

BRIGHTON AND HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2008/02095	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Royal Alexandra Hospital 57 Dyke Road Brighton		
<u>Proposal:</u>	Demolition of all existing buildings. Erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (Use Class D1) (including 102 square metres for a pharmacy - Use Class A1) together with associated access, parking, amenity space (including a public garden) and landscaping.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	20 June 2008
<u>Con Area:</u>	Montpelier & Clifton Hill Adjoining West Hill	<u>Expiry Date:</u>	29 October 2008
<u>Agent:</u>	Boyer Planning Limited, Groveland House, Church Road, Windlesham		
<u>Applicant:</u>	Taylor Wimpey UK Limited, Tyrell House, Challenge Court, Barnet Wood Lane, Leatherhead		

1 SUMMARY

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The site was formerly in use as the Royal Alexandra Hospital for sick children, until the hospital recently relocated to a new hospital on the site of the Royal Sussex County Hospital in Eastern Road.

The application is for the demolition of all the buildings on the site and the erection of three buildings containing 149 flats, a doctor's surgery and pharmacy. Basement parking is proposed with 66 car parking spaces of which 8 would be dedicated for the use of the surgery with vehicular access to the basement parking from Dyke Road.

The principle of a mixed use development of residential flats and a doctor's surgery on the site is considered acceptable in this predominantly residential area; and the development is of a design and scale appropriate to the prominent position of the site within, and adjoining, a conservation area and a grade II listed coach house building and will make a positive contribution to the site and surrounding area.

The development will achieve a Level 4 Code for Sustainable Homes rating and provide 60 affordable units (which equates to 40%) in mix of 1, 2 and 3 bedroom flats. The development will not cause significant harm to neighbouring amenity by way of loss of light or privacy, or increased overshadowing and will provide a good standard of accommodation for future

occupants.

The application is recommended for approval.

2 RECOMMENDATION

That the Planning Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of this report and resolves that it is **Minded to Grant** planning permission subject to the receipt of satisfactory revised plans regarding the elevational design and detailing at third floor level to block C, and the following:

(i) **a Section 106 obligation to secure the following:**

- the provision of 40% affordable housing, which equates to 60 units;
- a contribution of £203,928 towards education;
- an open space contribution of £263,240
- public art works to the value of £55,000, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development;
- the provision of the ground floor surgery and pharmacy; and

(ii) **the following Conditions and Informatives:**

Conditions:

1. 01.01AA Full Planning
2. 13.01A Samples of Materials - Cons Area
3. 02.04A No cables, aerials, flues and meter boxes
4. No development shall commence until sample elevations and sections at a 1:20 of the stair towers, attic windows, balconies, parapets, eaves, window reveals, projecting bays, porches, balustrading, and perimeter gates, walls (including the retained flint walling) and piers have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, or any amendment thereto, the ground floor surgery, as indicated on drawing no. PL102 E, shall only be used as a medical centre and for no other purpose, including any other use within Class D1 (Non-residential institutions) of the Schedule to the Order. **Reason:** To enable the Council to control the use of the premises which if used for any other purpose, including any other purpose in Use Class D1, might be injurious to the amenities of the area, and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, or any amendment thereto, the ground floor pharmacy, as indicated on drawing no. PL102 E, shall only be used as a pharmacy and for no other purpose, including any other use within Class A1 (shops) of the Schedule to the Order. **Reason:** To enable the Council to control the

- use of the premises which if used for any other purpose, including any other purpose in Use Class A1, might be injurious to the amenities of the area, and to comply with policy QD27 of the Brighton & Hove Local Plan.
7. No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.
Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan.
 8. The landscaping scheme, as approved under condition 4 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. 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 with others of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan.
 9. No development or other operations shall commence on site until a scheme which provides for the retention and protection of trees growing on or adjacent to the site, as indicated on Ian Keen Ltd drawing no. 6436/02 Rev D, has been submitted to and approved in writing by the Local Planning Authority. **Reason:** In order to secure the satisfactory preservation of trees within the site and to comply with policy QD16 of the Brighton & Hove Local Plan.
 10. The development shall not be commenced until the tree protection measures as approved under condition 6 have been implemented. Such protection measures shall be retained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the protected areas. **Reason:** To protect those trees which are to be retained on the site and those adjacent and to comply with policy QD16 of the Brighton & Hove Local Plan.
 11. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment, in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in compliance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority. **Reason:** To ensure that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

