway and the development would be viewed and experienced alongside and in conjunction with the prevailing scale and pattern of surrounding development, particularly as the proposed buildings sited up against the public highway.

It is noted that the supporting information considers that the gaps between the buildings would provide visual separation between the buildings and the sense of openness towards the sea would be retained. However, in views towards the sea from the north the gaps would be partly obstructed by the turbine columns, and method of fixing to the buildings, and the canopy structure and open space enclosures at street level. The visual effect of the gaps is somewhat overstated and the openness through the application site would be lost to a significant degree.

The impact and relationship of the development with adjoining buildings to the north is not directly addressed as part of the application. Instead the justification for a tall building on the site is primarily driven by references to possible future development of Shoreham Harbour. In the absence of further studies it is questionable whether the intentions of the Shoreham Harbour tall building node was for a line / cluster of tall buildings along the southern side of Kingsway, as opposed to the naturally lower ground / wharf levels within Shoreham Harbour. SPG15 states that the Shoreham Harbour node is *'focused on the eastern most area of the harbour within the Brighton & Hove City boundary and includes both the docksides and the commercial area north of Wellington Road'*. The application site is within the western most area of the Harbour.

Conclusion

Kingsway provides the edge to two contrasting character areas. Aldrington in the West Hove neighbourhood to the north of Kingsway and the harbour basin in the South Portslade neighbourhood to the south. The application site serves to mediate between the two.

There may be a justification for a cluster of tall buildings in the context of future aspirations for Shoreham Harbour and tall building guidance in SPGBH15. The SPG, in the absence of further studies, would not though justify or exclude the possibility of tall buildings on the application site and regardless, not all sites within a node are necessarily suitable for a tall building. It has not been demonstrated as part of the application that a stand alone development, of tall buildings fronting Kingsway, would be appropriate in this location.

The proposed development would create an abrupt change in height, with no meaningful transition with adjoining development, and appear an incongruous and overbearing addition to the southern side of Kingsway highly visible in views from the east, west and south. The development does not seek to respond to the height, scale and bulk of buildings on adjacent sites, to the east, west or north, and would instead provide a repetitive and interminable built form. The proposed development would be an incongruous addition to the townscape and would not represent development of the standard required by local plan policies QD1 and QD2. This harm must be weighed against any benefits the scheme might provide and this is revisited in a later section of the report.

Phasing

The initial phase of the development would comprise the erection the lower levels of parking and servicing to Basin Road North and a base deck around the Magnet building. Following this the development would be implemented on a building by building basis commencing in the east. The wind turbines would be installed between each building at the end of the project.

Within this overall plan there is additional phasing within the easternmost building which would initially comprise a visitor centre and show flat. The show flat is a unit allocated as affordable housing and a mechanism to secure its release would need to be identified. This would also need to be explored, potentially with a registered social housing provider, to ensure the arrangement would be acceptable in principle.

The integrity of the scheme would depend upon the completion of the development in its entirety. A single building, in isolation of the remainder of the development, would appear an incongruous feature along Kingsway with very limited context. In addition the wind turbines are a fundamental part of the character and appearance of the development and it is considered they should be installed on completion of adjacent blocks, particularly as there is no indication as to the construction period, or viability, of the development as a whole. If the application was approved it would be necessary to secure a detailed phasing scheme as part of either a condition or s106 agreement.

Impact on residential amenity

Adjoining properties to the north of Kingsway have historically had good levels of light due to the largely uninterrupted aspect over Shoreham Harbour, where existing development is generally below the level of Kingsway. The proposal would result in a series of 5-storey buildings above Kingsway, and vertical turbine columns, opposite the existing properties.

Light

The applicant has submitted a Daylight & Sunlight Report assessing the impact of the proposed development on light to adjoining properties. There are no reasons to dispute the methodology or results of this report which is based on the BRE guide '*Site Layout Planning for Daylight and Sunlight – A*

Guide to Good Practice'.

The submitted report indicates a loss of daylight (in the form of vertical sky component) to the vast majority of windows fronting the proposed development and, based on the BRE guide, the loss would be noticeable to a number of properties. The report does though suggest that whilst the impact would be noticeable the overall daylight to the affected properties / rooms remains good. This is reflected by the vast majority of windows (~90% of the total number assessed) exceeding the BRE recommended level, above which enough light should continue to reach a building.

The submitted report also indicates a loss of sunlight to adjoining properties. This impact is considerably greater during the winter months where loss of sunlight is within a range of 30 - 75%; in the summer months the loss of sunlight is generally between 12-20%. The report considers that despite noticeable loss of sunlight the resulting levels to the majority of windows would remain between double and triple the BRE recommended level.

It is apparent that the development would result in loss of light to adjoining properties on Kingsway, with the impact on daylight to ground floor windows and sunlight to all properties during winter months the major impacts. In the vast majority of instances the resulting light levels are however above those recommended by the BRE.

Overshadowing

An assessment on the impact of overshadowing from the development has been submitted. This indicates that at certain points in the year shadows cast by the development would extend over the front gardens of adjoining properties to the north, and would also be visible at ground and first floor levels. The assessment does though suggest that for the majority of the year there would be no effect on adjoining properties on Kingsway.

Representations have been received from adjoining residents concerned that the submitted assessment does not reference the height of the proposed buildings and turbine columns (on which the modelling is based), the buildings appear squatter than are actually proposed, and the mid-winter shadow would be much longer than is being indicated in the assessment.

Whilst the concerns of residents are appreciated it is considered that, in isolation of any other impacts, overshadowing would not cause demonstrable harm to amenity and not to the extent that would warrant refusal of the application. The existing front gardens, although providing useful outdoor space, are of lesser importance as private amenity space than larger gardens to the rear and it is not apparent that overshadowing to the front of neighbouring properties would create a poor living environment.

Outlook

The majority of existing development on the application site is below the level

of Kingsway and this allows a relatively unobstructed outlook over Aldrington Basin from adjoining properties. The proposed development would clearly impact upon this existing outlook. This is not though in itself a cause of concern provided the amenity for adjoining residents is not materially harmed.

In isolation of any other impacts, such as loss of light, it is considered that the remaining outlook from adjoining properties would not be unduly oppressive or lead to a material loss of amenity. There would remain space around the window openings, the separation distances would not be uncommon to built up areas and the additional upper height (in relation to properties on the northern side of Kingsway) would not be so apparent from internal rooms as to appear oppressive or overbearing. As such whilst there are concerns relating to the height and scale of the development it is considered that this would not lead to a harmful loss of outlook for adjoining residents.

It is appreciated that views of the sea and basin would be lost as a result of the proposal. The loss of view is not though a material planning consideration in the determination of this application.

Overlooking

The development would introduce new window openings on a site which is marked by an absence of frontage development onto Kingsway. It is though considered that given the separation provided by Kingsway the views created towards existing properties would not be so intrusive as to warrant refusal of the application, even allowing for the additional height proposed.

Conclusion

The existing residents adjoining the application site benefit from largely unobstructed light to the front of their properties and the proposed development would clearly impact upon this. It has not been demonstrated that a development of the scale and massing proposed is suitable for the application site and the extent of loss of light and outlook (which is a result of the proposed height and massing) is a cause of concern.

It is appreciated that the majority of affected window openings would continue to meet BRE recommended levels of daylight. This does not however indicate that the extent of loss would not cause a material loss of amenity for occupiers of adjoining properties. In the absence of sufficient justification for a development of this scale in this location the resulting loss of amenity, through loss of light, would be significant and harmful to the living conditions of the occupiers of those neighbouring properties. This is a significant concern and outweighs the findings in respect of overshadowing, outlook and privacy.

Impact on adjoining Harbour uses

There is a need to ensure that future operation of the port is not prejudiced by the introduction of residential uses to the area. This is reflected by comments from the Port Authority which, although supportive of the proposal, do not

wish the scheme to constrain development of nearby sites for either port or other employment uses, as indicated in the port masterplan. In this respect it is the introduction of residential uses onto the application site which is the key concern.

The submitted background noise studies indicate that the application site falls within Noise Exposure Category (NEC) C. Planning Policy Guidance Note 24 (Noise) advises that in NEC C:-

Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

Whilst the advice of PPG 24 is that noise sensitive development in NEC C locations is not preferred such development is not prohibited, and there are many examples of successful residential schemes being developed in these noise environments. For this reason provided the NEC has been robustly established it would not be an overriding reason to withhold planning permission.

The submitted noise surveys are dominated by road traffic noise from Kingsway and no information has been provided regarding noise operations from the Harbour. There is potential for specific activities, e.g. loading or unloading of vessels in close proximity to the site or activities at the western end of the harbour, to adversely affect the scheme site.

The application site is though at the eastern end of the harbour away from the busiest port operations. It is therefore considered unlikely that overall harbour noise would affect the scheme to a similar extent as road traffic noise so use of the mixed sources NEC to assess the problem is not necessarily appropriate in this instance. The scheme would need to incorporate substantial mitigation of road traffic noise and this mitigation would be similarly effective against harbour noise. It is therefore considered unlikely, despite the absence of representative noise surveys, that the residual mitigated harbour noise levels would create significant issues for future occupants of the development.

Whilst there are concerns in relation to the submitted surveys / assessments it is considered that the proposed development would not necessarily prejudice existing, or future, port based activities or non-port related employment opportunities. It is also noted that the port masterplan, although not an adopted planning document, identifies the application site for residential uses in recognition of the proposed development. If the application was approved it would be necessary to require details of mitigation measures to ensure noise impacts are adequately controlled.

The presence of existing housing (close to the harbour) on the Western

Esplanade, directly opposite the application site, supports the above view and suggests that harbour noise is not a major problem and therefore unlikely to be a substantial constraint on this project.

The impact of noise on future occupants of the development from the proposed wind turbines is considered in the following section of this report.

Air Quality

The development incorporates biomass boilers as part of the overall energy strategy. The scheme is to some extent underdeveloped in relation to the siting, number and power of these boilers and the servicing and delivery arrangements are equally vague. This has not been overcome through the submission of additional information as part of the application process. For this reason representations have been received concerned that biomass may emerge as the main source of heat and energy for the development and the knock on impacts on transport, as a result of the delivery arrangements, and air quality.

The applicant has submitted a boiler model which is of a size that would not require a detailed dispersion assessment and in all likelihood would not be sufficient to power the whole development. There are no reasons why the boiler flues could not though be sited to discharge above the level of windows and balconies within the development and surrounding properties; this would ensure no nuisance to either future residents of the development or existing residents adjoining the site. The concerns relating to future proliferation of biomass on the site are appreciated. On balance it is though considered that there is no fundamental objection to biomass of the scale currently proposed in the supporting documents and if necessary further details could be secured through condition.

Wind turbines

Noise

The proposed development incorporates up to 55 turbines in 5 columns between each building. The Design & Access Statement outlines that each building is orientated on a North East / South West axis to maximise the potential of the wind power that would be harvested by the vertical turbines, with the curved façade intended to be aerodynamic and allow wind flow to be directed around each lozenge into the path of the wind turbines. The information on sustainability also outlines that the wind turbines are an integral and active part of the energy strategy for the scheme.

The application is accompanied by a noise report which assesses background noise levels at 2 locations; 339 Kingsway opposite the application site, and 360 Kingsway which forms the eastern part of the application site. The report proposes that operational wind turbine noise should be limited to no more than the existing prevailing background noise level, and sets out levels which would form the basis of such noise limits.

The Environmental Health Team has considered the submitted noise report and has significant concerns. The application site is located in a complex noise environment, affected by Kingsway and Shoreham Harbour. The noise assessment, which is based on only two locations on Kingsway, does not present a comprehensive picture of background noise levels either at the site itself or adjoining properties to the north, particularly in relation to properties on streets running north from Kingsway where noise conditions are likely to be appreciably different.

There is also concern that the noise level measurements do not encompass a range of wind conditions (with the expectation that noise levels would vary according to wind speeds). The need for these measurements is acknowledged in the submitted noise report.

It is of vital importance to ensure background noise levels have been comprehensively assessed: conditions setting noise limits require the validity of any future complaints to be assessed by comparing actual noise levels (post-development) against the measurements of background noise levels (pre-development). In the event that background noise levels are not representative of surrounding properties the noise limit could potentially be set too high, resulting in excess turbine noise for local residents.

The application is not proposing a specific model of wind turbine, rather an acceptance in principle that turbines can be accommodated as part of the development. Notwithstanding this there is no assessment on the noise impact of all turbines operating together, even on the basis of a candidate turbine which may or may not be the actual model installed at the site, or an assessment of noise levels and impacts at different heights.

The applicant's noise report does though acknowledge that turbine noise during night time is expected to exceed noise limits, and that whilst it may be possible to operate some turbines in specific wind conditions this would first require further analysis of wind speeds. It should be noted that this analysis is, again, based on the measurement of background noise levels at only 2 locations and is not representative of the surrounding noise environment.

In relation to future occupants of the development they would directly abut the turbines, which would be fixed to each block through an as yet unknown method. The submitted noise report suggests the need for new residential units to have either triple-glazed window systems and / or sealed building units, with openable windows not permitted. There are though no recommendations as to what sound proofing measures should be incorporated in the development and no substantive details are provided elsewhere in the submission.

This is a significant issue as without a clear understanding of noise levels from the turbines it is not possible to establish what sound proofing / mitigation is required. Following on from this there are no guarantees that the

development would be capable of providing an acceptable standard of accommodation for future occupants (taking into account issues such as noise disturbance, access to usable outdoor amenity space, natural ventilation etc).

The application site fronts a large number of existing residential properties across a distance, at the closest point, of approximately 27 metres and incorporates new residential units either side of the turbine columns at a minimum distance of 0.6m. There is no comprehensive understanding of the existing background noise climate, there is an absence of technical data relating to the proposed turbine model, there is no information on the mechanism or sensitivity of the turbines' control systems, and consequently it is not possible to finalise mitigation measures into the design and appearance of the proposed development.

In the absence of this information there is no certainty that conditions would fulfil their purpose. The procedure for enforcing conditions would require a significant degree of time-consuming analysis at different times of day and night during variable weather conditions with and without the turbines operating. During this period affected residents would have to live with the noise disturbance and there would be an understandable reluctance on the part of the future owner(s) to restrict the operation of the turbines, and forgo electricity generation, without a clear demonstrable reason.

The use of conditions is seemingly being suggested to avoid further assessment work; assessment work which should have been completed at the earlier concept stage.

The aspirations of the development with regard to sustainability are the key component of the scheme and the reason representations supporting the application have been received. The submitted energy statements suggest the development could not achieve the zero carbon aspirations without the wind turbines. Furthermore the wind turbines have strongly influenced the form, siting and design of the proposed buildings. In the absence of wind turbines it is not apparent if the same scheme would have evolved. It is not therefore considered appropriate to consider the scheme in the absence of wind turbines (through either a split decision or an amended application).

Conclusion

The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed receptors. The development, in the absence of this information and suitable mitigation measures, has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise.

Shadow Flicker (wind turbines)

Shadow flicker can occur when the sun passes behind the blades of a turbine, as part of this development it is the upper turbines most likely to result in flicker. A report has been submitted considering the potential for flicker to occur, and this concludes that some flicker will be visible as shadows pass over adjoining buildings.

A condition has been suggested which would prevent the upper three turbines on each column (15 in total) being used for energy generating purposes between 10:00 hours and 16:30 hours from 10th November to 4th February annually. Whilst this has implications for the energy creating benefits of the turbines, and to an extent the scheme as a whole, it is considered that shadow flicker is not an insurmountable concern and would not cause a nuisance for adjoining residents subject to appropriate conditions.

Commercial uses

There is no objection in principal to a commercial ground floor uses as they would potentially create an active vibrant frontage. It is recognised that there are a number of residential properties adjoining the application site and as such there is potential for noise and disturbance from the proposed use. However, if necessary it is felt that the potential for harm could be mitigated through conditions restricting opening hours, delivery times, the permitted Use Classes, soundproofing and extract and odour control equipment.

Housing

Housing mix and size

Local plan policy HO2 refers to affordable housing on windfall sites and states 'where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing'. The development proposes 67 units of which 26 would be affordable, equating to 39%. This level of provision is in accordance with the level sought by policy HO2.

The application does not include details of the proposed tenure which should include a mix of social rented and intermediate housing. If the application was approved further discussions on the tenure split would be necessary prior to a s106 agreement being finalised to secure the affordable housing.

The development would meet, or exceed, minimum internal space standards for affordable housing. The affordable units comprise a mix of 27% 1-bed, 50% 2-bed and 23% 3-bed; with private housing comprising 29.3% 1-bed, 46.3% 2-bed and 24.3% 3-bed. The size and overall mix of units is considered acceptable in relation to current housing requirements and adopted local plan policy.

The affordable housing would be sited in the two easternmost buildings, which the outline information on phasing states would be constructed first.

The eastern building would comprise a ground floor visitor centre and a show flat. The formation of a show flat, used in association with the ground floor visitor centre, would, over a temporary period, reduce the number of affordable housing units provided by the development. Whilst there is no objection in principle to this arrangement if the application was approved a mechanism would need to be included in a s106 agreement to secure the (phased) delivery of 26 affordable units on the site. This would require further negotiation.

Standard of accommodation

Light

An assessment has been submitted which assesses interior daylighting to first floor units within a central pod, where the level of obstruction would be greatest and the resulting amount of available light would be lowest. The assessment suggests that all units at this level would meet recommended guidelines for daylight, and this includes the north-east / west facing units. There are no apparent reasons to dispute the methodology or findings of this assessment.

Lifetime Homes

Policy HO13 requires, in development of 10 or more units, that 5% of the overall units should be built to wheelchair accessible units and that 10% of the affordable units be built to wheelchair accessible standards. The application does not identify the location of wheelchair accessible units within the development and, if approved, further details would be required through condition. There are no reasons given the overall unit sizes why wheelchair accessible could not be provided.

In relation to Lifetime Home standards there are seemingly no reasons why these cannot be incorporated in the development and this is reflected by the proposed floor plans. If necessary the incorporation of Lifetime Home standards could be secured through condition.

Noise & Air Quality

The noise environment, as existing and proposed, and air quality for future occupants of the development was outlined in earlier sections of this report.

Private Amenity Space

Policy HO5 requires the provision of private amenity space, where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies will be taken into account. The scheme makes provision for the majority of units to have access to roof terraces or balconies. Whilst a number of these are relatively small they would be of sufficient size to allow for outdoor seating and potential planting.

There would be a degree of inter-visibility between balconies and roof terraces throughout the scheme. This is not though considered to be unusual

for higher density schemes and it is considered that mutual overlooking would not lead to a poor standard of amenity for future occupants, particularly given the positive findings in respect of unit sizes, light and outlook.

Outdoor Recreation Space

Policy HO6 requires the provision of suitable outdoor recreation space in housing schemes split appropriately between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities. The proposed development includes approximately 239 sq metres of communal amenity space in the form of casual / informal play space between each building at Kingsway level.

In principle the provision of on-site communal recreation space is welcomed. There are though concerns that the spaces have not been fully resolved, as evident in a lack of detail regarding the access arrangements and means of enclosure from Kingsway and to the southern elevation; their relationship with the abutting buildings, and ground floor commercial uses; the relationship with, and impact of canopy structures proposed at the base of the wind turbines; in addition to concerns previously identified relating to noise levels.

It is considered that the impact of the adjoining buildings and overlying canopy structure, in conjunction with the noise environment at the site, would create an oppressive environment that would be unwelcoming for future occupants of the development. It is questionable whether a site in this noise environment and a proposal of this size and nature could accommodate any meaningful or readily usable play space. It then follows that the space between buildings could potentially be better utilised as informal open space allowing greater viewpoints between the buildings, particularly if there are future aspirations to link Kingsway to the Shoreham Harbour site. This is an aspect of the scheme which would have benefited from further development.

Notwithstanding the quality of on-site provision outlined above there is a shortfall in equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. This contribution, based on draft SPGBH9, would amount to approximately £126,421 and would need to be secured through a s106 agreement. If the proposed on-site provision was omitted the contribution would rise to £132,220.

It is considered that Hove Lagoon and to a lesser extent Wish Park would be well placed to provide for the needs of a range of future occupants, and not just the demand for equipped play. As such whilst there are significant concerns regarding the quality of on-site recreation space this could, on balance, be overcome through contributions to fund improvements to suitable alternative sites.

Conclusion

In principle the development would provide a satisfactory mix and tenure, with appropriate unit sizes throughout. The type and amount of private amenity space is appropriate to the scale and character of the development and the absence of on-site recreation space could, on balance, be overcome through improvements to existing sites. There is considered to be no undue conflict with the aims of local plan policies HO2, HO3, HO4, HO5 and HO6.

Proposed Commercial uses

Local plan policies EM5 and EM6 seek to retain sites / premises in business use unless they are genuinely redundant and unsuitable for modern employment use. The application site incorporates two existing commercial buildings; a single-storey building at Basin Road North level (currently occupied by Magnet) comprising elements of storage, distribution and warehousing; and a three-storey building comprising a reception / sales area at Kingsway level with two levels of workshop space below to Basin Road North.

Retail showroom / warehouse (to west of site)

The proposed development would replace the existing Magnet unit at the westernmost part of the site with storage at Basin Road North level linked to a (retail) showroom, with ancillary office / staff facilities, at Kingsway level. The warehousing space would be attached to the retail element of the use and local plan policy EM7, which relates to new primary warehousing, is not of relevance to this application. There is already an element of retail on the site and the proposal would essentially formalise this arrangement. It is not therefore considered necessary to require a Retail Impact Assessment in this instance.

The application site is in close proximity to the Boundary / Station Road District Shopping Centre, which has seen an increase in the number of vacant units in the last year. If the application was approved it would be necessary to impose a condition restricting use to the sale of 'bulky goods' in order to minimise risks to the vitality and viability of the Boundary / Station Road Centre.

To the east of the proposed showroom the proposed development incorporates commercial uses fronting Kingsway at ground and mezzanine floor levels to each building. The proposed uses include a temporary visitor centre that would later be converted to office accommodation; flexible space for either Class B1 or Class D1 uses; a café (Class A3); and a retail unit (Class A1).

Visitor Centre – The easternmost building would incorporate a temporary visitor centre / information hub which, the supporting information outlines, would provide exhibitions / displays and meeting space on sustainability and the proposed development. The proposed visitor centre would potentially create a focal point for the sustainable aspirations of the development and to

promote sustainable practices elsewhere in the City. The visitor centre would revert to office accommodation on completion of the development.

Class B1 / D1 use - The proposed development has potential to increase the total amount of Class B1 employment uses on the site. However, as a result of the proposed flexibility between uses there is a risk that employment floorspace could be lost from Class B1 and be used for Class D1 purposes instead. There is no evidence to indicate the existing employment (B1) use is redundant and it is questionable how readily interchangeable the suggested uses (which include offices, health practitioners / clinics) are in practice in relation to amenity and employment considerations.

There is insufficient information as part of the application to demonstrate that employment floorspace, within Class B1, would be protected. This concern does though relate to approximately 151 sq metres (within 1 building) within a much larger scheme. In this instance the potential loss of employment floorspace, although a concern, is not considered so significant in the context of this application or aims of the adopted local plan to warrant refusal.

Retail - There is already retail floorspace along the Kingsway. This proposal would supplement existing units and provide retail services for the local residential community. If the application was approved it would be necessary to control opening hours and the nature of the retail use through condition.

Transport

Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. The application is accompanied by a Transport Statement with additional information submitted following discussions with the applicant.

Car Parking

Supplementary Planning Guidance Note 4, Parking Standards, outlines maximum provision of 209 general parking spaces and at least 18 disabled spaces. The proposal makes provision for 65 general spaces and 19 disabled spaces, a total of 84 spaces.

The level of general parking provision is considered acceptable provided that no displaced parking problem to adjoining streets arises (see following sub-heading). Although the number of disabled bays meets this standard the submitted plans do not include the appropriate hatching to allow for accessibility. If necessary amended plans could be secured through condition.

Displaced Parking

The application site is not within an area of controlled parking and at present there are no timescales for this to be reviewed. As parking in surrounding streets is not controlled the potential for displaced parking problems to occur, as a result of the development, needs to be considered to ensure the

proposal complies with policy TR2.

Analysis has been submitted which indicates that the theoretical maximum displaced parking would be 112 cars. However, this would not happen in practice as the estimate assumes that peak hours for different uses coincide, which is not the case, and there is no allowance for the shared use of spaces within the proposed car park area. A Car Park Management Plan, outlining how the spaces would be shared, has been submitted and allowing for sharing of spaces the amount of displaced parking would at worst be 47 cars.

The applicants have commissioned professional parking beat surveys in the residential area within 5-6 minutes walk of the site and these indicate that the number of vacant on-street spaces is on average 309 during the period 5AM-6AM (i.e. overnight) and 348 during 10AM-11AM. This is clearly more than the maximum amount of displaced parking expected to arise. There are no reasons to doubt the validity of these results and on this basis displaced parking would not cause material nuisance for adjoining residents. The proposal does not therefore conflict with local plan policy TR2.

Cycle parking

The development makes provision for 106 cycle parking places, and this exceeds the minimum requirement of 96 as outlined in SPGBH4. The majority of spaces would be located in a secure covered location (within building 5 to the east of the site) and comprises 2-tier racks. The Transport Team have expressed concern that this provision is not readily accessible for all as use of the spaces requires a certain amount of strength and they preclude the use of child seats and cycle bags / racks. It would be entirely possible to provide improved cycle parking provision within the scheme and if necessary this could be secured through condition.

Highways impact

It has been demonstrated (through TRICS surveys) that the traffic impact of the development would be minimal and there is no pattern of accidents locally which may be worsened by the extra trips generated. The visibility splay at the vehicular access to Kingsway is in accordance with design guidance: a highways licence would be needed for construction of the crossover.

Sustainable transport / infrastructure contributions

The submitted Transport Assessment (TA) considers the quality of local provision of sustainable modes of transport and outlines measures proposed as part of the application.

These include the submission of a travel plan and access to the car club for future occupants. If the application was approved it would be necessary to require further contractual details of the car club arrangements and if, as is likely, a new car club bay was required, either on Kingsway or another nearby highway, an amendment to the relevant Traffic Regulation Order would also be needed.

In accordance with the standard formula applied to the applicants' estimate of person trip generations a contribution of £10,950 towards improvements to sustainable transport infrastructure could be justified. The contribution would fund improvements to recognised shortfalls in the standard of nearby bus stops. This would need to be secured through a s106 agreement.

Conclusion

The proposed parking and cycling is acceptable in terms of standards outlined in SPGBH4. The development would not result in the harmful generation of vehicular movements to or from the site and displaced parking can be accommodated in surrounding streets without harm to existing residents. The development would not result in a harmful demand for travel.

Sustainability

Policy SU2 requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08, sustainable building design, requires a residential development of this scale to achieve Level 4 of the Code for Sustainable Homes (CSH), zero net annual CO₂ from energy use and a feasibility study on rainwater harvesting and grey water recycling systems.

The proposed development is aspiring to achieve CSH Level 6. This is the highest level that can be achieved and reflects the predicted achievement of zero carbon residential development, and means there are predicted to be no net annual carbon emissions resulting (from the development) from all regulated emissions (space and water heating, cooling and lighting) and unregulated emissions (from other small power uses in the home such as kitchen and other appliances, unfixed lighting, IT, AV etc).

A CSH pre-assessment has been submitted with the application and this indicates a few areas where more robust detailing is required in order to achieve Level 6. The standards proposed are however far in excess of those expected through local plan policy which should be comfortably exceeded by the development. The achievement of a CSH Level 6 development would set a new benchmark for Brighton & Hove and is strongly welcomed.

A pre-assessment for the office element has been submitted and indicates that a predicted score of 'outstanding' would be achieved with between 76-100% in the Energy section and 100% in the Water section. The new BREEAM Outstanding rating was introduced in August 2008 to recognise a new standard of sustainability for exemplary developments (a score of 85% must be obtained to achieve Outstanding, compared to 70% for an Excellent rating).

The pre-assessment does not provide the level of detail that might be expected on a scheme of this scale and ambition and some of the predicted scores may be overly optimistic. However, taken as a whole the commercial elements of the scheme (i.e. the retail and office element) the proposals

would, without difficulty, exceed the minimum standards, of BREEAM 'excellent' and 60% in the water and energy sections, expected by SPD08. A BREEAM 'Outstanding' development would set a new benchmark for Brighton & Hove and is strongly welcomed.

The zero-carbon aspirations of the development are well documented and this is the main aspect of the scheme that has attracted support from interested parties. If the application was approved conditions should require the residential development to achieve CSH Level 6. Whilst this would exceed the standards required by SU2 and SPD08 the attainment of CSH Level 6 is a key component of the proposed development and a lower level would not necessarily fulfil the ambitions of either this application or the wider regeneration plans for Shoreham Harbour. On the basis of the submitted documents there are no reasons to believe the applicant would not accept such a condition.

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

Flood Risk

The Brighton & Hove Strategic Flood Risk Assessment indicates that the application site is within an area of potential flood risk (Flood Zone 3). In recognition a comprehensive assessment of flood risk assessment (FRA) has been submitted with the application.

The FRA provides an adequate appraisal of the risks to the proposed development. The issue of safe dry access for residential and commercial occupants has been addressed via the main access points from Kingsway and there is a commitment to advise residents about the flood warning system and actions to take in the event of a flood. In the event of a flood a barrier across the Basin Road North entrance and exit lanes would prevent vehicles floating out into the harbour area. If necessary details of these measures could be secured through condition.

It is considered that in principle the proposed development (in this location) meets the relevant tests in national planning policy regarding flood risk and avoiding vulnerable uses in high risk areas. The development is considered to meet the aims of local plan policies SU4 and SU7.

Contaminated Land

The application site and its surroundings have accommodated various industrial and commercial land uses with potential to have led to contamination in, on and under the land. This may have impacts on ground and surface water resources.

A (Phase I) Contaminated Land Desk Study has been submitted which has been carried out in line with relevant guidance. The study outlines the potential sources of contamination, the potential pathways and receptors and recommends further intrusive site investigation works. The Environment Agency and Environmental Health Officers have no objection in relation to contaminated land, and agree that intrusive investigations are required to determine the degree and extent of contamination.

If planning permission is approved a scheme for further site investigation works to determine any required appropriate remediation works would need to be secured through condition. Similarly a scheme for the piling of foundations would need to be agreed, through condition, to prevent the mobilisation of any contaminants. This approach would ensure the proposal complies with local plan policies SU3, SU4 and SU11.

9 CONCLUSIONS

The applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of existing development to the north and south of the site, and emerging plans for future development at Aldrington Basin. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.

The development by reason of its constant and unvarying height and massing would create a sense of bulk that would appear excessively out of scale and create a visually overbearing relationship with adjoining development to the north. The proposal is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.

The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed receptors. The development, in the absence of this information and suitable mitigation measures, has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise.

The proposal would therefore be detrimental to residential amenity and is contrary to advice contained within Planning Policy Guidance 24 (Planning and Noise), Planning Policy Statement 22 (Renewable Energy) and its Companion Guide (Planning for Renewable Energy), the principles outlined in ETSU-R 97, and policies SU10 and QD27 of the Brighton & Hove Local Plan.

The development, in the absence of sufficient justification for a development of this scale in this location, would result in a loss of light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. The proposal is therefore

contrary to policy QD27 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

The development would be built to lifetime home standards, approximately 40% of the new-build development would be affordable units and wheelchair accessible housing could be secured through a s106 agreement.

APPENDIX 1

LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM THE FOLLOWING ADDRESSES:-

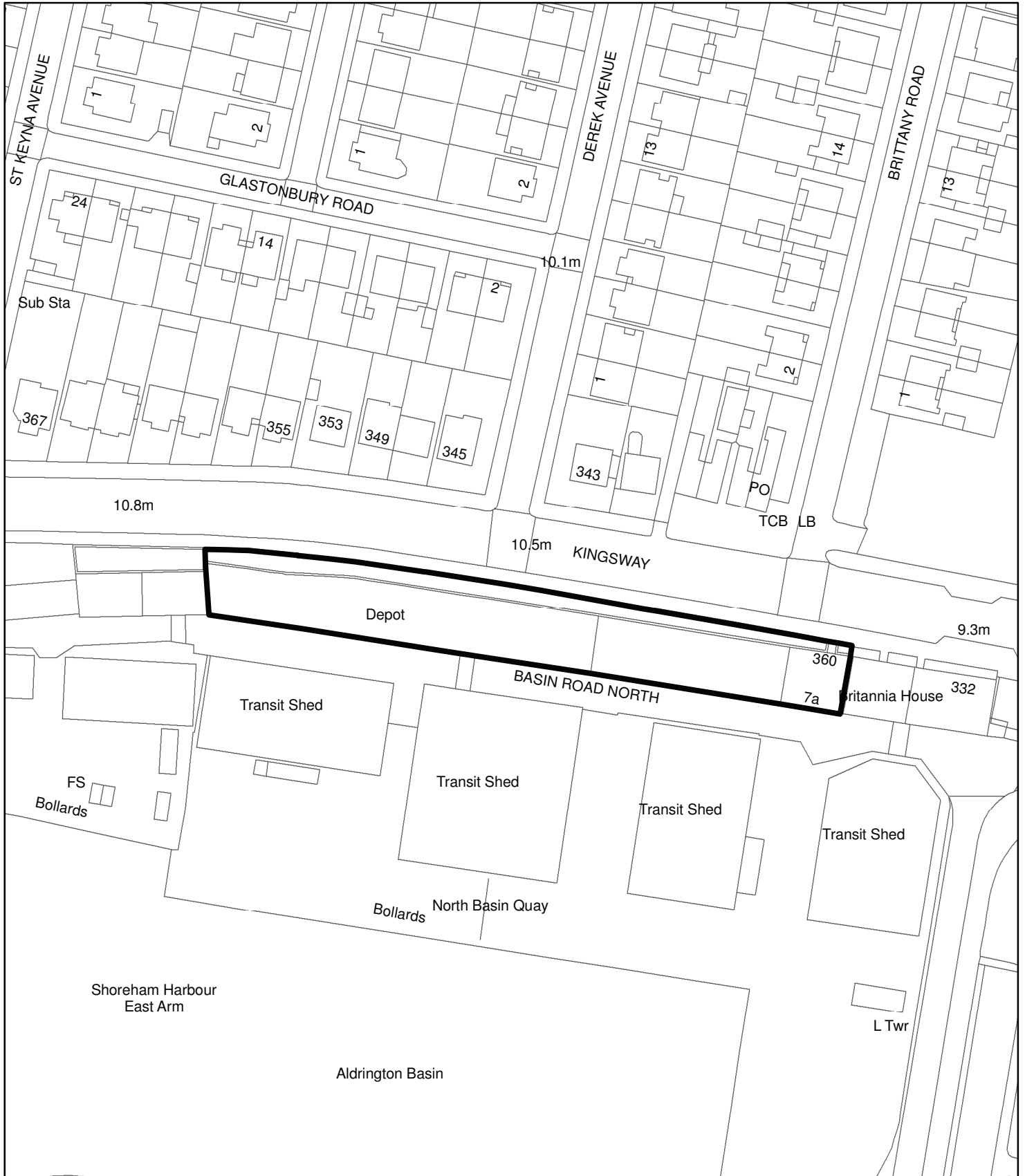
Basin Road North	Unit 17, Mackley's Wharf (x2), Penny's Wharf
Benett Drive	2
Bolsover Road	24
Brittany Road	6, 9, 15, 16 (x2), 20, 23, 24 (x2), 35, 38, 41 (x3), 49, 52 (x2)
Carlisle Road	75-77 (flat 4)
Derek Avenue	4, 6, 7 (x2), 9, 10, 14, 16 (x2), 17, 18 (x3), 19, 21, 25 (x2), 27, 29, 34, 36, 40, 63 (x2)
Eaton Gardens	15 (flat 11)
Glastonbury Road	2, 4 (x2), 8, 10, 14, 18
Hogarth Road	52
Kenton Road	10
Kingsway	Saxon Court (flats 20 & 38), 313 (x2), 339, 341 (x5), 343, 345 (x2), 347, 353, 355 (x4), 357 (x3), 359 (first floor flat) (x2), 365, 367 (x3), 399
Leicester Villas	12, 18
Middleton Avenue	4, 18 (x2), 19 (x2), 21, 36
New Church Road	174, 188 (x2)
Old Patcham Mews	8
Roman Road	3, 8, 20 (x2), 22, 29, 31 (x2), 39, 47
Saxon Road	3
Southern Housing Group (as developers of 331 Kingsway)	
South View Road (Wadhurst)	Breckland
St Kenya Avenue	1 (x4), 6, 15 (x2), 24 (x2), 26 (x3), 28, 29, 34 (x4), 36, 44, 48, 50, 64
St Leonards Avenue	5, 33, 49, 75
St Leonards Gardens	29, 46, 47, 49, 53, 68, 82
St Leonards Road	25, 51, 57, 85
Tennis Road	7
Welbeck Avenue	57
3 letters of no address	

APPENDIX 2

LETTERS OF SUPPORT HAVE BEEN RECEIVED FROM THE FOLLOWING ADDRESSES:-

Addision Road	19
Arthur Street	10
Bolsover Road	23
Braemore Road	13
Buller Road	68
Church Road	202
Coleridge Street	96A
Cross Lane (Findon)	1 Cedar Chase
Deneway	15
Derek Avenue	5
Ditchling Rise	111
Ditchling Road	95
Dyke Road Drive	72
Earthship Brighton (Stamner Park)	
Edward Street	128
Hallyburton Road	98
How Green Lane (Hever, Kent)	The Old Laundry
Hove Street	Regent House
Jubilee Avenue (Littlehampton)	6 Park View Court
Links Road	45
Little Crescent	17
New Road	19 (x2)
Old Drive (Polgate)	25
Osborne Road	156
The Pitcroft (Chichester)	
Queens Road	107
Saxon Road	22
Sillwood Road	10 (x2), 43 (x4)
Third Avenue	11 (flat 2)
Valley Drive	76, 114
Westbourne Villas	34
Western Road	8 th Floor, Intergen House
West Hill Street	38
1 letter of no address	

BH2011/03739 9-6 Aldrington Basin / Land south of Kingsway, Basin Rd, Portslade.



