

<u>No:</u>	BH2012/00248	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Glebe Villas Playing Fields, Chelston Avenue, Hove		
<u>Proposal:</u>	Removal of existing pavilion and erection of new single storey building (D1 use) incorporating teaching and changing facilities.		
<u>Officer:</u>	Jason Hawkes	<u>Valid Date:</u>	09/02/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 April 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Blue Forest (UK) Ltd, The Courtyard, Eridge Park, Eridge Green, Tunbridge Wells		
<u>Applicant:</u>	Mr Chris Wheeler, St Christopher's School, 33 New Church Road, 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) 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.8238/01A, 02C, 10C, 11A, 12A, 13A, 15B & 16B received on the 31st January and 23rd April 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4) The door located on the north elevation shall be used for emergency purposes only.
Reason: To protect neighbouring amenity in accordance with policy QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 5) No development shall commence until further details and evidence has been submitted which show that the timber to be used in the construction of the pavilion is from a certified sustainably managed source or evidence the timber is from local woodland. The scheme shall be implemented in accordance with the agreed details.
Reason: To ensure the timber used is from a sustainable source and to comply with policy SU2 of the Brighton & Hove Local Plan.
- 6) No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03:

Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites 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.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 7) No development shall commence until details of the proposed timber gates, including elevation drawings, have been submitted to and approved in writing by the Local Planning Authority. The gates shall be constructed in accordance with the agreed details and thereafter retained as such.

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

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

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

- 9) BH14.02 Archaeology (Watching brief)

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

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 10) No development shall commence on site until a scheme which provides for the retention and protection of adjacent trees has been submitted to and approved by the Local Planning Authority. The scheme shall include protective fencing for the adjacent trees and shall be implemented in strict accordance with the agreed details.

Reason: To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 11) No development shall commence until pruning works to affected trees have been completed. All pruning works shall be carried out in full in accordance with the requirements of BS 3998 (2010) Recommendations for Tree Work.

Reason: To protect the trees in the vicinity of the site, 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 until details of the sedum roof have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.

Pre-Occupation Condition:

- 13) 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.
- 14) 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 National Planning Policy Framework and the Brighton & Hove Local Plan, 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:-
Having regard to the existing pavilion on site, the proposed development would not have a significant impact on the amenities of the occupiers of adjacent properties or have a significant impact on trees within the vicinity of the site. The proposal is also considered acceptable in terms of its design and appearance in relation to the recipient building and surrounding area. Subject to the recommended conditions, the development would represent sustainable development in accordance with development plan policies and the National Planning Policy Framework.
2. Please contact the city council's Ecologist for further advice in respect of creating a nature reserve and a pond.
3. Please note that no excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids should take place within any area

designated as being fenced off or otherwise protected in the approved protection scheme. The applicant should also be aware that the pruning of the trees overhanging the site should be done with the consent of the owners of the trees.

2 THE SITE

The application site relates to St Christopher's School at Glebe Villas Playing Fields. The fields are located to the north of New Church Road and are bounded by detached and semi-detached houses at Glebe Villas to the east, Leicester Villas to the west and Chelston Avenue to the north. St Leonard's Church lies to the north of the playing fields which is a Grade II listed building.

The existing pavilion is a timber structure and is located in the north west corner of the site adjacent to garages serving Leicester Villas. The pavilion was formerly used by St Christopher's School on New Church Road as a changing room and nursery and includes a raised decked area and fenced off playing area. The pavilion is currently unused.

3 RELEVANT HISTORY

BH1999/01940/FP: Demolition of existing Pavilion building D1/D2 and erection of new Pavilion D1/D2. Approved April 2000.

3/83/0414: Demolition of exiting pavilion and erection of a larger terrapin building to improve the facilities in connection with the use of the sports field. Approved 1983.

3/84/0128: Use of pavilion for pre-prep school group. Approved 1984.

4 THE APPLICATION

Planning permission is sought for the replacement of the existing pavilion with a new single-storey building which will be used by St Christopher's School as a changing and teaching facility.

The scheme includes a new timber access gate to allow emergency access to the playing fields and a new nature reserve along the western boundary.

Amendments have been received which reduced the height of the building to match the height of the existing pavilion and reduced the height of the decked area on the east elevation.

