

<b><u>No:</u></b>	<b>BH2011/03487</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>247-249 &amp; Land Adjacent to 251 Ditchling Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 2no residential dwellings to replace 247-249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey retail/financial and professional services building (A1/A2) over existing basement to North.</b>		
<b><u>Officer:</u></b>	Aidan Thatcher	<b><u>Valid Date:</u></b>	22/11/2011
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	17 January 2012
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Deacon and Richardson Architects, 87-88 Upper Lewes Road, Brighton		
<b><u>Applicant:</u></b>	Mr DJ Cook, Eastwood Farm, Shaveswood Lane, Albourne, Hassocks		

## 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 nos. 3311.EXG.01 B, 3311.EXG.02 B and 3311.PL.450 received on 14.11.11, drawing nos. 3311.PL.150 B, 3311.PL.151 B and 3311.PL.250 B received on 27.01.12 and window section details (unreferenced) received on 20.02.12.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual

amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

- 5) Access to the flat roof elements of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

- 6) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

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

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 8) The proposed Class A1/A2 unit hereby permitted shall not be open to customers except between the hours of 08.00 and 21.00 on Mondays to Saturday and 09.00 and 19.00 on Sundays, Bank or Public Holidays.

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

- 9) The proposed Class B1 office unit hereby permitted shall not be in use except between the hours of 08.00 and 22.00 on Mondays to Saturday and 09.00 and 19.00 on Sundays, Bank or Public Holidays.

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

- 10) The foundations of the development within the vicinity of the Walnut Tree shall be carried out in strict accordance with the measures set out in the Arboricultural Impact Assessment submitted with the application by PJC Consultancy – reference PJC/969/10.

**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 QD16 of the Brighton & Hove Local Plan.

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

**Reason:** To enhance the appearance of the development in the interest of

the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 12) The crossover is constructed in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.

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

Pre-commencement Conditions

- 13) 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.

- 14) The commercial development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

- 15) Prior to the commencement of development, including any groundworks, a full Arboricultural Method Statement shall be submitted and be approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details. The Statement shall include:

- i. Full details confirming that the two on-street sycamores in close proximity to the development shall have their main boles protected during the course of development to the standards set out in BS 5837 (2005): Trees in relation to Construction;
- ii. Full details of the construction methods of the proposed bin storage area which is in the vicinity of tree roots;
- iii. Full details of the service runs, which shall not be located within any tree's root protection area;
- iv. Confirmation that the wall between the development site and the Walnut

tree will remain in situ during the course of the development to ensure adequate protection of the tree;

- v. Full details that the driveway/crossover shall be constructed to the standards set out in BS 5837 (2005) and Arboriculture Practice Note No 1: Driveways Close to Trees;
- vi. Confirmation that any pruning works to the Walnut tree shall be carried out BS 3998 (2010) Tree Work and the time of year any pruning will take place.

**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 QD16 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) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 18) The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

- 19) No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i. Sample elevations and section at 1:20 scale of the shopfront and fascia, the bays, gables, balconies, windows, dormers, doors, parapets, balustrades, copings, eaves, bin stores, meter cupboards, cycle stores, and all other features;
- ii. Details and sections at 1:5 scale of the eaves, barge board copings, cills and door thresholds;
- iii. Sectional profiles at 1:1 scale of windows, doors, and door frames and shopfront frames showing their relationship to their reveals and cills;
- iv. Details of the shopfront render work mouldings at 1:1 scale;
- v. Details of the decorative brickwork at 1:5 scale;
- vi. Details of the boundary walls, pilasters fences and gates including sample elevations at 1:20 scale;

The works shall be carried out in 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 HE6 of the Brighton & Hove Local Plan.

- 20) 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.