Planning Reference: BH2010/03739

19th July 2011.

Dear Mr Everest

Objection to the proposed development “PORTZED”

I would like to place on record my objection to the above planning application. The Kingsway and West Hove Residents Association have entered detailed reasons why they object to the proposed development which I endorse.

In brief my main objections are;

- The development is out of keeping with the area; it will completely overpower the existing houses and buildings in the neighbourhood and will stick out like a sore thumb.
- The existing structure, schools, traffic (parking) will not support the influx of people, cars, lorries, etc the development will bring.
- The technology involved is untried and its effects on health, noise, emissions etc are not known.
- The quality of life of the people living on Kingsway and the adjacent roads will be adversely affected.

Yours sincerely

Anne Pissaridou

<u>No:</u>	BH2011/03804	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land South of Sussex Police Building, Crowhurst Road, Brighton		
<u>Proposal:</u>	Construction of new two storey building for offices (B1) and storage & distribution (B8) and provision of associated parking and turning area.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	13/12/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 March 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Sunninghill Construction, Cornelius House, 33 Boltro Road, Haywards Heath		
<u>Applicant:</u>	Capital (Hair & Beauty) Ltd, The Old Coach House, 110 London Road Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **Minded to Grant** planning permission subject to the completion of a s106 Agreement and Conditions and Informatives:

(i) A Section 106 obligation to secure the following:

- A contribution of £2,520 towards the Local Employment Scheme.
- The provision of an Employment and Training Strategy with the developer committing to using 15% local employment during the construction phase.

(ii) The following Conditions and Informatives:

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. 49, 51, 52, 53 and 54 received on 13.12.11 and drawing no. 50A received on 06.02.12.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

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

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

5. Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM industrial 2008 and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

6. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM industrial 2008 Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4

of the Brighton & Hove Local Plan.

8. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

9. 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.

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

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

11. (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.

12. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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.

13. No development shall commence on the site until full 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 development shall be implemented in strict accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

15. No development shall take place until a full Method Statement detailing the measures taken to ensure the chalk cliff is fully stabilised, including the provision of a green wall and nest boxes has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure that the development causes no harm to the adjacent Site of Nature Conservation Importance and to comply with policy NC4 of the Brighton & Hove Local Plan.

16. No development shall take place until there has been submitted to and

approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

17. 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.

18. The trade counter use forming part of this consent must remain ancillary to the overall Class B8/B1a development.

Reason: To safeguard the provision of employment generating floorspace across the city and to comply with policies EM1 and EM7 of the Brighton & Hove Local Plan.

19. Before development commences, details for the provision of wheel cleaning facilities shall be submitted to and agreed in writing with the Local Planning Authority. Such facilities shall be made available, employed and maintained at all times during the development to prevent the deposit of any detritus on the public highway. Any detritus deposited on the highway shall be removed immediately and in any event at the end of each working day.

Reason: To ensure the road is kept free from dirt and debris associated with the development and to comply with policy TR7 of the Brighton & Hove Local Plan.

Informatives:

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

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

- (ii) for the following reasons:-

The application is of a scale and design that would integrate effectively with the surround industrial area. The proposed uses are commensurate

with the surrounding development and form a mixed use building which in part complies with the existing policy framework, and given the material considerations of planning history and direction of future policy is acceptable in this particular instance. The application would cause no harm to the local highway network or amenity issues and subject to condition would achieve an acceptable level of sustainability.

- 2) The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- 3) The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
- 4) The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
- 5) The applicant is advised that the 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).

- 6) A formal application for connection to the public sewerage system is

required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development that applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

2 THE SITE

The application site is situated off Crowhurst Road, at the northern edge of the built up boundary to the City. It is located to the east of Crowhurst Corner and to the south of the Sussex Police building.

The site itself is vacant, approximately L-shaped, and the east and southern boundaries are built into the hillside. The site has been cleared and new boundaries created with fencing around its perimeters.

The site itself is located within an Identified Employment Site, the majority of which is also within a Site of Nature Conservation Importance (SNCI).

The A27 runs past the site to the east.

3 RELEVANT HISTORY

BH2008/02062: Construction of three industrial units with mezzanine floors for B1, B2 and B8 use and provision of associated parking. Approved 26/03/2009.

BH2007/00033: Construction of a two-storey office building for use as a new police station. Provision of associated parking for 21 vehicles and 8 bicycles. Excavation and revision of ground levels to create new site boundaries. Approved 15/01/2008.

BH2005/01619/FP: Construction of building comprising offices (B1), training facilities (D1) and ancillary garaging. Approved 12/12/2005.

BH2003/02351/RM: Erection of 2 No. storage and distribution (B8) units with parking and servicing and landscaping to total of 1865 nett square metres on site 1. (Reserved Matters application following Outline permission BH2001/02593/OA granted on 18 July 2003). Approved 15/10/2003.

BH2001/02593/OA: Outline application for the erection of 4 units with parking, service areas and landscaping. Unit 1 approx 1,400sq m, unit 2 approx 465sq m (both use class B8), units 3&4 each approx 1,160sq m (use classes B1 (b) or (c) or B2) and relocation of footpath along western boundary. Proposal includes detailed application for the excavations prior to commencement of building works. Approved 18/07/2003.

4 THE APPLICATION

Planning permission is sought for the erection of a new part B1 part B8 building with associated parking and landscaping. The building also includes an ancillary Class D1 training facility and sui generis (trade counter) uses.

The proposed building would be two storeys in height and constructed from a buff brickwork base, with white metal profile cladding walls and a grey metal clad roof. It is to an approximately rectangular building, with projecting

entrance and is to measure a maximum 20.8m deep x 27.9m wide x 7.5m to its highest point.

Amended plans have been received on 06.02.12 to address initial comments from the Sustainable Transport team.

A total of 30 parking spaces are proposed including 6 no. disabled spaces. The scheme also includes 5 no. cycle parking spaces.

5 CONSULTATIONS

External:

Neighbours: One (1) letter of representation has been received from **14 Crowhurst Road** commenting on the application for the following reasons:

- Any CCTV installed should not be capable of viewing into the police station building;
- The access road should be kept free of parked cars and queuing traffic to allow unrestricted access of emergency vehicles to and from the Police Station; and
- The access road should be kept free from mud/debris.

UK Power Networks: No objection.

Southern Gas Works: No objection subject to the use of hand dug trial holes to confirm the position of gas mains within the site.

Sussex Police: The crime and anti social behaviour at this location is average when compared to the rest of England and Wales and do not have concerns with this proposal. Offer the following comments.

Disappointed to note that the Design and Access Statement submitted in support of this application failed to make any mention of the crime prevention measures to be considered in the design and layout.

Pleased to see controlled access gates to the development shown on the drawings. Recommend these be activated by electronic swipe or fob activation with a connection to the building for remote entry.

The height of these gates should match the adjoining fence and be fitted in such a way it would be impossible to lift off. Appropriate signage to be provided indicating entry and access requirements displayed in a clear and legible manner.

Entry to the building is to incorporate an access control system at the entrance to the ground floor and on the inner set of doors for the first floor offices. External fire exit doors are to be devoid of any external furniture and be linked into the intruder alarm system to indicate when ajar or opened.

Due to the lack of a secure boundary fence consideration may be given to

installing a CCTV system to cover areas not covered by natural surveillance such as the rear of the building. Chain link is notoriously easy to climb and would recommend replacing this with weld mesh fencing which still maintains good open surveillance as well as providing a secure fencing option. Any trees adjacent to the boundary fence are to be maintained in such a way that they do not act as a climbing aid in order to breach the perimeter. They should also be positioned so that they do not obscure any proposed lighting.

Doors to plants rooms or external stores are to be lockable with locks conforming to BS 3681 with the internal walls to be protected with intrusion resistant party walls removing the possibility of entry into the building shell from an exterior room.

Natural England: The submitted ecological survey has highlighted the presence of a Local Site in the vicinity of the application. The Government guidance contained within Planning Policy Statement 9: Biodiversity & Geological Conservation reaffirms the importance of the contribution such sites can make to overall biodiversity objectives.

The authority should take account of the presence of local sites when determining this application and ensure that the decision it makes is in accordance with local policies on such sites.

Whilst the ecological survey submitted with this application has identified that there will not be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. We support the measures outlined in support of this application for habitat creation and would advise the authority to maximise opportunities in and around the development for building in beneficial features as part of good design in accordance with the duty on the council described above and in paragraph 14 of PPS 9.

East Sussex Fire & Rescue Service: No objections.

Southern Water: Require a formal application for a connection to the public foul sewer to be made by the applicant and request that an informative to this effect is attached to any consent.

There are no public surface water sewers in the area to serve this development. This should not involve disposal to a public foul sewer.

The Council's Building Control team or the Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water drainage from the proposed development. A condition requiring full details of surface water drainage should be attached to any approval.

Environment Agency: No objection to the proposed development.

Internal:

Ecology: The development site lies adjacent to Crowhurst Road Site of Nature Conservation Importance but is in itself of negligible nature conservation value, being recently disturbed ground.

Despite the low existing nature conservation value, Policy QD 17 of the Local Plan (2005) states:

New nature conservation features will be required as part of development schemes. These features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. Suitable schemes where such features have not been incorporated, will be refused.”

Paragraph 1.2 of the Sustainability Statement, submitted in support of the application, states “The development would enhance the ecology of the site as whole providing new native species, bird tables and bat boxes”. However this appears to refer to the conservation works secured as mitigation for damage to the SNCI, which were part of the Outline application.

Following the guidance in Annex 6 of SPD11, nature conservation features equivalent to 1,730 ‘nature points’ should be provided. Some green wall planting, combined with nest boxes, has been secured as part of a Outline planning decision but there is scope for improving the site for nature, for example by extending the green wall around the remaining part of the cliff, fitting nest boxes and green walls to the new building.

Recommend approval subject to conditions requiring biodiversity improvements and a method statement relating to ensuring the chalk cliff is fully stabilised.

Economic Development: The senior economic development officer fully supports the application and requests a contribution through a S106 agreement for the payment of £2,520 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 15% local employment during the construction phase.

Environmental Health: This location was once part of a large Industrial Estate that was built at the site and included many engineering works. Therefore, due to the potential that the construction and operation of such engineering works may have caused localised contamination recommend that a full contaminated land condition is applied to this development and that as a minimum, a desk top study is provided.

Note that the application provides no indications that plant such as air conditioning equipment will be installed as part of this application. However, also note that there is going to be a fair sized ‘plant room’ incorporated into

the building. Therefore, without further information currently available about the size, type and locations of any plant, recommend that our 'noise from plant condition' also be applied to this application in order to protect local residents from plant noise.

Approve with suggested conditions relating to contaminated land and noise from plant/machinery.

City Infrastructure: As this development will not produce household waste would not be involved in collections. However, would still request that separate bins are provided for separating recycling and that waste is contained in line with their Duty of Care.

Planning Policy: This application should be determined in accordance with Local Plan policy.

Sustainable Transport: The proposed application is for B1 and B8 uses. However, it is clear from the supporting documentation (section 1.2 of the D&A Statement) that the building will also include a training centre and retail provision (trade counter). Neither of these has been assessed in terms of the likely levels or patterns of trips that will be generated, or parking requirements needed, by these potentially additional uses. It would be helpful to clarify this.

Potentially does not comply with Local Plan policy TR1.

No defined pedestrian access is provided into the site appears to be poor as there is no dedicated footway shown that links with main entrance. Given the likely increase in traffic movements that the site will generate with the proposed 30 parking spaces, in addition to large delivery vehicles, this is considered to be unsafe and does not provide suitable pedestrian facilities. Given the applicant's references to the city's strong public transport links, this provision is particularly important for bus passengers who will be approaching/leaving the site from the nearby bus stops. Adjacent sites within this block that have been developed, such as the St John's Ambulance site, appear to have made more appropriate provision for pedestrians.

Does not comply with Local Plan policies TR7 and TR8.

For the 1,000 sqm building (with 500 sqm of B1 office and 500 sqm of B8 storage/distribution), it is estimated that a minimum total of 6 disabled driver spaces should be provided in accordance with SPG4. Only 3 disabled driver spaces are proposed.

Does not comply with Local Plan policy TR18 and SPG4.

The maximum number of standard parking spaces that could be provided on the site within SPG4 standards is 27 spaces. The applicant proposes to provide this number of parking spaces.

Subject to the frequency and duration of deliveries, access to/egress from a number of the central parking spaces may be obstructed by delivery vehicles.

Based on Local Plan policies TR14, TR19 and Parking Standards in SPG4 there should be a minimum of 5 cycle parking spaces, ideally covered, well lit, secure, and preferably near to the main entrance. Only 4 spaces are proposed and they are not covered or lit or located near the main entrance and can only be accessed via the loading bay. This is not convenient and could create an unsafe environment for cyclists.

Does not comply with Local Plan Policy TR14, TR19 and Parking Standards SPG4.

The dedicated provision made for servicing the proposal is acceptable, in principle.

The Highway Authority therefore recommends this proposal be refused as it fails to comply with Local Plan policies TR1, TR7, TR8, TR14, TR18 and TR19 and parking standards in SPG4.

Comments on amended plans (06.02.12)

Verbal comments have been received confirming that the amendments address the pedestrian access, disabled and cycle parking objections. Written comments are awaited.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
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 developments
QD3	Design – efficient and effective use of sites
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection and integration of nature conservation features
QD28	Planning obligations
EM1	Identified employment sites (industry and business)
EM7	Warehouses (B8)
NC4	Sites of Nature Conservation Importance (SNCI) and Regionally Important Geological Sites (RIGs).

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the proposed use, impact on the character and appearance of the wider area, highways issues, amenity issues, ecology and sustainability.

Principle of the proposed use

Policy EM1 confirms sites that are identified primarily for industrial and business use under (Use Classes B1(b) (c) and B2 but not excluding B1a). Warehousing (Use Class B8) will not be permitted on these sites unless it is ancillary to the main use(s) or in accordance with the criteria in policy EM7. B8 uses would be acceptable in any small starter units on the identified industrial sites. Trade counters would not be acceptable in the B8 units.

The proposed use of the site is for a purpose built headquarters for Capital Hair and Beauty.

The application is for a primarily (B1) use, with ancillary B8, training and a

trade counter. There is no policy objection on the basis that B8 remains ancillary. A condition is recommended to ensure this.

Impact on character and appearance of the 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.

This is an industrial area but its character has been influenced by the development of a Police Station and the Sussex HQ for St. John's Ambulance Service. This development is adjacent to the application site. These buildings are part brick, part rendered with curved barrel style roofing.

The proposed development includes brick columns, a brick base and metal cladding panels. The building will be covered by a part pitched and part curved metal clad roof.

It is considered that the proposed design would be wholly consistent with the design and appearance of neighbouring buildings and is considered acceptable.

The proposed building would be two storeys in height and would be a similar scale and height of the neighbouring Police building and is therefore consistent with the existing layout, size and scale of the existing buildings in the immediate vicinity.

The proposal includes a car parking area to the front with associated landscaping. A condition is recommended to ensure an acceptable landscaping scheme is provided.

As such the design and impact on the wider area is considered to be acceptable.

Highways 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 access will lead into a parking area that makes provision for 30 cars including six parking spaces for drivers with disabilities. This car parking provision complies with the maximum requirement set out in the Council's Parking Standards SPGBH note 4 and is therefore considered acceptable.

Provision for cycle racks to accommodate 5 cycles is also proposed adjacent to the entrance of the proposed building. This is in accordance with the minimum requirements and would be of an acceptable standard.

The Sustainable Transport team have confirmed that as the trade counter and training facility are ancillary uses to the Class B8 and B1a, the impact is likely to be acceptable and the overall scheme is under the size requirements for a TA to be provided.

As such there are no adverse highway issues that would warrant a refusal of the scheme.

Amenity issues

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 site is located within a defined industrial area, with no nearby residential uses. As such there are no adverse amenity issues arising from the development.

Ecology

Policy NC4 confirms that planning permission will not be granted for a proposal within, or in the setting of, an existing or proposed Site of Nature Conservation Importance (SNCI) or a Regionally Important Geological Site

(RIGS) where it is likely to have an adverse impact, on the nature conservation features of the site. Exceptions will only be made where:

- a. the proposal can be subject to conditions that will prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features; or
- b. the proposal is: essential to meet social, environmental and / or economic needs; of more than local importance within the City; cannot be located anywhere else; and the following requirements have been met:
- c. the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain;
- d. compensating and equivalent nature conservation features are provided;
- e. remaining features are protected and enhanced and provision made for their management; and,
- f. improvements to public appreciation of and access to the site are provided.

The application falls within the defined SNCI and a Habitat Creation and Management Plan has been submitted as part of this application.

The Ecologist confirms that the principle of developing the site is acceptable without causing any undue harm to the SNCI or biodiversity.

Conditions are recommended relating to measures to improve the biodiversity of the site and a method statement relating to ensuring the stability of the chalk cliff face is maintained.

Sustainability

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

The applicants have provided a Sustainability Statement with the application with a commitment to meet BREEAM very good. That said, a condition is recommended to ensure compliance with the required standards.

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

The applicant has provided a draft Site Waste Management Plan (SWMP) which confirms various measures that will take place on the site such as recycling of construction waste, minimisation of waste to landfill, using local suppliers and a sorting of waste on site.

A condition is attached to secure BREEAM very good.

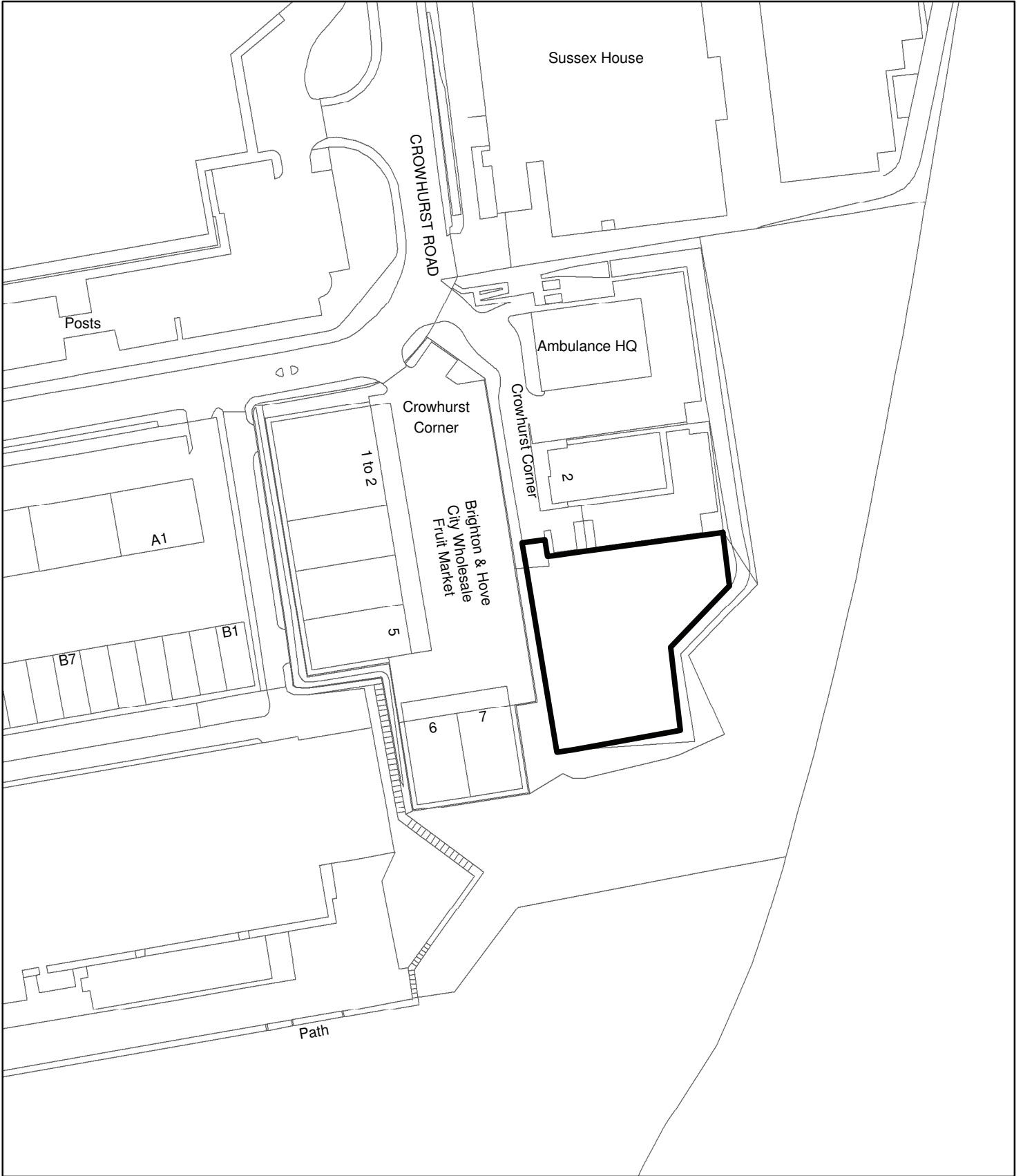
9 CONCLUSION

The application is of a scale and design that would integrate effectively with the surround industrial area. The proposed uses are commensurate with the surrounding development and form a mixed use building which in part complies with the existing policy framework, and given the material considerations of planning history and direction of future policy is acceptable in this particular instance. The application would cause no harm to the local highway network or amenity issues and subject to condition would achieve an acceptable level of sustainability.

10 EQUALITIES IMPLICATIONS

The site would be required to meet current Building Regulations standards and includes a lift to ensure access for all, including those with mobility difficulties.

BH2011/03804 Land south of Sussex Police Building, Crowhurst Rd, Brighton.



Scale: 1:1,250

<u>No:</u>	BH2011/03762	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Units 8-9 Centenary Industrial Estate, Hughes Road, Brighton		
<u>Proposal:</u>	Change of use from storage and distribution (B8) to light industrial (B1).		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	12/12/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 March 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	BPM, 31a Warmdene Road, Brighton		
<u>Applicant:</u>	Shaws Installations Ltd, Mr Lee Claxton, Unit 1, Centenary Industrial Estate, Hughes Road, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no.910/01 and 02 received on 9 December 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The premises shall not be open or in use except between the hours of 07:30 and 19:00 Monday to Saturday. The premises shall not be open or in use at anytime on Sundays or Bank Holidays.
Reason: To safeguard the amenities of adjoining occupiers and to accord with policies QD27, SU9 and SU10 of Brighton & Hove Local Plan.
- 4) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles and 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.

- 5) The development hereby permitted shall not be commenced until details of disabled parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for people with a mobility related disability are provided and to comply with policy TR18 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 and Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

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

- (ii) for the following reasons:-

The site is located within the Centenary Industrial Estate which is identified for industrial and business uses (Use Classes B1 & B2). The proposed B1 use is therefore acceptable in this location and will enable a local business to expand and will not cause significant harm to neighbouring amenity, through noise and disturbance, or create a harmful demand for travel.

2 THE SITE

The site is situated on Centenary Industrial Estate, which is characterised by a number of similar flat roofed industrial buildings with a mixture of brick and corrugated metal elevations. The estate is accessed from Hollingdean Road.

Units 8 and 9 are located on the north side of the estate. Both units are vacant. The buildings are two storeys and have areas of red/brown brick, grey corrugated metal clad elevations and red glazing bars to the windows. In front of the site is an existing parking area containing sixteen spaces. To the front and sides of the units are other units in the estate. At the rear are terraced houses in Hollingdean Road, which are set on lower ground with a screen of trees between the rear of the houses and the application site.

3 RELEVANT HISTORY

Units 8 & 9

94/0438/FP: Change of use from B1 light industrial to trade warehouse with ancillary light industrial printing and finishing processes. Granted 7 June 1994.

Unit 1

BH2009/03043: Erection of a two-storey extension to existing factory to

provide secure car parking at ground floor and further manufacturing/storage at first floor. Granted 08 April 2010.

BH2008/00412: Extension on two storeys to existing factory to provide secure car parking at ground floor level and further manufacturing/storage at first floor. Granted 29 July 2008.

BH1999/01748/FP: Change of use from class B1 (light industrial) to B8 (Storage and Distribution). Granted 8 September 1999.

4 THE APPLICATION

Planning permission is sought for a change of use from storage and distribution (B8) to light industrial (B1). The change of use relates to two linked and adjoining units on the industrial estate with a combined floorspace of 1,574 m². No physical changes to the buildings are proposed.

The applicant is Shaw's Glass which assembles windows and doors ready for installation and currently occupies unit 1 on the industrial estate, which is directly opposite the application site. The company has already expanded the unit it currently operates from and now wishes to expand the business further while remaining on the Centenary Industrial Estate. The existing unit they are currently operating from would then be vacated.

5 CONSULTATIONS

External:

Neighbours: No response.

East Sussex Fire and Rescue Service: No objection.

Sussex Police: No objection. Some suggestions made to improve the security of the building.

Southern Water: No objection

Internal:

Planning Policy: No comments.

Economic Development: Support the application.

Sustainable Transport: No objection but would seek 4 disabled bays and 9 cycle parking spaces in line with 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 and Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 4: Planning for Sustainable Economic Growth

Brighton and Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
QD27	Protection of Amenity
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:

SPGBH4 Parking Standards

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the proposed B1 use and its impact on neighbouring amenity and transport issues.

Proposed B1 use

The site is located within the Centenary Industrial Estate which is identified by the Brighton & Hove Local Plan as an EM1 employment site, primarily for industrial and business use (B1 and B2). Policy EM1 states that warehousing will not be permitted on these sites unless it is ancillary to the main use. The proposed B1 use complies with the designation for the site and is likely to employ more people than the existing storage and distribution use. The applicant has stated that the existing units previously employed 8 people and that they would employ 8 full time staff at the site with a further 22 staff (window fitters etc). Economic Development have commented that based on the offPAT Employment Densities 2010 the existing B8 use has the ability to provide employment for 22 people based on 1.4 jobs per 100m². The proposed B1 light industrial use will generate employment space for 33 people based on 2.1 jobs per 100m². There is therefore a potential increase in employment within the existing building which is welcomed and supported by the Economic Development Officer.

Impact on neighbouring amenity

The proposed B1 use is unlikely to result in undue noise or disturbance for adjoining premises and having regard to the site location on an EM1 site no

significant harm on amenity will result from the change of use.

The hours of use of the existing business in unit 1 are already restricted under planning permission BH1999/01748/FP to between the hours of 07:30 and 19:00 hours on Mondays to Saturdays and not at anytime on Sundays or Bank Holidays. These hours were also attached by condition to 2008 and 2009 permissions for an extension. A similar condition is therefore recommended for the current application.

Traffic

The proposed office use could offer greater levels of employment than as existing and has potential to create additional demand for travel. There is no information to suggest any additional demand for travel could not be accommodated within the existing site. Conditions are recommend in line with the Traffic Engineer's comments requiring details of disabled parking and cycle parking to ensure these are both provided.

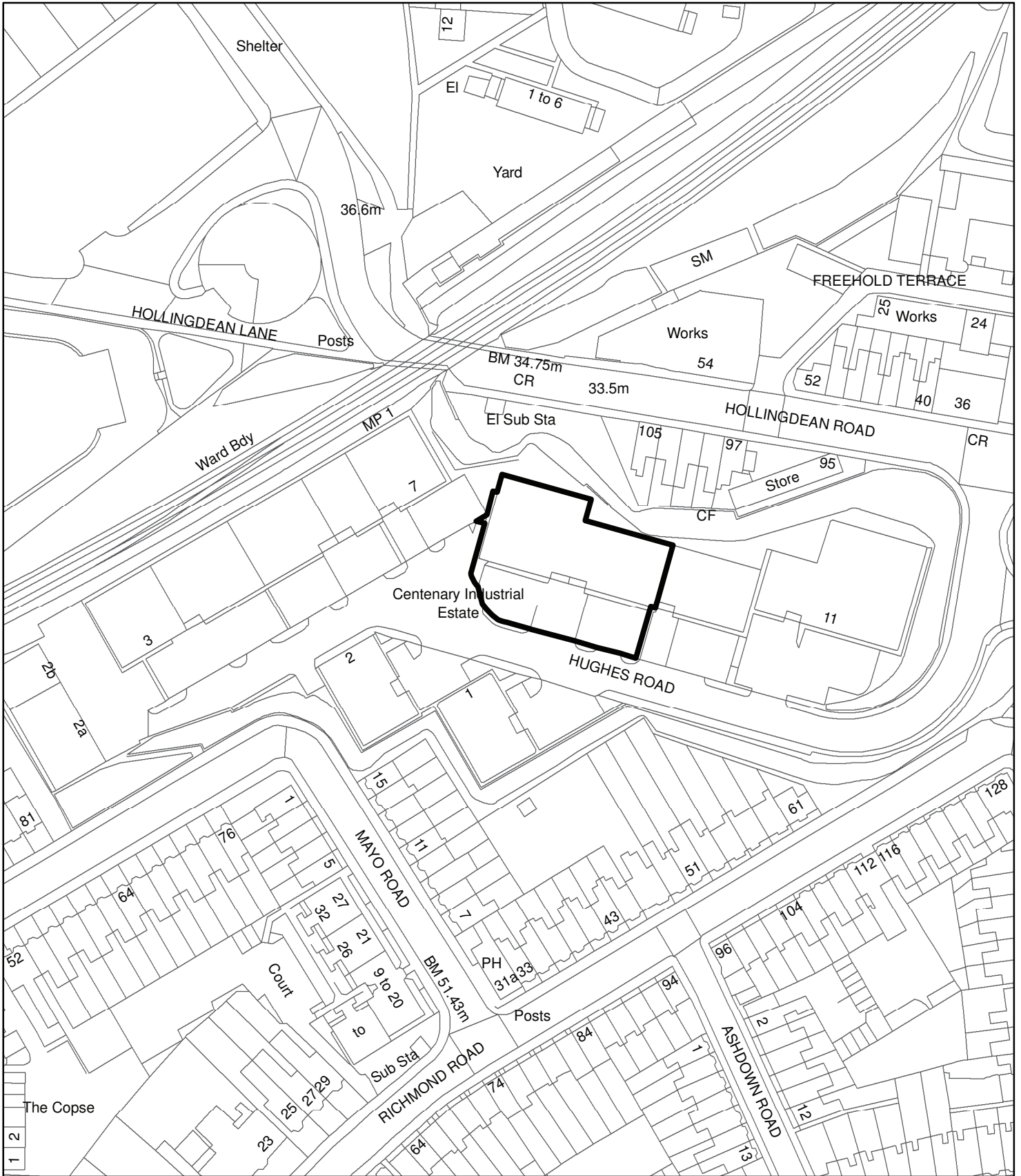
9 CONCLUSION

The site is located within the Centenary Industrial Estate which is identified for industrial and business uses (Use Classes B1 & B2). The proposed B1 use is therefore acceptable in this location and will enable a local business to expand and will not cause significant harm to neighbouring amenity, through noise and disturbance, or create a harmful demand for travel.

10 EQUALITIES IMPLICATIONS

The premises have existing level entrances suitable for wheelchair access and there are no proposals to alter this arrangement.

BH2011/03762 Unit 8-9 Centenary Industrial Estate, Hughes Rd, Brighton.



<u>No:</u>	BH2011/03421	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ovingdean Hall College, Greenways, Brighton		
<u>Proposal:</u>	Demolition of existing art block, mower store and part of pool building and construction of new student accommodation buildings providing 78 ensuite bedrooms, incorporating the conversion of existing gymnasium. Associated minor internal and external alterations, associated landscaping proposals and minor alterations to listed garden wall.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	29/11/2011
<u>Con Area:</u>	Ovingdean	<u>Expiry Date:</u>	28 February 2012
<u>Listed Building Grade:</u>	II		
<u>Agent:</u>	ABIR Architects Ltd, Unit 1, Beta House, St John's Road, Hove		
<u>Applicant:</u>	Ovingdean Property Ltd, Mr T Racke, Ovingdean Hall College, Greenways, Ovingdean		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no.0146.EXG.001, 002, 003, 004, 005, 006, 007, 100, 101, 150, 151, 200, 250, 300, 301, 350, 0146.PL.001, 010, 100, 101, 102, 103, 150, 151, 152, 153, 300, 301, 310, 350, 351, 352, 800, 801, and 802, received on 8 November 2011, drawing no. 0146.PL.302 received on 25 November 2011 and drawing no.0146.PL.001B received on 31 January 20112.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) During the construction works, no plant, machinery or materials shall be stored or operated within the Site of Nature Conservation Importance at any time.
Reason: To protect the SNCI from damage and to comply with accordance with policy NC4 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 4) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the

construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 5) No development shall take place until a sample panel of the brickwork and pointing has been constructed on the site and approved by the local planning authority in writing. The development shall be carried out and completed to match the approved sample panel.