12. Notwithstanding the submitted details no development shall commence until details demonstrating that the residential units will be built to a lifetime homes standard have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
13. No development shall commence until details of a scheme to insulate the proposed development against noise from adjoining roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall allow for alternative means of ventilation should windows need to be kept shut. The occupation of the hereby approved units shall not commence until the agreed works have been carried out. **Reason:** To safeguard the amenity of future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
14. 08.01 Contaminated Land
15. 25.08A Scheme for surface water drainage
16. No development shall commence until a method of piling foundations for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. **Reason:** To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.
17. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site it must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with. **Reason:** To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.
18. 06.01A Retention of parking area
19. The development hereby permitted shall not be occupied until the cycle parking facilities as shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall be accessible to both residents and visitors and shall 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 the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.
20. No development shall commence until a scheme for the external illumination of the surface surgery cycle parking has been submitted to and approved in writing by the Local Planning Authority. The illumination shall be provided prior to occupation of the development hereby permitted

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

21. A Travel Plan shall be submitted to the Local Planning Authority within three months of the first occupation of the development. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. It shall also set out arrangements for the monitoring and review of disabled parking provision within the site. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review. **Reason:** In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1, TR4 and TR18 of the Brighton & Hove Local Plan
22. No planting or obstructions exceeding 600mm in height shall be planted or placed within the visibility splays of the vehicular access onto Dyke Road. **Reason:** In order to ensure adequate visibility at the junction of the proposed basement access and Dyke Road and to comply with policy TR7 of the Brighton & Hove Local Plan
23. No development shall commence until details of the construction of new crossovers and for the reinstatement of redundant crossovers has been submitted to and approved in writing by the Local Planning Authority. The details for the new crossovers shall include provision of visibility splays and dropped kerbs. The development shall be completed in accordance with the agreed details. **Reason:** In order to ensure adequate visibility at the junction of the proposed basement access and Dyke Road and to comply with policy TR7 of the Brighton & Hove Local Plan
24. No deliveries associated with the biomass fuel plant or ground floor commercial uses shall take place except between the hours of 8.30 and 18.00 Monday to Saturday, and between the hours of 10.00 and 16.00 on Sundays and Bank Holidays. **Reason:** To safeguard the amenity of future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
25. Unless otherwise agreed in writing by the Local Planning Authority the development shall be completed in accordance with the outlined measures within the hereby approved Faber Maunsell report to achieve a Level 4 Code for Sustainable Home rating. **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
26. Prior to its installation a noise and vibration assessment for the proposed biomass boiler shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The report shall consider how noise and vibration from the biomass boiler will affect nearby noise sensitive receptors and should recommend suitable measures to prevent noise and vibration affecting nearby noise sensitive receptors as a result of the development. The development shall be undertaken in accordance

with the approved assessment and all approved mitigation measures shall be permanently retained thereafter. **Reason:** To safeguard the amenity of future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. No materials shall be imported into the site other than low-moisture bio-fuel for use in the biomass plant. **Reason:** To safeguard residential amenity and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
28. Prior to installation of the biomass plant further details of its layout and external appearance shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of drying / storage facilities and external elevations where appropriate. The plant shall be installed in accordance with the agreed details and be retained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and safeguard residential amenity of future occupiers of the development and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

- 1) This decision is based on drawing nos. PL12.100 G, 12.101 E, 101 & 110 A submitted 30th July 2008; and amended drawing nos. PL102 E, 103 D, 104 D, 105 D, 106 D, 107 C, 108 E, 109 D, 111 C, 112 D, 113 B, 114 B, 115 A, 116 A, 118 B, 119, 120 & 12.102 H submitted 10th November 2008.
- 2) This decision to grant Planning Permission has been taken:
- i. having regard to the policies and proposals set out below:

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
TR7 Safe development
TR8 Pedestrian routes
TR9 Pedestrian priority areas
TR14 Cycle access and parking
TR18 Parking for people with a mobility related disability
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
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
SU15 Production of renewable energy
SU14 Waste management
SU16 Production of renewable energy
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
QD7 Crime prevention through environmental design
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
DQ17 Protection and integration of nature conservation features
QD27 Protection of amenity
QD28 Planning Obligations
HO2 Affordable housing and ‘windfall’ sites
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO6 Provision of outdoor recreation space in housing schemes
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HO21 Provision of community facilities in residential and mixed use schemes
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE8 Demolition in conservation areas

Supplementary Planning Guidance:

BH4 Parking Standards
BH16 Renewable Energy and Energy Efficient Development

Supplementary Planning Documents:

SPD03 Construction and demolition waste
SPD06 Trees and development sites
SPD08 Sustainable building design

Government Policy

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
PPG15 Planning and the Historic Environment
PPS22 Renewable Energy; and

ii. for the following reasons:

The development would make effective and efficient use of land within a built up area and is of a design and scale appropriate to the prominent position of the site within, and adjoining, a conservation area and grade II listed coach house building, and will make a positive contribution to the site and surrounding area.

The development will provide a public open space, a surgery and pharmacy, 40% affordable housing, and create a good standard of

residential accommodation without detriment to neighbouring amenity.