5 CONSULTATIONS

External

Neighbours: Eight (8) letters / emails of representation have been received from **22, 24 Chelston Avenue, 17, 21, 22, 25, 27 Leicester Villas** and **15 Glebe Villas** objecting to the application for the following reasons:

- The benefits of replacing the existing pavilion are recognised. However there are several concerns regarding the proposed pavilion.
- The scheme alters the footprint of the existing pavilion by a few metres which results in further encroachment of the privacy of the property to the immediate north. This would result in children and adults in close proximity to a kitchen window and a noise disturbance.
- The use of the building as a classroom with the outside decking will also

result in a noise disturbance. The fence between no.24 Chelston Avenue and the pavilion should be updated to high quality fencing to mitigate the noise impact.

- Locating the access door to the changing room at the side will also mean human traffic along the side of the building adjacent no.24 Chelston Avenue.
- The scheme is likely to result in the escalation of traffic and parking in Leicester Villas and Chelston Avenue. This was witnessed when the building was a nursery and is likely to increase with the use of the building as a classroom. This area already suffers from a lack of car parking.
- The access road to the pavilion is from Leicester Road and this has been blocked in the past by parents, teachers and support staff parking across the driveway.
- The access road is also a privately owned road and there is no evidence that the school has the right to access this road.
- It needs to be demonstrated that the Fire Brigade can access the building safely through the alleyway.
- The use of the building outside school hours, for example as a holiday club, results in disturbance over the weekends. The hours of use of the building should be controlled by condition.
- The building should be in a different position so that it has less impact on adjacent residential properties.
- Concern raised on the number of people consulted and the lack of time to comment.
- This appears to be an intensification of the educational use of the development.
- The scheme will benefit the area with the addition of new reception spaces.

Eleven (11) letters / emails of representation have been received from **5 Broad Reach, Shoreham, 34 St Aubyns Road, 12 Vallance Gardens, 4 Coleman Avenue, 15 Chatsworth Road, 43 Sackville Road, 17 Roman Road, 13 Lloyd Road, 107 Queens Park Road** and **4 The Upper Drive** supporting the application for the following reasons:

- The development will benefit children with the outdoor environment helping them learn.
- This is an amazing building which will provide great facilities and will also be used by local community groups.
- The scheme also meets eco standards and provides a sustainable building.
- The school already have permission to use the building as a nursery and that the proposed use is unlikely to result in anymore disturbance than already exists.
- The current building is in great need of attention and this scheme allows the children to have access to a better designed, safer and more eco-friendly area that the whole school can enjoy.

Brighton & Hove Archaeological Society: Referral is made to the East Sussex County Council Archaeologist.

East Sussex County Council Archaeologist: The site is within Archaeological Notification Area defining the former village of Aldrington. No objection is

subject to a condition stating that no development shall take place until reasonable facilities have been arranged, including rights of access during any construction works, in order to prepare archaeological records.

Sport England: No objection.

Internal:

Arboricultural Section: No objection subject to suitable conditions to protect existing trees.

Children and Young People’s Trust: No objection.

Environmental Health: Comments awaited.

Planning Policy: The proposal to build a pavilion building in the playing fields of St Christopher’s School is considered to comply with policy HO20 of the Local Plan as the facility is to be replaced.

Sustainable Transport: No objection subject to a condition requiring details of cycle parking to be submitted and approved by the Local Planning Authority in writing.

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 (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

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

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SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD27	Protection of Amenity
HO20	Retention of community facilities
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

The National Planning Policy Framework (NPPF)

8 **CONSIDERATIONS**

Matters relating to rights of access to the lane from Leicester Villas is not a material planning consideration. St Christophers School is looking into the issue of rights access.

The main considerations in the determination of this application relate to the principal of the use, whether the proposal is appropriate in terms of design, residential amenity, sustainability, impact on trees, archaeological considerations and highway safety.

Planning Policy & Principle of Use

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

The Framework identifies that there are three dimensions to achieving sustainable development- economic, social and environmental- which should be sought jointly and simultaneously through the planning system.

To support these three dimensions, the Framework identifies twelve core land use planning principles. These principles include (amongst others) the desire to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of urban areas and encourage the effective use of land by reusing land that has been previously developed.