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

- 6) No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:

i) Sample elevations and sections at 1:20 scale of the building showing the arrangement and pattern of the external features including coloured rainscreen panels, bays, balconies, windows, doors, parapets, balustrades, copings, eaves, brises soleil,

ii) details and sections at 1:5 scale of the eaves, copings, cills and door thresholds,

iii) sectional profiles at 1:1 scale of window and door frames showing their relationship to their reveals and cills,

iv) details of the rainwater goods

v) details of all external lighting.

vi) a 1:10 scale elevation showing the arrangement of the brick quoining around the new opening in the flint wall and the design of the gate.

The development 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 to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.

- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and HE3 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, QD15 and HE3 of the Brighton & Hove Local Plan.

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

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

- 10) The land within the application site shall be managed and maintained in accordance with a management plan which shall be submitted to and approved by the Local Planning Authority in writing before development has commenced.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

- 11) No development shall commence until further details have been submitted to and approved in writing by the Local Planning Authority on the extent and construction of the proposed Sedum roofs. Development shall be carried out in accordance with the approved details.

Reason: To address the quantified nature conservation enhancement and to comply with policy QD17 of the Brighton & Hove Local Plan.

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

- 13) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

- 14) The development hereby permitted shall not be commenced until details of disabled parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for people with a mobility related disability are provided and to comply with policy TR18 of the

Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 15) The fencing around the hard games court area shall be painted in a dark green colour and the timber building adjacent to the north service entrance shall be stained with a black wood stain within one month of completion of the development hereby approved and before the buildings are occupied, details of which shall be submitted to and approved in writing by the Local Planning Authority in writing before development commences.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.
- 16) Prior to the commencement of the use of the buildings a Site Management Plan is to be submitted to and approved in writing by the Local Planning Authority. The Management Plan should address issues including late night noise and anti-social behaviour. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 17) The unauthorised lamp posts and post and rail fencing alongside the southern entrance drive shall be removed within one month of completion of the development hereby approved and before the buildings are occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.
- 18) The parking spaces alongside the southern entrance drive and all their hard surfacing materials shall be removed in accordance with the approved layout plan and the ground shall be reinstated to grass.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.
- 19) BH05.06A BREEAM – Pre-Occupation (new build non-residential) ('excellent' and 60% in energy and water sections).

Informatives:

1. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
The development is well designed, sited and detailed in relation to the existing Listed Building on the site and would not cause detriment to the

character of the Ovingdean Conservation Area. The development would not have a significant impact on amenity for occupiers of adjoining properties or create a harmful demand for travel.

2 THE SITE

The application relates to Ovingdean Hall School located on the south side of Ovingdean Road. The site is concealed from public view with the school buildings set in extensive grounds and located at the end of a long drive. The property has a grade II listing. It comprises a late Georgian Mansion, Ovingdean Hall, faced in yellow mathematical tiles built for Nathaniel Kemp, with later 19th C extensions. The north rear wing is faced in cobbles and the south rear wing in yellow brick which, at the time of listing, had early 19th style windows at ground floor level.

The listed parts comprise the original building and the later additions and curtilage buildings in place in 1947. The 19th C additions referred to in the listing description were all in place by 1898. The south and north rear wings were in place by 1873 and further large extensions added along the north-west boundary with Ovingdean Road but 1898.

A small further extension was added by 1911. The buildings have had a number of further additions, alterations and new free standing buildings since WWII associated with its use as a school.

The site is located in the Ovingdean Conservation Area. Within the conservation area are a number of listed buildings, the most important of these being Ovingdean Grange and St Wulfran's Church. The school grounds are within a Site of Nature Conservation Importance (SNCI).

The site was used as a residential school for the deaf for many years until it closed down in 2010 and is now in use as a language school for overseas students aged between 13 and 17.

3 RELEVANT HISTORY

BH2011/03422: Minor internal and external alterations and minor alterations to listed wall. Currently undetermined.

BH2011/02307: Erection of a single storey ancillary storage building for a temporary period of 3 years. Currently undetermined.

BH2011/02306: Erection of a single storey ancillary storage building for a temporary period of 3 years. Currently undetermined.

BH2011/00301: Internal alterations to layout of building, incorporating alterations to windows and doors. Approved 26/09/2011.

BH2011/00300: Internal alterations to layout of building, incorporating alterations to windows and doors. Approved 26/09/2011.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing art block, mower store and part of the swimming pool building and construction of new

student accommodation buildings providing 78 ensuite bedrooms (including 4 disabled units), incorporating the conversion of existing gymnasium. Associated minor internal and external alterations associated landscaping proposals and minor alterations to listed garden wall.

The new build which is of a contemporary design is centred around two locations within the school grounds; the western (Art Block) quadrangle and the eastern (swimming pool) courtyard. The proposal is as follows:

The western (Art Block) quadrangle

- Art Block and mower store demolished.
- Provision of new single room student accommodation, each with ensuite (47 rooms in total). The new buildings on this western side of the campus would consist of two single storey detached buildings located along the western boundary of the site and a two/three storey building linked to the gym building.
- Existing gym to be converted to single room student accommodation with ensuite (14 rooms in total). The ground floor changing facilities remain.
- The listed garden wall which runs between the mower stores and art block would have a small section removed to create a pedestrian access linking the new single storey blocks with the new two/three storey accommodation block.

The eastern (swimming pool) courtyard

- Demolition of plant and laundry room adjacent to existing swimming pool.
- Relocation of theatre plant and provision of theatre changing area.
- New reception area and changing area for the swimming pool.
- Erection of new 2/3 storey building to provide single room student accommodation each with ensuite (17) rooms.

The materials proposed are a mix of brickwork and cladding with standing seam metal roof and sedum roof.

A total of 78 single occupancy rooms would be created, the buildings which are to be demolished currently provide 58 bed spaces and there is therefore a net increase in student accommodation of 20 bed spaces.

Landscaping and parking

The proposal also includes a landscaping management plan to enhance the existing planting and setting of Ovingdean Hall and the removal of existing parking in front of the Hall.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **22 Ainsworth Close, 7 Woodland Walk, 9 Grange Farm Cottage, 82, Greenways, 1, 50 Ainsworth Avenue, 98 Longhill Road, one emailed objection with no address given, objecting** to the application for the

following reasons:

- Increase in noise and disturbance. Current levels and frequency of noise are unacceptable.
- Increase in litter in the village.
- Increase in anti-social behaviour.
- Harmful effect on village life and nature. The College grounds have been designated as a Site of Nature Conservation Importance.
- Have been problems with late night noise and disturbance during the summer. As a result of intervention by Environmental Health a Noise Policy was produced by the College which stated that there would be no noise after 10pm, which has not always been the case.
- Detrimental impact on local birds in the area from noise disturbance.
- Problems with students sitting outside houses, blocking the pavement, drinking and smoking.
- An extension of accommodation on the site will result in more problems for local residents.
- Some residents have experienced difficulties in getting on a bus in the summer as they were full of students from the College. Transport links should be improved.
- Object to any increase in numbers of students until more control over existing students.
- The bulk and modern design particularly adjacent to Ovingdean Hall fails to compliment a listed building or to enhance the conservation area.
- Conditions should be attached to include landscape management plan, and public play area. Greater access by the community to facilities in the grounds.

A **Petition** with **41 signatures** has been submitted objecting to the application:

- Increase in noise.
- Increase in litter.
- Harmful to the Site of Nature Conservation Importance.

Ovingdean Residents and Preservation Society: Objects:

- Object to increase in 20 more students as head count has already increased compared with the numbers at the school for the deaf before it closed.
- Already has been an increase in pedestrian traffic along Greenways and surrounding roads.
- Increase in demand for spaces on local buses, increase in litter and noise problems.
- Satisfactory solution should be submitted with planning application regarding late night noise.
- Support additional landscaping plans.
- Do not consider that the east building is in any sort of harmony with the listed Hall and is too dominant. Roofline appears in some ways industrial.
- Not convinced that the conservation area needs a modern design as

village is made up of traditional houses.

Southern Water: No objection but recommend informative regarding sewerage infrastructure.

UK Power Networks: No objections.

County Archaeologist: No objections: Although the site is situated in an Archaeological Notification Area, do not believe that any archaeological remains are likely to be affected by these proposals.

Brighton & Hove Archaeological Society: No objections. Consider that any archaeological deposits have probably been removed when the existing buildings were constructed. The Society has no other recommendations.

Natural England: It is not clear from the survey information in support of this application what the impact on protected species will be. If protected species are using the site, and are likely to be affected by the development, then the authority should ensure that appropriate mitigation is proposed and secured through the use of conditions.

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

English Heritage: Have considered the information received and do not wish to offer any comments.

CAG: The group had mixed views on the application. After much discussion and a show of hands, the majority of the group agreed to support the application but objected (8 for, 4 against) to the design approach in respect of the roofs and felt it to be unsympathetic to the surrounding conservation area and that more traditional roof forms should be used.

Internal:

Heritage: The modern design is considered to be of a high standard. Its modeling, parapet walls, pitched roofs, ratio of solid to void, window sizes and proportions and substantial use of traditional brick walling are generally considered respectful of its setting. Consider that traditional roof forms on buildings of this style and design would compromise this high quality design and that matt grey metal clad roofs would be acceptable in this location, provided that the colour was a good match for the original natural slate of the listed building's roof. Samples will be needed prior to determination.

The proposed development is acceptable in principle as it does not significantly impact physically on any of the listed parts of the buildings. The main issues are the effects of the new buildings on the setting and views of the listed building and on views of and within the conservation area.

A thorough visual impact assessment has been carried out in consultation

with the Heritage Team from agreed viewpoints. Whilst there are some negative impacts on the setting and important views of the listed building, these can be overcome by additional tree planting and other mitigations and provided that these are carried out, the massing and height of the buildings are considered acceptable.

Amended plan

The revised indicative landscaping scheme is acceptable and will help soften views of the rooflines of the new buildings in the long term.

Ecology: The site includes Ovingdean Hall Site of Nature Conservation Importance (SNCI). Although the development involves no direct impact on the SNCI, permission should be conditional on there being no indirect impacts. Further information is also required regarding the measures to be taken to introduce new nature conservation features, in accordance with Local Plan policy QD17.

Environmental Health: The development is close to existing residential properties. There have been noise complaints, including a petition.

Public Art: To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the Section 106 agreement.

Sustainability: To meet the requirements of SPD08 the scheme should achieve BREEAM 'excellent'.

Sustainable Transport: Application is acceptable subject to conditions requiring details of disabled parking and contribution to Sustainable Transport to improve accessibility of bus stop.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 4: Planning for Sustainable Economic Growth
- PPS 5: Planning for the Historic Environment

PLANS LIST – 22 FEBRUARY 2012

- 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
- TR2 Public transport accessibility and parking
- TR4 Travel plans
- TR14 Cycle access and parking
- TR18 Parking for people with mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run off and flood risk
- SU5 Surface water and foul sewerage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- QD1 Design – quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD6 Public Art
- QD27 Protection of amenity
- QD28 Planning obligations
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas
- NC4 Sites of Nature Conservation Importance (SNCI) and Regionally Important Geological Sites (RIGS)

Supplementary Planning Guidance:

- SPGBH4 Parking standards

Supplementary Planning Documents

- SPD09 Architectural Features
- SPD03 Construction and demolition waste
- SPD08 Sustainable building design
- SPD11 Nature Conservation & Development

8 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of the development, loss of the existing buildings, the impact of the design on the character of the Ovingdean Conservation Area and the setting of the listed building, the impact on amenity, transport implications and sustainability.

Loss of the buildings

The later extensions to the school including the classrooms, art block, a gymnasium and swimming pool, and the residential accommodation blocks on the eastern hillside are of very little architectural value and detract from the setting of the listed buildings. There is therefore no objection to the proposed demolition of the art block, mower store, plant and laundry room.

Design

The modern design is considered to be of a high standard. Its modeling, parapet walls, pitched roofs, ratio of solid to void, window sizes and proportions and substantial use of traditional brick walling are generally considered respectful of its setting. There are one or two views from the Ovingdean Conservation Area particularly to the west of the school which the Conservation Officer has some concerns over, where the modern monopitch roofs could be incongruous in the roofscapes and these are discussed below under the visual impact assessment. However, it is considered that over the long term, this could be mitigated by additional tree planting over and above what is currently proposed. Following negotiations the applicants have submitted a new revised indicative landscaping scheme which the Conservation Officer considers is acceptable and will soften views of the rooflines of the new buildings in the long term.

The comments of CAG regarding the roof form are noted however it is considered that traditional roof forms on buildings of this style and design would compromise this high quality design. Matt grey metal clad roofs would be acceptable in this location, provided that the colour is a good match for the original natural slate of the listed building's roof. A condition requiring samples of material is therefore included in the recommendation.

Similarly the colour of the bricks and the appearance and finish of the rain screen cladding on the west elevation of the west buildings will determine how well the development integrates into village scenes and long views of the village and the Hall from the top of the downs to the west and again the condition requiring samples of materials will ensure that appropriate materials are used.

Impact on the character of the Ovingdean Conservation Area and the setting of the listed building.

The proposed development is considered acceptable in principle as it does not significantly impact physically on any of the listed parts of the buildings. Thus the main issues are the effects of the new buildings on the setting and

views of the listed building and on views of and within the conservation area.

A thorough visual impact assessment has been carried out in consultation with the Heritage Team from agreed viewpoints.

Visual Impact assessment:

The eastern blocks are set well away from the original building and lower down in the valley. They are largely concealed in views of the house and its setting from the south along the access drive and the lawns as it is screened by trees. It partly replaces existing buildings. There is no significant increase in the perceived massing and heights of buildings in these views because of the tree screening. However, in nearer views the building would be seen through and under the trees, but this would not have any harmful effect on the setting of the Hall.

The northern block however, would be seen in views from the south, particularly from the lawns, and there would be a significant increase in the perceived massing and heights of buildings on that side. It would break the skyline formed by the downs to the north obscuring views of them from some viewpoints. However, the existing buildings that are currently visible are very poor in design and the new building is considered to be of a higher quality. Some tree planting is proposed that will soften views. This is considered to be insufficient and there is scope for substantially more tree planting to form a substantial belt to the east of the house that would mitigate the visual impact of the new building and also the other existing buildings. Provided that this is carried out, it is considered that the proposals would on balance enhance the setting of the listed building in these views.

Views from the East:

In views from the grounds to the east of the house the east block would rise above the rooflines of the existing buildings and break the skyline of the downs. However this is not considered a particularly important view of the house and the accumulation of modern buildings in this view is poor. No landscape planting is proposed here and there is scope for substantial planting to soften and enhance this view.

Views from the North from Ovingdean Road:

In longer views from the north-east down Ovingdean Road, the east block would be visible especially its metal roof and its perceived bulk and height would be greater than the existing buildings. The increased bulk is not considered excessive however. In nearer views, it would rise significantly above the existing unattractive red cedar clad swimming pool building and break the skyline formed by its roof and the roofs of the buildings behind. Nevertheless, this is not considered harmful to the character of the conservation area, subject to mitigations. However, in this view the metal clad standing seam roof could appear incongruous in the roofscapes of this part of the conservation area which are characterised by slate and plain clay tiles and strengthening and diversification of the tree planting is required. Further

mitigation can be secured by staining the pool building a more appropriate colour, such as black.

In views from the north-west in Ovingdean Road, the roof of the tallest of the west buildings would be just visible above the tree screen. This is not considered to be a significant impact.

Views from the West from the Farm Track:

The tallest of the west buildings would appear above the tree screen to the left of the converted barn's roof and would break the skyline. This is not considered to be seriously harmful. However, the non-traditional roof form would appear incongruous in this view. And again additional tree planting could screen this view in the long term.

Views from the West in Greenways outside Ovingdean Grange and from the Ground and First Floors of Ovingdean Grange:

The buildings would not be visible in this view due to the tree screening within the grounds of Ovingdean Grange and Ovingdean Hall. However, it is noted that were the trees to be lost, it would be prominent in these views and would represent a substantial increase in the perceived height and massing compared to the existing to an unacceptable degree. The retention of the existing tree screen is essential to the acceptability of the proposals in this view.

Views from the West from The Green:

From the west end of the green the top of the tallest west building and its pitched roof would be visible above the tree screen but would not break the roofline of the existing Hall buildings behind or the skyline. It is considered that this would significantly affect this view. Moreover, the trees within the east boundary of the Grange and the west boundary of the site are relatively young and will continue to grow. Thus the retention of the existing tree screen is again essential to the acceptability of the proposals in this view.

Views from the West from St Wolfran's Churchyard:

The situation is as for the Green, but being on higher ground, were the trees lost, the West buildings would be even more prominent in this view.

Views from the West from the top of the Downs:

The top of the west buildings and their roofs would be visible above the tree screen. The west facades of the original Hall and its 19th extensions would still remain largely visible above them. The roof of the east building is visible above the roof of the later 19th C extension. In this view, the choice of roof materials is particularly critical. Again, were the trees to be lost, most of the west buildings would be visible.

View from the North-West from the top of the Downs:

The east building would be visible rising above the Theatre building backing onto Ovingdean Road, and the west buildings would be visible above the tree

screen. The massing and heights would not have a significant impact on this view. However, as stated earlier the choice of materials, particularly of the roof and the south elevation of larger west building will be crucial in successfully integrating the development into this long view of the village and the Hall.

In conclusion whilst there are some negative impacts on the setting and important views of the listed building it is considered that these can be overcome by additional tree planting and other mitigations and provided that these are carried out, the massing and height of the buildings are considered acceptable. The applicants have, following negotiations, submitted a new revised indicative landscaping scheme which the Conservation Officer considers acceptable and will mitigate against any adverse views of the development.

Finally the removal of the parking bays alongside the southern access drive apart from three disabled spaces and the relocation of the parking further south in a clearing in the tree belt is a very welcome enhancement of the Hall's setting, provided that they are well screened by additional planting. Details of the layout, surfacing and landscaping of the car parking areas will be dealt with by appropriate conditions.

Impact on Amenity:

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

The proposed buildings are located within the existing built area of the site and are located predominantly on the footprint of the buildings to be demolished. The buildings are located away from the site boundaries with the exception of those proposed on the site of the mower store, which are on the western boundary of the site. The replacement building is single storey and is screened by dense planting and trees which are to remain. There are not considered to be any significant issues of loss of privacy, loss of light or overshadowing arising from the proposals.

There have however been problems of local residents experiencing of noise and disturbance from the college and it is noted that the majority of objection relate to noise and student behaviour. Environmental Health has been involved with the College following noise complaints from local residents during the summer and as a result a Noise Policy was produced by the College. The College have stated that at this time the college was being used by other language schools and as a result the College had difficulty in controlling the students. A Noise Policy however was produced and the Policy includes 24 hour on site security/management with the use of a security guard patrolling the grounds between 10.30pm and 4.00 am. The guard has a

mobile telephone, the number of which is available to local residents to contact if any noise problems arise.

The college are still working with Environmental Health and are in the process of producing a noise management plan. While the noise issues relate to the existing use of the site. The proposal would only result in an increase of 20 additional student bed spaces on the site, which is unlikely to significantly increase any on going noise problems, given the overall size of the campus, it is still considered prudent to include a condition requiring details of a management plan in the recommendation section of the report.

Sustainable Transport:

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads. Policies TR14 and TR19 relate to the provision of cycle and vehicular parking respectively.

There is a bus stop near the site and the school have their own minibus used to take students to and from the airport and on excursions. The Traffic Engineer has raised no objections and considers that the traffic impact of the development would be negligible subject to a condition requiring secure cycle storage and disabled parking. Although a contribution to the Sustainable Transport to improve accessibility of bus stop is also suggested given that the numbers of students accommodated on the site would only increase by 20 it is considered that a contribution cannot be justified in this case.

Similarly although the objections from local residents concerning the current use of the school are noted, the transport impact has to be assessed on the bases of impact from the planning application.

Sustainability:

PPS1 places weight on the sustainability of new development in terms of energy efficiency, high quality inclusive design and the promotion of social cohesion and the consideration of people's diverse needs. Policy SU2 and SPGBH8 requires efficiency of development in the use of energy, water and materials.

To meet the requirements of SPD08 the scheme should achieve BREEAM 'excellent'. The applicant has submitted a BREEAM multi-residential assessment which indicated a 'very good' rating was achievable. Following negotiation the applicant has agreed to an 'excellent' rating and an appropriate condition forms part of the recommendation to ensure this is achieved. Sustainable features incorporated into the design include investigation into the use of solar photovoltaic panels on south facing roof slopes and sedum roof on the flat roof areas of the new buildings. The sustainability aspect of the scheme is now considered acceptable.

Ecology/Nature Conservation:

The site includes Ovingdean Hall Site of Nature Conservation Importance (SNCI). Although the total site area covered by the application (including the fields to the south) is 8.17 hectares, the development area of the site is a small proportion of this and it is contained within the existing built up area of the site. The objections regarding the possible impact on local wildlife and the SNCI are noted. However the Ecologist is satisfied that there will be no direct impacts upon the SNCI, although there is a risk of indirect impacts during the construction phase. Therefore a condition is recommended to ensure that no plant, machinery or materials are to be stored or to otherwise use land within the Site of Nature Conservation Importance at any time, to protect the SNCI from any potential damage.

While Natural England have no objection to the application in principle, they have commented that. If protected species are likely to be affected by the development, then appropriate mitigation should be secured through the use of conditions. However there is no evidence that any protected species would be affected by the application.

The Sedum Green Roofs proposed on the flat roof areas of the new buildings are welcomed in nature conservation terms, and these could potentially address the nature conservation enhancement requirements of Local Plan policy QD 17. However further information is required by condition of the extent and method of construction of the proposed green roofs.

Waste Management:

Policy SU13 and Supplementary Planning Document 03 'Construction and Demolition Waste' both seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. A WMS has been submitted demonstrating that there are no reasons why waste would not be minimised during demolition and construction.

Other Considerations:

The Policy Officer has recommended that an 'artistic component' with an appropriate financial contribution is included in the scheme. In this case the school is not accessible to the public and the site is concealed from public views with the school buildings set in extensive grounds and located at the end of a long drive. It is therefore considered unreasonable to seek an art contribution in this particular case.

Along the east side of the drive is an unauthorised post and rail fence and there are also tall lighting columns that also appear to be unauthorised. These are recent additions that detract from the setting of the Hall and the applicant has agreed to remove these as part of the application and a condition regarding this forms part of the recommendation.

There is an all-weather pitch on the east side of the main house that projects forward of its front façade. Its fencing and fence posts have recently been painted blue. This intrudes in the principal view of the Hall, detracting from its setting. Similarly the applicant has agreed to repaint the blue fencing around the hard games court area in a dark green colour and stain the timber building adjacent to the north service entrance with a black wood stain in order to further improve the setting of the listed Hall.

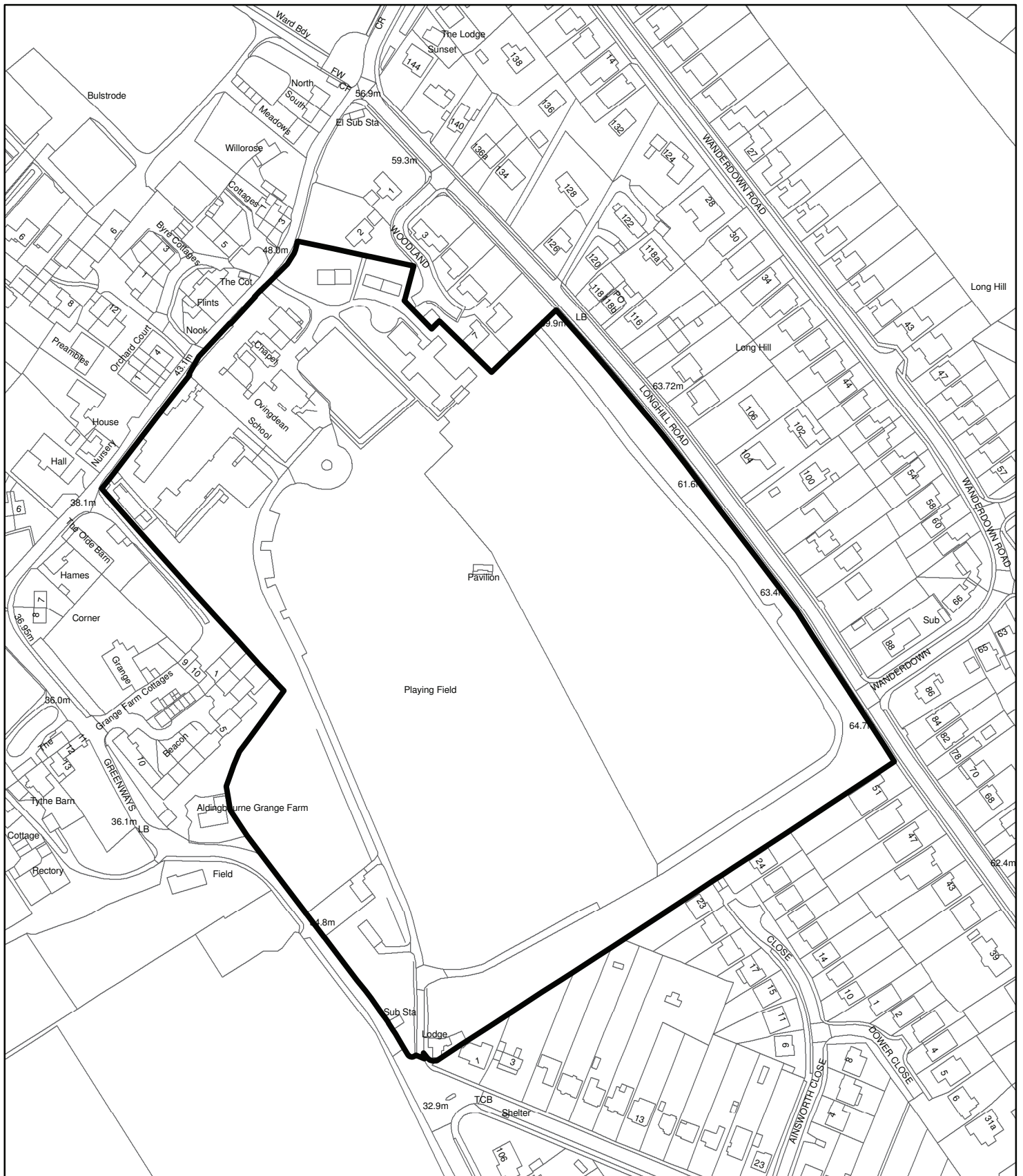
9 CONCLUSION

The development is well designed, sited and detailed in relation to the existing Listed Building on the site and would not cause detriment to the character of the Ovingdean Conservation Area. The development will not have a significant impact on amenity for occupiers of adjoining properties or create a harmful demand for travel.

10 EQUALITIES IMPLICATIONS

The building has been designed with regard to Part M (Access to and use of buildings) of the Building Regulations. The scheme included four disabled units and lifts are proposed providing wheelchair access to all rooms in the new buildings.

BH2011/03421 Ovingdean Hall College, Greenways, Brighton.



<u>No:</u>	BH2011/03422	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Ovingdean Hall College, Greenways, Brighton		
<u>Proposal:</u>	Minor internal and external alterations, and minor alterations to listed garden wall.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	29/11/2011
<u>Con Area:</u>	Ovingdean	<u>Expiry Date:</u>	24 January 2012
<u>Listed Building Grade:</u>	II		
<u>Agent:</u>	ABIR Architects Ltd, Unit 1, Beta House, St John's Road, Hove		
<u>Applicant:</u>	Ovingdean Property Ltd, Mr T Racke, Ovingdean Hall College, Greenways, Ovingdean		

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** listed building consent permission subject to the following Conditions and Informatives.

Regulatory Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

Pre-Commencement Conditions:

- 2) No works 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 HE3 and HE6 of the Brighton & Hove Local Plan.
- 3) No development shall take place until a sample panel of the brickwork and pointing shall be constructed on the site and shall be approved by the local planning authority in writing and the works shall be carried out and completed to match the approved sample panel.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.
- 4) No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:
 - i) Sample elevations and sections at 1:20 scale of the building showing the arrangement and pattern of the coloured rainscreen panels, bays, balconies, windows, doors, parapets, balustrades, copings, eaves, brises soleil, 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 window and door frames showing their relationship to their reveals and cills,
 - iv) details of the rainwater goods
 - v) details of all external lighting.
 - vi) a 1:10 scale elevation showing the arrangement of the brick quoining around the new opening in the flint wall and the design of the gate 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 to comply with policy HE3 and HE6 of the Brighton & Hove Local Plan.
- 5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 6) 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-Occupation Conditions:

- 7) The fencing around the hard games court area shall be painted in a dark green colour and the timber building adjacent to the north service entrance shall be stained with a black wood stain within one month of completion of the development hereby approved and before the buildings are occupied, details of which shall be submitted to and approved by the local planning authority in writing before development commences.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.
- 8) The unauthorised lamp posts and post and rail fencing alongside the southern entrance drive shall be removed within one month of completion

of the development hereby approved and before the buildings are occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

- 9) The parking spaces alongside the southern entrance drive and all their hard surfacing materials shall be removed in accordance with the approved layout plan and the ground shall be reinstated to grass.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Listed Building Consent has been taken:

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

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

- (ii) for the following reasons:-

The development preserves the historic character and appearance of this Grade II listed building. The proposal is considered to be in accordance with development plan policies.

- 2) The works hereby permitted shall be carried out in accordance with the approved drawings no.0146.EXG.001, 002, 003, 004, 005, 006, 007, 100, 101, 150, 151, 200, 250, 300, 301, 350, 0146.PL.001, 010, 100, 101, 102, 103, 150, 151, 152, 153, 300, 301, 310, 350, 351, 352, 800, 801, and 802, received on 8 November 2011, drawing no. 0146.PL.302 received on 25 November 2011 and drawing no.0146.PL.001B received on 31 January 2012.

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

2 THE SITE

The application relates to Ovingdean Hall School located on the south side of Ovingdean Road. The site is concealed from public view with the school buildings set in extensive grounds and located at the end of a long drive. The property has a grade II listing and is located within the Ovingdean Conservation Area. It comprises a late Georgian Mansion faced in yellow mathematical tiles built for Nathaniel Kemp, with later 19th C extensions. The north rear wing is faced in cobbles and the south rear wing in yellow brick which, at the time of listing, had early 19th style windows at ground floor level.

The listed parts comprise the original building and the later additions and curtilage buildings in place in 1947. The 19th C additions referred to in the listing description were all in place by 1898. The south and north rear wings

were in place by 1873 and further large extensions added along the north-west boundary with Ovingdean Road but 1898.

A small further extension was added by 1911. The buildings have had a number of further additions, alterations and new free standing buildings since WWII associated with its use as a school.

The site was used as a residential school for the deaf for many years until it closed down in 2010 and is now in use as a language school.

3 RELEVANT HISTORY

BH2011/03421: Demolition of existing art block, mower store and part of pool building and construction of new student accommodation buildings providing 78 ensuite bedrooms, incorporating the conversion of existing gymnasium. Associated minor internal and external alterations, associated landscaping proposals and minor alterations to listed garden wall. Currently undetermined.

BH2011/02307: Erection of a single storey ancillary storage building for a temporary period of 3 years. Currently undetermined.

BH2011/02306: Erection of a single storey ancillary storage building for a temporary period of 3 years. Currently undetermined.

BH2011/00301: Internal alterations to layout of building, incorporating alterations to windows and doors. Approved 26/09/2011.

BH2011/00300: Internal alterations to layout of building, incorporating alterations to windows and doors. Approved 26/09/2011.

4 THE APPLICATION

Listed building consent is sought for the demolition of existing Art Block, mower store and part of pool building. Associated minor internal and external alterations, associated landscaping proposals and minor alterations to listed garden wall.

The application is centred around two locations within the school grounds; the western (Art Block) quadrangle and the eastern (swimming pool) courtyard. The proposal is as follows:

The western (Art Block) quadrangle

- Art block and mower store demolished.
- The listed garden wall which runs between the mower stores and art block would have a small section removed to create a pedestrian access linking the new single storey blocks with the new two/three storey accommodation block.

The eastern (swimming pool) courtyard

- Demolition of plant and laundry room adjacent to existing swimming pool.

Landscaping and parking

The proposal also includes a landscaping management plan to enhance the

existing planting and setting of Ovingdean Hall and the removal of existing parking in front of the Hall.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **22 Ainsworth Close, 7 Woodland Walk, 9 Grange farm cottage, 82, Greenways,1, 50 Ainsworth Avenue, 98 Longhill Road, one emailed objection with no address given, objecting** to the application for the following reasons:

- Increase in noise and disturbance. Current levels and frequency of noise are unacceptable.
- Increase in litter in the village.
- Increase in anti-social behaviour.
- Harmful effect on village life and nature. The College grounds have been designated as a Site of Nature Conservation Importance.
- Have been problems with late night noise and disturbance during the summer. As a result of intervention by Environmental Health a Noise Policy was produced by the College which stated that there would be no noise after 10pm, which has not always been the case.
- Detrimental impact on local birds in the area from noise disturbance.
- Problems with students sitting outside houses, blocking the pavement, drinking and smoking.
- An extension of accommodation on the site will result in more problems for local residents.
- Some residents have experienced difficulties in getting on a bus in the summer as they were full of students from the College.
- The bulk and modern design particularly adjacent to Ovingdean Hall fails to compliment a listed building or to enhance the conservation area.
- Conditions should be attached to include landscape management plan, and public play area. Greater access by the community to facilities in the grounds.

A **Petition** with **41 signatures** has been submitted objecting to the application:

- Increase in noise.
- Increase in litter.
- Harmful to the Site of Nature Conservation Importance.

Ovingdean Residents and Preservation Society: Objects:

- Object to increase in 20 more students as head count has already increased compared with the numbers at the school for the deaf before it closed.
- Already has been an increase in pedestrian traffic along Green ways and surrounding roads.
- Increase in demand for spaces on local buses, increase in litter and noise problems.

- Satisfactory solution should be submitted with planning application regarding late night noise.
- Support additional landscaping plans.
- Do not consider that the east building is in any sort of harmony with the listed Hall and is too dominant. Roofline appears in some ways industrial
- Not convinced that the conservation area needs a modern design as village is made up of traditional houses.

County Archaeologist: No objections :Although the site is situated in an Archaeological Notification Area, do not believe that any archaeological remains are likely to be affect by these proposals.

The Brighton & Hove Archaeological Society: No objections :Consider that any archaeological deposits have probably been removed when the existing buildings were constructed. The Society has no other recommendations.

Natural England: It is not clear from the survey information in support of this application what the impact on protected species will be. If protected species are using the site, and are likely to be affected by the development, then the authority should ensure that appropriate mitigation is proposed and secured through the use of conditions.

English Heritage: Have considered the information revived and do not wish to offer any comments.

CAG: The group had mixed views on the application. After much discussion and a show of hands, the majority of the group agreed to support the application but objected (8 for, 4 against) to the design approach in respect of the roofs and felt it to be unsympathetic to the surrounding conservation area and that more traditional roof forms should be used.

Internal:

Heritage: The modern design is considered to be of a high standard. Its modeling, parapet walls, pitched roofs, ratio of solid to void, window sizes and proportions and substantial use of traditional brick walling are generally considered respectful of its setting. Consider that traditional roof forms on buildings of this style and design would compromise this high quality design and that matt grey metal clad roofs would be acceptable in this location, provided that the colour was a good match for the original natural slate of the listed building's roof. Samples will be needed prior to determination.