The development will be highly sustainable and meets the demand it creates for infrastructure, including transport, education, open space, community facilities and public art.

- 3) The applicant is advised to contact Southern Water's Network Development Team (Wastewater) to discuss entering into a formal agreement to provide the necessary sewerage infrastructure to service the development. Please contact Anglo St James House, 39A Southgate Street, Winchester, Hampshire (tel: 01982 858688).
- 4) The new crossovers and reinstatement of redundant crossover should be carried out in accordance with the Council's Manual for Estate Roads and under license from the Highway Operations Manager (tel: 01273 292462).

3 THE SITE

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The site contains a collection of buildings with the main building dating back to 1880 and designed by the local architect Thomas Laison. The eastern side of Dyke Road, fronting the application site, is within the West Hill Conservation Area.

The site was formerly in use as the Royal Alexandra Hospital for sick children until relocating to new premises on the Royal Sussex County Hospital site, on Eastern Road, in June 2007. The site was sold to the applicant in July 2007 and has been vacant since.

4 RELEVANT HISTORY

Applications for planning permission and conservation area consent for the demolition of the former hospital buildings and erection of 156 residential units and 751 square metres of commercial floorspace (doctors surgery and pharmacy), associated access, parking and amenity space were withdrawn by the applicants (**BH2007/02925** and **BH2007/02926**).

Planning permission was refused at Planning Committee in March 2008 for 'demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green)' (ref: **BH2007/04453**). The reasons for refusal were:-

1. *It is considered that the design of the development by virtue of its height, scale, mass, detailing and appearance does not contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill conservation area and the setting of the West Hill conservation Area. In addition the*

Clifton Hill frontage would have a detrimental impact on the adjoining listed coach house. The proposal would therefore be contrary to policies, QD1, QD2, QD4, QD5, HE3 and HE6 of the Brighton & Hove Local Plan.

- 2. The applicant has failed to demonstrate that flats in the main block which have a north facing aspect would result in an acceptable and appropriate standard of accommodation. The proposal is therefore contrary to policy SU2, and HO4 of the Brighton & Hove Local Plan.*
- 3. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. The scheme fails to fully incorporate lifetime home standards into the design of the flats with no side transfer in any of the bathrooms.*
- 4. The applicant has failed to provide sufficient information in order for the Local Authority to make an assessment of the suitability of the proposed bio mass fuel plant and is therefore contrary to policy SU9 of the Brighton & Hove Local Plan.*
- 5. Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Management Plan with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. The information submitted is not considered sufficiently detailed to demonstrate compliance with policy SU13 and SPD03.*
- 6. The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.*

An appeal against this refusal has been submitted to the Planning Inspectorate and will be considered at an inquiry, the date of which has yet to be set.

A further appeal has been submitted against the non-determination of an application for conservation area consent (ref: **BH2008/02808**). AT the last meeting on 12 November 2008 it was resolved that had an appeal against non-determination not been lodged by the applicant, the Local Planning Authority would have refused conservation area consent for the following reason:-

- 1. Policy HE8 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the sites development. In the absence of an approved planning application for the redevelopment of the site the demolition of the existing buildings would be premature and result in the creation of a gap site that would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and adjoining West Hill Conservation Area.*

A revised application for conservation area consent has been submitted to accompany this application and is included elsewhere on this agenda (ref: **BH2008/02808**).

5 THE APPLICATION

The application is for the demolition of all the former hospital buildings on the site and the erection of three buildings, divided into 7 blocks, containing 149 flats of which 40% will be affordable.

The detached building fronting Clifton Hill, block A, is 4-storeys in height adjacent to the main building stepping down 3-storeys adjacent to 22 Clifton Hill. The building will contain 18 flats (all private).

The main building, blocks B, C, D & E, has frontages to Clifton Hill and Dyke Road and will contain 96 flats (71 private and 25 affordable). This building will be partially excavated into the site to form a doctor's surgery and pharmacy at ground floor level fronting the apex of the site. The Montpelier surgery in Victoria Road has been identified by the Primary Care Trust as a potential practice to occupy the proposed surgery. The south facing rotunda feature of the building will rise to a maximum of 6-storeys in height, with elevations to Clifton Hill and Dyke Road between 4 and 5 storeys in height.

The detached building parallel to the rear boundary of the site with Homelees House is 5-storey fronting onto Dyke Road before stepping down to 4 and 3-storeys. The building, blocks F and G, will contain 35 affordable flats.

The buildings would be positioned towards the edges of the site, leaving an open area at the centre which would be landscaped to provide a private amenity space for residents of the flats. In addition all of the flats would have their own private amenity space in the form of private balconies or in the case of the ground floor flats small private gardens.