Policy HO20 states that planning permission will not be granted for development that involves the loss of community facilities including nurseries and schools. The existing pavilion was granted in 2000 under BH1999/01940/FP. This

permission was for a part Class D1 / part Class D2 use. The pavilion was constructed and the pavilion was used as a changing facility for St Christopher School located on New Church Road and as a nursery for 30 children. It appears that the approved Class D2 use was never implemented and it is unclear what this Class D2 use related to.

The pavilion is now in need of repairs and the school have ceased using the facility as they do not feel it is fit for purpose. The proposal is to replace the existing pavilion with a new single-storey structure which will be used as a changing facility and additional classroom for the school. The proposed use again falls under Class D1. This scheme as submitted does not include D2 floor space.

The Policy Section has commented that the applicant should ensure that the building continues to be available to outside groups such as the Scouts in order for the use to remain a true community use. However, the Scouts do not use the building presently. They use a building on Glebe Villas but do have access to the field, which is unaffected by this application.

Policy QD20 states that planning permission will not be granted for proposals that would result in the loss of areas of private or public open space. The proposal moves the pavilion further to the east of the footprint of the existing pavilion in order to allow a new emergency access to the playing fields. This results in the loss of a small section of playing fields. The scheme retains the playing fields and will provide better changing facilities.

Sport England has commented that the scheme is appropriate as it does not affect the playing fields and is largely in the same footprint as the existing pavilion. Given this, Sport England has no objection to the scheme. Additionally, given that the proposed pavilion is largely in the same position as the existing pavilion in the north west corner of the playing fields, the scheme is also deemed in accordance with policy QD20.

Design:

Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.

The existing pavilion was approved in 2000 (ref: BH1999/01940/FP) and is single-storey timber structure with decked areas and its main entrance facing south. The proposal is for a replacement single-storey structure with a sedum flat roof. The new building is less traditional in design with a curved corner to the south east corner. The building again includes decked areas and also includes a disabled access ramp around the curved corner. The building includes timber windows frames, steps and hand railings. The roof includes a metallic cover at eaves level.

The new structure is roughly in the same position as the existing pavilion in the north west corner of the playing fields. In this enclosed location, the structure

does not form part of any street scene. The structure will be visible from the surrounding houses and partly visible from Leicester Villas down the access road. The new structure is similar in scale and bulk to the existing pavilion and it is felt that the timber modern appearance of the structure with its sedum roof is sympathetic to this area and to the appearance of the playing fields.

Impact on Amenity:

Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties.

The pavilion is in close proximity to residential properties to the north and west of the site. The closest property to the scheme is 24 Chelston Avenue. This property is most affected by the proposed scheme. The existing pavilion is situated south of the rear garden of this property. It is 17.25m wide and 3.9m high and is within 1m of the boundary with 24 Chelston Avenue which has an approximately 1.8m high timber fence. The existing pavilion already extends along the boundary with 24 Chelston Avenue and has some impact. The proposal is a pavilion which is also 3.9m high and set 1.4 from the boundary.

To allow vehicular access to the site, it is proposed to move the pavilion 2m further east. This results in an additional impact on no.24 Chelston Avenue. However, having regard to the impact of the existing pavilion, the proposed movement of the pavilion further east would not result in a significant difference when compared to the existing or result in a significant increase in the impact the pavilion has on the amenity of no.24. There is a tree adjacent the boundary at no.24 which will mitigate the impact of this change of position to some degree. No.24 includes a south facing window serving a kitchen which allows views over the pavilion. This window will not be significantly affected by the proposal due to its position from the proposed structure.

It also felt that the new pavilion will form a much more attractive addition than the existing pavilion which is need of repair. To protect the privacy of no.24, no windows are proposed to the north elevation. The north elevation does include a door and the applicant has stated that this is required for fire safety purposes and will not be used on a daily basis. The side of the pavilion will be used for cycle storage for staff and refuse storage. These uses will not detrimentally affect the amenity of the immediate adjacent property.

In terms of use, the pavilion is proposed to be used as a changing room and classroom for St Christopher's School. This use will result in some noise disturbance for adjacent properties. However, it should be noted that the existing use as a nursery and changing room already result in a noise impact. It is felt that the use as changing facility and class room will not result in a significant increase in noise levels. The applicant has stated that the pavilion will be used as a classroom between the hours of 8am and 3.30pm and for the community use between 3.30pm and 6pm Monday to Friday. To protect the amenity of adjacent properties, a condition is recommended that the pavilion shall only be used between these hours.