The proposed development is acceptable in principle as it does not significantly impact physically on any of the listed parts of the buildings. The main issues are the effects of the new buildings on the setting and views of the listed building and on views of and within the conservation area.

A thorough visual impact assessment has been carried out in consultation with the Heritage Team from agreed viewpoints. Whilst there are some

negative impacts on the setting and important views of the listed building, these can be overcome by additional tree planting and other mitigations and provided that these are carried out, the massing and height of the buildings are considered acceptable.

Amended plan The revised indicative landscaping scheme is acceptable and will help soften views of the rooflines of the new buildings in the long term.

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 Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact of the alterations upon the character, architectural setting and significance of the Grade II Listed Building.

Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

Loss of existing buildings

The demolition of the art block, mower store and part of pool building are acceptable as these buildings are of recent date and not of any importance

architecturally or historically. The internal and external alterations to the historically important parts of the complex are very minor and confined to the theatre building.

The formation of a pedestrian gate opening through the flint garden wall is relatively minor and is acceptable.

Design

The modern design is considered to be of a high standard. Its modeling, parapet walls, pitched roofs, ratio of solid to void, window sizes and proportions and substantial use of traditional brick walling are generally considered respectful of its setting. However there were one or two views from the Ovingdean Conservation Area particularly to the west of the school which the Conservation Officer has some concerns over, where the modern monopitch roofs could be incongruous in the roofscapes. Although it is considered that over the long term, this could be mitigated by additional tree planting over and above what is currently proposed. Following negotiations the applicants have submitted a new revised indicative landscaping scheme which the Conservation Officer considers is acceptable and will soften views of the rooflines of the new buildings in the long term.

The comments of CAG regarding the roof form are noted however it is considered that traditional roof forms on buildings of this style and design would compromise this high quality design. Matt grey metal clad roofs would be acceptable in this location, provided that the colour is a good match for the original natural slate of the listed building's roof. A condition requiring samples of material is included in the recommendation.

Similarly the colour of the bricks and the appearance and finish of the rain screen cladding on the west elevation of the west buildings will determine how well the development integrates into village scenes and long views of the village and the Hall from the top of the downs to the west and the condition requiring samples of materials will ensure that appropriate materials are used.

Impact on the setting of the listed building.

The proposed development is considered acceptable in principle as it does not significantly impact physically on any of the listed parts of the buildings. Thus the main issues are the effects of the new buildings on the setting and views of the listed building. A thorough visual impact assessment has been carried out in consultation with the Heritage Team from agreed viewpoints.

Visual Impact assessment:

The eastern blocks are set well away from the original building and lower down in the valley. They are largely concealed in views of the house and its setting from the south along the access drive and the lawns as it is screened by trees. It partly replaces existing buildings. There is no significant increase in the perceived massing and heights of buildings in these views because of the tree screening. However, in nearer views the building would be seen

through and under the trees, but this would not have any harmful effect on the setting of the Hall.

The northern block however, would be seen in views from the south, particularly from the lawns, and there would be a significant increase in the perceived massing and heights of buildings on that side. It would break the skyline formed by the downs to the north obscuring views of them from some viewpoints. However, the existing buildings that are currently visible are very poor in design and the new building is considered to be of a higher quality. Some tree planting is proposed that will soften views. This is considered to be insufficient and there is scope for substantially more tree planting to form a substantial belt to the east of the house that would mitigate the visual impact of the new building and also the other existing buildings. Provided that this is carried out, it is considered that the proposals would on balance enhance the setting of the listed building in these views.

Views from the West in Greenways outside Ovingdean Grange and from the Ground and First Floors of Ovingdean Grange:

The buildings would not be visible in this view due to the tree screening within the grounds of Ovingdean Grange and Ovingdean Hall. However, it is noted that were the trees to be lost, it would be prominent in these views and would represent a substantial increase in the perceived height and massing compared to the existing to an unacceptable degree. The retention of the existing tree screen is essential to the acceptability of the proposals in this view.

Views from the West from The Green:

From the west end of the green the top of the tallest west building and its pitched roof would be visible above the tree screen but would not break the roofline of the existing Hall buildings behind or the skyline. It is considered that this would significantly affect this view. Moreover, the trees within the east boundary of the Grange and the west boundary of the site are relatively young and will continue to grow. Thus the retention of the existing tree screen is again essential to the acceptability of the proposals in this view.

In conclusion whilst there are some negative impacts on the setting and important views of the listed building it is considered that these can be overcome by additional tree planting and other mitigations and provided that these are carried out, the massing and height of the buildings are considered acceptable. The applicants have, following negotiations, submitted a new revised indicative landscaping scheme which the Conservation Officer considers acceptable and will mitigate against any adverse views of the development.

Finally the removal of the parking bays alongside the southern access drive apart from a few disable spaces and the relocation of the parking further south in a clearing in the tree belt is a very welcome enhancement of the Hall's setting, provided that they are well screened by additional planting.

Details of the layout, surfacing and landscaping of the car parking areas can be dealt with by appropriate conditions.

Other Considerations:

Along the east side of the drive is an unauthorised post and rail fence and there are also tall lighting columns that also appear to be unauthorised. These are recent additions that detract from the setting of the Hall and the applicant has agreed to remove these as part of the application and a condition regarding this forms part of the recommendation.

There is an all-weather pitch on the east side of the main house that projects forward of its front façade. Its fencing and fence posts have recently been painted blue. This intrudes in the principal view of the Hall, detracting from its setting. Similarly the applicant has agreed to repaint the blue fencing around the hard games court area in a dark green colour and stain the timber building adjacent to the north service entrance with a black wood stain in order to further improve the setting of the listed Hall.

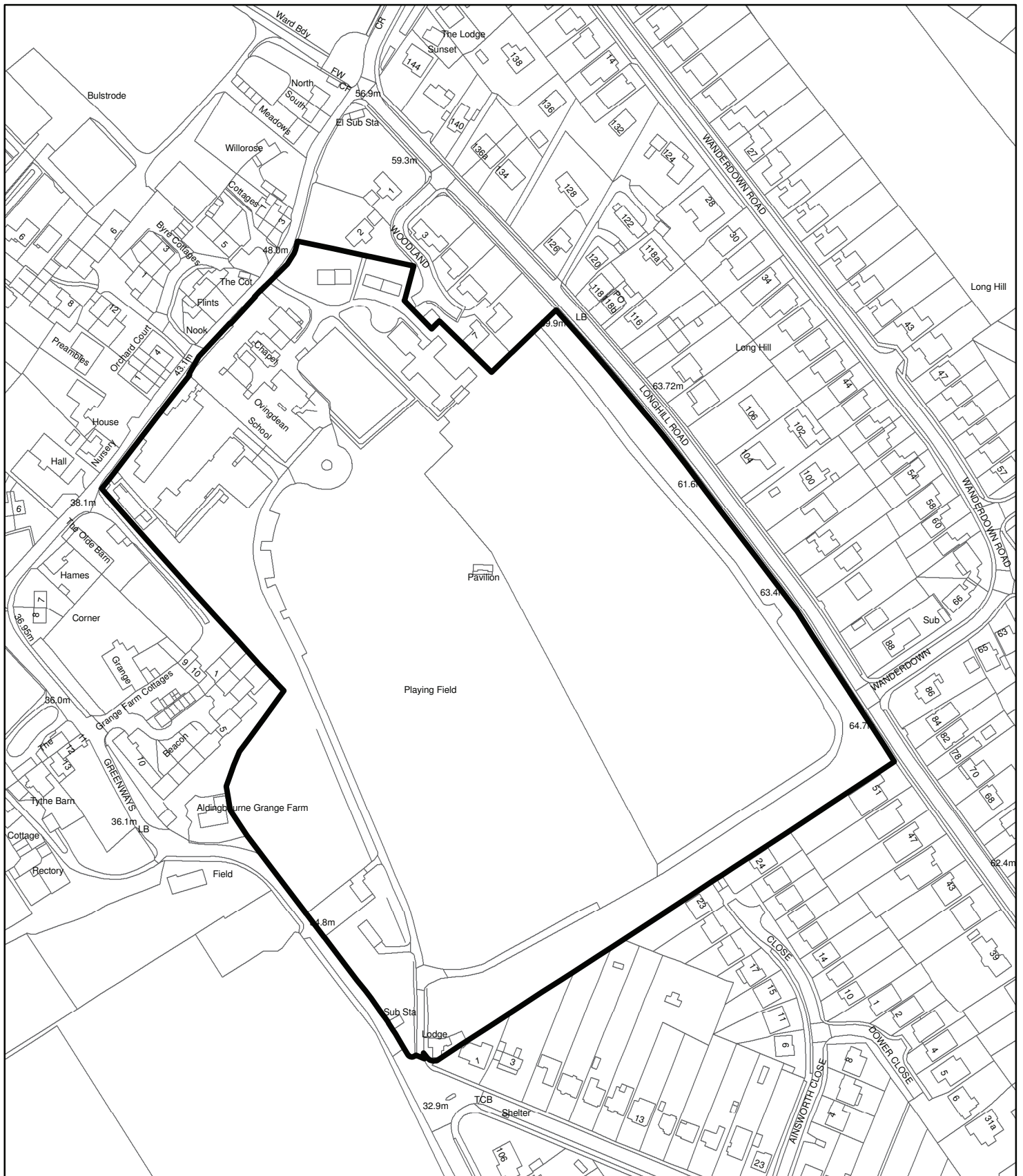
9 CONCLUSION

The development preserves the historic character and appearance of this Grade II listed building. The proposal is considered to be in accordance with development plan policies.

10 EQUALITIES IMPLICATIONS

The building has been designed with regard to part M (Access to and use of buildings) of the building Regulations. The scheme included four disabled units and lifts are proposed providing wheelchair access to all rooms in the new buildings.

BH2011/03422 Ovingdean Hall College, Greenways, Brighton.



LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/03398	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 4, 4 Montpelier Terrace, Brighton		
<u>Proposal:</u>	Creation of additional storey to first floor flat to rear.		
<u>Officer:</u>	Adrian Smith, tel: 290478	<u>Valid Date:</u>	16/11/2011
<u>Con Area:</u>	Montpelier and Clifton Hill	<u>Expiry Date:</u>	11 January 2012
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	RSP Architects Ltd, 1 Westbourne Grove, Westbourne Gardens, Hove		
<u>Applicant:</u>	R & R Developments, Mr R Raggio, 146 Woodland Drive, Hove		

This application was deferred at the last meeting on 01/02/12 for a Planning Committee site visit.

1 RECOMMENDATION

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

1. Policy QD27 of the Brighton & Hove Local Plan seeks to protect the residential amenity of neighbouring properties. Notwithstanding the improved standard of residential accommodation that would result from this proposal, the proposed additional storey would result in significant harm to the amenities of the residential properties to the rear of Nos 3 & 4 Montpelier Terrace by virtue of enclosing their outlook and further reducing their existing poor levels of natural daylight. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the site plan, block plan, daylight and sunlight assessment and drawing no. 02 received on the 4th November 2011; the design and access statement and heritage statement received on the 16th November 2011; and drawing no 04B received on the 11th January 2011, and drawing nos. 01C and 03A received on the 25th January 2012.

2 THE SITE

The application relates to the rear of a mid-terrace Grade II listed building located on the north side of Montpelier Terrace, Brighton, within the Montpelier and Clifton Hill Conservation Area. The building is five storeys in height (including basement) with a three storey outrigger to the rear, the upper floor of which forms a studio flat.

3 RELEVANT HISTORY

BH2010/03652: Listed building consent for the creation of additional storey to first floor flat to rear. Withdrawn.

BH2010/03415: Creation of additional storey to first floor flat to rear. Withdrawn.

4 THE APPLICATION

Planning permission is sought for the erection of an additional storey to the rear outrigger to enable the studio flat to be enlarged into a one/two bedroom flat.

5 CONSULTATIONS

External:

Neighbours: Twenty-three (23) letters of representation have been received from **Garden Flat, 1 Montpelier Terrace; 3B Montpelier Terrace; Flats 1(2), 2, 3 & 4(2), 3 Montpelier Terrace; Flats 2, 3(2), 5, 6 & 7, 4 Montpelier Terrace; 4a Montpelier Terrace; Flat 1, 5 Montpelier Terrace; 5a Montpelier Terrace; 6a Montpelier Terrace; 10 Montpelier Terrace; 11 Montpelier Terrace; 18 Fernside Road, London (owner of Flat 3, 4 Montpelier Terrace); 5 Montpelier Villas; and GM Autocare, 88b Montpelier Road, objecting to the application for the following reasons:**

Loss of light and privacy:

- The additional storey with its much taller roof structure will significantly reduce the amount of natural daylight in the area at the rear of the building, including into most of the flats, the windows to some of which solely face to the rear. This will impact on residents quality of life
- The additional storey will significantly reduce the amount of reflected light down into the back courtyard area
- The increase in height of the additional storey and roof will have a negative effect on the outlook and privacy from existing flats in the building
- The 'Daylight and Sunlight Impact Assessment' only focuses on the effects to the basement flat and ground floor flat to 4 Montpelier Terrace, and does not assess the impacts on the flat below flat 4, or those to the adjacent building. It is impossible to believe that the additional storey would have no adverse effect on light to the rear of 3 Montpelier Terrace. This raises concerns over the credibility of the assessment
- Any scaffolding erected during construction works would impact on the privacy and light to the bedsit beneath flat 4.

Design and Heritage:

- The proposed design and roofline does not appear similar to the surrounding area or adjacent buildings and is not architecturally in keeping with the period of the building
- The application proposes to inappropriately extend a listed building
- The plans show the extended flat to be one-bedroom, yet the storage room would likely be marketed as a second bedroom
- The increase in height will be 30%, not the 'slight increase' described in

the application.

Other matters:

- All 6 flats within the building use the main entrance to gain access-builders using this entrance also would create a huge inconvenience
- The building work will create noise and disturbance for residents in the building
- Site access from the rear is difficult, and will require access across an existing business premises, impacting on access to the business, the safety of clients cars, and harming trade
- Reduction in property values
- Increased energy consumption to compensate for loss of light
- More people living in the Terrace will put pressure on parking, refuse collection and the buildings own internal infrastructure
- The applicants have undertaken no consultation with residents in the Terrace regarding this proposal

Fifteen (15) letters of representation have been received from **F4, 29 Vernon Terrace; Young Lee, 123 Dyke Road; Just Lets, 87 Church Road; F4, 5 Grandville Road; 17 Westway Gardens; 24 Hamilton Road; 33 St Leonards Gardens; 6a Medina Terrace; 10a The Drive; 193 Church Road; 106a New Church Road; 45 Portland Place; and three undisclosed addresses** supporting the application for the following reasons:

- Brighton & Hove needs more one-bedroom flats than bedsits
- One-bedroom flats are more sought after than studio flats
- There is unprecedented demand for one-bedroom apartments in central Brighton & Hove
- This development will help the housing shortage for young people and people on low incomes
- The proposal is in keeping with the building and area, and sympathetic to the listed building

Councillor Dawn Barnett has supported on the application. A copy of her email is attached.

Internal:

Design & Conservation: No objection.

In design terms, there is no objection in principle to an extension of this form and location.

The pitch of the roof reflects the existing roof pitch, apart from the hipped end facing the rear of the house, which is steeper. Nevertheless I feel that if the pitches were made shallower, it would reflect the pitches of the butterfly roof of the main part of the building and thus integrate better with the main building. This might also help with its impact on residential amenity.

The staircase landing window is retained which is welcomed. The design of

the sash windows and internal doors is acceptable, although as drawn, they do appear to be slightly narrower than the windows below and they should be the same width. This needs to be checked. A larger scale set of elevational drawings at 1:50 scale should be produced as this will enable issues such as this to be clarified more easily.

However their sectional moulding profiles and that of the proposed internal corning and skirting boards will need to be checked on site to see if they are appropriate to the building. 1:1 scale timber and cornice sectional moulding profiles are needed. Large scale details of the eaves of the pitched roof and the lead clad flat roof are needed (at 1:5 scale) but this can be dealt with by condition. The new and replacement rainwater goods and any waste pipes should be of cast iron and this should be controlled by a condition.

6 MATERIAL CONSIDERATIONS

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

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (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 5: Planning for the Historic Environment

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – efficient and effective use of sites

QD14 Extensions and Alterations

QD27 Protection of Amenity

HE1 Listed buildings

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

Supplementary Planning Documents:

SPD09 Architectural Features

8 CONSIDERATIONS

Matters relating to property value and the logistics of the building operation

are not material planning considerations. The main considerations in the determination of this application relate to the impact of the additional storey on the historic character and appearance of the Grade II listed building and the Montpelier and Clifton Hill Conservation Area, and its impacts on the amenities of adjacent occupiers.

Planning Policy:

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be. Policy HE6 specifically relates to development within conservation areas, requiring (amongst others) a consistently high standard of design reflecting the scale and character of the area, and no harmful impact on the townscape and roofscape of the conservation area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric

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.

Design:

The building as existing is five storeys in height (including basement), with a three storey outrigger to the rear, partially set into higher ground level to the north of the site. The outrigger provides additional accommodation for the basement flat, with separate studio flats at ground and first floor levels. The

other buildings in the terrace all have outriggers, however these vary in height and roof detail compared to the application site.

The additional storey would be built directly atop the existing outrigger, with a similar pitched roof above. Owing to the position of a stairwell window within the main building, the roof is to be truncated with a hip and short flat roof section. Two new timber sash windows would be added to the east elevation, aligning with those below and facing over the interior courtyard to the basement flat to No.4. No windows would be located in the rear elevation, or in the west elevation overlooking the courtyard to No.3 Montpelier Terrace. This reflects the existing fenestration pattern within the building.

It is considered that the principle of extending the outrigger can be supported in this instance. The rear outriggers to the terrace vary considerably in height and form, with the adjacent outrigger to No 3 two storeys in height with a mono-pitch roof, and the outrigger to No 5 four storeys in height with a part parapet/part mono-pitch roof and a rear chimney stack. In this respect an additional floor to No.4 would not disrupt the rhythm of these already discordant set of outriggers. The Conservation officer has raised no concerns with the principle of extending in this manner, and accepts the design approach taken to manage the link between the roof of the extension and the stairwell window within the main section of the building. Conditions have been requested to provide further precise details of the size and detailing of the new timber windows, the new eaves treatment, and lead lined flat roof section. A further condition is requested to secure cast iron gutters and downpipes. Subject the approval of the matters reserved under these conditions, it is considered that the proposed additional storey would not be harmful to the historic character and appearance of this Grade II listed heritage asset, or the character and appearance of the surrounding Montpelier and Clifton Hill Conservation Area. The proposal is considered to accord with policies QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

Impact on Amenity:

The main concern is with regard the impact of the additional storey on the amenities of the adjacent properties within the terrace, particularly those at basement, ground and first floor levels. It should be noted that the rear elevations to these properties all face due north with 8.3m deep outriggers to either side.

The applicants have supported the application with a daylight/sunlight assessment based on the Building Research establishment's guidance document '*Site Layout Planning for Daylight and Sunlight. A guide to good practice*'. This document represents the industry standard methodology for calculating the theoretical impact of development on daylight and sunlight levels. In response to this document, a resident within No.4 Montpelier Terrace has conducted his own, separate, daylight assessment of the proposal based on light meter surveys. Both survey reports are highly

technical and have been conducted using differing methodologies that reach differing conclusions regarding the likely impact on daylight levels to the windows to the rear of No.4 Montpelier Terrace. A summary and interpretation of each document follows however Members are invited to view each document in its entirety if they so wish.

The Applicant's Assessment

The applicant's assessment has been undertaken by a professional Environmental Services company (EAS Ltd), and includes an assessment of the amount of daylight reaching the outside of the affected windows, the degree of internal natural light, and a sunlight assessment. As the rear of the Terrace is north facing, the sunlight assessment produced no evidence of harm. The daylight assessment as originally submitted focused on all basement level windows to No.4 and the rear facing ground window, as these were determined to be the most likely impacted by the additional storey. The assessment concludes that the percentage of daylight reaching these windows would not be reduced by more than 20% of the existing (the threshold identified in the BRE guidance as causing a noticeable reduction in daylight), therefore *'the proposed additional storey should not result in significantly adverse impacts on daylight or sunlight reaching the receptor windows within the lightwell'* (para 4.1). The assessment however also concludes that the existing levels of daylight reaching the inside of the windows are below the minimum recommended for the room type as given in the British standard code of practice for daylighting BS8296: Part 2: 1992 (para 4.4). Following concerns over the limited number of windows surveyed, a revised assessment has been submitted that calculates that the amount of daylight that would reach the rear first floor window to No.4 Montpelier Terrace would be reduced by over 20%. There is no reason to believe that these conclusions are not an accurate reflection of the methodology undertaken.

The Neighbour's Assessment

The resident of No.4 has undertaken a daylight assessment in consultation with building and engineering professionals, utilising light meters to identify the existing light levels at four key positions within the basement flat to No.4. These are then compared to readings taken at the same positions within the basement flat to No.5 adjacent. No.5 has the benefit of being of the same layout as No.4 (albeit with a longer rear courtyard), but with a four storey outrigger to the west side. This outrigger is of the scale of that proposed at No.4 therefore the argument is that the respective light meter readings would in effect create a pre and post development scenario. The light meter readings identify that light levels reaching the basement flat to No.4 will decrease by between 31% and 44%, from levels that are currently already below industry recommended minimums (The report identifies that the rear facing room to No.4 has internal daylight levels of 63 lux as existing, below the 150 lux recommended). The conclusion of the document is that a significant loss of daylight would occur to the basement flat at No.4 Montpelier Terrace. This survey appears robustly undertaken and sourced, and there is

no reason to dispute its findings.

It is clear from both surveys that existing light levels to the rear of No.4 Montpelier Terrace are currently well below recommended minimum levels. Utilising the BRE guidance document the existing 'vertical sky component' (the measure of light reaching the surface of a window) at basement level is 5.5% and at ground floor level 7%, well below the 27% identified as providing good natural daylight levels. Furthermore, the 'daylight factor' (the measure of interior daylight) sits at 0.5 for the rear basement room, well below the 1.5 minimum recommended by BS8296. The applicant's report fully acknowledges the poor degree of daylight that currently reaches these low levels (para 4.4).

The applicant's report also identifies that the proposed additional storey would further reduce light levels to all these lower rooms, but by low percentages that the report deems insignificant (between 9% and 14% in the case of the vertical sky component, and between 4% and 7% for internal daylighting). Notwithstanding this low percentage loss, it is considered that any development that makes the existing very poor natural light levels worse by any degree is unacceptable in principle at this site, and represents a further erosion of already limited natural daylight levels to these properties.

The applicant's survey has been revised to now consider the impact of the development on the rear first floor window to No.4 Montpelier Terrace as well as the basement and rear ground floor windows. It does not consider the impact on the windows to the ground floor studio within the outrigger or the impact on any of the windows within the other adjacent properties within No.3 Montpelier Road. Although this omission represents a limitation to the survey, it is reasonable to assume that the impact on the rear windows within No.3 would be largely similar or less, given that No.3 has a lower outrigger to their west side and thereby improved lighting levels from the west.

The revised report calculates the 'vertical sky component' at this first floor window to be currently 28.5%, falling to 22% following development. This represents a 23% reduction in light to below the 27% threshold identified as representing good natural light levels. The BRE guidance states that *'if the vertical sky component with the new development in place is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of daylight'*. The additional storey would result in both values being exceeded at this first floor window. Furthermore, it is noted that the proposed additional storey would break the 45 degree line when measured from the centre of the first floor window. The BRE guidance states that in such an instance *'the extension may well cause a significant reduction in skylight received by the window'*. Given the above information, it is considered that the impact on the rear first floor window in terms of loss of daylight would be significant, noticeable, and harmful.

The light survey produced by the neighbouring resident, although identifying a

much larger loss of daylight to the basement flat at No.4, adds weight to the conclusion that the additional storey would have a profound impact on daylight reaching the windows to the rear of the building, making an already very poor situation incrementally worse at basement and ground floor level, and considerably worse at first floor level. There is no evidence to suggest that the impact of the development on the rear windows to No.3 would not be similar. For these reasons it is considered that the proposed additional storey would have a significant enclosing effect resulting in the erosion of natural daylight to the flats to the rear of Nos 3 & 4 Montpelier Terrace, thereby harming the amenities of their residents contrary to policy QD27 of the Brighton & Hove Local Plan.

Other Considerations:

The additional storey would enable an existing 19.2sqm studio flat to be enlarged into a 38.4sqm one-bedroom flat. Representations have been made supporting the application on the basis that it one-bedroom flats are highly sought after and that this development would significantly improve the standard of accommodation provided by this unit. Whilst the improvement in accommodation is acknowledged, there is no evidence to suggest that one-bedroom flats are more sought after than studio flats, which provide valuable accommodation for people on low incomes. In any case, the merits of improving the standard of accommodation are not considered to outweigh the amenity harm of the additional storey as identified above. Further representations have been made highlighting that reduced light levels to the building would increase energy consumption. This impact is acknowledged and is symptomatic of the amenity harm identified.

9 CONCLUSION

Notwithstanding the improved standard of residential accommodation that would result from this proposal, the additional storey, whilst acceptable in terms of its impact on the Grade II listed building, would result in significant harm to the existing poor levels of natural daylight that reach the residential properties to the rear of Nos 3 & 4 Montpelier Terrace. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

None identified.

From: noreply@brighton-hove.gov.uk
Sent: 10 December 2011 17:27
To: Planning Comments
Subject: Planning Application BH2011/03397 - comment

Planning Application - BH2011/03397

I support the Planning Application

Sender's details

Cllr Dawn Barnett
13 Greenleas
BN38AD

Comment

Pleased to support this application for extra living space without the need to use Greenfield land.

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<u>No:</u>	BH2011/03397	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Flat 4, 4 Montpelier Terrace, Brighton		
<u>Proposal:</u>	Creation of additional storey to first floor flat to rear.		
<u>Officer:</u>	Adrian Smith, tel: 290478	<u>Valid Date:</u>	16/11/2011
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	11 January 2012
<u>Listed Building Grade:</u>			
<u>Agent:</u>	RSP Architects Ltd, 1 Westbourne Grove, Westbourne Gardens, Hove		
<u>Applicant:</u>	R & R Developments, Mr R Raggio, 146 Woodland Drive, Hove		

This application was deferred at the last meeting on 01/02/12 for a Planning Committee site visit.

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.05 Listed Building Consent
2. The external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
3. The rainwater goods and waste pipes hereby approved shall be completed in cast iron and thereafter retained as such.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

4. No works shall take place until full details of the proposed eaves to the pitched roof and the flat roof parapet treatment, including 1:5 scale sample elevations, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
5. No works shall take place until full 1:1 scale details of the proposed timber and cornice sectional moulding profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the site plan, block plan and drawing no. 02 received on the 4th November 2011; the design and access statement and heritage statement received on the 16th November 2011; and drawing nos.01B & 04B received on the 11th January 2011.
2. This decision to grant Listed Building Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
Subject the recommended conditions, the proposed additional storey would not be harmful to the historic character and appearance of this Grade II listed heritage asset, in accordance with development plan policies.

2 THE SITE

The application relates to the rear of a mid-terrace Grade II listed building located on the north side of Montpelier Terrace, Brighton, within the Montpelier and Clifton Hill Conservation Area. The building is five storeys in height (including basement) with a three storey outrigger to the rear, the upper floor of which forms a studio flat.

3 RELEVANT HISTORY

BH2010/03415: Creation of additional storey to first floor flat to rear. Withdrawn.

BH2010/03652: Listed building consent for the creation of additional storey to first floor flat to rear. Withdrawn.

4 THE APPLICATION

Listed Building Consent is sought for the erection of an additional storey to the rear outrigger to enable the studio flat to be enlarged into a one/two bedroom flat.

5 CONSULTATIONS

External:

Neighbours: Nineteen (19) letters of representation have been received from **Garden Flat, 1 Montpelier Terrace; 3B Montpelier Terrace; Flats 1(2), 2, 3 & 4, 3 Montpelier Terrace; Flats 2, 3(2), 5, 6 & 7, 4 Montpelier Terrace; 4a Montpelier Terrace; 5a Montpelier Terrace; 6a Montpelier Terrace; 10 Montpelier Terrace; 11 Montpelier Terrace; and 5 Montpelier Villas,**

objecting to the application for the following reasons:

Design and Heritage:

- The proposed design and roofline does not appear similar to the surrounding area or adjacent buildings and is not architecturally in keeping with the period of the building
- The application proposes to inappropriately extend a listed building
- The increase in height will be 30%, not the 'slight increase' described in the application.

Five (5) letters of representation have been received from **24 Hamilton Road; 33 St Leonards Gardens; 6a Medina Terrace; 10a The Drive; 193 Church Road**, supporting the application for the following reasons:

- The proposal is in keeping with the building and area, and sympathetic to the listed building

Internal:

Design & Conservation: No objection.

In design terms, there is no objection in principle to an extension of this form and location.

The pitch of the roof reflects the existing roof pitch, apart from the hipped end facing the rear of the house, which is steeper. Nevertheless I feel that if the pitches were made shallower, it would reflect the pitches of the butterfly roof of the main part of the building and thus integrate better with the main building. This might also help with its impact on residential amenity.

The staircase landing window is retained which is welcomed. The design of the sash windows and internal doors is acceptable, although as drawn, they do appear to be slightly narrower than the windows below and they should be the same width. This needs to be checked. A larger scale set of elevational drawings at 1:50 scale should be produced as this will enable issues such as this to be clarified more easily.

However their sectional moulding profiles and that of the proposed internal corncicing and skirting boards will need to be checked on site to see if they are appropriate to the building. 1:1 scale timber and cornice sectional moulding profiles are needed. Large scale details of the eaves of the pitched roof and the lead clad flat roof are needed (at 1:5 scale) but this can be dealt with by condition. The new and replacement rainwater goods and any waste pipes should be of cast iron and this should be controlled by a condition.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Buildings

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

8 CONSIDERATIONS

The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.

Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

The building as existing is five storeys in height (including basement), with a three storey outrigger to the rear, partially set into higher ground level to the north of the site. The outrigger provides additional accommodation for the basement flat, with separate studio flats at ground and first floor levels. The other buildings in the terrace all have outriggers, however these vary in height and roof detail compared to the application site.

The additional storey would be built directly atop the existing outrigger, with a similar pitched roof above. Owing to the position of a stairwell window within the main building, the roof is to be truncated with a hip and short flat roof section. Two new timber sash windows would be added to the east elevation, aligning with those below and facing over the interior courtyard to the basement flat to No.4. No windows would be located in the rear elevation, or in the west elevation overlooking the courtyard to No.3 Montpelier Terrace. This reflects the existing fenestration pattern within the building.

It is considered that the principle of extending the outrigger can be supported in this instance. The rear outriggers to the terrace vary considerably in height

and form, with the adjacent outrigger to No 3 two storeys in height with a mono-pitch roof, and the outrigger to No 5 four storeys in height with a part parapet/part mono-pitch roof and a rear chimney stack. In this respect an additional floor to No.4 would not disrupt the rhythm of these already discordant set of outriggers. The Conservation officer has raised no concerns with the principle of extending in this manner, and accepts the design approach taken to manage the link between the roof of the extension and the stairwell window within the main section of the building. Conditions have been requested to provide further precise details of the size and detailing of the new timber windows, the new eaves treatment, and lead lined flat roof section. A further condition is requested to secure cast iron gutters and downpipes. Internally, drawings of the new windows, doors, skirting and coving have been supplied. As Flat 4 is currently gutted, 1:1 scale details of the timber and cornice sectional moulding profiles have been requested as there are no comparative mouldings within the unit to replicate.

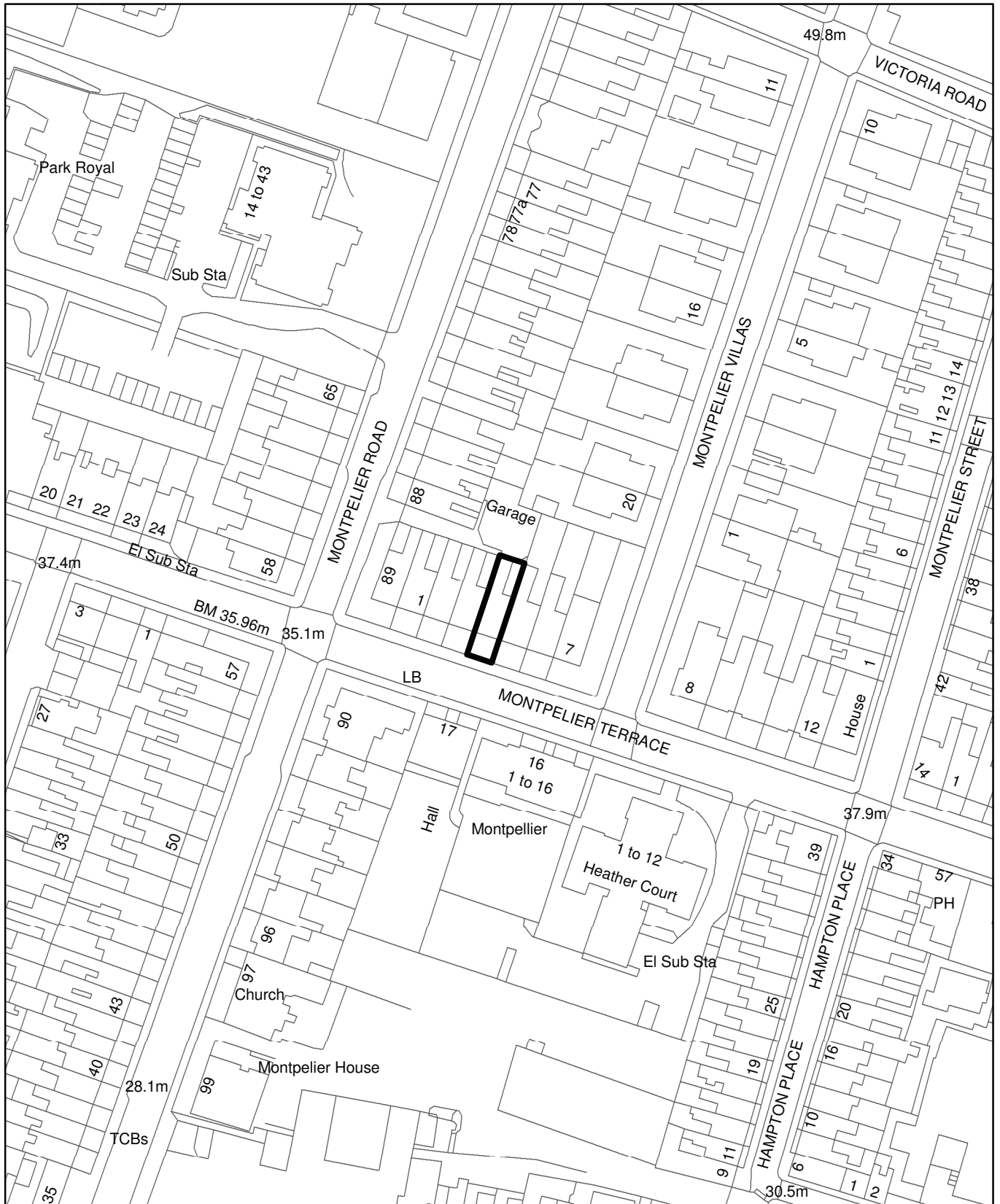
9 CONCLUSION

Subject the approval of the matters reserved under these conditions, it is considered that the proposed additional storey would not be harmful to the historic character and appearance of this Grade II listed heritage asset. The proposal is considered to accord with policy HE1 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03397 Flat 4, 4 Montpelier Terrace, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>3o:</u>	BH2011/02955	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	8 Plainfields Avenue, Brighton		
<u>Proposal:</u>	Erection of single storey rear extension and relocation of existing garage (retrospective).		
<u>Officer:</u>	Louise Kent, tel: 292198	<u>Valid Date:</u>	29/09/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 November 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	RSP Architects, 1 Westbourne Grove, Westbourne Gardens, Hove		
<u>Applicant:</u>	Mr Alfonso Hernandez, 8 Plainfields Avenue, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be completed in accordance with the approved drawing no. 01 Rev. D received on 24 October 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) Access to the flat roof over the extension hereby approved shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from over looking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 3) The external finishes of the development hereby permitted shall match in materials, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 4) The window in the west side elevation of the development hereby permitted shall be obscured glazed, fixed shut and permanently retained thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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 extension will not cause any significant detrimental impact to the appearance of the building, the adjoining bungalow and the surrounding area. It will not significantly harm the residential amenity of the adjoining bungalow and surrounding buildings.