A number of amendments have been made to the proposal since it was first submitted. The main amendments relate to the following:-

- a reduction in the number of units from 151 to 149;
- to block B the top floor adjacent to Clifton Hill has been set back and reduced in length, the entrance tower reduced in height by 1-storey, and the elevation redesigned;

- the southern rotunda feature now incorporates piers to match floors below;
- a lowered wall height around the front of the site; and
- the car ramp has been narrowed at the road junction and is surfaced with pavements, as opposed to tarmac.

Additional comments received in response to the amended plans which are not referenced in this report will be included on the Late Representations List.

A green area to the front of the site will be retained and be open for public use. The site level would be lowered to street level to provide direct access to the proposed medical centre with terraced landscaping adjacent to Dyke Road and Clifton Hill.

Basement parking is proposed with 66 car parking spaces of which 8 would be dedicated for the use of the surgery. Access to the car park would be from Dyke Road via a ramp between blocks C and D. A secondary vehicular access would be located further north along Dyke Road for ground floor servicing and an additional 3 disabled parking spaces. A total of 222 cycle parking spaces are proposed. The basement also accommodates a biomass heating system and refuse storage area.

A formal screening opinion under the Environmental Impact Assessment Regulations was submitted on the 19 April 2007 and it was considered that in this case the development did not require an Assessment and a response to this effect was made on 25 May 2007.

A Statement of Community Involvement has been submitted as part of the application advising that a number of consultation exercises have taken place, and most recently a briefing meeting was held on 20th February at St Micheal & All Angels Church in Victoria Road. Details of which are included in the statement.

6 CONSULTATIONS

External:

Neighbours: 143 letters have been received, a list of addresses are annexed to this report, supporting the provision of a new GP surgery within the development that will allow the relocation of the Montpelier Surgery, currently located in Victoria Road, which is in need of new premises.

99 letters have been received, a list of addresses are annexed to this report, objecting to the proposals for the following reasons:-

- the Royal Alex is a landmark building that enhances the area. The original planning advice note stated the existing building should be retained. The application does not make a convincing case, except for financial reasons, that conversion is not possible and further attempts should be made to reuse the existing building;
- survey results from January 2006 from the Montpelier & Clifton Hill Association showed 96% of (281) replies wanted at least some of the

- buildings on the site retained;
- the assessment of the architectural value and integrity of the site was commissioned by the developer and is therefore not an impartial contribution to the application;
- concern that the building is being deliberately neglected to support the argument that the building cannot be retained;
- the materials, size and scale of the proposed buildings are uninspired and ugly and not in keeping with the character of the surrounding residential area. The scheme fails to provide a landmark building for the site;
- the rounded feature may work in a seafront setting but is inappropriately sited in a grand hilltop residential setting and would appear looming and intrusive;
- the Dyke Road (side) elevation is oppressive; and the Clifton Hill elevation is over massed and out of context with the area;
- the siting of the front building (block c) significantly reduces the amount of open space to the front of the site;
- the proposed front elevation does not fit in with the rest of the scheme and appears a clumsy add on;
- concern that the building has been designed with a no more than a 20-year lifespan, architecture should have a lifespan of several generations;
- the removal of protected mature trees is unnecessary and unethical;
- a recently approved scheme on the adjoining car park site (ref: BH2007/03022) would be completely dominated and overlooked by the proposal; as would the adjoining coach house;
- a number of flats (in blocks A & B) are exclusively orientated north-east and will receive virtually no sunlight; a large number of flats are accessed through only one entrance; the internal layout of many flats comprises ill-formed spaces or inappropriate kitchen / living / dining spaces in the large flats;
- none of the affordable units are in the landmark front building and are instead located overlooking plant and the car park access. In order to be a truly mixed development there should be a much greater and equal spread of affordable units through the development;
- the planning of the blocks is poor and may lead to future management breakdown;
- the proposal represents an overdevelopment of the site which will unbalance and adversely effect the population density of the area;
- proposed windows and balconies fronting Dyke Road will result in loss of privacy to facing properties, which are not currently overlooked;
- the development will result in loss of light and overshadowing of adjoining properties;
- lack of natural daylight and ventilation in bathrooms is not sustainable or pleasant for future occupants;
- there is no health impact assessment as part of the application;
- there is a severe lack of facilities for primary children in the Seven Dials and West Hill area. The additional housing will make the situation far worse. The Alex site is ideal for building a new school and alleviate an

- existing problem;
- local services and utilities will not be able to cope with the increased density of the new units;
- whilst it is appropriate and some consolation that the application includes a GP surgery this should not be at the expense of the main hospital building;
- the GP surgery relies on artificial light is ill conceived and will provide an unacceptable environment for staff and patients, there are better alternative locations;
- the proposed vehicle entrance is unsightly and could be dangerous;
- increased traffic and parking issues in the surrounding area; 77 spaces for 151 flats is too few spaces;
- the front garden should be more open plan and be clearly accessible to the public;
- it is not sustainable to demolish a perfectly good building;
- unconvinced that woodchip burning is a viable means of providing energy for such a dense development;
- the applicant is misusing the democratic planning process by submitted a third application scarcely any different from the first or second;
- demolition followed by rebuilding will cause much more noise, disturbance and traffic congestion for residents.