Pre-occupation Conditions

- 21) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 22) 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.
- 23) 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:-

The proposal would represent a high quality development that would conserve the character and appearance of the Preston Park Conservation Area improving the provision of employment generating floorspace across the city and the vitality or viability of the Fiveways Local centre. The proposal would cause no harm to the amenities of proposed or neighbouring occupiers and subject to conditions would cause no harm to trees or

highway issues. As such the proposal is considered to be in accordance with Local 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](http://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](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://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](http://www.communities.gov.uk)).

## 2 THE SITE

The application site fronts onto the west side of Ditchling Road, close to the junction with Stanford Avenue (Fiveways).

The site comprises a part single and part two storey building located at the end of a uniform terrace of Edwardian two storey properties. It also includes part of an access road to a residential backland development currently under construction. Across this access is currently an open car park area directly fronting Ditchling Road and the site then continues north until it reaches the flank elevation of the shops at Fiveways.

The wider area is predominately residential in character, with the exception of the commercial properties to the north surrounding Fiveways.

## 3 RELEVANT HISTORY

### 247-249 Ditchling Road

**BH2011/03488 (CAC):** Demolition of 247-249 Ditchling Road, Brighton – not yet determined.

**BH2011/00024 (CAC):** Demolition of 247-249 Ditchling Road, Brighton – refused 20/04/2011.

**BH2011/00023:** Erection of two 4no bedroom residential dwellings to replace 247-249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey office/retail building (A1/A2) over existing basement to North – refused 20/04/2011.

### 249 Ditchling Road

**94/1124/FP:** Elevational alterations to form new entrance and window – granted

31/01/1995.

245-249 Ditchling Road

**BH2008/00557:** Part change of use, alteration and extension to form single dwelling house – approved 19/05/2008.

**BH2007/04068:** Proposed part demolition, part change of use, alterations and extension of buildings to reinstate a single dwelling house at No 245 and additional office space at No.s 247 and 249. (Resubmission of refusal, BH2006/01608) – appeal for Non-determination dismissed on 09/10/2008.

**BH2006/01609 (CAC):** Demolition of front elevation of 247 and 249 and lower elevation of 245 – refused 07/07/2006.

**BH2006/01608:** Demolition and remodelling of lower front elevation of 245 and change of use to wholly residential (single dwelling house). Demolition of front elevations of 247 & 249, and addition of 2 storeys over to provide additional office space (B1) – refused 28/11/2006. Appeal dismissed 16/07/2007.

**BH2005/01246/FP:** Conversion of No. 245 from office and first floor flat to one 4 bedroom house. Demolition of offices at Nos. 247 and 249 and construction of two 3 bedroom houses. (Re-submission of refused application BH2004/00942/FP) – refused 10/06/2005.

**BH2005/01144/CA:** Demolition of existing building (comprising offices), at 247 and 249 Ditchling Road (Re-submission following refusal of BH2004/01038/CA) – refused 10/06/2005.

**BH2004/01038/CA:** Demolition of existing building (comprising offices), at 247 and 249 Ditchling Road – refused 13/05/2004.

**BH2004/00942/FP:** Change of use of No. 245 from office and first floor flat to 1 no. four bedroom dwelling. Demolition of offices at No. 247 and 249 and the erection of 2 new three storey, 3 no bedroom dwellings – refused 13/05/2004.

#### 4 THE APPLICATION

Planning permission is sought for the demolition of the existing commercial building (together with Conservation Area Consent application BH2011/03488) and the erection of 2 no. two storey (with rooms in the roof) 1 no. 4 bedroom and 1 no. 3 bedroom dwellings, a two storey office building and a single storey commercial unit, and a flexible consent is sought for this unit for use classes Class A1, A2 and B1.

The proposed dwelling at no. 247 would measure approximately 5.4m wide x a maximum 11.9m deep (at ground floor level), 11.1m at first floor level x 6.2m to eaves height and 8.8m to ridge height.

The proposed dwelling at no. 249 would measure approximately 6.8m wide (at its widest point) x 9.0m deep (narrowing to 4.9m deep to the side 'extension') x 6.2m to eaves height and 8.8 to ridge height.