2 THE SITE

The site is one of a pair of semi-detached bungalows, close to the junction with Bengairn Avenue. An access driveway is located to the east of the site, which leads to a pair of garages between the site and 9 Plainfields Avenue, the adjacent neighbour. The front of the house overlooks an open green area, Eastwick Bottom. The ground rises slightly to the rear, so that the rear of the gardens is at a higher level. The site is in a residential area, with other pairs of bungalows, and is not in a conservation area.

3 RELEVANT HISTORY

BH2011/00953/FP: Granted approval for the erection of a single storey rear extension and the relocation of an existing garage.

4 THE APPLICATION

The extension is to replace an existing conservatory, which had a shallow pitched roof falling from 2.7m high at the rear, to match the height of the existing eaves, to 2.4m high at the front. It was 2.1m deep and 5.9m long.

The application is for an extension 7.0m wide by 3.6m deep, with an angled corner on the eastern side elevation. The extension has already been built. It has a flat roof 2.9m high at the western side elevation. It is 3m high at the rear of the eastern side elevation and 2.6m high at the front, due to the slope of the land. Along the rear elevation the height ranges from 2.6m at the eastern side to 2.8m at the western side. The original plans included two rooflights, however these have now been removed from the plans. The side elevation is 1.1m from the joint boundary with 7 Plainfields Avenue, the same distance as the previous conservatory. There is one obscured glazed window on the western side, two small windows on the eastern corner and five folding timber door panels in the centre of the rear elevation.

The application is also to relocate the garage 0.6m to the east, to abut the garage at 9 Plainfields Avenue.

This application is to regularise the unauthorised development, which has not been built in accordance with the previous approved application (**BH2011/00953**). Planning permission is sought for the extension as built, which is higher than the approved **BH2011/00953**. The extension is not completely finished, and has not been rendered.

5 CONSULTATIONS

External

Neighbours: A letter of representation has been received from **7 Plainfields Avenue** objecting to the application for the following reasons:

- The extension stands higher than the eaves
- It is obtrusive and overbearing
- It does not have a rendered exterior finish
- It blocks the light from 7 Plainfields Avenue especially the sitting room
- The design is unattractive with two large and unsightly skylights which add height
- The oversized building is visible from all parts of the garden in no. 7
- It is an intrusion of privacy
- The occupier of 7 Plainfields Avenue is retired and in poor health, so spends a lot of time at home and in the garden, which is now spoilt.
- The bungalows were designed to conform to each other, and planning permission should not be granted when one is extended in such a manner that it affects the layout that was originally intended and causes such a detrimental effect on a neighbouring property.
- The extension should have been 2.3m high and in line with the eaves, with a rendered finish.
- The extension should be amended to conform to the [earlier] planning permission.
- The extension should not be granted planning permission because it has been erected, as that would send out the wrong message to others.

A letter from **9 Plainfields Avenue** states that the writer has no objection to the proposed relocation of the garage.

Councillor Geoffrey Theobald objects and has requested that the application be considered by the Planning Committee, if the recommendation is for approval (comments attached).

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

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

SU13 Minimisation and re-use of construction industry waste
QD14 Extensions and alterations
QD27 Protection of Amenity

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design of the extension in relation to the existing building, and the effect it will have on the surrounding residential amenity of the neighbouring properties.

Permission is sought to regularise an extension which was not built according to the approved plans in **BH2011/00953**. Approval was granted for an extension 7.0m wide by 3.6m deep, with an angled corner on the east side, and a flat roof with two lantern lights. The approved height ranged between 2.6m and 3m. Approval was also granted for one obscured glazed window on the western side, two small windows on the eastern corner and five folding timber glazed door panels in the centre of the rear elevation.

Relocation of garage

This application also seeks permission to relocate the garage 0.5m to the east, so that it abuts the garage to the east. The two garages are located at the end of a shared access drive with 9 Plainfields Avenue, with an existing gap of 0.5m between them. The relocation will eliminate the gap between the two garages. There is no objection to this, as it was part of the approved **BH2011/00953**. Work had not started on the relocation of the garage at the time of the site visit.

Planning Policy:

Design and appearance

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships,

existing boundary treatment and how overbearing the proposal will be.

The extension is a simple design with a central pair of French doors at the rear elevation with two matching side windows. It has a flat roof and two small windows on the eastern side, with an angled corner, and one window on the western side. All the windows match each other with a top hung opening style, similar to the eastern side elevation window of the bungalow. However, the extension has been built 0.2m higher than the previous approved application (**BH2011/00953**), so that the eaves of the extension roof are now above the existing eaves, and do not match. As a result, the flat roof is 0.2m higher than the eaves line of the original bungalow.

The extension is poorly detailed in terms of design. However, only the upper reaches of the roof would be visible from the driveway of “Homestead” to the north. The side elevation is visible from Bengairn Avenue in a brief view through the garden gate of 7 Plainfields Avenue. The other side elevation can be glimpsed in a brief view from Plainfields Avenue at the end of the shared driveway. Therefore it is considered that a refusal could not be sustained on these grounds.

The design of the extension does not result in any noise disturbance or loss of privacy, as the window on the western side, nearest the adjoining bungalow, would be conditioned to be obscure glazed and fixed shut. This would ensure that there is no overlooking, and will comply with part b) of policy QD14.

It is not considered that the extension has an overbearing effect, as the extension is sited 1.1m from the boundary with the adjoining bungalow. It therefore conforms to policy QD14 which advises that “*extensions to residential ... buildings should normally be sited at least 1m from a joint (i.e. shared) boundary to prevent undesirable terracing and loss of light to adjacent properties*”. This is considered sufficient to prevent the height and bulk of any extension having an overbearing effect on the adjoining neighbouring property.

The extension is considered to take account of the existing space around the bungalows, as there is a 1.1m space between the joint boundary and the side elevation. It will therefore comply with part c) of QD14. It would be conditioned to use matching materials, such as render to match the existing bungalow, and will comply with part d) of QD14 which states that materials must be sympathetic to the host building.

Amended plans

The two proposed skylights have been removed. This is considered to be acceptable.

Residential amenity

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it

would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The extension is only visible from the rear garden of 7 Plainfield Avenue, and from the rear of “Homestead” to the north. The side elevation and the roof will be visible from the side and rear of 9 Plainfields Avenue, across the shared driveway.

In addition, as previously mentioned, visibility of the extension from the surrounding streets is limited to part of the side elevation through the rear garden gate of 7 Plainfields Avenue, on Bengairn Avenue, and a view of the roof from the driveway of “The Homestead” on Bengairn Avenue. The extension is not visible from Plainfields Avenue except in a brief oblique view at the top of the shared driveway. It is not considered that the extension causes any loss of residential amenity, as it does not significantly affect any street scene views.

The extension faces the rear boundary of the site, which is approximately 12m to the north from the proposed extension. The nearest building is “The Homestead” beyond the boundary fence, which has a conservatory whose side windows face the rear garden. There is some mutual overlooking, but it is not considered that the extension causes any significant increase in overlooking. It will therefore be acceptable.

The extension is 1.1m from the joint boundary with 7 Plainfields Avenue, to the east. It is not considered that any significant loss of privacy would occur here, as the extension would have one window on the eastern side which will be obscure glazed. The boundary fence is close boarded up to approximately 1.8m with an open trellis effect at the top, and this prevents any loss of privacy.

As the extension roof is higher than the eaves of the original building, it has some impact on the light reaching the ground floor window of 7 Plainfields Avenue. The sitting room window at no. 7 consists of a pair of French windows facing north to the rear garden, which has an open aspect and slopes gently up to the north. The proposed extension is situated to the north-east of the window. Given the size of the French windows, the amount of existing light and the position and height of the extension, it is not considered that the extension results in sufficient loss of light to harm any residential amenity, or to warrant refusal.

Objections

The objections relating to size, bulk, overlooking and light have been dealt with in the preceding paragraphs. Another point raised is that the rendering has not been finished. This is addressed by condition 4 which relates to matching materials. Finally, there is an objection stating that the pairs of semi-detached bungalows should match each other, as “*planning permission*

should not be granted when one is extended in such a manner that it affects the layout that was originally intended and causes such a detrimental effect on a neighbouring property.” However, one of a pair of similar bungalows at 10 Plainfields Avenue has been already been extended with a pitched roof rear dormer, and approval granted in 2010 for a pitched roof rear extension.

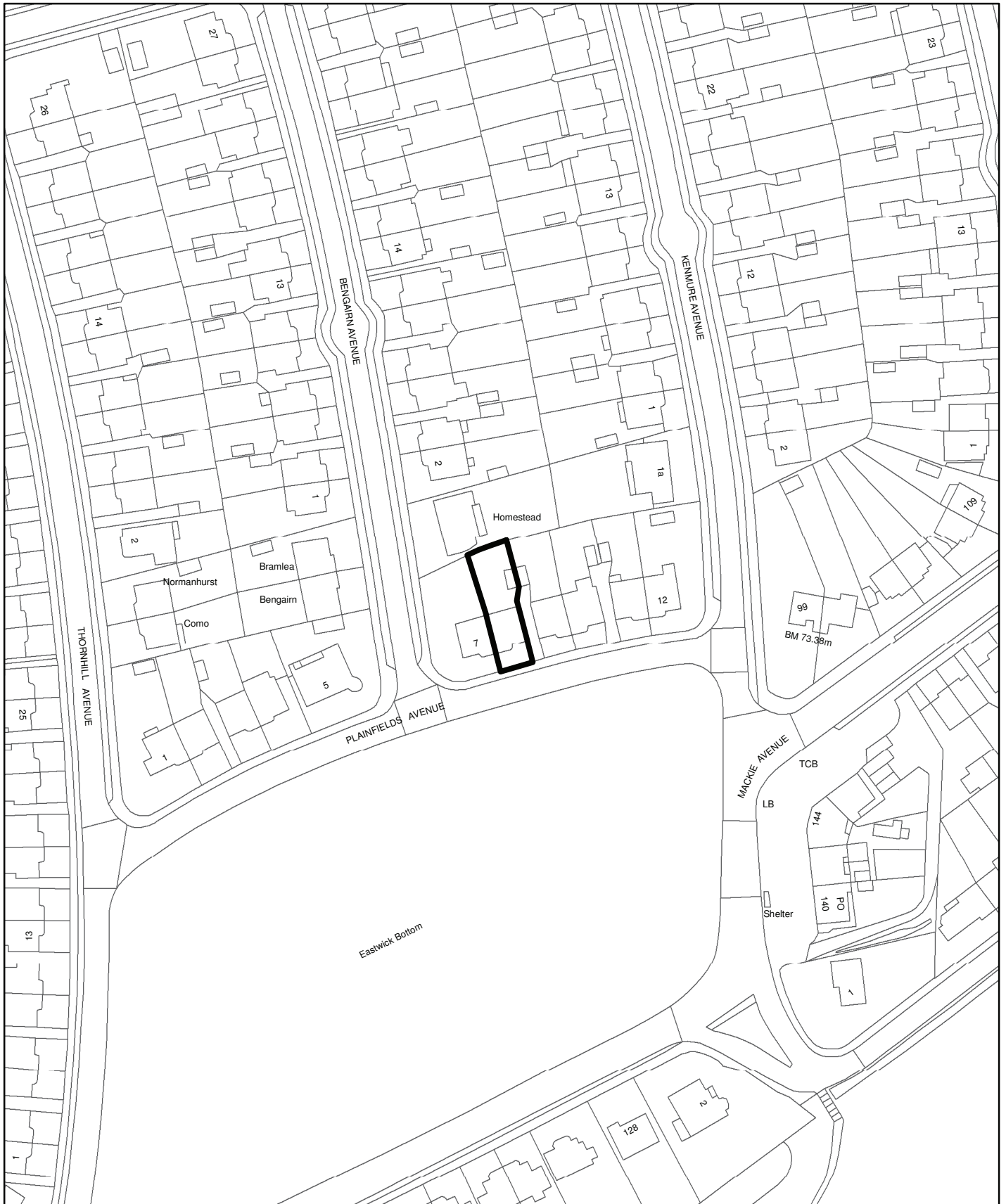
9 CONCLUSION

The extension does not have any significant detrimental impact on the appearance of the building, the adjoining bungalow and the surrounding area. It does not significantly harm the residential amenity of the adjoining bungalow and surrounding buildings.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02955 8 Plainfields Avenue, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

From: Geoffrey Theobald
Sent: 18 November 2011 12:42
To: Louise Kent
Cc: Claire Burnett; Jeanette Walsh; Penny Jennings
Subject: RE: 8 Plainfields Avenue BH2011/02955

18 November 2011

Mrs Jeanette Walsh
Head of Development Control

Dear Mrs Walsh

Planning application no 2011/02955
Extension 8 Plainfields Avenue Patcham Brighton

I have been contacted by my elector Mrs Gillian Bristow of No 7 Plainfields Avenue who states that she is shocked and dismayed at the height of the building of the extension that has been erected at No 8 Plainfields Avenue. She advises me that she was informed by the planning department that the extension would be 2.3 metres in height and would be in line with the eaves of No 7 and was to have a rendered exterior finish.

Mrs Bristow is very concerned that the extension has been built much higher than the eaves and is obtrusive and overbearing and blocks light from her property especially her sitting room. She states that there are also two large and extremely unsightly skylights adding additional height, and the extension has not been rendered.

Mrs Bristow also states that because of her poor health she likes to spend a considerable amount of her time in her home and garden but this oversized building affects her privacy as it is very visible from all parts of her garden and it has therefore ruined her enjoyment of the latter after 35 years living in the property. This does seem unfair to me.

These bungalows in this and the adjoining road were designed to conform with each other and in my opinion planning permission should not be granted when one is extended in such a manner that it affects the layout that was originally intended and causes such a detrimental effect on a neighbouring property.

If this extension has not been constructed in accordance with the planning permission that was presumably granted for it then I feel that it should be amended to conform to the planning permission. I do not feel that because it has been erected it should be granted planning permission "because it is now too late." That would in my opinion send out the wrong message to others.

I would therefore request that if the officers are not going to refuse planning permission under delegated powers then it should be considered by the planning committee whose members would hopefully make a site visit to see the extension for themselves.

Yours sincerely

Cllr Geoffrey Theobald OBE

<u>No:</u>	BH2011/03629	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	21 Dyke Road Avenue, Hove		
<u>Proposal:</u>	Erection of porch extension of front, single storey side and rear extension and balcony area above existing rear conservatory.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	29/11/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 January 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Roberts & Wrigley Associates, 27a Goring Road, Goring By Sea, Worthing		
<u>Applicant:</u>	Mr L Cadell-Smith, 21 Dyke Road 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 **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 approved drawing no. 2 received on 28th November 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The external finishes of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

4. BH14.02 Archaeology (Watching brief)
5. No development shall take place until full details of the proposed balcony balustrade and screening have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the balcony shall not be brought into use until the approved screening has been installed in its entirety.
Reason: To ensure a satisfactory appearance to the development, to protect adjoining properties from overlooking, and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. There is a Beech tree within the garden of no. 23 Dyke Road Avenue adjacent the shared boundary with the application property which would be approximately 3m from the proposed extension. Any roots of this tree within the rear garden of the application property shall be protected to BS

5837 (2005) Trees in Relation to Construction as far as is practicable. No development shall commence until an Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority. The approved method of tree protection shall be implemented prior to commencement of works on site and retained until the completion of the development hereby permitted.

Reason: To afford adequate protection to a tree in the interest of the visual amenities of the area and to comply with policy QD16 of the Brighton & Hove Local Plan.

Informatives:

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

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

(ii) for the following reasons:-

The proposed development would not have a significant harmful impact on the character and appearance of the recipient property or the wider street scene. Further, no significantly detrimental impact on neighbouring residential amenity is foreseen.

2 THE SITE

The application relates to a two storey detached house with a chalet bungalow style front elevation situated on the west side of Dyke Road Avenue.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

Planning permission is sought for the construction of a single storey side and rear extension, and the creation of a balcony over an existing rear conservatory.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **Nos. 23 & 25 Dyke Road Avenue** objecting to the proposed development for the following reasons:

- Increased sense of enclosure by virtue of the positioning of the proposed extension right up to the boundary with no. 23 Dyke Road Avenue.
- Building up to the boundary would have an unwelcome terracing effect. A separation of 1m from the shared boundary would be more appropriate.
- Overlooking from the proposed balcony.
- The extension would impact upon the roots and future health of a mature

beech tree within the garden of no. 23 Dyke Road Avenue.

Councillor Vanessa Brown objects to the proposed development. Her letter is attached as an appendix to this report.

Brighton & Hove Archaeological Society comment as follows:

- The society are unaware of any archaeological implications with regards this planning application.

East Sussex County Council Archaeologist comments as follows:

- The development is situated within an Archaeological Notification Area.
- It is recommended that a watching brief takes place on the site and that a planning condition to this effect is attached to any planning permission that is granted.

Internal:

Arboricultural Section comment as follows:

'In the neighbouring garden at number 23 Dyke Road Avenue is a Beech tree that will be approximately 3 metres away from the proposed development.

This Beech has been poorly pruned in the past and has limited public amenity value, therefore it is unworthy of Preservation Order.

The area of the proposed extension in the vicinity of the Beech is currently laid to concrete. This is a hostile environment for tree roots and there are unlikely to be any present.

The area between the proposed extension and the tree is paved. This will offer the tree's roots a degree of protection, however, the Arboricultural Section would like a condition attached to any consent granted regarding the full protection of any roots in this vicinity.

The applicant may also like to consider protection of the garden area, however, this is advisory only.

Overall the Arboricultural Section has no objection to the proposals in this planning application'.

6 MATERIAL CONSIDERATIONS

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

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

Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD16 Trees and hedgerows

QD27 Protection of Amenity

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning documents

SPD 06 Trees and Development Sites

8 CONSIDERATIONS

The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties. Further consideration will be given with regards the location of the site within an Archaeological Notification Area.

Design

Planning permission is sought for the construction of a single storey side and rear extension, and the creation of a balcony over an existing rear conservatory. The proposed porch would be a relatively modest addition, and is considered to be of sympathetic design. The proposed side/rear extension would replace an existing flat roofed attached garage. The extension would feature a flat roof, with a dummy pitch roof to the front. Whilst properties within the vicinity retain a degree of separation from side boundaries, given the positioning of the existing attached garage, it is not considered that the views towards the property from the street would be significantly altered. The extension would extend the full depth of the recipient property and protrude a further 1m beyond the rear of the main house. The southern wall of the extension would extend out from the rear wall of the house, meaning the extension would span a width of 0.3m across the rear elevation. The extension would be constructed in materials to match the main house. Overall the extension is not considered to represent an overextension of the recipient property, and given that the impact of the proposed extension on the street scene would be minimal, the proposed extension is not considered significantly harmful to the character and appearance of the recipient property or the wider street scene.

The proposal for the balcony involves the installation of a 1.0m high balustrade around the flat roof over an existing rear extension, and the installation of screening to the northern and southern ends to a height of 1.95m. Details of the materials for the balustrade and screens has not been specified although further details could be secure through the imposition of a condition on any grant of planning permission. The proposed balcony would not be visible from the street it would only be visible from within the neighbouring gardens. As such, the proposed balcony and associated

screens are not considered to be significantly detrimental to the character and appearance of the existing property or the wider street scene.

Impact on neighbouring amenity

The proposed extension would be in close proximity to the shared boundary with no. 23 Dyke Road Avenue. This neighbouring property features a south facing window to a rear sunroom which would sit opposite the proposed extension. Whilst it is considered that this window would be impacted on to some extent by the proposed extension in terms of overshadowing, it is noted that this sunroom is served by a large set of glazed patio door and sidelights on the rear elevation. These rear doors would be situated sufficiently far from the proposed extension as to avoid any significant degree of overshadowing, loss of outlook or increased sense of enclosure, and as such the impact on the aforementioned side window is not considered of such harm to warrant refusal of the current planning application. The proposed balcony would provide for views towards neighbouring properties. It is noted, however, that privacy screening is proposed to the northern and southern sides, and that potential views would be restricted to towards lower garden areas at nos. 19 and 23 Dyke Road Avenue. This is considered to be acceptable. A visit to the site in December revealed that a large number of trees adjacent the side boundaries retained foliage, indicative of a reasonable level of boundary screening throughout the year. Overall the proposed development is not considered to represent significant harm to the residential amenity of neighbouring properties.

Tree protection

There is an existing beech tree within the rear garden of the neighbouring property no. 21 Dyke Road Avenue in close proximity to the shared boundary. This tree would be approximately 3m from the proposed extension. The council's Arboriculturalist does not consider it likely that this tree would have roots running under the proposed extension, although there could potentially be roots beneath the paving between the extension and the tree. Any approval shall condition the protection of such roots in the vicinity in accordance with BS 5837 (2005): Trees in Relation to Construction. An arboricultural method statement regarding the protection of this tree during construction shall be required for written approval prior to the commencement of works.

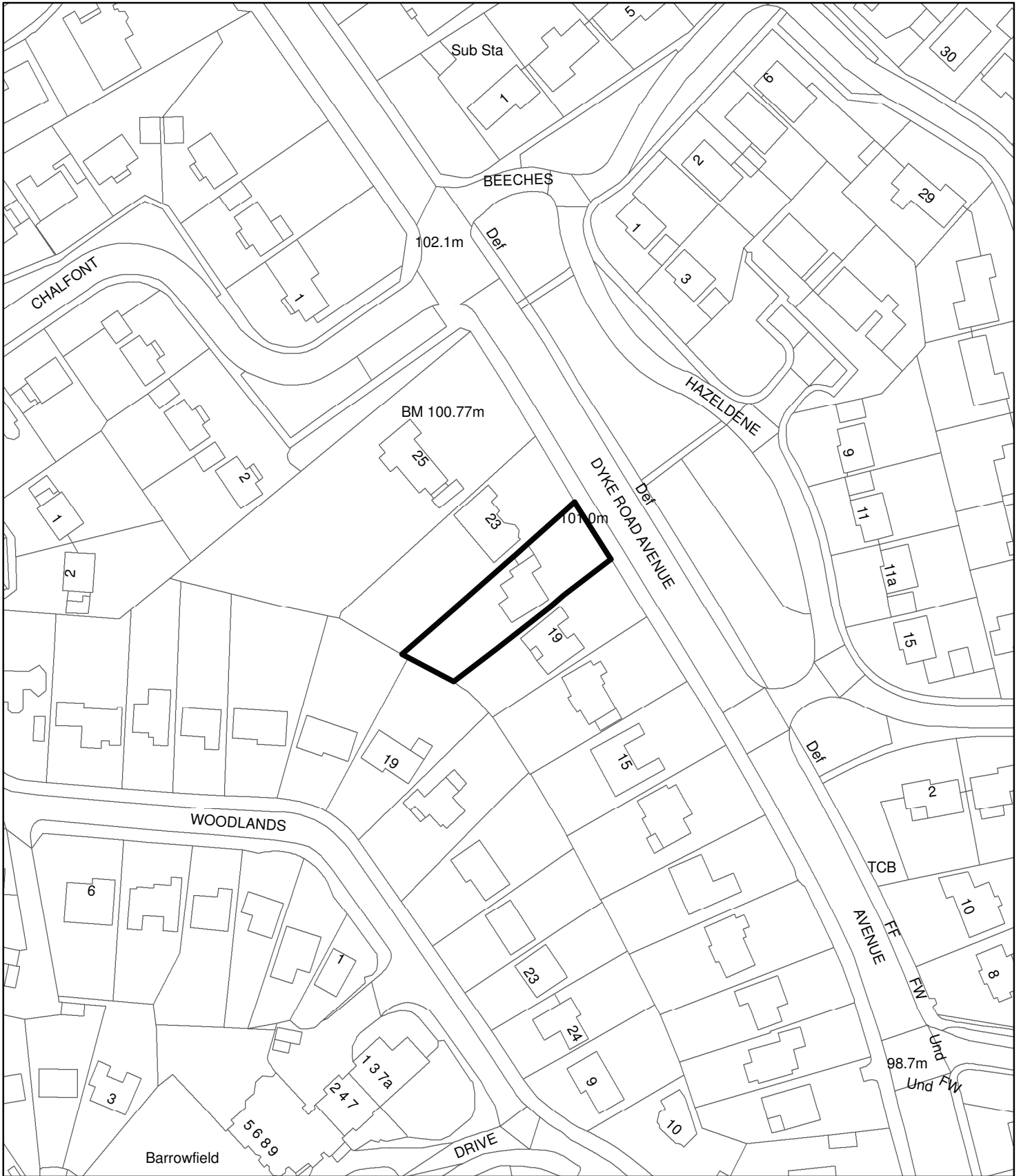
9 CONCLUSION

The proposed development would not have a significant harmful impact on the character and appearance of the recipient property or the wider street scene. No significantly detrimental impact on neighbour amenity is foreseen. Subject to compliance with conditions the Beech tree within the garden of no. 23 Dyke Road Avenue should not be harmed during construction works. For these reasons the application is recommended for approval.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03629 21 Dyke Road Avenue, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

From: Vanessa Brown
Sent: 10 January 2012 19:22
To: Mark Thomas
Subject:

MT ✓

Dear Mr Thomas

Re BH2011/03629 21 Dyke Road Avenue

As a Councillor for Hove Park Ward I wish to object to the above planning application. The houses in Dyke Road Avenue are characterised by being large detached houses in spacious gardens.

This application is to build right up to the boundary with 23 Dyke Road Avenue yet all the houses are set back into their boundaries by approximately two metres to give the general feeling of spaciousness.

The close proximity of this proposed extension to the sunroom of No. 23 would mean a loss of light and the morning sun. It would also give a feeling of being very enclosed.

I am also concerned about the extension being built in close proximity to a very mature copper beech tree in the garden of No. 23. I am afraid that the roots could easily be damaged leading to the possible loss of the tree.

I believe there are also plans for a balcony on the roof of the existing sunroom which would cause a loss of privacy to the neighbours on either side.

If the recommendation should be to grant this application I would like it to go before the full planning committee.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown
Member for Hove Park Ward

<u>No:</u>	BH2011/02845	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	150 Ladies Mile Road, Brighton		
<u>Proposal:</u>	Demolition of garage and out building in garden to North side of existing bungalow and erection of new two storey detached dwelling.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	28/09/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 November 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Plan Right (UK) Ltd, 464B Groby Road, Leicester		
<u>Applicant:</u>	Mr R Holness, C/O Plan Right (UK) Ltd		

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 approved un-numbered Proposed Details, Proposed Floor Plans, Proposed Site Layout and Proposed Elevations received on 15th December 2011, additional un-numbered side elevation received on 23rd November 2011 and Existing Site Plan and Location Plan received on 22nd September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. 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, including the boundary walls and gates, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
4. BH02.03 No permitted development (extensions) (amenity and character)
5. BH04.01A Lifetime Homes.
6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. Any further development shall

be carried out in accordance with the approved method statement.
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.

7. The side windows on the north elevation of the development hereby permitted shall be obscure glazed and non-opening, unless part of the windows which can be opened are more than 1.7m above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

Pre-Commencement Conditions:

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

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

(b) A Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPS5 and HE12 of the Brighton & Hove Local Plan.

10. No development shall take place until full details of the boundary treatments 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 safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

11. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Building Research Establishment issued Final Code Certificate confirming that the unit has achieved a Code for Sustainable Home rating of Code Level 4 been submitted to and approved in writing by, the Local Planning Authority.

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

12. The development hereby approved shall not be occupied until the refuse and recycling and cycle parking facilities, as 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 the parking of cycles and to comply with policies TR14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and transport issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Home, 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).

2 THE SITE

The site is currently part of 150 Ladies Mile Road. The site would be split and the new dwelling would replace the residential garage and out building to the north of the host bungalow. The site is located on the south east side of Ladies Mile Road.

Ladies Mile Road is characterised by residential properties comprising a mixture of detached and semi-detached bungalows to the north and west of the application site, and a group of 9 detached two storey dwellings to the east.

3 RELEVANT HISTORY

BH2008/02110: Extension to form side garage. Approved 07/08/2008. Not implemented.

4 THE APPLICATION

Planning permission is sought for the demolition of the garage and out building and erection of a two storey detached dwelling.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **152 (2 letters received), 154, 158, 160, 217, 215, 225 (x2) Ladies Mile Road and 20 Windmill View objecting** to the application for the following reasons:

- Scale, layout and appearance would be out of keeping with the area
- Loss of privacy
- Overlooking
- Overshadowing
- Loss of light
- Increase in noise levels
- Increase in traffic and parking

Brighton & Hove Archaeological Society: The above application lies within an area of intense archaeological sensitivity. The archaeological record for this part of Brighton, include numerous finds of settlement and burials from the Bronze Age, as well as a number of burials dated to the Roman period.

The Brighton & Hove Archaeological Society would recommend that the granting of any planning application include a provision for a watching brief while the top soils are removed and the footing trenches are cut. A further inclusion should allow for the recording of any archaeological features and artefacts found.

County Archaeologist: The proposed development is situated on the edge of an archaeological notification area defining an area of prehistoric activity, including occupation and burial areas. Excavations in advance of development in the 1990's immediately adjacent to the development site recorded remains of at least two Bronze Age round houses, associated

ditches and pits and an array of contemporary finds. Archaeological investigation during the construction of Patcham Fawcett school and housing development in the 1920s also recorded remains of Bronze Age settlement, as well as evidence of Iron Age and Romano-British activity in the area.

In the light of the potential archaeological significance of this site, it is my opinion that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in PPS5 (the Governments policy on Planning for the Historic Environment).

I would therefore ask that the following condition be applied to any planning permission that is granted in respect of this application:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.

(reason: to enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPs5 'Planning for the Historic Environment'; and Policy HE12 of the Brighton & Hove Local Plan).

Internal:

Sustainability: This development has failed to address key aspects of SU2 and the standards set in SPD08. Whilst the Design and Access makes a claim that a Code Assessor has said the development can achieve Code Level 4, and that a condition can be set on a planning permission to secure Code level 5, there is no explanation of how this might be achieved.

The potential sustainability of the development proposals has not been demonstrated: energy and water performance have not been addressed in any form in this application.

Further comments received:

Enough work has been done to indicate that the works could achieve Code Level 4 with the exception of demonstrating the fabric performance of the dwelling on the submitted plans and supporting documents, which is crucial in achieving Code Level 4. There are references to possible use of solar technology (which may be solar thermal or PV) but no indication on the drawings or elsewhere the size of the potential array.

Environmental Health: To ensure safe development of the new premises, it is appropriate to apply a discovery condition that will allow any unexpected

findings or discoveries to be dealt with during the construction phase. This is appropriate given the length of time that the buildings have been identified as being on site. Historical mapping suggests these as early as 1951.

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 £2000 to help finance off-site highway improvement schemes within the local vicinity of the site.

The applicant states that cycle parking would be provided within a custom built shed, details on this storage facility should be provided to the Local Planning Authority for written confirmation before commencement of the development to show that it accords with Local Plan Policy TR14 and SPG4.

The application results in the loss of a garage, it is stated that this garage has not been used to store vehicles in some time. The existing driveway is to be retained as part of the scheme and is sufficient in size to adequately park a car. This application therefore accords with the car parking standards set out within SPG4 and will not result in a material impact on the operation of the local highway.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

National Planning Policy

PPS3 Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR14 Cycle access and parking

TR19 Parking standards

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

SU11 Polluted land and buildings

SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
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
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the area, the impact upon the amenities of neighbouring properties, transport issues, standard of living for future occupiers and sustainability issues.

Principle of the New Dwelling:

The proposal is to demolish the garage and outbuilding on the north side of the dwelling at 150 Ladies Mile. The plot would be divided and a two storey detached dwelling would be erected in place of the garage.

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

Changes to PPS3 published in June 2010 include the exclusion of private residential gardens from the definition of previously developed (brownfield) land. The national indicative minimum housing density target were also removed from the PPS, such targets do however remain in the South East Plan (RSS). The site currently contains the house, a garage and garden area. The site is considered to be greenfield. There is no in principle policy objection to the development of this site.

Design:

The area is characterised by detached and semi detached bungalows to the north and west of the application site. The bungalow at No. 150 Ladies Mile Road is the last bungalow on the southern side of the road. The properties

from 152 – 168 (evens) Ladies Mile Road are all detached two storey dwellings.

The dwelling would have 2 storeys including rooms in the roof and would provide a ground floor kitchen/dining, utility room, WC and living room, 3 bedrooms, 1 ensuite, 1 bathroom and WC at first floor and bedroom, study room and shower/WC in the roof space.

The dwelling would have a two storey projecting gable feature which is a common feature on the two storey dwellings to the east. The proposed dwelling would also attempt to match the detailing of the adjoining dwellings such as the brickwork pattern, window styles and the front bay window. The front bay window would be similar to the bay at No. 152 Ladies Mile Road.

The proposed dwelling would be a similar height to the two storey dwellings and although it would be narrower than these properties, it would continue the uniformed spacing of approximately 2m between each dwelling.

The proposed dwelling would not be out of keeping within the street scene and would not harm the character and appearance of the surrounding area.

Standard of accommodation:

The proposed dwelling layout provides generous accommodation for a four bedroom dwelling. The submitted Lifetime Homes checklist indicates that the dwelling would meet the required criteria, however this has not been demonstrated on the plans. In this case, given the size and layout of the proposed dwelling, to ensure compliance with the Lifetime Homes criteria, a condition would be attached to the approval.

Sustainability:

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

It is stated that a Code for Sustainable Homes rating of Level 4 would be met by the development. The Sustainability Team have commented on the application and consider it feasible that this level of sustainability could be met. There are references to possible use of solar technology (which may be solar thermal or PV) but there is no indication on the drawings the size of the potential array. However a planning condition would be attached requesting details of the sustainability measures to be submitted for approval to ensure that Code Level 4 would be achievable.

Transport Issues:

The site is not within a controlled parking zone and an off street park space would be provided in front of the proposed dwelling. The Transport Planning Team has advised that the application results in the loss of a garage. It is stated that this garage has not been used to store vehicles in some time. The existing driveway is to be retained as part of the scheme, including the existing crossover, and is sufficient in size to adequately park a car. For these reasons the development is considered to comply with policies TR1 and TR7 and would not result in a material impact on the operation of the local highway.

There is a sufficient space within the curtilage of the dwelling where the location of a cycle store would be positioned and this would also be secured through condition.