15 Cambridge Grove, 20 & 21 Clifton Hill and 11 Powis Square do not object to the proposals.

44 (flat 3) Dyke Road suggests that any demolition work is limited to between 08:00 and 18:00 hours Mon-Fri, and 08:00 to 13:00 Saturdays; and that a suitable sound reflection barrier be put in place prior to commencement.

5 Belmont Court, 2 Borough Street, 21 Colbourne Road, 11 Powis Square, 2 Windlesham Court and 4 Temple Heights comment that the revised external appearance appear to relate well, aesthetically and proportionately to the neighbouring and adjacent buildings.

Ancient Monuments Society: the historically interesting elements of the hospital, most notably, the Lainson block, should be retained and incorporated within a scheme that slots in appropriately designed new build. Complete demolition of the whole site and redevelopment to a uniform idiom is against all accepted advice on the treatment of a conservation area.

The Brighton Society: the existing hospital building has an imposing appearance and its scale, form and materials make it an irreplaceable element of the conservation area.

The proposed design is completely inappropriate for the surrounding conservation area and presents a stark massive presence adjacent to the delicate details of the Victorian Villas and Terraces. The façade detailing is stark and the southern elevation presents a dominating presence more akin to

a retail development rather than housing. The design makes no consideration to the setting of the building in an important conservation area. The proposed buildings fronting Dyke Road are now a continuous block running the length of the site with just a narrow access point at the northern end. The Victorian housing opposite comprises individual villas which results in an area with much greenery and views between the houses. This will not be the case within the development with a continuous solid building, little greenery, no views, and no sunlight in the afternoon and evening. The scheme makes no attempt to integrate in the streetscape.

CAG: concerned over demolition of all existing buildings, hope that part it not all of the building could be retained.

Recommend refusal of the application for the new building which represents overdevelopment of the site, the main frontage is over dominant, particularly due to the bow feature, and the Dyke Road frontage is considered blank, repetitive and overpowering.

Clifton Montpelier and Powis Community Alliance: comment on three areas where there is widespread, though not unanimous, agreement:-

- whatever scheme is finally accepted should include a doctors surgery;
- whatever scheme is approved should be of high quality with regards to outside appearance, materials used and accommodation provided. Concerns remain about the frontage design along Dyke Road and the quality over time of some internal apartment block designs;
- some of the s106 monies should be allocated for use in improving the green spaces surrounding St Nicholas Church.

English Heritage: the case for demolition should be closely examined by Council Officers who should be satisfied that this meets the tests set out under PPG15.

The current proposals show an improvement over those previous. The frontage elevations facing south downhill have, using the half rotunda, added a meaningful vertical element to the scheme. The rhythm of the facades shown in the previous scheme in Clifton Hill has continued, instead of stopping in the street. However, from here, and for the south approaches into Dyke Road the proposals remain rather bulky. The expanse of blank flank wall (viewed south from Powis Road corner) only aids this impression, similarly so, stairwell block B.

The height and general massing of this SW corner block thence returns to the principle south façade, where the top hamper merges uncomfortably into the upper tier of the rotunda block. A complete removal of this top floor on this side (block B) would reduce the sense of monolithic block, and defer appropriately to the scale of and nature of Clifton Hill. The current top floor of this corner block will also be read as a large black band (due to the glass) with a rather flat skyline that only serves to reinforce horizontality and bulk,

rather than vertical rhythm and distinct elements.

The amount of glass merging at high level will have an overbearing effect on the elevation. Block B and block C should be much more distinct. Also consider that the top floor of the rotunda does not need to so markedly recess from the floor below, this would help strengthen the roof form.

Overall the Dyke Road elevations have improved and they rather better reflect the pattern and rhythm of the street. That said, the top floor of block D / E could usefully set back much more or be removed from the scheme altogether. The stairwell element to block F, while seeking to 'bookend' the terrace succeeds in giving a sense of bulk to this block. Consider the building should defer more to the opposite side of Dyke Road. In general, regrettably, there remains overall, a sense of continuous horizontality in the skyline. The views on uphill approaches are likely to be particularly noticeable.

Regarding the entrance ramp in Dyke Road, consider the footway should continue across the entrance, the car entrance being the less prominent.

Any proposals must improve upon the design of the existing and contribute to the character of the area as a whole. It is considered the proposals, while improved, do not yet achieve this, notwithstanding the case for demolition being proven under PPG15 or otherwise.