The proposed office building is to measure approximately 18.2m wide x 7.4m deep at its deepest point (narrowing to 4.0m deep) x 4.8m to eaves height and 5.8m to ridge height.

The proposed flexible unit is to measure approximately 6.7m wide x 4.4m deep x 4.0m high (to the top of the flat roof).

It is noted that revised plans have been submitted during the course of the application seeking to address the initial comments from the Heritage Team.

## 5 CONSULTATIONS

### External

**Neighbours: Five (5) letters** of representation have been received from (**114, 116, 118 (x2) Stanford Avenue and 253 Ditchling Road**) objecting to the application for the following reasons:

- Overlooking and loss of privacy;
- Lack of need for additional commercial units;
- Increased parking stress;
- Loss of sunlight/daylight;
- Increased security risk to existing properties;
- Overbearing impact;
- Increased sense of enclosure;
- Sound transmission from the outside space for the office development;
- Increase noise and disturbance;
- There are flaws in the submitted Daylight analysis study;
- Lack of outside space for the proposed dwellings; and
- Flexible unit should be just A1, as there is a saturation of Estate Agents in the area.

**Conservation Advisory Group:** The group support the development in principle, but would prefer the use of timber framed sash windows.

### Internal:

**Economic Development:** Supports the application.

### Heritage:

#### Initial comments:

The existing buildings on the site do not have any architectural or historic significance or value and their demolition is acceptable.

Whilst floor plans have been provided a 1:50 scale, elevations have only been provided at 1:100 scale. 1:50 scale elevations should be provided to get a better understanding of the buildings' detailed design.

The proposed massing, footprint, layout and form of the residential building and its design approach is acceptable.

However, whilst this is a modern interpretation of an Edwardian semi-detached villa, I have reservations about the use of aluminium windows in this context. They generally have quite bulky frames and are likely to appear discordant adjacent to the historic houses with their slim framed timber windows. It is not clear if they are to be sliding sashes or tilt opening. The latter would also appear discordant on buildings of this form and in the street scene.

I consider that the massing, footprint and layout of the smaller office building to be acceptable and its form also, apart from its roof. The asymmetrical roof would



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be clearly apparent in oblique views and would appear incongruous in this area which has a high degree of architectural unity. A symmetrical roof is called for.

Likewise, the windows should also be sliding sashes rather than tilting. However, aluminium windows would not necessarily be unacceptable on this building, as they would relate to its more modern style if it can be demonstrated that slim frames are achievable. The windows on its northern end lack cills, unlike those on the bays and this part of the facade looks a bit bland as a result and cills should be added.

The predominant use of render for the front elevations of the two storey office building would be out of character with the street which is of almost entirely of red brick. Where render is used, it is used very sparingly, mainly on the gables above the bays. Render should be used much more sparingly on this building.

The choice of slate for the roofs is inappropriate to the character of the area which is overwhelmingly dominated by red clay tiles and later replacement red concrete tiles. It would look discordant and tile should be used.

The drawings do not show clearly the boundary walls and fences and their materials on all sides and it is not possible to get a clear idea of the street scene as a consequence. These are needed at these stage. It is not clear if the proposed fences alongside the access road to the site at the rear would extend beyond the rear of the buildings. Fences would not be appropriate at the front or at the sides of the buildings and should be confined to the rear, so that they do not intrude on the street scene in Ditchling Road. The materials and designs of the boundary walls and fences should be sympathetic to the area.

It is not clear why the front garden wall of the office building does not return to the building at its north end and it should do so, unless there is some essential reason not to.

Bin stores are shown in the front gardens. These would detract from the street scene and should be relocated to the rear gardens.

The single storey shop unit is acceptable in principle, subject to its rendered pilasters, fascia and cornice matching the originals in the adjacent parade of shops.

It is essential that the scheme is carefully detailed and good quality materials are used. Larger scale details will be needed but these can be controlled by conditions and I will advice on these later.