The scheme includes terraces to the east and south elevations. The terraces

proposed are no bigger or higher than the existing terraces on the pavilion and will not result in anymore loss of privacy or noise disturbance than already exists.

Sustainable Transport:

Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

The pavilion was until recently used as a nursery for around 30 children. The new pavilion will be used as a teaching space for 20 reception age children and a changing area for the school. The scheme also includes an emergency access to the playing fields which involves installing new timber gates to allow access from Leicester Villas. The pavilion is used by St Christopher's School on New Church Road. The school children travel to the site on mini buses and are dropped off at either the Glebe Villas or Leicester Villas entrance between 8.30-9.00 am. Sports arrangements for the whole school will continue as they currently are with children arriving and departing in a school minibus at the beginning and end of their timetabled sport sessions.

At the end of the day for the children at the pavilion site, parents would pick up between 3.15-3.25pm using the Leicester Villas entrance. Children who had not been collected or are in after school clubs would be transported to the main school at 3.30pm by minibus. The school has stated that based on their Reception class, approximately one third of parents collect on foot and one third of parents use the after school clubs. One third of parents in Reception collect their children by car at the end of the school day.

The Transport Manager has commented that the majority of trips to the proposal are likely to be linked to other local trips and that the proposal is also likely to reduce the number of trips to the site when compared to the previous use as a nursery. Therefore the development is unlikely to have a material impact on the operation of the local highway network. The proposed development also provides cycle parking for employees along the northern boundary.

Sustainability:

Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 8 on Sustainable Building Design also states that non residential units (under 235 sqm) should include measures to reduce energy and water.

The applicant stated that the building will built mostly of sustainably sourced and certified timber and will be highly insulated to ensure a high energy performance rating. Additionally, the sedum roof proposal will also insulate the building and offer a habitat for wildlife. A condition is recommended requiring evidence that the timber to used in the construction of the pavilion is from a certified sustainably managed source or evidence the timber it is from local woodland.

Policy SU13 and Supplementary Planning Document 03 on Construction and

Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. No statement has been submitted with the application. Therefore, a condition is recommended requiring the submission of a waste minimisation statement to be approved by the local planning authority prior to commencement of works.

Ecology/Nature Conservation:

The scheme includes the formation of a nature reserve in the south west corner of the playing fields. This area is comprised of overgrown bushes and the formation of the nature reserve here would not affect the playing fields.

The nature reserve does not include any substantial works which would result in a significant impact on the amenity of adjacent properties. The Council's Ecologist has commented and provided advice in respect of the creation of a pond and nature reserve.

Archaeological Considerations

The site is within an Archaeological Notification Area. The East Sussex County Archaeologist has commented that the site within the area defining the former medieval village of Aldrington. All that survives above ground is the partial remains of a 13th century church incorporated in St Nicholas Church to the south of the playing fields.

Although damage to archaeological remains may have occurred during the construction of the current pavilion, the proposed building is on a larger footprint which has the potential to impact undisturbed areas.

For this reason, the archaeologist recommends a condition requiring a watching brief, which is secured by condition 9.

Arboriculture:

The Council's Arboriculturist has commented that in close proximity to the current Pavilion (to the rear of number 25 Leicester Vilas) is a Weeping Willow. The footprint of the proposed outbuilding is further away from the tree than the current building and this is to be commended.

The foundations of the current pavilion create a hostile environment for the tree's roots and there are unlikely to be any in this vicinity.

The Arboricultural Section has no objection to this proposal, however, this tree should be surveyed and assessed and if appropriate protected to BS 5837 (2005) Trees in Relation to Construction during the course of the development as far as is practicable. A condition is therefore recommended stating no development shall commence on site until a scheme which provides for the retention and protection of adjacent trees has been submitted to and approved by the Local Planning Authority. The scheme shall include protective fencing for the adjacent trees and shall be implemented in strict accordance with the agreed details.

The Arboriculturist has also commented that trees may need to be pruned prior to the development commencing, this should be carried out to BS 3998 (2010) Tree Pruning Recommendations.