Homelees House Residents Association: Homelees House adjoins the rear boundary of the Alex site. The design of block G has been revised and is now lower and further from the boundary, ramping back the upper storeys and changing windows and balconies. For residents, the submitted design of block G is acceptable in scale and its relationship with the way sunlight reaches the garden at the southern end of Homelees House. However, do not necessarily express approval for all other features of the development along the Dyke Road and Clifton Hill frontages, or its environmental impacts.

Many residents are registered with the GP practice which would be relocated in the developed Royal Alex site. These residents do not wish the development to be further delayed.

The site is currently derelict and has attracted squatters. Many residents are unhappy with this and the security of Homelees House is compromised. For this reason are happy to see the status of the site change from being derelict to coming into a productive residential and community use.

The Montpelier and Clifton Hill Association: early consultation was very clear and strong. It was on public record and the applicant would have been aware of the strong public preference for preserving the key buildings and the Council's planners recommendation that they should do. Despite this the possibility of converting the key buildings has not been seriously considered and instead three applications have been submitted to demolish everything.

Despite the claim that conversion is not viable there are many similar buildings that have been converted (*and an appendix of 14 examples has been provided*) demonstrating conclusively that restoration and re-use is a feasible option for key buildings on the site. If conversion is not financially viable it is because the applicant has miscalculated the budget for a development which would meet clearly expressed community expectations.

In order to justify demolition the applicant would have to demonstrate the replacement buildings would preserve the area's character and would provide substitution benefits. The replacement scheme is a gross overdevelopment of the site. The proposed buildings are plain and excessively repetitive. Their modernist style is not in character with the area. They are a most inadequate substitution for the fine examples of late Victorian architecture whose demolition is proposed.

South East Regional Design Panel: on the assumption that the PPG15 tests for demolition can be satisfied have the following observations about the replacement development.

The arrangement of the development is acceptable and the main block has a satisfactory relationship with the proposed public park to the front of the site and the formal villas along Dyke Road. The main front building is better resolved, with an asymmetry followed through from the internal arrangements. Moving the main block forward has extended the elevation onto Dyke Road, leaving greater scope to establish a more coherent street frontage.

The height and bulk of the development is now appropriate for its context. This is especially true on the western side of the site where the reduced height of the development promises a compatible relationship with its neighbours on Clifton Hill.

The simple palette of materials and white render seems appropriate in this location. Attention will need to be paid to the quality of finish and the detailing of such a prominent building.

The Panel is encouraged that the majority of single-aspect, north facing units have been avoided. However, it questions the size of many of the units, some of which might contravene Building Regulations. The internal arrangement of corridors and access ways also appears restricted and this aspect of development should be formally assessed if it is to meet Lifetime Home standards.

The developer's ambition for a low carbon, energy efficient scheme that would meet Code 4 of the Code for Sustainable Homes is welcomed, although question the appropriateness of a biomass boiler in a relatively confined urban site.

The Victorian Society: object to the proposals. The Society understands that change needs to occur on the site in order to ensure the financial viability of the hospital building. This may entail some demolition as like many hospital sites, the Royal Alexandra has accrued a mixture of less than important buildings around it. However, the destruction of the main building is wasteful and unnecessary and would deprive the Montpelier and Clifton Hill Conservation Area of one of its most significant historic landmarks.

Both national and local policy directs against the demolition of historic buildings in conservation areas. The adopted character statement for the Montpelier and Clifton Hill Conservation Area supports the argument that the hospital makes a positive contribution and states 'the hospital is an important part of Brighton life and a well known local landmark'. The proposed large modern development designed to blend in with the surrounding white stucco houses will merely deprive the area of a distinctive and well-regarded feature rather than enhancing the existing character.

The society would expect to see an options appraisal examining the potential conversion of the hospital and its ancillary buildings, many of which are ideally suited for residential use and contribute to the character of the conservation area, in any major application for this site.

East Sussex Fire & Rescue Service: unless documentation is provided demonstrating compliance with section B5 of Approved Document B of the Building Regulations 2000 the service objects to the proposals. Compliance may include the provision of fire mains, designed and constructed to appropriate standards, to provide facilities for fire fighting within the appropriate distance.

EDF Energy: no objection provided rights regarding access and maintenance to cables within the area are maintained as they are at present.

Environment Agency: the site lies on chalk classified as a Major Aquifer and this groundwater resource must be protected from pollution. Recommend conditions in relation to the below comments.

Although the presence in the soil of heavy metals, particularly lead, well in excess of SGV's was detected agree with the submitted Ground Investigation Report that the risk to groundwater quality from these, and from the single 'hot-spot' hydrocarbon presence found, is likely to be negligible.

Confirmation is required of whether the hydrocarbons found in the soil are sourced from overlying tarmacadam, rather than representing liquid hydrocarbon spillages from former fuel uses. As this result shows a significant level of hydrocarbon further delineation of this area is recommended.