Please can you seek additional information and revisions as outlined above.

### On amended plans

The revised designs and materials are now acceptable in principle, subject to details and conditions.

Note that the windows are to be sliding sashes and that some sectional details

of the aluminium frames have been submitted. However, there are no details of their trickle vents, which should be concealed. Their head frames are a bit too bulky, but this could be overcome by embedding in the reveals. Their bottom rails are too shallow, which will look odd next to the original windows of the adjoining villa. Provided that these concerns can be resolved satisfactorily, would not object to aluminium windows, but whilst the finer points of detailing can be dealt with by a condition we would need reassurance on the above concerns before agreeing to aluminium windows in principle at this stage.

The roofs are now of clay tiles which should be plain red clay tiles and the front facades of brick which should be soft red bricks both to match those found in the locality. This can be dealt with by conditions.

With regards to the materials of the access road to the site at the rear, inappropriate concrete blocks have been laid on that site. A decision on what should be done about that can be taken in respect of the site at the rear. However the materials of that part of the access road which passes through this application site needs to be considered in relation to this application. Consider that traditional square edged natural clay pavers should be used. These should be black to match the asphalt of carriageway of Ditchling Road, or alternatively plain reds to match the traditional brick pavers of Brighton. WT Lamb's Victorian Red Clay Pavers are the best match that can also stand up to vehicular traffic.

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

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

Brighton & Hove's development parking standards are set out in SPG4, which was originally adopted in 1997 and incorporated in the first deposit draft plan in September 2000. These standards set out the maximum level of car parking for various use classes.

These parking standards set a maximum provision of 1 standard car parking space per dwelling up to 3 beds plus 1 car parking space per 2 dwellings for visitors and 1 standard space per 30m<sup>2</sup> GFA for office use.

This means that the site could provide up to a maximum of 9 car parking spaces on site. The blue badge/disabled parking provision as set out in SPG4 for this type of development is a minimum of 1 space per 10 dwellings and 1 per 100m<sup>2</sup> for office use. This would suggest that 2 disabled parking spaces should be provided in addition to the 9 standard spaces noted above.

A national recognised source of traffic and transport impact data for various land uses has been interrogated. The residential accommodation part of the database includes average transport impacts of various land uses including a section on residential houses. This section suggests that the parking demand of six sites in similar locations to this proposal would be 0.9 spaces per unit. The same data suggests that edge of town offices would require 2 parking spaces

per 100m<sup>2</sup>. Using this data the car parking demand of a site with two houses and 167m<sup>2</sup> of office space could reasonably be expected to be for 4 standard car parking spaces.

Previous site visits during the day and early evening suggest there is sufficient on-street parking capacity available to accommodate the potential demand generated by this proposal. It is unlikely that the local environment will suffer from overspill parking as drivers try to avoid the CPZ charges. It is therefore unlikely that a refusal on the grounds that the proposal is not providing sufficient car parking on-site could be supported if appealed against.

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 17<sup>th</sup> February 2011 the Applicant is expected to make a financial contribution of £3000 to help finance off-site highway improvement schemes, such as but not limited to, the upgrading of the Five-ways crossing to improve public safety.

The Applicant is proposing to reduce the width of the existing access, this will need to be controlled to make the proposal acceptable to the Highway Authority.

**Arboriculture:** The Arboricultural Impact Assessment submitted with the planning application is comprehensive and the Arboricultural Section are in full agreement with it.

Should this application be granted consent, a few trees/shrubs of insignificant arboricultural value may be lost, ie, Mahonia, Cupressus spp. The Arboricultural Section would not object to their loss.

There is a fine Walnut tree in the rear garden of 118-120 Stanford Avenue, to the north of the proposed development site, that will need to be considered.

There are also two overmature Sycamores on-street in close proximity to the proposed development. Conditions will need to be attached to any consent granted to ensure their retention post-development.

Overall, the Arboricultural Section do not object to these proposals, subject to conditions being attached to any planning consent granted.