In relation to policy TR1, the Transport Officer has recommended that a financial contribution of £5,000 is made towards improving sustainable modes of transport within the vicinity of the site. However under current measures in place to support the development industry, having regard to the scale of development proposed, such a scheme/financial contribution would not be sought.

Archaeology:

The County Archaeologist has raised concerns that the site lies within an area of archaeological sensitivity. The archaeological record for this part of Brighton, include numerous finds of settlement and burials from the Bronze Age, as well as a number of burials dated to the Roman period.

A condition is recommended to ensure that the provision of a watching brief is provided while the top soils are removed and the footing trenches are cut.

Impact on Amenity:

The properties most likely affected by the proposed development are no. 150 Ladies Mile Road and 152 Ladies Mile Road.

With regards to the impact upon No. 150, this site would be sub divided to accommodate the new dwelling, however the existing bungalow would still be left with adequate amenity space. The proposed dwelling, given its height and close proximity will have an impact upon the host property, particularly by way of loss of outlook and light to the ground floor side windows facing the proposed dwelling. However significant weight must be given to the fact that the owners of No. 150 are also the applicant of this proposal. These rooms also have outlook and light from the windows on the rear elevation, which would be unaffected by the proposed dwelling.

The proposed dwelling would have windows inserted on the side elevation. The windows to the upper floors would only provide views across the roofslopes of No. 150. The ground floor windows would provide views into this

neighbouring property, and there have been no details of any boundary screening submitted with the application. Details of the proposed boundary treatment would be requested by condition, to ensure that the boundary adequately screens these windows to prevent any overlooking.

With regards to the neighbouring property to the east, No. 152 Ladies Mile Road, the proposed bulk of the dwelling is significantly greater than the existing garage. This neighbouring property is a two storey dwelling, set higher than the application site and a gap of approximately 2.7m would be retained. No. 152 is also angled away from the site.

No. 152 has a side window which faces the application site. Given the height and proximity of the proposed dwelling it would have an impact in terms of loss of light and loss of outlook. However this window serves the hall and landing and not a habitable room, therefore any harm caused to this windows is not considered a justified reason for refusal.

The rear building line of the proposed dwelling would project beyond the rear building line of the neighbouring property, by approximately 2.2m at ground floor level. To reduce the impact upon this neighbouring property, the first floor and gabled roof have been set in by 1.1m from the ground floor footprint. Given that the second storey would project beyond the neighbouring property by 1.1m, coupled with the gap and existing boundary treatment, it is considered that the proposed dwelling would not have a harmful impact upon this property.

Side windows would be positioned on the north elevation of the proposed dwelling. A condition is recommended requiring these windows to be obscure glazed and therefore they would not compromise the privacy of No. 152.

The dwelling would be approximately 10m from the rear boundary of the site, and there are no neighbouring properties immediately adjacent to this boundary. Therefore the proposal would not have a harmful impact upon the properties to the south east and south west.

Objections have been received from No.20 Windmill view on the basis of overshadowing and overlooking. It should be noted that the distance between the rear of the proposed house and the rear of No.20 is 22m. Given the distance it is not considered that there would be an adverse impact.

Other Issues

As the proposed dwelling replaces a garage the Environmental Health Officer has stated that to ensure safe development of the new premises, it is appropriate to apply a discovery condition that will allow any unexpected findings or discoveries to be dealt with during the construction phase. This is appropriate given the length of time that the buildings have been identified as being on site. Historical mapping suggests these as early as 1951.

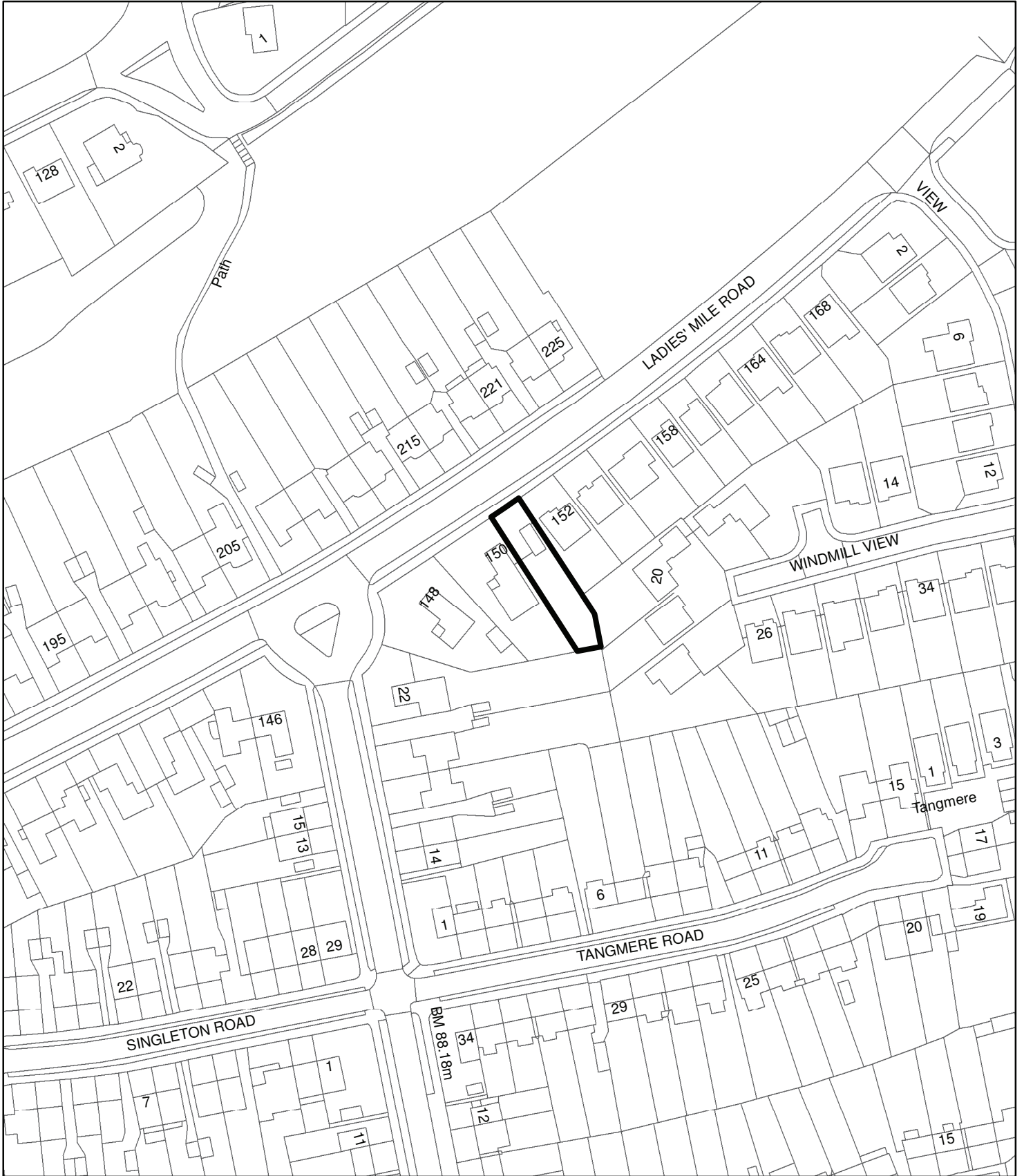
9 CONCLUSION

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and transport issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02845 150 Ladies Mile Road, Brighton.



Scale: 1:1,250

No:	BH2011/02889	Ward:	PATCHAM
App Type:	Outline Application Some Matters Reserved		
Address:	145 Vale Avenue, Brighton		
Proposal:	Outline application for 9no residential units and approval of reserved matter for access only		
Officer:	Sue Dubberley, tel: 293817	Valid Date:	27/09/2011
Con Area:	Adjoining Patcham	Expiry Date:	22 November 2011
Listed Building Grade:			
Agent:	J & J Design, 1A King Edward Road, Bedford		
Applicant:	Sussex Vale Gospel Hall Trust, Mr Jon Pons, 16 Spinney Close, Hurstpierpoint		

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 or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance; and
 - (iv) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be carried out in accordance with the approved drawings no.1124/1 and 1124/2 (indicative layout only) received on 26 September 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
4. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes

standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

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

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

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

6. The development hereby approved shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in full as approved:

a) Samples of all external materials to be used for the construction of all buildings on the site;

b) Elevations and floor plans at a scale of not less than 1:50 of all buildings on the site;

c) Details of hard and soft landscaping and planting to public or shared areas of the site;

d) Details of the treatment of the boundaries of the frontage of the site, the frontage of the new dwellings and with properties to Vale Avenue, Court Close and Church Hill.

e) Drawings showing sections through the site at the boundary with Court Close to illustrate the relationship with the new buildings on the site and those in Court Close;

f) External lighting to public areas of the site.

Reason: In order to ensure the accuracy of the development and to comply with policy QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

7. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at

all times.

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

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

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

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

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

10. No development shall take place until detailed drawings showing the levels of the site and proposed development related to the levels of adjoining land and highways to OS Datum have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

Reason: In order to ensure the accuracy of the development and to comply with policy QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

12. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

Pre-Occupation conditions

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

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

Informatives:

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

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

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

(ii) for the following reasons:-

The proposal is acceptable in principle and represents an acceptable alternative use for the site and will provide much-needed additional residential accommodation within the built-up area. The illustrative layout does not represent an acceptable layout in terms of urban design. Any reserved matter application will need to address detailed urban design issues.

2. The applicant is advised to consult with the Council's Traffic Engineer with respect to the layout of the new access road prior to submission of reserved matters details, as the Engineer has raised some concerns with the submitted indicative layout. Furthermore the construction of the access road will need to be secured via a suitable legal agreement because it is of sufficient public utility to be adopted. As such the Highway Authority will need to be assured that the road is constructed to an adopted standard.

2 THE SITE

The site is roughly triangular in shape and lies on the south side of Vale Avenue, close to the junction with Court Close. The site area is 0.3 hectares and the single storey flat roofed building on the site measures approximately 400 sqm, occupying about a quarter of the site; the remainder is laid out for parking. The site is currently used as a place of worship. There is a Tree Preservation Order on the site (TPO No.36) which relates to 7 trees, located along the site boundary. The site adjoins the Patcham Conservation Area on the south eastern boundaries.

The area surrounding the site is almost exclusively residential in nature,

mainly low-density plots with a mixture of single and two storey detached and semi-detached houses.

3 RELEVANT HISTORY

BH2001/01771/OA: Demolition of existing building and redevelopment to provide nine houses – Outline Application covering number of units and means of access to site. Approved 01/02/2002. The permission included a Section 106 agreement which required the developer to secure either a freehold or fifty year lease for an alternative church within ten miles of the application site and to be fully constructed and ready for immediate occupation and use.

66/1294: The existing building on the site dates from the mid-1960s and is used for religious worship, following grant of Planning Permission in 1966.

4 THE APPLICATION

Outline planning permission is sought for outline consent for the demolition of the existing building and erection of nine dwellings with new access to the site, all other matters are reserved.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **5, 8 and 8A Court Close, Beech Croft, Church Hill, and The Limes church Hill, objecting** to the application for the following reasons:

- Too many houses are proposed for such a small area.
- Bungalows would be less dominant than houses.
- The trees with preservation orders should be protected along with the hedges and none of the trees lost as a result of the development.
- Dispute that there are currently 100 cars coming and going 4 times a week. Noise from 9 households, cars, delivery vehicles and refuse lorries would be greater. Would not object if only 3 houses proposed.
- Residential care home for the elderly would be preferable for this site.
- Out of character with the area.
- Number of houses should be revised and reduced to 4/5 to lessen the impact on surrounding residents and allow adequate parking on the site.
- Dense hedge runs along the back of the properties and the last planning application included a clause that the hedge is retained. it is a haven for birds and wildlife.
- Overlooking of Court Close.
- Increase in parking on the north side of Vale Avenue.

7 Court Close: Plot 7 would overlook bedroom and bathroom windows as Court Close is on lower ground, would not object if the house was moved further away of if developer agreed to tree planting along rear boundary. Understand layout is not final.

Preston and Old Patcham Society: Site adjoins the Patcham Conservation Area. Aware that the principle of residential development on the site has been

accepted. However application would produce a small crowded estate with small gardens which is out of character with the area. Insufficient parking will lead to overflow and add to parking in the area. Concerned over possible tree loss and lack of sustainability in the proposals. Concerned over additional load which will be placed on drainage in the area which could add to flooding of Old London Road.

Brighton & Hove Archaeological Society: No recommendations to make as the construction of the existing building on the site, proposed to be demolished has probably destroyed any Archaeological vestige. However suggest County Archaeologist is contacted for his recommendations.

County Archaeologist: In the light of the potential archaeological significance of this site, it is my opinion that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

Internal:

Sustainable Transport: The proposed access is considered to be satisfactory, some concerns with the layout of the site as shown on the indicative layout.

Arboriculturist: No objection by the Arboricultural Section subject to suitable conditions being attached to any planning consent granted to protect trees that are to remain on site.

Heritage: The existing levels of mature vegetation are important, and should be retained (or replacement planting provided).

In order to reduce any potentially harmful impacts on views along Vale Avenue; the existing building line and building height along the road should be maintained within the new development. It would be appropriate to use materials that are sympathetic to the area, and those buildings surrounding the site.

Provided these concerns are met, the proposal will have a negligible impact on the heritage assets in the area.

Sustainability: There is little to recommend it in sustainability terms as Code level 3 would meet the expected standard for Brownfield land.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related difficulty
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning Obligations
HO1	Housing sites and mixed use sites with an element of housing
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH16	Energy Efficiency & Renewable Energy

Supplementary Planning Documents:

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

Planning Policy Guidance Notes:

PPG13	Transport
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Planning Policy Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact of a residential development of 9 dwellings and access arrangements, on the character and appearance of the area, the amenities of adjacent occupiers, highway safety and impact on trees. Matters connected to the appearance and landscaping of the scheme have been reserved for consideration under a separate future 'reserved matters' application.

Principle of Development

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. PPS3 states that such development should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

It is considered that in this case the principle of development on the site has already been established with the earlier permission, (BH2001/01771/OA) which was approved on 01/02/2002 and which gave outline consent for 9 houses together with approval of means of access. It is considered that nine houses could sit comfortably on the site as did the previous indicative layout submitted with the earlier outline approval. The character of this area of Patcham is of generous plots of detached and semi-detached houses, in a mixture of single and two storey houses. Given this prevailing low density and the need to maintain suitable distances between existing and proposed dwellings for amenity coupled with the policy requirement to provide private amenity space for each dwelling, nine dwellings is considered to be acceptable for this site.

Although the layout is indicative there are concerns with this layout particularly plots 6 and 7 which appear cramped compared with the remainder

of the plots shown on the layout. These layout issues would therefore need to be addressed at reserved matters stage as the indicative layout shown would not be acceptable. An informative is proposed to alert the applicant to this issue.

Impact on the Conservation Area

The site lies to the west of Patcham Conservation Area. And Patcham farmhouse is a listed building located on the corner of Church Hill and Vale Avenue. The site potentially is visible in relation to the listed building in oblique views along Vale Avenue. This relationship is however reduced by the topography of the area.

The Heritage Officer has raised no objection to the application and considers the proposal will have a negligible impact on the Patcham conservation Area and heritage assets in the area. However it is considered that the existing levels of mature vegetation are important, and should be retained (or replacement planting provided). In order to reduce any potentially harmful impacts on views along Vale Avenue; the existing building line and building height along the road should be maintained within the new development. It would also be appropriate to use materials that are sympathetic to the area, and those buildings surrounding the site.

Patcham Farmhouse is a listed building located on the corner of Church Hill and Vale Avenue. The site potentially is visible in relation to the listed building in oblique views along Vale Avenue. This relationship is however again reduced by the topography of the area.

Loss of a community facility

Policy HO20 seeks to resist the loss of existing community uses including places of worship, however the policy does set out certain criteria where exceptions may apply as follows:

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

In this case, in order to ensure compliance with policy, the previous approval on the site was subject to S106 agreement that required the developer to find an alternative replacement place of worship which was to be provided within 10 miles (16km) of this site and be fully constructed and ready for immediate occupation and use before the residential permission could be implemented. Subsequently planning permission has been granted by Mid Sussex District Council for the construction of a new church hall at Hazeldens Nursery, London Road, Albourne Hassocks. The site of the new hall is located 9.3km (5.7miles) from the application site. The permission has been implemented and the hall has now been constructed. The congregation commenced use of

the new church hall on 7 January 2012.

It is therefore considered that the necessity for a legal agreement to ensure a replacement community facility is provided is no longer required.

Impact on Amenity:

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

The concerns of some neighbours regarding overlooking and loss of privacy are noted, however details relating to appearance, layout and scale are matters reserved for subsequent approval and will be taken into consideration at the reserved matters stage.

The concerns regarding the fact that Court Close is set on lower ground than the application site are noted. In the absence of a section through the site, it is difficult to judge the relationship between any new dwelling and those in Court Close with particular regard to overlooking. A condition has been recommended requiring details of site levels in order that these matters may be dealt with at a later stage. Boundary treatment and window orientation are also detailed matters requiring further approval and will be important factors in minimising impact.

Noise disturbance has been raised by neighbours as an issue. However it is not considered that residential units on this site would lead to a significant level of noise and disturbance beyond that which is experienced in the area already. It is also relevant that any one of the alternative D1 uses which could occupy the site without the need for planning permission could potentially attract more noise, disturbance and demand for on and off-street parking than the proposed residential use.

Sustainable Transport:

Policy TR1 seeks to ensure that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. The site is not situated within a controlled parking zone (CPZ). The indicative layout shows that provision for off street parking could easily be made on site, at a ratio of one per dwelling which is in accordance with the Council's adopted parking standards. A condition requiring secure cycle parking is recommended.

The Traffic Engineer has commented on the proposed access and considers that the visibility at the site of the proposed access is satisfactory. The width and geometric design of the access bell mouth is satisfactory and suitable for its location. Due to the existing church hall being removed the loss of 64 parking spaces on this site would be acceptable. The number of car parking spaces on site complies with parking standards SPG4, however access arrangements for parking spaces at Plot 4 - 8 have not been detailed sufficiently. Detail of cycle parking provision, as required in parking standards

SPG4 and TR14, has not been included and this would be expected at the reserved matters stage. In addition the layout would need to have a clearer indication than that shown on the indicative layout of how pedestrian movement is to be facilitated on site and consideration needs given to pedestrian and vehicle access for disabled people.

Sustainability:

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. As the proposal is located on previously developed land then SP08 would require CSH level 3 for the proposed houses. The application is accompanied by a sustainability checklist which indicates that CSH level 3 would be sought. Therefore appropriate conditions are recommended requiring CSH level 3.

Waste Management:

Policy SU13 and Supplementary Planning Document 03 'Construction and Demolition Waste' both seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. A WMS has been submitted demonstrating that there are no reasons why waste would not be minimised during demolition and construction.

Ecology/Nature Conservation:

There are seven trees on this site which are covered by Tree Preservation Order (no 36) 2001. The proposal includes the removal of three of these trees. An Arboricultural report has been submitted with the application which is comprehensive and the Arboricultural Section is in full agreement with it.

Tree T.13, an Ash, is covered by the Preservation Order. It is a multi-stemmed specimen with weak attachments at ground level. There is evidence of bacterial canker of Ash which is both disfiguring and can cause structural weaknesses and failure, for these reasons it needs to be felled on the grounds of Health and Safety regardless of whether permission is granted.

In order to facilitate the development, it is recommended that a further 2 trees are removed, both of which are covered by the Tree Preservation Order. One is a Sycamore that has a tight fork with included bark growing on a steep bank, the other is an old Ash with a deep cavity that may warrant its removal. For these reasons, the Arboricultural Section would not object to the loss of these trees.

Overall the Arboricultural Section has no objection to the loss of these trees for the reasons given, subject to suitable replacements being part of a landscaping condition.

In addition, the indicative layout of the current planning application would

appear to be acceptable to the Arboricultural Section. A condition has been recommended which requires details to be submitted of how the trees will be protected during construction.

There is a hedge that currently forms a boundary with some properties in Court Close and the former approval was mindful of the value of the hedge as a boundary screen contained a condition requiring the hedge or alternative boundary treatment of a similar height be retained so long as the residential use shall endure. It is considered appropriate to recommend a similar condition as part of the recommendation.

Archaeology:

The proposed development is on the edge of an Archaeological Notification Area defining the medieval village of Patcham. The site also lies adjacent to a former crossroads and contained a dwelling from the 19th century, which appears to have been replaced by the present building, which itself is now proposed for demolition. The County Archaeologist therefore considers that the site has the potential to contain archaeological remains associated with medieval and later settlement as well as for earlier periods of human activity. In the light of the potential archaeological significance of this site a condition requiring a programme of archaeological works is recommend to enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

Other Considerations:

Many residents have raised concerns about the impact that the proposed development would have on local amenity including traffic and parking, local character, design, infrastructure capacity, security, wildlife and trees. The application is in outline, and at this stage only the access and number of houses is under consideration, these other concerns will be addressed as part of the submission of reserved matters.

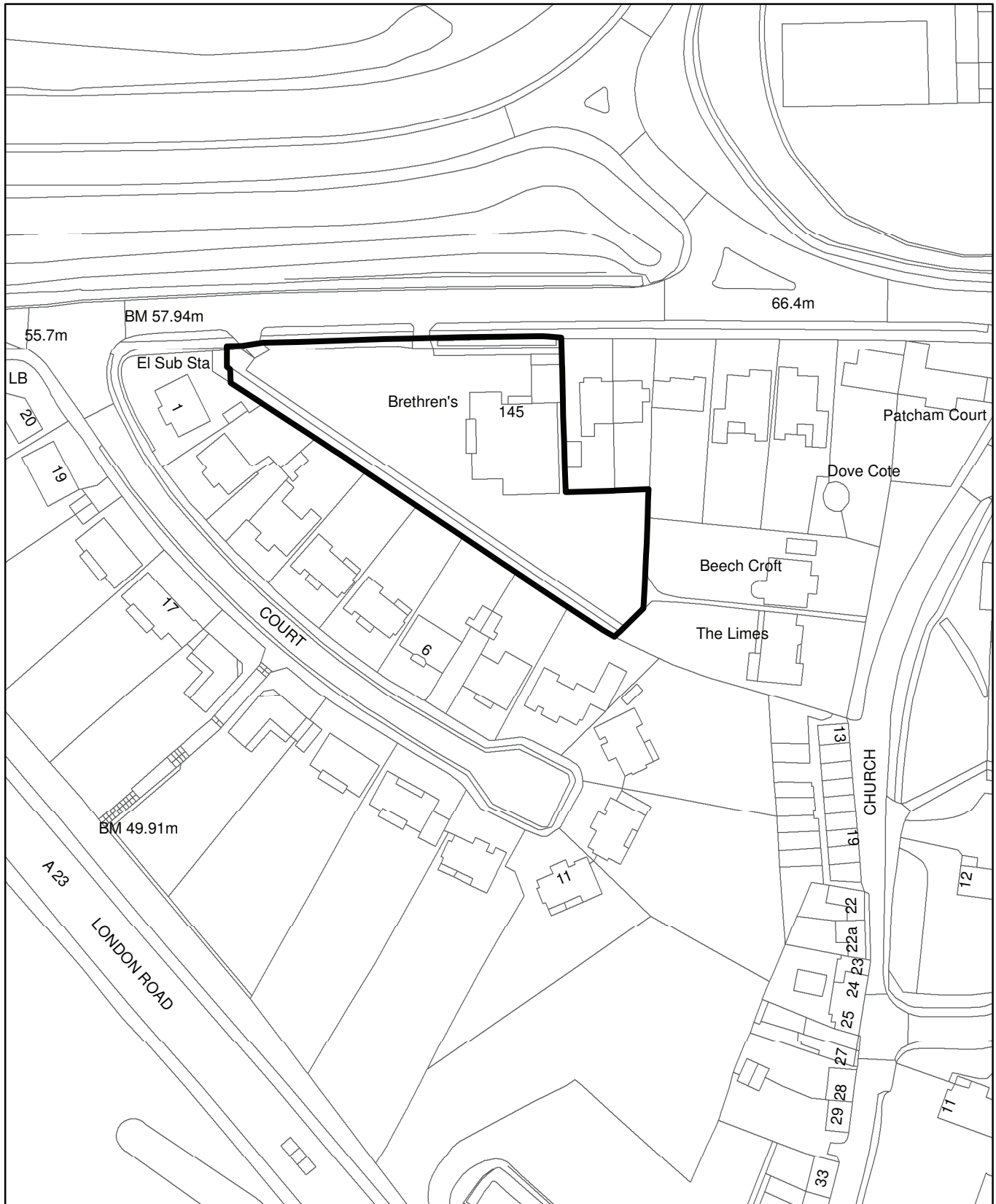
9 CONCLUSION

The proposal is acceptable in principle and represents an acceptable alternative use for the site and would provide much-needed additional residential accommodation within the built-up area. Detailed design matters would be dealt with by way of subsequent submissions.

10 EQUALITIES IMPLICATIONS

The houses would be designed to incorporate Lifetime Homes Standards.

BH2011/02889 145 Vale Avenue, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2011/02687	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13-15 Old Steine, Brighton		
<u>Proposal:</u>	Conversion of first and second floors from vacant office space to form 6no flats and formation of additional level to form penthouse flat incorporating roof terraces, revised access and associated works.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	14/09/2011
<u>Con Area:</u>	East Cliff and Valley Gardens	<u>Expiry Date:</u>	09 November 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr David Hutchison, 6 Pony Farm, Findon,		
<u>Applicant:</u>	Henry Streeter (Automotive) Ltd, 14-16 Station Road West, Oxted,		

1 RECOMMENDATION

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

Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.0157-00, 01, 02, 03, 04, 05, 06, 07, 08,10, 11 13, 16, 17, 18, 19, 20 and 21 received on 9 September 2011 and drawings no. 0157-09A, 12A, 14A and 15A received on 8 November 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes, expansion joints, bell mouldings, metal leads, stops or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, QD27 and HE6

of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

5. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.
6. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
7. No development shall commence until a scheme for the soundproofing of the building, which ensures internal noise levels during day and night periods in habitable rooms on each façade is compliant with the guidance of BS8233, 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 future occupiers of the proposed flats and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. No development shall commence until details of how the passive internal ventilation system will work, ensuring all habitable rooms are provided with the required ventilation of the building 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 future occupiers of the proposed flats and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
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 the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes

Refurbishment rating for the six flats proposed on the first and second floors have been submitted to the Local Planning Authority; and

- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for the six flats proposed on the first and second floors 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. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

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

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

A completed pre-assessment estimator will not be acceptable.

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

Pre-Occupation Conditions:

- 11. 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.

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

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

- 13. Unless otherwise agreed in writing by the Local Planning Authority, none

of the six flats proposed on the first and second floors located within the existing building hereby approved shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each of these six flats has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

Informatives:

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

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

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

- (ii) for the following reasons:-

The loss of the B1 commercial floorspace has been adequately justified through the marketing of the site. There would be no material detriment to the amenities of nearby residential occupiers or the occupiers of the development and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. There would be no adverse impact on the East Cliff and Valley Gardens conservation area. The development would be in accordance with the policies of the adopted local plan.

2 THE SITE

The application concerns the upper floors of a building located on the corner of St James's Street and Old Steine. This is a prominent corner site which is divided between two conservation areas, Valley Gardens and East Cliff. The ground floor is in retail use and is currently occupied by Sainsbury's. The upper floors have been vacant since 2005 when they were last occupied as a Job Centre.

3 RELEVANT HISTORY

BH2010/03968 Alterations to shop front including new entrance doors and ATM cash machine, replacement of existing opening on Old Steine elevation with glazed panel and removal of existing awnings. Approved 23/02/2011.

BH2010/03967: Display of externally-illuminated fascia and hanging signs and non-illuminated vinyl signs. Approved under delegated powers 7/02/2011.

BH2007/02030: Display of externally illuminated and non-illuminated fascia signage, and non-illuminated wall signage (Re-submission of refused application BH2007/00904). Approved 24/07/2007.

BH2007/00905: Alterations to part of shop front and alterations to form new stairs and goods lift. Approved 5/02/2009.

BH2007/00904: Display of internally illuminated fascia sign, back illuminated box and wall mounted lantern. Refused 23/05/2007.

BH2007/00901: Change of use from A1 to part A1/A3 and A5 to incorporate cafe and take-away into principle food store use. Granted 03/05/2007.

BH2007/00905: Alterations to part of shop front and alterations to form new stairs and goods lift. Approved 05/02/2009.

BH2006/01425: Certificate of Lawfulness for a proposed use as Class A1 shops at ground floor, with ancillary storage at basement level. – Approved 16/06/2006.

4 THE APPLICATION

Planning permission is sought for the conversion of first and second floors from vacant office space to form 6no flats and formation of additional level to form penthouse flat incorporating roof terraces, revised access and associated works.

5 CONSULTATIONS

External:

Neighbours: None.

CAG: Recommend refusal. Although the group considers the principle of the development acceptable the view was that the top storey had been poorly handled in design terms. Views were expressed that the design of the building should be more sympathetic to the opposite side of St James's Street and the building to the north and felt a slated mansard roof and timber window would be appropriate.

Internal

Heritage Team: Original comments:

It is considered that an additional storey is acceptable in principle in this case and that the design proposed is appropriately deferential to the existing building. The proposal would preserve the appearance of the Valley Gardens and East Cliff conservation areas and would preserve the setting of the adjacent terraces of listed buildings on Old Steine and St James's Street.

Further comments following amended plans:

Satisfied with the revised drawings and the architect's clarification. Window

details at 1:20 will no longer be necessary by condition.

Economic Development: Detailed information has been submitted showing active marketing over tow campaigns. The price sought was competitive and a valid and robust case has been made by the applicant. No adverse comments but request a S106 contribution of £1,750 to the Local Employment Scheme in accordance with the Developer Contributions Interim Technical Guidance to compensate for the loss of employment space.

Environmental Health: Additional information is needed to show that external noise sources will not impact on the proposed development.

Comments on additional information

Without a robust noise survey it is impossible to comment whether the proposed mitigation measures are necessary or whether the protection needed is in excess of what is being proposed.

Comments on noise report

The noise report submitted by Anderson Acoustics, dated the 18th January 2012 is very useful and shows how high the external noise levels are at this site. The levels are very close to noise exposure category D (NEC D), but Anderson Acoustics has recommended a specification to overcome the noise issues.

As internal ventilation is essential to protecting the end residents a condition should be added to finalise the ventilation details prior to commencement.

Recommend approval with appropriate conditions regarding measures to mitigate against noise.

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:

- | | |
|-----|--|
| EM5 | Release of redundant office floorspace and conversions to other uses |
| EM6 | Small industrial, business and warehouse units |
| TR1 | Development and the demand for travel |

TR2	Public transport and accessibility to parking
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation area
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 Documents

SPD03	Construction and demolition waste
SPD08	Sustainable building design

Planning advice notes

PAN03	Accessible housing and lifetime homes
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8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of a residential use, the impact on the character and appearance of the East Cliff and Valley Gardens Conservation Areas, the impact on the amenity of surrounding residents/occupiers and future occupants, traffic issues and sustainability.

Loss of Employment space

Policy EM5 and EM6 allow for a change of use of office space providing that a series of mitigating criteria are met relating to matters such as vacancy, marketing and whether the building or site is fit for purpose.

The applicant has provided detailed marketing information to demonstrate that the office accommodation has been actively marketed for some considerable time since 2005 and this has included two separate marketing campaigns by two well established local commercial agents over a prolonged period of time. The Economic Development Officer has confirmed that the prices being sought at different times, although different, reflect the state of the commercial market at the time of marketing. They are considered very competitive taking into account the location, size and quality of the space.

The property has also been advertised on the Council's commercial property database since 20th April 2006 with limited interest.

The marketing report submitted with the application details reasons why potential occupiers did not find the property suitable for their requirements and these are considered to be appropriate for the building.

Although the loss of commercial space in the city centre is not normally supported, in this instance due to factors such as the location of the site, the Economic Development team considers that a valid and robust case has been put forward by the applicant and therefore they have no adverse comments to make.

The Economic Development Team has requested a contribution of £1,750 in accordance with the Developer Contributions Interim Technical Guidance Guidance to support the Local Employment Scheme. The amount calculated is based on the formula that applies to applications for a change of use from office to residential, which is a contribution of £250 per residential unit. In this case it would equate to £1,750. While this request is noted such contributions are only required on major projects at the present time due to the temporary recession relief for the development industry currently in place.

It is therefore considered that the principle of the change of use from B1 office to residential is acceptable in this case, as the loss of the commercial floorspace has been adequately justified through the marketing of the site.

Design

Whilst policy QD3 of the Local Plan seeks the more efficient and effective use of sites, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design. The site falls within the East Cliff and Valley Gardens Conservation Areas, therefore policy HE6 of the Local Plan is also relevant. This policy requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area.

The building sits politely and comfortably on a prominent corner that forms the junction between the Valley Gardens and East Cliff conservation areas. Both of these conservation areas are characterised by Regency period buildings and both of which, at this junction, have a lively mixed use character. There are terraces of listed buildings adjacent on both elevations but the overall townscape is mixed in height and appearance.

It is considered that the change of use would preserve the mixed use character of the two conservation areas at this point and there are no proposed alterations to the existing street elevations. The additional storey would be set well back from the main street elevations (approximately 2.5m from both the Old Steine frontage and St James Street frontage) and would be a clearly contemporary addition. It would respect the symmetry and formality of the existing street elevations, with the windows aligning with those below. The overhanging eaves would reflect the existing heavy parapet. The context of this site is mixed in terms of building height. The majority of the historic buildings are higher than this building, whilst the Old Steine frontage is onto wide roads and open space. It is therefore considered that an additional storey is acceptable in principle in this case and that the design proposed is appropriately deferential to the existing building. The comments

of CAG are noted. However it is considered that a mansard roof would not be appropriate in this case as it would be too dominant in this location and would not be in keeping with the character of the building.

The Conservation Officer requested further details, including details of the proposed of the windows. which have now been received and the Conservation Officer is now satisfied with the proposals. The proposal would preserve the appearance of the Valley Gardens and East Cliff conservation areas and would preserve the setting of the adjacent terraces of listed buildings on Old Steine and St James's Street.

Conditions are recommended which require approval of materials and to preclude the addition of flues, vents, pipework or meter boxes on the street elevations.

Impact on the amenities of adjoining occupiers

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.

It is not considered that the proposed flats would result in an unacceptable increase in noise and disturbance, particularly given the location of the site within the city centre. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal.

In terms of overlooking the terraces at roof level would overlook the Old Steine and St James's Street while those at the rear face onto the side of the adjoining property no.12 Old Steine which is in office use and would be surrounded by a glazed screen.

The standard of accommodation for the future occupiers

The proposed internal layout of the flats is considered to be acceptable and would provide six spacious 2 bedroom flats on the first and second floors and a large 3 bedroom penthouse at roof level.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. This application proposes external terraces for one flat on the first floor and one flat on the second floor and the penthouse would have a private terrace behind the existing parapet. Given the location of the site within an area where private outdoor amenity space is limited, the site's proximity to gardens in the Old Steine and the seafront, the provision is considered acceptable in this case.

Policy HO13 requires residential units to be lifetime home compliant and a condition to ensure Lifetime Homes standards are met forms part of the recommendation.

Sustainable Transport

Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport.