The method of piling should be such that contamination of the underlying aquifer is prevented.

Primary Care Trust: support the application as the new development offers the best opportunity for relocation of the Montpelier GP practice on Victoria Road.

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: there is currently inadequate capacity in the local network to provide foul sewage and surface water disposal to the proposed development. Recommend conditions, should permission be approved, requiring that construction does not commence until details of the proposed means of foul sewerage and surface water disposal have been agreed; and ensuring that occupation of the dwellings does not occur until the Local Planning Authority is satisfied that the necessary infrastructure capacity is available to adequately service the development.

An Informative is also recommended to advise the applicant that a formal agreement with Southern Water is required to provide the necessary sewerage infrastructure to service the development.

Sussex Police: provide comments to reduce the opportunities of crime and fear of crime as part of the development.

Internal:

City Clean: seek clarification on the capacity of the proposed refuse / recycling stores and where they will be located.

Conservation and Design:

a) Loss of the existing building

The applicants contend that the hospital has been greatly altered and makes no positive contribution to the character or appearance of the Montpelier and Clifton Hill Conservation Area. Having inspected the various buildings, including their interiors there are a number of buildings on the site that do make a positive contribution, albeit their contribution would be significantly enhanced by the removal of later unsympathetic alterations, and the reinstatement of missing architectural features.

The original design of the principal hospital building is of a very pleasing Queen Anne revival style handled with conviction by a local architect with some fine local architecture to his name. Regrettably later extensions and alterations have significantly diminished its interest. English Heritage has considered a request to list the building but concluded that the building has been too greatly altered for it to have sufficient architectural or historic interest to merit listing. Nevertheless the hospital retains architectural merit. Of particular interest is the administration entrance block which retains many original external decorative features. It is richly modelled and provides an

exuberant contrast to neighbouring villas, no more no less than the location deserves. The interior is of no special interest. The wards have been subdivided, original external walls removed and the octagonal bays at the southern end have lost their shape and function. The cost of external restoration work will be considerable. Nevertheless it is considered readily adaptable to new uses, and having regard to its original function, room proportions and elevations it might equally well suit a commercial use as a residential use, but in either cases it will require very significant investment, that brings into question its viability.

As a whole the hospital site merits selective demolition and support for the retention of selected buildings is on the basis that they are capable of restoration, for example by the restoration of timber windows, external fabric and roof features and the removal of later extensions. Of the view that the future of the hospital building might reasonably depend upon the ease with which the building might be successfully converted and its original form and missing features restored.

The District Valuer's summary report concludes that a housing scheme of 55 dwellings, including the retention and conversion of the principal hospital building, would be insufficient to bring the site forward for development and that the 'conservation' option is not therefore considered financially viable. Moreover he suggests that some 147 new dwellings would be required, to ensure viability and to support the conservation deficit; in which case I would suggest that the preservation of the principal hospital building would require a housing development of a height and density well in excess of that that might be considered acceptable having regard to the wider urban context and the setting of the hospital building. Cross subsidy would not therefore appear to be an option.

Other land use options are unlikely to achieve a commercially viable development for this site that might secure the building's preservation. Moreover public subsidy, e.g. through grants, would not be available to make up any deficit.

For these reasons it is reluctantly concluded that the hospital building is beyond economic repair, and accepted that there is no viable alternative use.

b) Suitability of the proposed design

Following amendments the overall height and massing of the various blocks is appropriate within its wider urban context.

Viewed from Clifton Hill, blocks A and B now complement the scale and rhythm of the neighbouring properties, including the listed coach house, and overall the development satisfactorily address both street frontages.

The further adjustments made to Blocks B and C give the desired orientation, verticality and prominence to block C, to which block B now clearly and

appropriately defers. The front elevation to block C at 3rd floor level does however appear visually weak and merits further review. A further set back of the south facing balcony at fourth floor level to maintain the relationship of blocks B and C would also be encouraged. The front garden to the proposed surgery will provide an appropriate local amenity and meeting space, during surgery opening hours, the views of the Regional Design Panel are concurred with and the longer street elevation to Dyke Road is now much more satisfactory and creates a coherent street frontage, in part due to the more consistent alignment of the blocks.

The external spaces now also have the desired informality and simplicity. However the southern end of the inner courtyard does narrow greatly and will be overshadowed by blocks B and C. It should be ensured that the north east and west facing single aspect flats in blocks B and C receive an appropriate level of natural light.

The architectural quality of this development will depend very much on careful attention to both constructional detail and selection of materials and finishes, and any consent should be conditioned accordingly.

Ecologist: comments awaited.

Education: the site is in an area where there are significant pressures in both the primary and secondary sectors and a contribution of £203,928 is therefore sought.