**Environmental Health:** No comments received.

**Environment Agency:** No comments received.

## 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:

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- 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
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD10	Shopfronts
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
SR1	New retail development within or on the edge of existing defined shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions  
SPGBH4 Parking Standards

Supplementary Planning Documents:

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

The National Planning Policy Framework (NPPF)

**8 CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of the development, impact on character and appearance of the wider area, amenity issues, tree issues, highway issues and sustainability issues.

**Principle of the development**

There are a number of different aspects to this application, that are dealt with each one in turn below.

Loss of commercial floorspace

Policy EM5 confirms that planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

Redundancy will be determined by considering the following factors:

- a. The length of time the premises have been vacant; together with
- b. The marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;
- c. The prevailing vacancy rate for the size and type of office in Brighton & Hove;
- d. The complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;
- e. Links to public transport; and
- f. The quality of the building.

If following consideration of the above criteria, the offices and/or the sites are regarded as genuinely redundant, preference will be given to:

- Alternative employment generating uses; followed by
- Affordable housing.

Policy EM6 confirms that small industrial, business and warehouse premises (Use Classes B1, B2 and B8 of 235sqm or less) will be retained for employment purposes unless:

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- a. Specially or converted started business units are available elsewhere in the neighbourhood at a comparable level;
- b. The premises have been assessed and are genuinely redundant i.e. they are vacant and have been marketed locally at a price that reflects their condition and commercial value and for a period of time that reflects the likely demand for the size of premises;
- c. Continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or
- d. Access to the premises does not meet an acceptable safety standard and cannot reasonably be improved.
- e. A change of use is the only practicable way of preserving a building of architectural or historic interest.

The scheme involves the demolition of the existing commercial floorspace on the site. The existing Class B1 floorspace on the site is 163sqm.

The replacement scheme seeks 128.6sqm of dedicated Class B1 floorspace, with an additional 38sqm flexible floorspace, to include Class B1 as a potential occupier.

The 38sqm flexible space cannot be considered as contributing to the overall replacement B1 floorspace as it may well not be utilised for this use.

However, the proposal (worst case) involves the loss of 34.4sqm Class B1 floorspace if the flexible unit is used for A1 or A2 use. This minor loss, should it occur, would be acceptable in this particular instance as the newly provided floorspace would be of significantly higher quality than the existing. It is also noted that the Economic Development Team support the application on these grounds.

### New office floorspace

As noted above, the proposed Class B1 floorspace is to replace existing upon the site, and thus the principle is acceptable, and in fact is protected through the above policy framework.

### New retail floorspace

Policy SR1 confirms that applications for new retail development within the built-up area and within or on the edge of an existing defined shopping centre will be permitted where the proposal:

- a. Itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality and viability of existing established shopping centres and parades in Brighton & Hove;
- b. Is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages;
- c. Is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
- d. Will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
- e. Provides adequate attendant space and facilities for servicing and deliveries;

- f. Provides facilities for parent and child, the elderly and people with disabilities; and
- g. Provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan.

In addition, applications for new retail development on the edge of existing established shopping centres will be required to demonstrate, firstly that there is a need for the development and, secondly, that no suitable site can be identified within the existing centre. The development should also be appropriate in scale with the centre, whether regional, town, district or local, which it is intended to serve.

The proposed flexible unit, which could be utilised for retail floorspace, is located on the edge of the Fiveways Local Centre, and adjacent to an existing local parade. It is understood that the proposed site formerly accommodated a retail unit, and the basement level is still present.

The limited scale of the unit, at just 38sqm, its location at the end of a local parade, adjacent to an existing local centre combined with the recently published National Planning Policy Framework (specifically Chapter 2) means that an impact assessment would not be required for a development of this scale.

The proposal is compliant with criterion a, b, c, d and g of policy SR1, with e and f not being applicable in this instance. Therefore the principle of new retail floorspace of this scale is considered to be acceptable.