No car parking is proposed for the development, but the site is a central location within a controlled parking zone, and benefits from good access to public transport and local services and facilities. The proposed residential use is unlikely to result in a significant increase in traffic over and above the existing uses as offices. This aspect of the proposal is therefore considered acceptable.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. The plans submitted show cycle storage to be located near to the lift at ground floor and within the entrance hall. There are also public cycle stands near the site at the corner of St James's Street and Old Steine and stands for four bikes are proposed over the pavement lights to the basement on the Old Steine frontage.

Sustainability

Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments. In this case the conversion to six flats should achieve EcoHomes refurbishment standard, while the new penthouse would need to meet Code for Sustainable Homes (CSH) level 3.

The application is accompanied by a Sustainability Checklist which outlines a number of measures to be incorporated in the development and advises an EcoHomes rating of 'very good' would be sought. There are no apparent reasons why this could not be achieved and for a development of this scale further details can be secured through condition and a condition to ensure CSH level 3 is achieved on the new build penthouse flat.

Shared lockable refuse and recycling storage is proposed on each floor located on the main stair landing. It is proposed that a flat management service will provide a porter to take the recycling and refuse out to the Old Steine on collection days. There is also a communal refuse container on the pavement in the Old Steine close to the application site.

Additional Considerations

An initial noise report was submitted with the application with regard to possible disturbance of occupiers by external noise, however the Environmental Health Officer considered a more thorough report was required, particularly since the proposed flats are also located above a

recently established supermarket premises. In addition to the traffic noise there was a concern regarding the noise impact from supermarket deliveries, day to day customer noise and the recently installed plant and machinery units, some of which are on the roof.

A further report was submitted in which it was acknowledged that the data used was just short of a 24 hour period and additionally it was also noted that the measurements were taken at the rear of the property. An additional report was therefore required as there was still insufficient information for the Environmental Health Officer to assess the proposal. A comprehensive report by Anderson Acoustics has now been received which the Environmental Health Officer is satisfied with.

The report indicates that whilst double glazing is required for the Penthouse which is set back on the roof, internal secondary glazing is required for the Old Steine and St James Street facades. In addition, the report goes on to suggest that in order to achieve the required losses and protect the end residents then this will involve acoustically absorbent reveals, thicker glazing panels and units that are well sealed. In addition enhanced insulation would be provided between the store at ground level and the first floor flat. This should still be achieved and should be in excess of Part E of the Building Regulations.

In regards to air quality, the ground floor of this property is estimated to have long term Nitrogen Dioxide close to or above the limit value of 40 ug/m³. Approximately 20,000 vehicles a day pass along the A23 a short distance to the east set back by a broad pavement. Fresher air is likely to be entrained from the open spaces around Steine Gardens, from the sea and above. The site has an advantage of being a corner plot which is relatively open at this location. An improvement in air quality is expected with height; therefore it is recommended that the flats draw ventilation from the top north-east corner of the plot; which is furthest distance from traffic exhaust emissions and closer to the fresher air and better airflow above. The ventilation intake should be positioned away from other machinery, central heating boiler discharges and kitchen extractor units.

Environmental Health is now satisfied with the proposal subject to conditions requiring details of soundproofing of the building, along with details of how the passive internal ventilation system and these conditions form part of the recommendation.

9 CONCLUSION

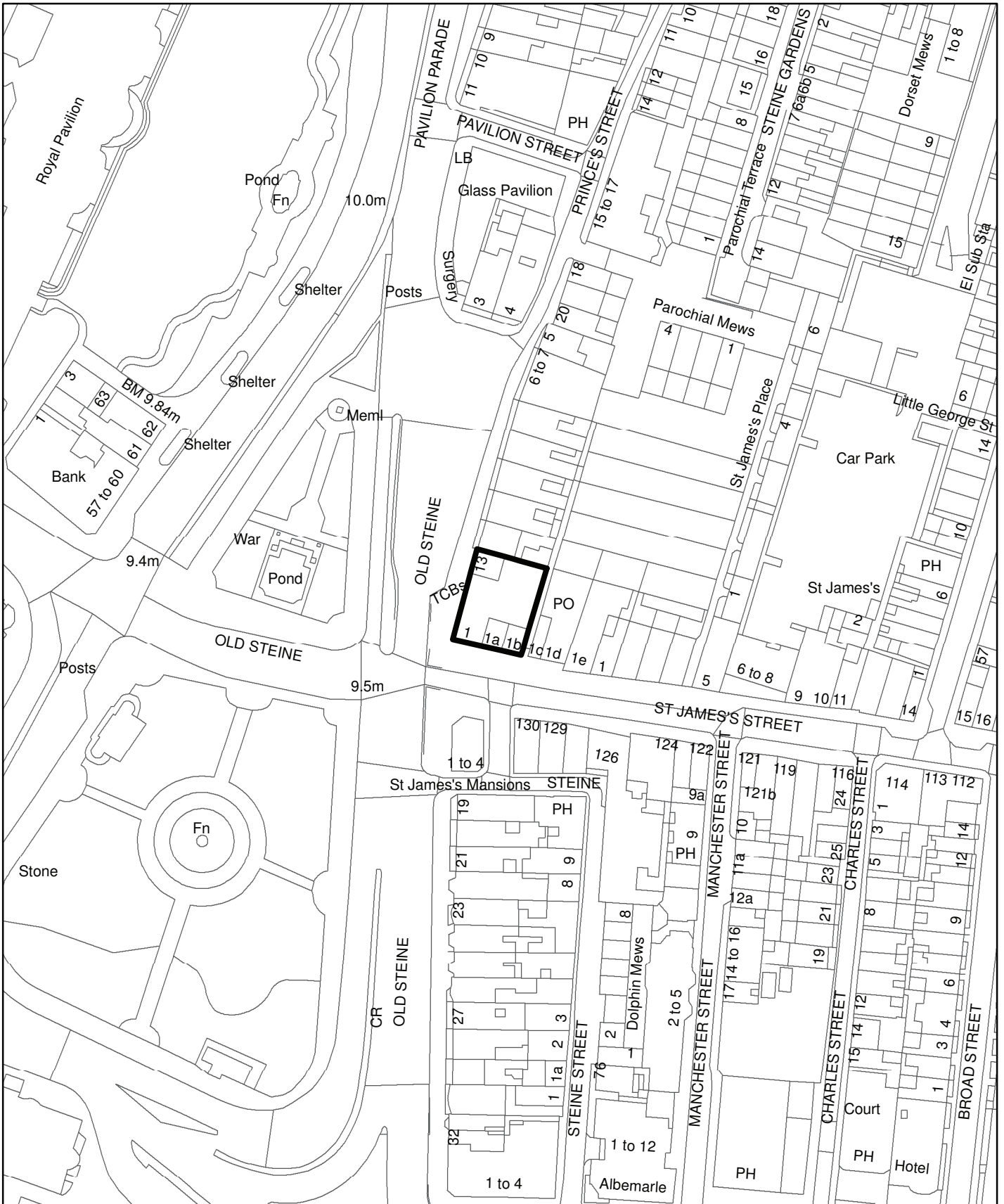
The loss of the B1 commercial floorspace has been adequately justified through the marketing of the site. There would be no material detriment to the amenities of nearby residential occupiers or the occupiers of the development and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. There would be no adverse impact on the East Cliff and Valley

Gardens conservation area. The development would be in accordance with the policies of the adopted local plan

10 EQUALITIES IMPLICATIONS

A condition is recommended to ensure that the conversion addresses Lifetime Homes requirement where possible. There would be a flush street entrance and a lift to all floors.

BH2011/02687 13 - 15 Old Steine, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/03643	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to rear of 64-65 Upper Gloucester Road, Brighton		
<u>Proposal:</u>	Erection of 5no three storey, 3no bedroom houses.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	09/12/2011
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	03 February 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton		
<u>Applicant:</u>	Cedarmill Developments Ltd, Mr Kieran Treacy, Emerald House, Swinborne Road, Burnt Mills, Basildon		

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) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings nos. 11806/PA/001, /002, /003, /005, /006 and /008 received on 29.11.11 and drawing nos. 11806/PA/004A, /007A and VIEO metal roofing brochure received on 05.01.12.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) No development shall take place until samples of the materials (including colour of render, paintwork or colourwash and samples of the glazing system) 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.
- 4) No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping for the front and rear gardens which shall include details of the hard and soft landscaping, level changes, paths and hard paving areas, fences, walls and gates, seats and planters. The scheme shall then be implemented in strict accordance with the approved details.
Reason: To safeguard the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 5) Notwithstanding the submitted plans, details and samples of the screen to the balconies of units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The screen

completely obscure glazed and erected to a height of 1.75 metres. The screen will be erected in accordance with the approved details and retained as such thereafter.

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

- 6) The walls shall be smooth rendered in a cement: lime: sand render mix down to ground level and shall not have bell mouth drips above the damp proof course or above the window and door 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.

Reason: To safeguard the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

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

Reason: To safeguard the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 9) 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.

- 10) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

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

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

A completed pre-assessment estimator will not be acceptable.

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

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

- 11) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 12) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 13) 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.
- 14) No development shall commence until a Technical Report detailing the impact on the proposed works on the existing retaining wall structure that supports St Nicholas Road has been submitted to and approved in writing by the Local Planning Authority. The report must confirm that the existing structure can withstand highway loading. The works shall be implemented in strict accordance with the approved report.
Reason: To ensure that the development does not adversely impact on the stability of the existing retaining wall and thus highway safety and to comply with Policy TR7 of the Brighton & Hove Local Plan.
- 15) No works shall commence unless and until details of and samples of all doors shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be erected in accordance with the submitted details and retained as such thereafter.
Reason: To safeguard the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 16) The new dwellings shall not be occupied until the proposed pavement widening works along St Nicholas Road have been carried out in full to a specification approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and thereafter retained as such.
Reason: In order to ensure that the works are carried out satisfactory and to comply with policy TR7 of the Brighton & Hove Local Plan.
- 17) No works shall take place unless and until full details of the proposed works including 1:20 sample elevations and sections of the eaves,

windows and doors, their thresholds, steps, cills and reveals have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details and retained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the character and appearance of the conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan.

18. (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.

18) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s] treatments, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and

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convenience of the public at large and to comply with Local Plan policies TR1, TR7, and TR8.

19) BH02.07 Refuse and recycling storage (facilities).

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.

20) BH06.03 Cycle parking facilities to be implemented

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

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

Informatives:

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

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

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

(ii) for the following reasons:-

The proposed development would cause no undue loss of light or privacy to existing occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the street scene and enhance the wider conservation area. The units would achieve acceptable levels of living conditions for the future occupiers in terms of levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

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

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document

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SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
5. The applicant is advised that the scheme required to be submitted by Condition 13 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.
6. The applicant is advised that they are required to submit an Approval in Principle (AIP) application to the Highway Engineering & Projects Department of the Local Authority prior to the commencement of any development on the site.
7. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
8. It is strongly recommended that in submitting details in accordance with condition 18 that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
9. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))
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

2 THE SITE

The site is located on the south side of Upper Gloucester Road, at the junction with St. Nicholas Road, within the West Hill Conservation Area.

Accessed from Upper Gloucester Road, the site is rectangular in shape and runs parallel with St. Nicholas Road and Centurion Road. St. Nicholas Road is only developed on the west side at this point. Due to a substantial change in levels, the site is approximately 2.5 - 5 metres below the pavement level of St. Nicholas Road and faces onto the rear of properties in Centurion Road.

The site was previously laid out and used as a car park, however has now been levelled. There is a substantial brick retaining wall between the site and St. Nicholas Road, which was re-built in the mid-1990s by the local highway authority.

The area is predominantly residential in character, although it is within close walking distance of Brighton station, Queens Road and the sub/regional shopping centre. Numerous bus routes pass by the station. Parking is restricted by a residents parking scheme.

3 RELEVANT HISTORY

BH2011/03644 (CAC): Demolition of boundary wall. Un-determined.

BH2010/00378: Erection of 3no three storey, 3 bedroom houses. Approved 03/06/2010.

BH2006/03043: Amendment to approved application BH2002/03296/FP for minor external amendments and amended access to rear of proposed units. Approved. 29/11/2006.

BH2002/03296/FP: Development of 5 no 3 bedroomed pavilion houses, 1 no 1 bedroomed flat, 2 no three bedroomed family houses and 1 no 2 bedroomed maisonette. Approved 20/03/2003.

BH2001/00226/CA: Demolition of wall fronting St Nicholas Road. Refused 02/04/2001.

BH2001/00020/FP: Erection of two semi-detached houses and terrace of 10 houses. Minded to refuse. Appeal against non-determination dismissed on 26/01/2001.

BH2000/01443/FP: Erection of 14 terraced houses. Refused 09/08/2000.

68-641: Planning Permission for first floor extension to 65. Refused.

66-1473: Planning Permission to demolish 65 Upper Gloucester Road and to lay out site as a car park for 30-40 vehicles. Approved.

It is understood that the site was originally used as a horticultural nursery and later as allotments.

4 THE APPLICATION

Planning permission is sought for the erection of 5 no. three storey 3no. bedroom dwellings.

The dwellings are proposed to front onto the east side of St Nicholas Road and would appear as single storey from this frontage, with two lower levels to address the significant change in levels from the boundary to the site.

The proposed buildings are contemporary in design and while terraces at the lower two levels, the top level (fronting onto St Nicholas Road) are viewed as detached as they retain a 2.1m gap between each property. The lower levels

are single aspect facing east and butting directly against the retaining wall, with a 1.75m high obscure screened rear balcony on the middle level.

The existing narrow pavement to the St Nicholas Road frontage is to be increased in width to approximately 0.9m.

5 CONSULTATIONS

External

Neighbours: Seven (7) letters of representation have been received from the occupiers of **nos. 36, 42 & 43A St Nicholas Road and 83 Centurion Road (x4)** objecting to the application for the following reasons:

- Harm to the character and appearance of the conservation area;
- Increased parking stress;
- Loss of light;
- Loss of privacy;
- Increased noise and disturbance;
- Disturbance during construction;
- Glass frontages could produce reflected glare; and
- Concerns relating to impact to foundations of existing properties.

Conservation Advisory Group (CAG): The group supported this application and felt it was good design of modest density and sensitive to the surrounding area.

Internal:

Heritage Team: The site is a vacant car park and is located in the West Hill Conservation Area. The site is a long narrow strip fronting onto Upper Gloucester Street but stretching south alongside St Nicholas Road. Only the rear part and not the Upper Gloucester Road frontage part is the subject of this application. The ground level of the site is about two storeys lower than that in St Nicholas Road. The east side of the site has a retaining wall supporting the road, on top of which is a brick wall. The buildings opposite in St Nicholas Road are two-storey stuccoed terraced houses with parapeted facades and window bays.

The drawings are too small scale to gain any appreciation of the quality of the design.

The demolition of the boundary wall is acceptable.

The proposal is to construct a terrace of five modern three storey houses against the retaining walls. The top storeys of these would appear as five small detached pavilions adjacent to St Nicholas Road, with low rendered walls and galvanised steel gates between them, giving access onto their roof terraces.

A very similar scheme has previously been granted permission. The site is constrained by its narrow width, the narrowness of St Nicholas Road and the massive differences in ground levels.

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The design approach is broadly acceptable. However, the almost fully glazed street frontages onto St Nicholas Road, using a mixture of frosted glass windows, and Profilit glazing (glass planks) does not reflect the character of the conservation area, which is dominated by rendered facades with a greater solidity. More solid street façades are needed.

Materials: – Zinc coated aluminum is acceptable for the roofs, provided that it were of a dark grey colour, reflecting the colour of slate. Render for the walls is acceptable, provided that it is smooth and does not have bell-mouth drip details just above ground level and visible metal or plastic expansion joints, corner and edge beads are not used. The Profilit glass planking is not appropriate on the street frontage. Black UPVC rainwater goods are not of sufficient quality for the conservation area and powder coated metal should be used. Have reservations about zinc coated aluminum copings to the walls and the copings should be of render to reflect the character of the area. Have reservations about the use of weatherboarding for the bin/cycle stores and further details are needed of this.

Amendments as outlined above are required.

Large scale details will be needed of the proposals. Please could you attach the same condition as per the previously approved scheme for this site, but with a variation i.e.:

“The walls shall be smooth rendered in a cement: lime: sand render mix down to ground level and shall not have bell mouth drips above the damp proof course or above the window and door 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”.

Environmental Health: The proposed development is situated on land that was once a day nursery (Approximately from 1875 to 1910). Additionally, according to the historic maps available, the premises South of this land became a Repair Depot for Builders Plant. Both of these uses of land could result in localised contamination.

Therefore, as this application relates to residential premises with gardens, recommend that a full contaminated land condition is applied to this application (a desktop study should be the very minimum standard accepted).

Sustainability: The proposals meet the overarching sustainability standards though some areas of policy have not been well addressed. Proposals commit to achieving SPD08 standards for medium scale development at Code Level 3. This ensures that the dwellings will be delivered with attention given to water efficiency; materials, carbon reduction and energy performance.

Some of the positives of the scheme include use of gas micro CHP units which will deliver heat and electricity via a low carbon technology within each dwelling; rainwater collection via butts for garden watering; raised beds for food growing.

The application describes a development that does not appear to have made particular effort to improve the previous scheme to meet current sustainability policy. Policy aspects not addressed include SU2 use of renewables, passive design, use of materials and composting. SPD08 recommends that urban heat island be addressed through greening.

Given that the appropriate Code level will be delivered, approval is recommended.

Sustainable Transport: Recommended refusal as the proposal does not provide for the demand for travel that it creates.

The proposal seeks permission for 5 dwellings fronting on to St Nicholas Road on an area of land previously being used as a pay and display car park.

The scheme includes the demolition of the existing wall which runs along the eastern edge of St Nicholas Road, replacing it with a new section of footway that the development will access onto.

St Nicholas Road is a one-way street in a south bound direction, it has formalised on-street car parking on the eastern side of the carriageway. This car parking runs along St Nicholas Road for the length of the application site. The footway proposed is 800mm wide between the kerb edge and the front of the dwellings. The Department for Transport's (DfT) 'Inclusive Mobility' document states the following minimum footway widths suitable for the mobility and visually impaired;

*"Someone who does not use a walking aid can manage to walk along a passage way less than **700mm** wide, but just using a walking stick requires greater width than this; a minimum of **750mm**. A person who uses two sticks or crutches, or a walking frame needs a minimum of **900mm**, a blind person using a long cane or with an assistance dog needs **1100mm**. A visually impaired person who is being guided needs a width of **1200mm**. A wheelchair user and an ambulant person side-by-side need **1500mm** width".*

The proposed width is unacceptable as it would not allow for mobility or visually impaired people to access the proposed dwellings. It would also not allow for a parent to hold their child's hand while walking side by side, this requires 1200mm (DfT's Manual for Streets).

The development proposes cycle parking on the roof terrace which can be accessed from gates off of St Nicholas Road. If vehicles were parked along St Nicholas Road cyclist would be required to wheel their bikes along the proposed footway to their storage areas to the rear of the proposed properties. I do not believe that 800mm is a sufficient width to allow for a bicycle to be wheeled along without potential damage to the neighbouring dwellings or the parked vehicles.

Therefore the proposal fails to accord with Local Plan Policy TR1 and TR7 as it fails to provide for the demand for travel that it creates. The narrowness of the width would cause an obstruction to users of the footway that could cause

injury. I would recommend that a footway width of at least 1200mm be provided outside of the proposed dwellings.

Highway Engineering & Projects: The above development affects the existing retaining wall that supports the public highway (St Nicholas Road). The developer must make an Approval in Principle (AIP) application to enable the Local Authority to ensure that the stability of the wall will not be compromised. The development should not commence until Technical Approval of the proposed alterations to the wall is granted.

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 5: Planning for the Historic Environment

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR3 Development in areas of low public transport accessibility
- TR4 Travel Plans
- TR7 Safe Development
- TR8 Pedestrian routes
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU12 Hazardous substances
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods

PLANS LIST – 22 FEBRUARY 2012

QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO6	Provision of outdoor recreational space in housing schemes
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business and warehouse units
EM9	Mixed uses and key mixed use sites
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

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 are the planning history, principle of the development, impact on street scene and wider area, amenity issues, transport issues, contaminated land and sustainability issues including waste management.

History

There are a number of planning applications that precede the current one. These include BH2002/03296/FP and a latter application for amendments to that application BH2006/03043.

These applications consent a 9 unit development, which included the application site subject to this application, and also the road frontage to Upper Gloucester Road.

The rear part of the site allowed for a scheme almost identical to the current application scheme, with minor fenestration alterations which have been made at the request of the Heritage Officer.

It is noted that the 2006 consent has now expired, and an approved application in 2010 (BH2010/00378) relates to the terrace of units fronting onto Upper Gloucester Road.

As such this application seeks to obtain permission to enable to whole of the site to be developed in a similar form to the original 2002 and 2006 permissions.

Principle of Development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although must adequately accord to relevant development plan policies.

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing.

The previous approvals on the site further evidence the site's acceptability for residential development.

Impact on street scene and wider area

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

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

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

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

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

As detailed above the 2002 and 2006 approvals gave consent for a very similar form of development upon the site.

The applications seeks consent for a terrace of dwellings measuring approximately 37.7m wide x 8.0m deep x 8.8m high (from within the site) and 3.0m high from the St Nicholas Road frontage. As previously stated, there are 2.1m gaps between each property at the street frontage level. Each property

also has a middle floor (lower ground floor) balcony measuring 6.4m wide x 1.1m deep with a 1.75m high obscure glazed screen to the eastern boundary.

All these features formed part of the 2006 approval.

The design has been amended during the course of this application following detailed advice from the Heritage Team. As such the St Nicholas Road frontage has had a reduction in glazing to provide a more solid appearance within the street scene and the proposed materials have been improved to ensure there would be no harm to the character or appearance of the West Hill Conservation Area. A condition is also recommended requiring full samples of the proposed materials prior to the commencement of development, which will address concerns relating to the use of timber cladding to the cycle and refuse storage areas.

It is considered that whilst the main design of the dwellings has not altered since the previous approvals (save for the amendments listed above) and with the improvements to the scheme by reason of the higher quality materials, that the design of the proposal would cause no harm to the character or appearance of the street scene of the wider West Hill Conservation Area.

As such, the proposal is considered to be acceptable in this regard.

Amenity Issues

For Neighbours

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

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

In relation to the general use of the site, it is considered that a residential scheme is likely to reduce the impact of noise and disturbance on the surrounding occupiers by virtue of the removal of the existing commercial use (car park) and its replacement with a (generally) quieter residential scheme. Therefore the scheme is considered to improve the impact of noise and disturbance on surrounding occupiers.

The main potential impact of the development is on the occupiers of the properties fronting onto Centurion Road (to the east of the site) and those opposite fronting onto the west side of St Nicholas Road.

In terms of the St Nicholas Road properties, there is not considered to be any adverse impact, due to the single storey appearance of the dwellings, meaning there would be no undue restriction of light, overshadowing or overbearing impact created. Likewise, there would be no loss or privacy, as the only windows in this location are to a hallway, and are to be obscure glazed in any event.

The impact on the properties to the east is somewhat more complex. The properties fronting onto Centurion Road are three storey, many with attic conversions. The proposed dwellings would be three storey also, with flat roofs.

The back to back distances between the existing and proposed dwellings is approximately 9m to their rear projections and 10m to the main rear elevations. Whilst this is on the limits of acceptability in terms of loss of privacy and overlooking, a number of measures have been taken to address this issue. These include the presence of planting boxes and refuse/recycling storage against the rear boundary of the ground floor terrace meaning views to the properties behind would not be possible, a 1.75m obscure glazed screen to the mid level terrace (thus screening the windows here also) and a 2.3m high boundary wall to the rear garden level.

As such it is not considered that there would be any undue loss of privacy or overlooking issues arising from the development. It is also noted that the situation remains unchanged from the previous approved applications and therefore the impact in relation of overbearing impact and loss of light remains the same and thus acceptable.

It is noted that the ground floor units do not form a continued terrace and thus allow an element of afternoon light to shine between the units to the properties behind.

For Future Residents

Policy HO13 requires residential units to be lifetime homes compliant.

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

The scheme provides for rooms sizes which are adequate for their function with adequate light and ventilation, save for internal bathrooms, which are not considered to warrant a refusal of the scheme.

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

The size of the garden areas with the properties are considered to be acceptable and adequate for their function, particularly as there is space on each level of the properties, with a larger garden at the garden level.

Transport

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

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

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

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

The site is located just outside a controlled parking zone (CPZ) and as such experiences very high levels of on-street parking stress. As such a condition is also recommended to ensure that the development remains car free to ensure the scheme would not cause any increased parking stress.

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

The comments from the Sustainable Transport Team are noted. The applicant has agreed to increase the proposed pavement width from 900mm to 1200mm. This overcomes the objection from the Sustainable Transport Team.

As such a condition is recommended to ensure the works are carried out to an acceptable standard prior to the occupation of the units.

Contaminated Land

PPS23 states that Local Planning Authorities should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, the Local Planning Authority should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation would be required.

Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.

The site appears to have been in previous use as a car park and the site to the south was a Repair Depot for Builders Plant, as such the site has the

potential for contamination.

Therefore and in accordance with the recommendations from the Environmental Health Team, a condition is recommended requiring full contamination reports to be submitted at the relevant stage to ensure the satisfactory outcome of the environmental health issues.

Sustainability (including Waste Minimisation)

Any new residential building upon the site would need to conform to the requirements of SPD08. This mean that a fully completed Sustainability Checklist would need to be submitted with the application and the building must meet Level 3 of the Code for Sustainable Homes as a minimum.

In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. This is particularly prudent in relation to any internal bathrooms. The comments from the Sustainability Officer are noted, in that the measures incorporated into the scheme are somewhat modest, but do meet the requirements of the policy and thus are acceptable.

The applicants have submitted a Sustainability Checklist with the application and have detailed a commitment to reach Code Level 3 of the CSH in accordance with the requirements. Conditions are recommended to ensure that Code Level 3 is met.

Other issues – supporting wall

This application requires the removal of the top part (above ground level only from St Nicholas Road) of the retaining wall structure which was built by the Local Authority to ensure the stability of St Nicholas Road.

As part of the previous applications a report from a structural engineer has been submitted confirming that there would be no detrimental impact to the integrity of the structural wall.

Whilst this has not been submitted as part of this application, a condition is recommended to ensure that such a report is submitted prior to the commencement of development upon the site.

It is noted that the part of the wall to be demolished does not have any structural integrity, and is for safety purposes only.

9 CONCLUSION

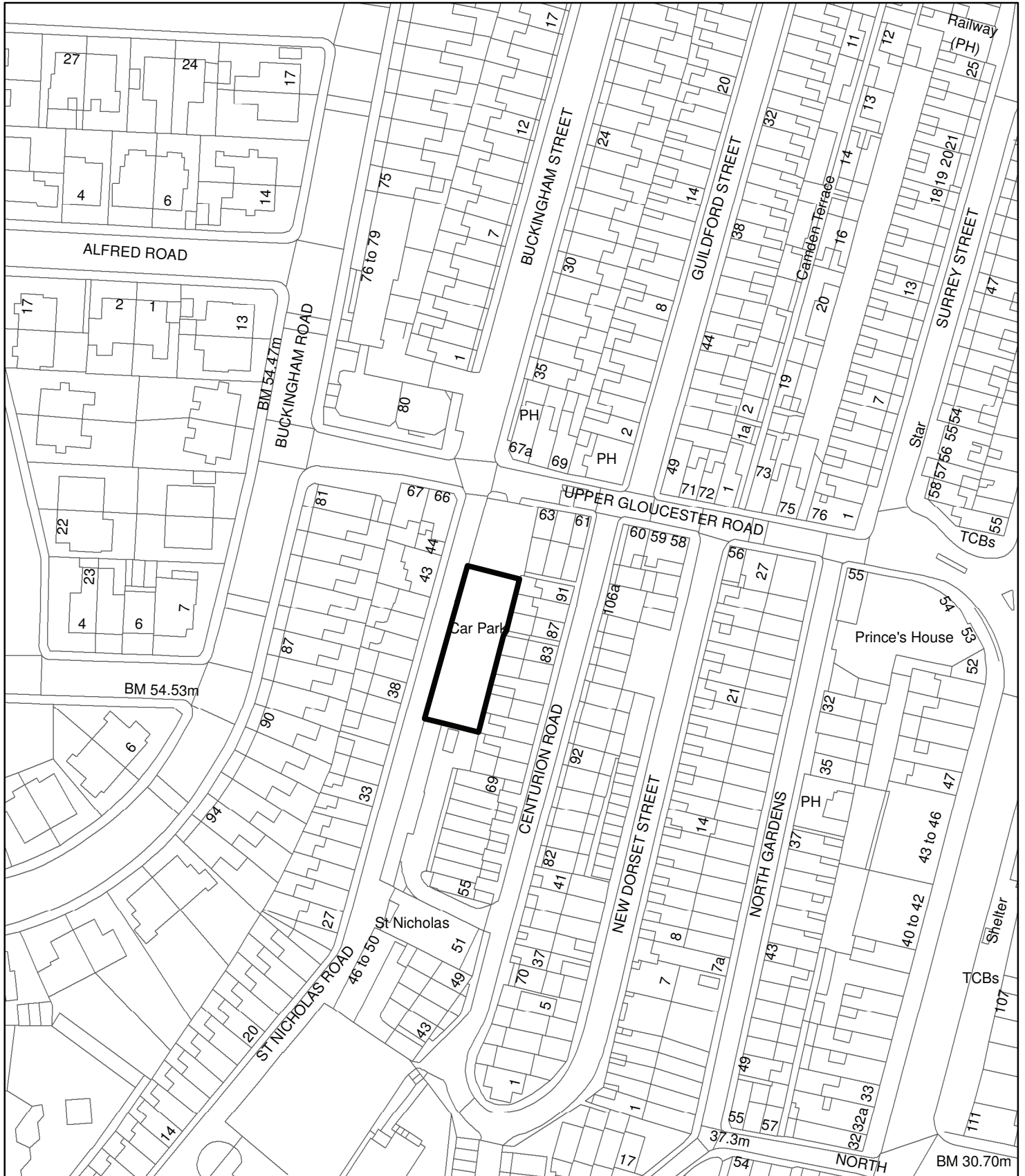
The proposed development would cause no undue loss of light or privacy to existing occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the street scene and enhance the wider conservation area. The units would achieve acceptable levels of living conditions for the future occupiers in terms of levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental

impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES IMPLICATIONS

The development accords with Lifetime Homes standards.

BH2011/03643 Land to rear of 64-65 Upper Gloucester Rd, Brighton.



<u>No:</u>	BH2011/03644	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Land to rear of 64-65 Upper Gloucester Road, Brighton		
<u>Proposal:</u>	Demolition of boundary wall.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	09/12/2011
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	03 February 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton		
<u>Applicant:</u>	Cedarmill Developments Ltd, Mr Kieran Treacy, Emerald House, Swinborne Road, Burnt Mills, Basildon		

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** Conservation Area Consent subject to the following Conditions and Informatives:

Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives:

1. This decision is based on drawing nos. 11806/PA/001, /002, /003, /005, /006 and /008 received on 29.11.11 and drawing nos. 11806/PA/004A, /007A and VIEO metal roofing brochure received on 05.01.12.
2. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list): and
 - (ii) for the following reasons:-
The boundary wall that is to be removed is to be replaced with an acceptable residential development as being considered concurrently (BH2011/03643) and thus would not cause any harm to the character or appearance of the Conservation Area.

2 THE SITE

The site is located on the south side of Upper Gloucester Road, at the junction with St. Nicholas Road, within the West Hill Conservation Area. Accessed from Upper Gloucester Road, the site is rectangular in shape and runs parallel with St. Nicholas Road and Centurion Road. St. Nicholas Road is only developed on the west side at this point. Due to a substantial change

in levels, the site is approximately 2.5 - 5 metres below the pavement level of St. Nicholas Road and faces onto the rear of properties in Centurion Road.

The site was previously laid out and used as a car park, however has now been levelled. There is a substantial brick retaining wall between the site and St. Nicholas Road, which was re-built in the mid-1990s by the local highway authority.

The area is predominantly residential in character, although it is within close walking distance of Brighton station, Queens Road and the sub/regional shopping centre. Numerous bus routes pass by the station. Parking is restricted by a residents parking scheme.

3 RELEVANT HISTORY

BH2011/03643: Erection of 5no three storey, 3no bedroom houses. Undetermined.

BH2010/00378: Erection of 3no three storey, 3 bedroom houses. Approved 03/06/2010.

BH2006/03043: Amendment to approved application BH2002/03296/FP for minor external amendments and amended access to rear of proposed units. Approved. 29/11/2006.

BH2002/03296/FP: Development of 5 no 3 bedroomed pavilion houses, 1 no 1 bedroomed flat, 2 no three bedroomed family houses and 1 no 2 bedroomed maisonette. Approved 20/03/2003.

BH2001/00226/CA: Demolition of wall fronting St Nicholas Road. Refused 02/04/2001.

BH2001/00020/FP: Erection of two semi-detached houses and terrace of 10 houses. Minded to refuse. Appeal against non-determination dismissed on 26/01/2001.

BH2000/01443/FP: Erection of 14 terraced houses. Refused 09/08/2000.

68-641: Planning Permission for first floor extension to 65. Refused.

66-1473: Planning Permission to demolish 65 Upper Gloucester Road and to lay out site as a car park for 30-40 vehicles. Approved.

It is understood that the site was originally used as a horticultural nursery and later as allotments.

4 THE APPLICATION

Conservation Area Consent for demolition of the part of the boundary wall on the east side of St Nicholas Road to allow for the erection of a residential development comprising 5 no. dwellings.

5 CONSULTATIONS

External

Neighbours: Four (4) letters of representation have been received from **nos. 55 and 57 Centurion Road and 36 and 43A St Nicholas Road** objecting to the application for the following reasons:

- Concerns regarding the structural integrity of the wall

Conservation Advisory Group (CAG): On initial plans

The group supported this application and felt it was a good design of modest density and sensitive to the surrounding area.

Internal:

Heritage: On initial plans

The site is a vacant car park and is located in the West Hill Conservation Area. The site is a long narrow strip fronting onto Upper Gloucester Street but stretching south alongside St Nicholas Road. Only the rear part and not the Upper Gloucester Road frontage part is the subject of this application. The ground level of the site is about two storeys lower than that in St Nicholas Road. The east side of the site has a retaining wall supporting the road, on top of which is a brick wall. The buildings opposite in St Nicholas Road are two-storey stuccoed terraced houses with parapeted facades and window bays.

The demolition of the boundary wall is acceptable.

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:

HE6 Development within or affecting the setting of conservation areas

HE8 Demolition in conservation areas

8 CONSIDERATIONS

The main issue for consideration is whether the loss of part of the boundary railings on the site would adversely affect the character and appearance of the East Cliff Conservation Area.

Policy HE8 states that buildings which make a positive contribution to the character of conservation areas should be retained.

The part of the wall to be removed is to allow for the construction of a 5 no. unit residential scheme and allows for the required access into the site. The replacement development is considered to be acceptable as detailed within the report under reference BH2011/03643.

The replacement scheme would preserve the character and appearance of the West Hill Conservation Area.

Therefore, the loss of part of the wall is considered to be acceptable.