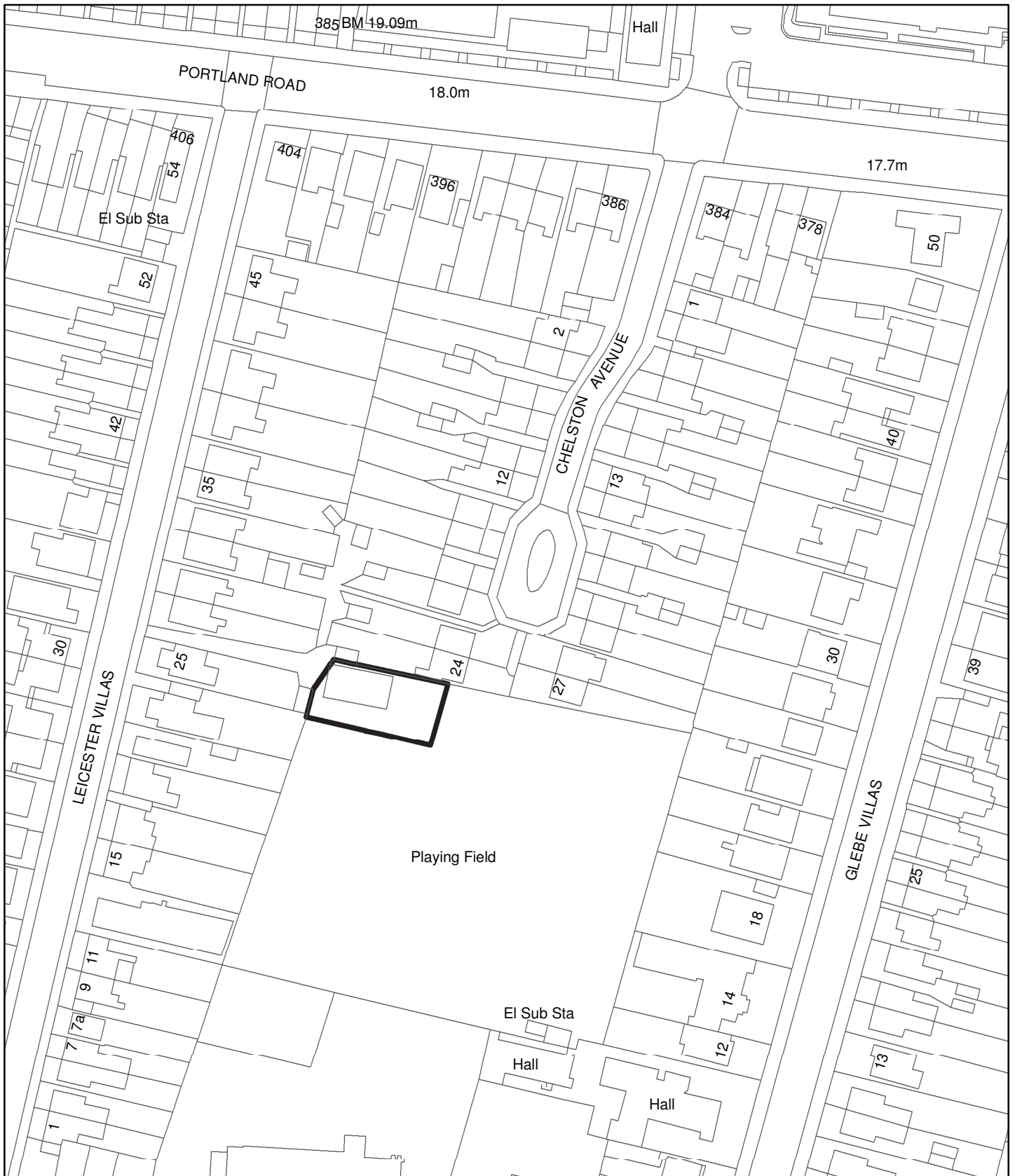
9 CONCLUSION

Having regard to the existing pavilion, the proposed development would not have a significant impact on the amenities of the occupiers of adjacent properties or have a significant impact on trees within the vicinity of the site. The proposal is also considered acceptable in terms of its design and appearance in relation to the recipient building and surrounding area. Subject to the recommended conditions, the development would represent sustainable development in accordance with development plan policies and the National Planning Policy Framework.

10 EQUALITIES IMPLICATIONS

The scheme includes a ramp and allows adequate access for people with disabilities.

BH2012/00248 Glebe Villas Playing Fields, Chelston Avenue, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