#### New residential 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.

Chapter 6 of the National Planning Policy Framework also confirms that applications for residential development should be considered in the context of the presumption in favour of sustainable development.

As such, the principle of residential development would be considered favourably if the loss of the existing use has been demonstrated as acceptable.

#### **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.

Policy HE6 requires development proposals to preserve or enhance the character or appearance of the conservation area.

The proposed scheme seeks the demolition of the existing structures on the site and their replacement with 2 no. two storey dwellings with accommodation in the roofspace. In addition, 2 additional buildings are proposed, one on an existing piece of hardstanding (utilised for vehicle parking) and the other over an existing basement level adjacent to the existing parade of shops.

The design has been amended during the course of the application, seeking to address concerns from the Heritage Team. There are now no objections to the scheme in design terms subject to conditions.

The two proposed residential properties follow the existing rhythm, scale, bulk and proportions of the terrace to the south, with the north-most property incorporating a two storey side extension. Both properties also incorporate rear facing dormer windows.

The proposed dwellings incorporate a significant front gable above the projecting square bays, which follow the proportions of the historic terrace, whilst incorporating feature brickwork to enable a distinction between the new and the old. The fenestration detailing also following historic proportions, but materials introducing a contemporary design to the end product.

The proposed two storey extension to the northern property is set down in terms of ridge height and eaves level from the main property and incorporates a gable end. This is considered to be acceptable without being overly dominant to the main dwelling or causing any harm to the character or appearance of the street scene or wider conservation area.

The dormers proposed are centrally located on the rear roofslopes of the proposed dwellings, and are situated between the first floor windows and thus ensure an element of symmetry is retained on the rear elevation. As such these are considered to be acceptable without causing harm to the character or appearance of the buildings themselves or the wider conservation area.

The proposed retail unit follows the same proportions of the unit to the north that it would adjoin. It incorporates a stall riser of similar proportions, and includes a step down in height following the existing terrace to address the sloping nature



of the road. As such this element of the scheme is considered to be acceptable in terms of the impact on the street scene and wider area.

The proposed office accommodation is to be a two storey structure, at a lower height than the proposed dwellings, creating a step down in height through the site to the lowest level of the proposed flexible unit.

It has a well proportioned design, with an entrance between two projecting square bays, and additional fenestration to the north.

The palette of materials is considered to be acceptable and is varied to create visual interest within the street scene, integrating effectively with the existing development and enhancing the character and appearance of the Preston Park Conservation Area. A condition is recommended requiring full samples of materials to be submitted for approval.

### **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 two proposed dwellings are not considered to give rise to any amenity concern to neighbouring dwellings. No. 245 Ditchling Road is situated to the south of these, and has an existing ground floor rear extension. There would be no loss of light to the property due to the proposed development being located due north, and existing light being restricted by the property's own rear projection, which is south of the main rear elevation of the property.

The proposed rear windows, including attic level dormer windows are noted, however they will not cause any overlooking to no. 245 itself nor to any other property as they overlook an access road to the rear with residential properties beyond (too far to result in overlooking or loss of privacy issues). To the front the windows overlook Ditchling Road itself, with residential properties beyond. This is not considered to cause any undue overlooking out of character with this part of Brighton.

The proposed flexible retail unit has a low height, is located adjacent to an existing parade of shops and is orientated to Ditchling Road also. Therefore there are not considered to be any adverse impact on neighbouring properties.

The proposed office building is to be two storey, and is located partly up to the shared boundary with no. 118 Stanford Avenue. This gives a proposed distance between the properties of 5.0m at their closest point. This element is at ground floor only, with the first floor set back some 1.2m from the boundary at its pinch point.

The applicants have submitted a Daylight Analysis Report with the application which confirms that the light levels to the properties fronting onto Stanford

Avenue would be in excess of the minimum standards set by the BRE.