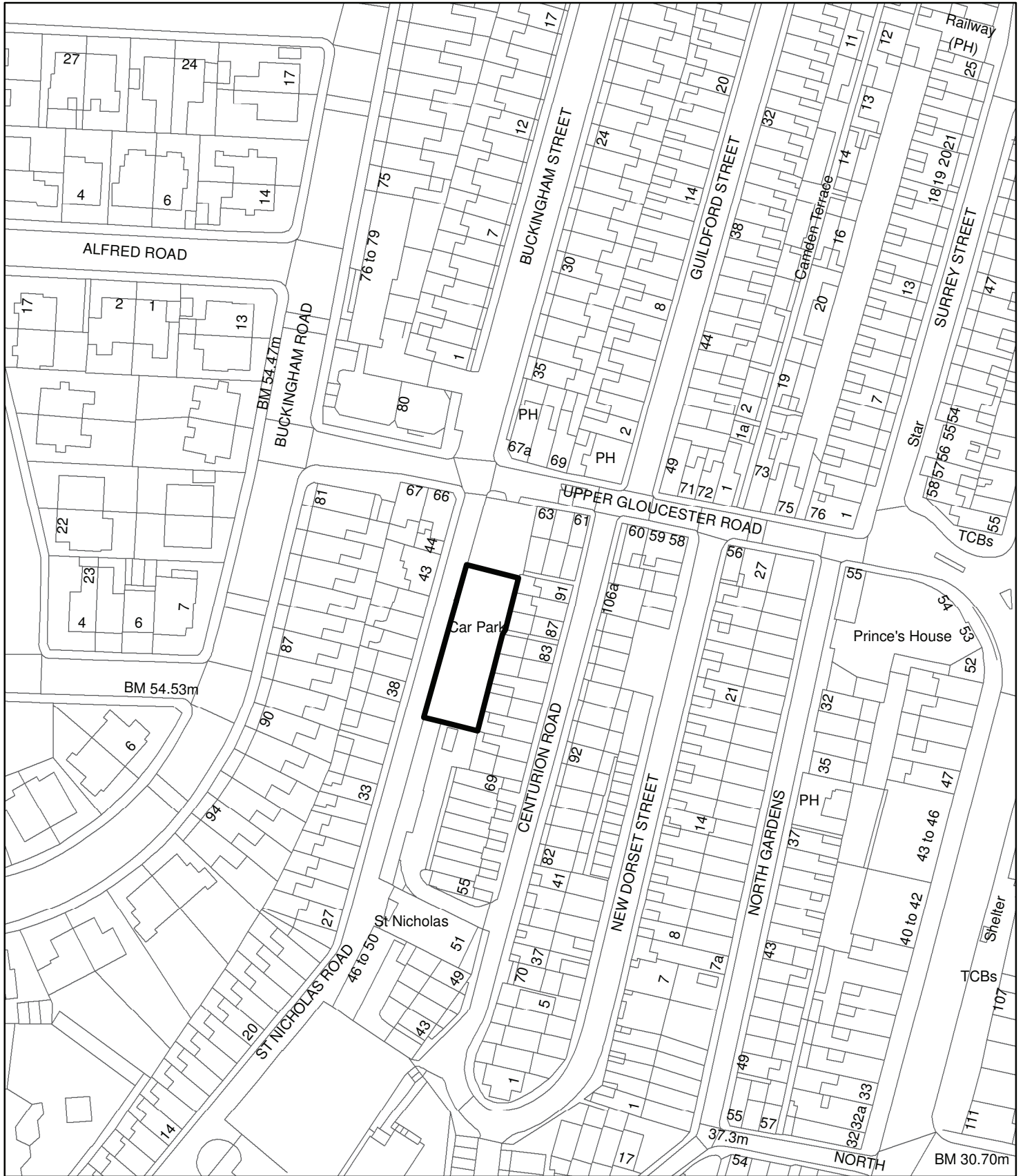
9 CONCLUSION

The boundary wall that is to be removed is to be replaced with an acceptable residential development as being considered concurrently (BH2011/03643) and thus would not cause any harm to the character or appearance of the Conservation Area.

10 EQUALITIES IMPLICATIONS

N/A.

BH2011/03644 Land to rear of 64-65 Upper Gloucester Rd, Brighton.



<u>No:</u>	BH2011/03323	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	24 Wakefield Road, Brighton		
<u>Proposal:</u>	Erection of detached two storey out building.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	15/11/2011
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	10 January 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Dr Sadegh Moghadas, 24 Wakefield Road, Brighton		

1 RECOMMENDATION

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

1. The submitted plans fail to show exactly how the building would be accessed from the garden, the inclusion of solar panels as referred to in the submitted Design and Access Statement, the grading of the adjacent slope, the relationship of the proposal with the existing southern boundary wall and how materials and waste will be brought into/removed from the site. In addition there are discrepancies between the facilities stated to be provided on the proposed floor plans and those stated within the Design and Access Statement submitted. Such issues need to be clarified for the Local Planning Authority to fully assess the scheme. The submitted documentation fails to demonstrate a thorough understanding and assessment of the proposed scheme.
2. Notwithstanding reason for refusal 1, the proposed development, by virtue of its excessive footprint and scale, will erode the green and open character of the related green space, will have a harmful impact on the overall layout and design of the area, which includes the Round Hill Conservation Area and would have a harmful impact upon the distinctive layout and predominance of green space seen in longer views of the area. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that the proposed development would not have significant adverse impacts upon the amenities of the occupiers of no. 14 Wakefield Road with regards to loss of light/sunlight, outlook or loss of privacy and overlooking. The proposal is therefore contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 343/1, 343/2, 343/3, 343/4, 43/5 and 343/6 received on the 31st October 2011.

2 THE SITE

The application relates to a parcel of land associated with no. 24 Wakefield Road, which is located on the eastern side of Wakefield Road. The existing dwelling is a terraced property, two storeys in height plus a basement, located in a long terrace of Victorian properties on one of the main curved roads that span north to south across the area.

No. 24 Wakefield Road has sole access to a large garden area which is contained by the rear boundaries of neighbouring properties nos. 23 to 29 Wakefield Road, nos. 24 to 26 Upper Lewes Road and nos. 1 to 15 Roundhill Crescent. The proposed annexe development would be located on a steep slope to the east of the existing dwelling which rises up from Roundhill Crescent to Wakefield Road. The garden area is populated by many mature trees, a dilapidated garden shed and is grassed over in parts. The site is visible from longer view such as from Bear Road and the Lewes Road area and glimpsed from the adjacent flight of stairs, known as the 'catcreep'.

The site is within the Round Hill Conservation Area in addition to being located to the west of neighbouring Listed Buildings located on Roundhill Crescent.

3 RELEVANT HISTORY

None identified.

4 THE APPLICATION

Planning permission is sought for the construction of a out-building/annexe, which would have two floor levels, and would be cut into the existing slope. It is stated that this annexe would provide an office, a studio, storage, a dark-room and accommodation for a ping-pong table. In order to accommodate the proposed development an existing derelict shed would be removed.

5 CONSULTATIONS

External:

Neighbours: Seventeen (17) letters of representation have been received from **43 and 55 (x2 including Conservation Area Group representative for Round Hill and Committee Member of the Round Hill Society) Princes Road, 56, 56a (x2), 58, 66 and 108 Richmond Road, 43 Crescent Road, 5 Shepham Avenue, 13 and 14 Wakefield Road, 9 Rookery Close Preston Road, 3 Roundhill Crescent, unknown no. in D'Aubigny Road, and an unknown address, objecting** to the application for the following reasons:

- the development is totally inappropriate in a Conservation Area,
- is an example of city cramming, ignores the pressure already on Round Hill, i.e. parking, green space, access etc,
- is of a low quality design which fails to address the actual site constraints,
- many more trees exist on site than are shown and is therefore misleading, 2 trees have already been removed, tree protection measures should be incorporated,
- no site plan is included to show the proposed foul water treatment plant

position which will require significant excavation works, such provision would affect a far wider area of the garden than the area shown on the plan which could so further damage to habitat,

- no other details about the proposed photovoltaic panels are given and they are not shown on the plans,
- the proposed section does not indicate the relationship of the proposed outbuilding with the rear of the houses to Roundhill Crescent which will be overlooked,
- should be used purely for ancillary accommodation to the main dwelling and not to be used as living accommodation in its own right,
- the design should respect its environment and has a minimal impact,
- would result in the loss of green space which should be protected, the existing green ribbon/corridor, which includes the National Winner of the Wildlife Gardens Annual Award, is untouched by development provides openness and well-being in a tightly constructed and densely populated neighbourhood,
- visibility of an out of character building from the surrounding area,
- size and scale with the original house and seems to constitute a house within itself rather than an outbuilding,
- could set a precedent for building along the green strip and therefore its demise, there are no recreational green areas very nearby,
- starts a new building line next to a uniquely situated Victorian house,
- no. 14 Wakefield Road was developed in 1879, the planning regulations then hardly being applicable in 2011 and should not be used as a precedent to justify a new build on the valued green corridor,
- application BH2006/01501 (related to land to rear of 2-10 Richmond Road) was refused the basis that loss of green open space in a historic setting if high amenity value to local residents would be unacceptable,
- the application site is in the middle of a unique green wildlife corridor stretching from the end of Richmond Road to half way down Wakefield Road and is visible from public vantage points from the opposite side of the valley beyond Lewes Road, it is an integral feature of the Round Hill area,
- it is a vital habitat for decreasing wildlife,
- the appearance of the proposed two storey contemporary design sitting next to a Victorian house clearly conflicts with policies QD1, QD2 and QD4, the scale of the development proposed would certainly involve a clash of architectural styles,
- the application fails to mention that there is a separate entrance into the garden from the cat creep running from Wakefield Road unto Roundhill Crescent, this means that the development will be reachable not only from no. 24 which makes it completely independent from the house,
- the use of rubber tyres, hay bales and timber cladding for its construction is a fire risk,
- overlooking,
- the proposed works could cause the retaining wall to collapse,
- Fern Villa is unique in its placement in the middle of a green corridor,

valued for wildlife, the period Victorian setting occupied by Fern Villa has remained free of both 20th and 21st century developments,

- over-shadowing,
- noise and dirt from excavations,
- contradictory descriptions given in information provided of what is being proposed, namely non-residential or residential development, would only accept 'storage' to be a suitable use on such an important green corridor,
- a two storey outbuilding is certainly not a replacement for a garden shed,
- the size of the proposed development is not much different from that of Fern Villa, the Victorian house which 'the annex' would sit next to if the application is approved, and
- insufficient information is given on minimisation and re-use of construction waste as required by policy SU13, it is also not clear how construction machinery/materials will access the site or how construction waste will be removed.

1 letter of support from occupier of **28 Wakefield Road** as property borders site has no objections to the proposal.

1 letter of support from **Low Carbon Trust** on the grounds that the development will be the first Earthship to be built on an inner city site in England, the project has good sustainability and low carbon credentials and will be built using natural, reclaimed, recycled and locally sourced materials. Feel that the proposed building will be sympathetic to the surrounding environment and support the aspiration that trees will be unaffected by the project. The roof of the annex will be sloped to similar contours to the hill and will have a green roof in order to minimise visual impact.

A petition supporting the application has been received from the occupiers of 23, 26, 27, 28, 29 (x2) Wakefield Road, but there are no reasons given.

Brighton & Hove Archaeological Society, the proposed development does lie quite close to the location of recorded burial. However, this part of Brighton has been the subject of numerous housing developments and severe hillside terracing that the Society considers that any relevant archaeological deposits have probably all been removed.

County Archaeologist, the proposed development is situated within an Archaeological Notification Area defining an area of prehistoric activity, including human burials. Possible area is part of large cemetery which may extend into the garden of no. 24 Wakefield Road. In the light of the potential archaeological significance of the site, the area affected by the proposals should be subject to a programme of archaeological works.

Internal:

Heritage:

(Original Comments 8/12/2011)

24 Wakefield Road is situated within a long terrace of similar Victorian

properties in one of the main curved roads that span north-south across the area. The topography of the area is particularly important to its character, with the roads rising and then falling steeply across their length. The terraces are also set into the hillside, with the land falling away to the east. A narrow flight of steps, known as catcreep, provides access between Wakefield Road and Round Hill Crescent, Bounded by flint wall; it adds character to the area and emphasizes its striking topography.

The proposal is situated in a large green space sandwiched between the rears of properties on Wakefield Road and Roundhill Crescent, which now forms the back garden to 24 Wakefield Road. It comprises one of a series of contiguous spaces which form a corridor of green open land stretching the length of Round Hill Crescent.

Although the green space is not easily visible from roads in the area, it can be glimpsed from the catcreep. It is also a particularly characteristic feature of the area in long views, for example from Bear Road. Here the green spaces help to create a distinctive character to the area, defining its sweeping terraces layout and emphasising further its topography. Despite the historic construction of one dwelling to the southwest of the site, the green space remains predominantly open.

There are some errors on the drawings, although the application refers to a dark room this is not shown on the plans. The drawings do not show exactly how the building is accessed. The building in relation to the existing boundary wall to the south should also be shown. These amendments need to be made in order to fully assess the scheme. Notwithstanding this, although much of the structure is subterranean, the building does retain walls to all sides and therefore will be read as a building at ground level in this important green space, the overall footprint is excessive, its scale gives the impression of a separate dwelling and does not remain subsidiary to the scale of the host dwelling, its scale has the potential to set an unwelcome precedent for backland development in these green spaces which will erode the green and open character of the spaces themselves. This will have a harmful impact on the overall layout and design of the area and in long views of the area from where its distinctive layout and predominance of green is particularly evident.

It is important that the natural slope of the site is retained and therefore that no further landscaping is undertaken other than those shown in the application. Within this in mind details of how excess waste will be removed from the site is required.

(Amended Comments 5/01/2012 following receipt of letter from applicant)

The green space is not easily visible from roads in the area, The green vegetation and open character of the space is however evident from the catcreep.

Arboriculturist: No objections.

Ecologist: The application appears to adequately address nature conservation policies. Further information is required on the construction of the green roof.

6 MATERIAL CONSIDERATIONS

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

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

7 PLANNING POLICIES

Brighton & Hove Local Plan:

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
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document

SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impacts that the proposed development would have upon the character and appearance of the parent property, the Wakefield Road street scene and the wider area, especially the surrounding Conservation Area. In addition the impacts upon the amenities of the neighbouring properties must be assessed.

Visual Amenities

Policies QD1, QD2 and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

Policy HE6 states that proposals within or affecting the setting of a

conservation area should preserve or enhance the character or appearance of the area and should show:

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

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

Neighbouring properties located to the east within Roundhill Crescent are Listed. Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a listed building through factors such as siting, height, bulk, scale, materials, layout, design or use.

No. 24 Wakefield Road has sole access to a large garden area which is bounded by the rear boundaries of neighbouring properties nos. 23 to 29 Wakefield Road, nos. 24 to 26 Upper Lewes Road and nos. 1 to 15 Roundhill Crescent.

Permission is sought for the construction of a detached outbuilding/annexe to be located to the east of the existing dwelling, within the garden area. In order to accommodate the proposed development an existing shed, which is derelict following a fire, would be removed.

The area of the proposed annexe development is located on a steep slope which rises up from Roundhill Crescent to Wakefield Road. The garden area is one of a series of nearby spaces which forms a corridor of green open space stretching the length of Roundhill Crescent, which originally formed part of the laundry fields of the area.

Plans provided show that the proposed annexe would provide an office within the ground floor level and a studio, storage area and WC at first floor level. However it is also stated within the submitted Design and Access Statement that the building would also provide a darkroom and accommodation for a ping-pong table. The first floor level would partially over-lap the ground floor

level and would be connected by an internal staircase.

The building would be located approximately 4.7m from the eastern most elevation of the existing dwelling.

The development would have an irregular shape as a result of the southern corner being omitted. The east facing elevation would measure approximately 10m in length whilst the western elevation would measure approximately 5.3m. The eastern elevation of the proposed extension would be sloped and as a result the development would have a depth of between approximately 8.9m and 10m. The proposed flat roof would have a slight gradient and as a result the minimum height of the proposed development above ground level would be approximately 4.5m (western side) whilst the maximum would be approximately 6.7m (eastern side).

As set out above the area of the proposed development comprises a steep slope. The new annexe building will be cut into the slope and as a result approximately only 1.4m of the western facing elevation would be visible whilst the amount of the southern and northern elevations visible would increase between the western side and eastern side. Within the information provided the proposal is referred to as an 'Earthship' development, however, although much of the structure would be subterranean, the building would retain walls to all sides above ground level and therefore would be read as a building in the related important green space.

Steps are currently located to the north of the existing derelict shed, however, although the eastern elevation of the proposed annexe includes door openings, it is not clear within the application exactly how the building would be accessed from the garden area. Further details of how the land around the proposal would be graded or retained should be provided.

The submitted site plan has been annotated to state that the southern elevation of the proposed annexe would be located 1m from the boundary with no. 14 Wakefield Road. However, neither the relationship of the proposed development and this neighbouring boundary nor details of this boundary treatment are shown on any of the other plans submitted. It is noted that drawing no. 343/4 refers to the existing retaining wall to the south of the development, however, this is located adjacent to the annexe and not 1m away.

Plans show that the slightly sloping flat roof of the development would be utilised as a sedum roof. The north, south and western elevations of the development would be finished in timber cladding. Double/triple glazed timber framed doors and windows would form the east facing elevation of the annexe with wood cladding surrounds. Internal folding doors would be located between the eastern elevation of the development and the proposed office area at ground level whilst a handrail at first floor level would be set back from the glazing within the eastern elevation. No sectional drawing of this element

has been provided, however, it is assumed that this handrail will result in the provision of internal balcony area which would overlook the entrance area at ground floor level.

The Design and Access Statement refers to the inclusion of solar panels, however, the location and number of panels is not shown on the plans provided.

It is stated that the construction materials would be recycled materials and the annexe would use grey-water, have on-site sanitary treatment of sewage and heating and cooling would be achieved from the sun and the thermal mass of the earth. The application form refers to recycled tyres being packed with earth from the on-site excavations to form the rear elevation and soil packed used tyres with straw bales rendered with lime putty/timber cladding forming the side elevations.

The footprint of the proposed annexe is considered to be excessive, especially when in comparison to the footprint of 24 Wakefield Road. The footprint and scale of the proposed development would not appear subsidiary to the scale of no. 24 Wakefield Road and as a result gives the impression of a separate dwelling. Third party letters raise concern to the use of the building as a separate dwelling with access from the adjacent 'catcreek'. However access to the proposed development is only shown via the existing dwelling, in addition it is considered that a condition could be attached to an approval to ensure that the proposed development is ancillary to the existing dwelling.

There are a number of specific character traits of the site which would make the land undesirable to develop. The land is situated within the Round Hill Conservation Area and is highly visible from views to the east. A prevailing character trait of this area as defined in the Round Hill Conservation Area Character Statement (adopted 20th October 2005) are the curves of streets, ascending up the valley side, it is noted these development patterns are visible from Bear Road and other locations, to the east. The Conservation Area is also characterised by the green ribbons of land, which also define the unaltered Victorian street plan of the Conservation Area which are not visible from the streets, such as that which this development seeks to develop. It is in the long views of the Conservation Area that the green spaces can be appreciated and which help to create a distinctive character to the area defining its sweeping terraced layout and emphasizing further the topography of the area, a characteristic not evident from the streets within the area. The green ribbons provided by private gardens remain valuable habitats for wildlife.

The site is urban open space and its existence provides a positive contribution to its surroundings in terms of its historical, conservation and amenity value. It is noted that to the southwest of the site exists the historic house of no. 14 Wakefield Road, however, the rest of green space within the

area remains predominantly open. The site is visible from long views as previously stated, but also from parts of the “catcreep”, a narrow steep flight of steps which links Richmond Road and Round Hill Crescent.

A building of the scale and footprint proposed has the potential to set an unwelcome precedent for backland development in such green spaces. The development would erode the green and open character of the spaces themselves. The development would have a harmful impact on the overall layout and design of the area, including the surrounding Conservation Area and in long views of the area from where the area’s distinctive layout and predominance of green is particularly evident and valuable.

It is stated that the construction of the annexe would utilise excavated material, however, it is unclear from the information provided as to whether it would be possible to use all the excavated materials. Concern is therefore raised with regards to how other construction materials and any redundant excavated materials would be brought into/taken out of the site. The topography of the area is particularly important to the character of the site and the surrounding area and therefore it is essential that the natural slope of the site is retained and therefore no further landscaping should be undertaken other than that shown on the plans provided. Further details of how excess waste would be removed from the site are therefore required.

A distance of approximately 33.85m would be located between the eastern elevation of the proposed development and the west facing elevation of the nearest neighbouring properties located on Roundhill Crescent. These properties are Listed, however, it is not considered that the proposed development, given the distance between these neighbouring properties and the proposed development, the variation in level and the presence of vegetation within the site and along the shared boundary, it is considered that the proposal would not have a detrimental impact upon the setting of this Listed neighbouring properties.

To conclude, it is considered that the proposed development would have a detrimental impact on the surrounding area and this forms the basis of the second reason for refusal.

Impact Upon Neighbouring Properties

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 ground levels of no. 14 Wakefield Road appears to be lower than the adjacent garden area of no. 24. A wall covered with vegetation is located along the shared boundary with no. 14 Wakefield Road. The height of this wall varies but tends to reflect the gradient of the area. It is stated that the

highest part of the proposed development would be below the garden walls of the nearby neighbouring properties, however, this has not been demonstrated in the plans provided and therefore it has not been demonstrated that the proposal would not have a significant adverse impact upon the amenities of this southern neighbouring property with regards to loss of light or sunlight to the windows located in the eastern facing elevations of this neighbouring property which would be located to the west of the proposed development.

The submitted block plan is annotated to state that the proposed development would be located 1m from the boundary with no. 14 Wakefield Road, however, this is not demonstrated on any other plans provided although it is noted that drawing no. 343/4 refers to the existing retaining wall to the south of the development, however, this is located adjacent to the annexe and not 1m away.

No windows are proposed within the south facing elevation of the development which would face towards no. 14 Wakefield Road. As set out above the proposed first floor level of the development would include a balcony area behind the proposed eastern elevation. It is acknowledged that the eastern elevation of the proposed development would be located further to the east than no. 14 Wakefield Road, however, it is considered that views from the first floor level and possibly the ground floor level, depending on its relationship with the height of the boundary wall, would be achievable to the existing secluded external area to the east of 14 Wakefield Road.

A distance of approximately 29m would be located between the eastern elevation of the development and the rear boundaries of neighbouring properties located on Roundhill Crescent. Due to this distance, the variation in height between the site and these neighbouring properties and the existing vegetation located along the eastern boundary of the site, it is not considered that the proposed development would have a significant adverse impact upon the amenities of these eastern neighbouring properties.

Due to the proposed development being located at a lower level than the basement level of the neighbouring properties located to the west it is considered that the proposal would not have a significant adverse impact upon the amenities of these neighbouring properties with regards to loss of light/sunlight or outlook. In addition no window openings are proposed within the above ground level west facing elevation of the development.

Other Issues

The proposed development would be sited within the vicinity of various scrubs but no trees. Although the shrubs within the vicinity of the out-building would be removed the Council's Arboriculturist has no objection to this loss.

It is noted that there several, possibly self-seeded, trees within the site, mainly Sycamores, the steep slope of the site is likely to prohibit the proposed development affecting these trees, for example through storage of materials.

Digger access to and from the site will also occur one.

Overall it is not considered that the proposal would adversely affect the stability of the existing trees.

The site of the development is currently occupied by a dilapidated garden shed. The development site is of generally low nature conservation value, although the presence of large quantities of ivy does make it suitable for nesting birds. If the application is approved a condition should be attached with respect to the timing of the removal of this ivy and the protection of nesting birds.

The proposal includes the creation of a sedum green roof which would accord with policy QD17 and SPD11 regarding nature conservation enhancement, provided that it is constructed to an adequate standard. Further details of the construction method of the proposed green roof should be sought via a condition if the application were to be approved.

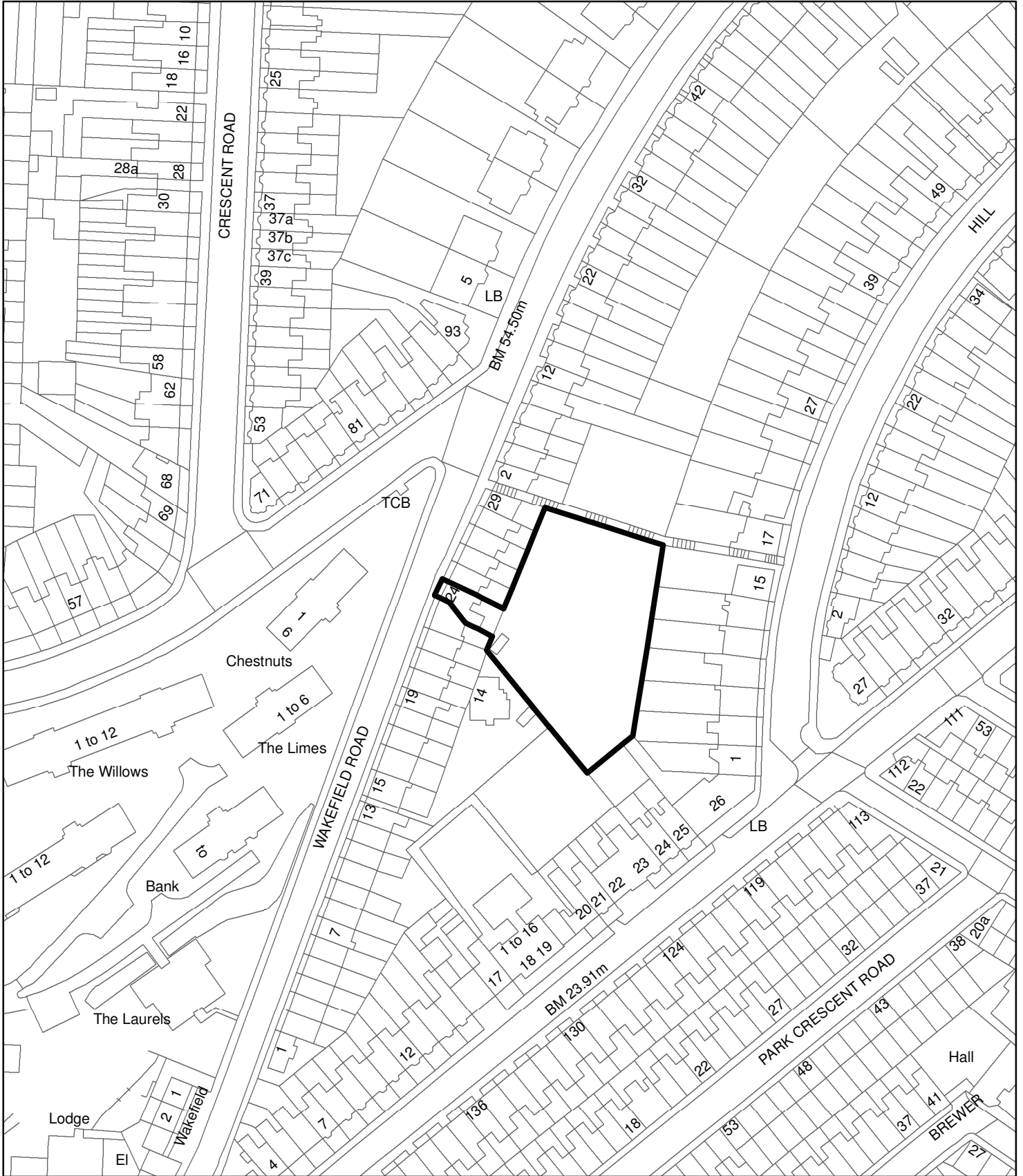
9 CONCLUSION

For the reasons set out above it is considered that the proposal fails to accord with policies of the Brighton & Hove Local Plan, refusal is therefore recommended. It is not considered that there are any material considerations that warrant a departure from policies of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03323 24 Wakefield Road, Brighton.



Scale: 1:1,250

<u>No:</u>	BH2011/03784	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Ketts Ridge, Ovingdean Road, Brighton		
<u>Proposal:</u>	Alterations to existing dwelling house incorporating a redesigned first floor level and rebuilding of the roof.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	08/12/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 February 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Xobo Architecture, 26 Lincoln Street, Brighton		
<u>Applicant:</u>	Mr Ken Christie, 20 Denhead, Cults, Aberdeen		

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 location plan and drawing nos. A-1A, 10, 11, 13, 14, 15, 16, 19B, 20D, 21I, 22E, 23H, 24H25D and 26B received on the 8th of December 2011, the 'vision 32' screen specification received on the 25th of January 2012, and drawing nos. A-70A, 71A, 75C and 76D received on the 31st of January 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the front balcony hereby approved shall not be brought into use until the 'Vision 32' perforated metal screen shown on drawing no. A-24H received on the 8th of December 2011 and detailed in a specification received on the 25th of January 2012 is in situ. This screen shall be retained as such thereafter.

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.

Pre-commencement Conditions

- 6) No development shall take place until further details of the windows to be installed, including confirmation of the frame colour, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

Informatives:

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

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

- (ii) for the following reasons:-

The proposed development would result in an acceptable appearance and no significant harm to neighbouring amenity would be caused.

2 THE SITE

The application relates to an existing detached dwelling located on the northern side of Ovingdean Road.

'Ketts Ridge' was originally a bungalow, has undergone significant extensions in the past, and is now of a rather odd form with a large front extension with balcony above, and an unusual roof form.

3 RELEVANT HISTORY

BH2010/01695: In November 2010 planning permission was granted for alterations to an existing dwelling house incorporating a redesigned first floor and roof.

87/1975: Two storey side extension, granted September 1987.

73/2326: Extension of existing garage, granted October 1973.

73/1792: Form three bedrooms and bathroom in roof, granted June 1973.

70/927: Proposed dressing, granted May 1970.

70/87: Extension to living room and alterations to bathroom, granted March 1970.

69/505: Extension to bungalow at front and rear, granted 1969.

4 THE APPLICATION

Planning permission is sought for extensions and alterations to the property, a scheme of works of a similar nature to those approved under application ref. BH2010/01695. Minor amendments to the approved works are proposed.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from occupiers of nos. 1 and 3 (x2) Ovingdean Close, no. 2 Rudyard Road and no. 30 Manor Way objecting to the application for the following reasons:

- The proposed development will cause increased overlooking.
- The property has been overdeveloped already.
- The style and design is not appropriate / in keeping with the surrounding area.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations and Extensions

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the visual impact of the proposed development and impact upon neighbouring amenity.

At the time of the previous application BH2010/01695 the visual impact and the impact upon neighbouring amenity which the proposed scheme of works would have caused were considered to be acceptable. It is noted that this

permission remains extant; works could be commenced at any time up to the 2nd of November 2013.

There has been no substantial relevant change in circumstance following this approval. Those elements of the previously approved scheme which remain unchanged in the current application are again considered acceptable. The primary focus of the current application is therefore the changes to the previously approved scheme which are as follows:

- The size of the proposed rear terrace has been reduced.
- Three rooflights were approved to the front roofslope under the previous scheme, two are now proposed.
- The position and sizes of the two rear rooflights approved proposed have been altered.
- The position and sizes of the two side rooflights approved proposed have been altered.
- A large window previously approved to the rear end of the western side elevation of the dwelling is omitted.
- To the rear of the dwelling, a bay window previously approved is replaced with a flush window, a pair of patio doors previously approved is replaced with a set of five glazed folding doors and a window previously approved is replaced with a door.

Visual Impact

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

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

The dwelling has undergone a number of extensions in the past, and subsequently has a rather odd appearance. The surrounding street scene consists of detached houses of varying designs. The proposed development is effectively a remodelling of the existing building which would result in a more contemporary and coordinated appearance; significantly different to the

existing.

The first floor level is to be raised slightly, a first floor front extension will take the place of an existing large balcony area (a small balcony is to remain), and an enlarged hipped roof form with rooflights to front and rear is also proposed. Full height windows and glazed doors are proposed to the front of the dwelling at first floor level, a Juliet style balcony is proposed to the western side of this façade with a full balcony to the eastern corner; metal railings are proposed as balustrades with a metal privacy screen to the side of the balcony. To the rear of the dwelling at first floor level another Juliet balcony is proposed along with full height windows. A raised terrace / patio area is proposed which is to be half-dug into an existing raised bank. Steps from the terrace will provide access down to the garden and another flight of steps provides access upwards to the raised garden area alongside the house.

The walls of the remodelled house are to be a brick finish to match the existing building and the roof is to be tiled again to match the existing. The colour of the window frames proposed is not confirmed in the submitted drawings and details; such information can be secured by planning condition.

The remodelled dwelling would have a large and prominent appearance in the street scene, the character of this section of Ovingdean Road is, however, varied and includes large detached houses, the proposed appearance would not therefore appear excessively dominant.

It is again noted that permission BH2010/01695 remains extant and entails works of a similar nature to those currently proposed. In comparison to the previously approved scheme, none of the changes proposed have a significant visual impact. Overall it is considered that the proposed scheme would improve the appearance of the property.

Neighbouring amenity

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

To the front of the property, the first floor of the building is to be enlarged to replace an existing balcony area, with an enlarged roof above. This bulk will have an impact on the dwelling immediately to the east, 'Winton', it would not, however, cause significant harm by way of overshadowing / overbearing impact. The primary issue of concern in relation to neighbouring amenity is therefore any increased overlooking which would be caused.

The proposed first floor glazing and balcony to the front of the property will provide views towards nos. 2 and 3 The Vale, (which are situated to the south of the application site), such views are, however, already available from

existing first floor glazing and the large balcony in situ. The front rooflights proposed serve the stairway / first floor hallway and would not cause significant overlooking as they are set well above internal head height. Users of the small balcony proposed to the eastern corner of the front of the building would have views across to first floor windows of 'Winton' alongside. It is considered appropriate to require screening to the side of this balcony; such screening is proposed in the form of a perforated metal screen and is secured by planning condition.

To the rear of the dwelling, the proposed glazing would not cause significantly increased overlooking in comparison to the existing. The raised terrace proposed is of a considerable size and therefore creates the potential for overlooking of neighbouring gardens and dwellings. In this case there is a high boundary fence between the gardens of Ketts Ridge and Winton which would block views from the terrace into the rear garden of Winton and the gardens beyond. A survey of the site levels and rear boundary fencing has been carried out to Ordnance Survey Datum. Drawing no. A-70 A demonstrates that the fence to the rear boundary of the application site would restrict views from the terrace into the rear garden of no. 3 Ovingdean Close behind. To the western side of the garden a raised bank blocks views.

A number of objections have been received which reference the potential for the proposed raised terrace to cause increased overlooking. It is noted that the terrace area previously approved had a maximum depth of 7.7 metres. The terrace area proposed under the current application, with a maximum depth of 6.5 metres, is therefore of a reduced size in comparison to that previously approved. It is considered, as detailed above, that the proposed terrace will not cause harm to neighbouring privacy.

Overall, it is considered that the proposed development would not cause significant harm to neighbouring amenity. In comparison to the previously approved scheme, none of the changes proposed would cause an increased impact upon neighbouring amenity.

Trees

The north-east corner of the proposed terrace is to be located in close proximity to a tree located alongside the rear boundary. This side of the deck is to be a "post and beam" wood construction with localised footings to the posts. It is therefore considered that significant harm to the root system of the tree would not be caused.

9 CONCLUSION

The proposed development would have a significant visual impact, the resulting appearance is however considered acceptable. The development would not cause significant harm to neighbouring amenity, and the survival of a tree located in the back garden would not be threatened. The changes proposed in comparison to the previously approved scheme do not have a negative impact in regard to appearance or neighbouring amenity. Approval is

recommended.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03784 Ketts Ridge, Ovingdean Road, Brighton.