It is also noted that the minimum distances between the first floor and rear projection of no. 118 are at the pinch corner of the proposed development only. Due to the positioning, it means that it is just the corner that is closest, and thus views and outlook are possible either side of the proposed first floor, which significantly minimises the impact.

This, combined with the reduction in eaves height of the rear part of the office building ensures that there would be sufficient light and outlook received by the occupiers of the properties fronting onto Stanford Avenue.

The proposed uses, being residential, commercial and retail, are not in principle considered to give rise to any amenity concern to existing occupiers due to the variety of uses within the vicinity of the site, including the existing commercial floorspace. Conditions are recommended to restrict the opening hours of the commercial units to ensure no harm to residential amenity.

#### For future occupiers

Brighton & Hove Local Plan policy HO13 requires that all new residential units should comply with Lifetime Homes standards.

The floorplans submitted appear to show conformity with lifetime homes standards, and thus a condition is recommended requiring the homes to be built to such standards is recommended.

The commercial units would have incorporated level thresholds etc, to ensure accessibility for all which would be acceptable in this regard.

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

Due to the triangular shape of the part of the site for the proposed dwellings, this results in an awkward rear garden shape. No. 247 would incorporate a garden size of 40sqm and no. 249 a space of 46sqm. These are considered to be on the lower limits of acceptability having regard to the size of the dwellings. However, they are considered to just be of appropriate size for the future occupiers.

#### **Tree issues**

Policy QD16 confirms that applications for new developments:

- Should accurately identify existing trees, shrubs and hedgerows;
- Must seek to retain existing trees and hedgerows; and
- Wherever feasible include new tree and hedge planting in the proposals.

It goes on to confirm that replacement and new planting will be secured through condition/s106 as appropriate. In addition, where works are proposed in the vicinity of trees, adequate protection measures must be in place.

The application proposes part of the two storey office building within the root zone of an existing tree, and the application is accompanied with an

Arboricultural Report which proposes protection works for this tree.

Having regard to the comments received from the Council's Arboricultural Officer, it is considered that these measures are acceptable and conditions are recommended to secure the necessary protection works.

### **Highway issues**

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

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

The comments from the Sustainable Transport team are noted, in that there is no objection to the scheme subject to conditions and a s106 contributing to sustainable transport infrastructure.

Were the application to be recommended for approval, a contribution would usually be sought towards sustainable transport infrastructure within the area to ensure the application would comply with TR1 (although at the present time this would not be required due to the temporary recession measures).

It is also noted that the scheme is not considered to cause additional parking stress to a degree where it would compromise highway safety and thus there is no objection on this basis.

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 scheme provides in excess of the cycle parking provision as set out in SPG04, and a condition is recommended to ensure this is provided prior to occupation of the development.

### **Sustainability issues**

Any new residential building upon the site would need to conform to the requirements of SPD08. This means that a fully completed Sustainability Checklist is required, and the building must meet Level 3 of the Code for Sustainable Homes as a minimum and the commercial floorspace should demonstrate a reduction in energy and water use.

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 applicants have submitted a Sustainability Checklist with the application and a condition is recommended requiring the residential floorspace to meet Code Level 3.

A condition is also recommended relating to general sustainability measures for the commercial floorspace to ensure compliance with policy SU2 and SPD08.

**9 CONCLUSION**

The proposed development seeks consent for a mixed use residential, office and retail development, with the retail element having a mixed use class being A1, A2 or B1 to ensure flexibility to secure a future occupier.

The proposal is considered to conserve the character and appearance of the Preston Park Conservation Area utilising high quality materials, which is controlled by condition.

The proposal has been demonstrated as causing no undue harm on residential amenity, trees, highways issues and would be constructed to an acceptable level to ensure a sustainable development.

As such the proposal is considered to be in accordance with the NPPF and the Brighton & Hove Local Plan.

**10 EQUALITIES IMPLICATIONS**

The scheme would be required to meet current building regulations and lifetime homes standards.

# BH2011/03487 247-249 & Land adj. to 251 Ditchling Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