Environmental Health: the site lies within BHCC's 2008-Air Quality Management Area. The site is not located within an NO₂ exceedences hotspot. BHCC's monitoring records in the vicinity indicate no exceed of 40 µg/m₃ as an annual-mean. This assertion is supported by the nearest passive diffusion tube monitoring at Powis Grove façade on Dyke Road and at Dyke Road (Seven Dials). The nearest AQ-hotspots to the development site will be at the extreme Southern end of Dyke Road towards Western Road and to the north at Buckingham Place, Seven Dials. The new development will not introduce chronic exposure to these traffic related NO₂ hotspots which are remote from the site.

There is insufficient information relating to the proposed bio-fuel power plant. The application does not assess the air quality impact of this proposed plant . The developers must submit a screening tool assessment for the proposed biomass plant in accordance with new Air Quality Technical Guidance 2008 TG(08). The stack height & diameter of the proposed plant will require calculations in order to justify these parameters in accordance with the clean air act (1993). This may or may not screen out necessity for a detailed assessment using dispersion modelling to predict near ground level concentrations.

It is expected that low-moisture bio-fuel for use in the biomass plant will be

certified by the suppliers. The plant design should include suitable capacity for dry fuel storage on site. The developers must confirm it not their intention to heat waste-fuel.

The submission does not detail noise issues such as servicing of commercial premises, sound insulation or the siting of plant and equipment or air handling equipment serving the development. Furthermore there are no references to potential contaminants and a lack of commitment to carry out remediation works. The impact of light does not appear to have been addressed.

To prevent dust and noise during the construction phase recommend a requirement be placed in a section 106 agreement requiring a Construction Environmental Management Plan (CEMP). This will need to state the proposed noise and dust mitigation measures. A prior consent under section 61 of the Control of Pollution Act 1974 should be part of the CEMP

Environmental Improvement Team: the gated public space may resolve some potential management issues, however, this may compromise its value as public space. The sunken garden surrounded by walls and trees could provide a hidden space which cannot be observed from the road or balconies above, and may experience misuse when the surgery is closed.

Housing Strategy: welcome the fact that the developer is providing 40% affordable housing equating 60 units.

Based on the Housing Needs Survey 2005, the Council seeks a tenure mix of 55% of the affordable housing units for rent and 45% for shared ownership. In the event of the RSL being unable to obtain public subsidy the rented affordable housing units, the units will convert to 100% affordable home ownership (Shared ownership) The RSL would need to demonstrate that public subsidy is not available for this scheme.

The affordable housing should be owned and managed by a Registered Social Landlord who is approved by the City Council and who has entered a nomination agreement with the Council. The developer/ landowner should dispose of the affordable housing to an RSL either on a freehold basis or on a long lease of at least 125 years at a pepper corn rent.

To ensure the creation of a mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The units should be tenure blind - fully integrated with the market housing/ distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

The affordable housing units should be:

- Compliant with current Housing Corporation Design & Quality Standards (April 2007);

- Meet Secure by Design principles as agreed by Police Architectural Liaison Officer.

Private outdoor amenity space should be provided in the form of balconies and terraces, plus ideally access to ground floor space including play areas.

We note that all the units will be built to meet Lifetime Homes Standard with 10% (6) of the affordable units built to wheelchair user standard. We would expect these wheelchair units to fully comply with the Planning Advice Note on Accessible Housing and Lifetime Homes. All the bathrooms should be built as wet rooms with the option to install a bath if necessary

Some of the units are undersized. Are pleased to see that we are being offered 38% one beds/ 52% two beds/10% three beds. This is in line with our mix of 40% / 50% and 10%; particularly welcome the three bed family units.

Planning Policy: HO20/HO19 are key and the applicants have retained a local medical presence on the site which provided it accepts NHS patients meets the community (medical) need for new community facilities as set out in HO19.

SU13/WLP11 – a Site Waste Management Plan is required as part of the application rather than conditioned. SU5/SU15 should be addressed re infrastructure needs.

HO6 The 'public green' appears to be private general amenity space on either side of the grand entrance path with an increase in the hard landscaped area at the expense of an existing pond and children's play area. Since there is a short fall in onsite provision as sought by HO6, this could be provided on this land to reduce the open space on-site deficit.

Public Art: the suggested level of contribution to be used to enhance local distinctiveness and develop a desirable sense of place is £55,000.

Transport: the applicants have made alterations to the Transport Assessment for this proposal which have improved the transport aspects of the application. There are considered to be no transport reasons not to approve the application. However, issues remain which require improvements which can be controlled by condition.

Although the amount of parking proposed is below the maximum which would be acceptable under SPG4, this is not a defensible reason for refusal. National policy in PPG13 is clear that applicants should not be required to provide more parking than they want, and this is reflected in local plan policy. General parking standards in SPG4 are maxima. Access to bus and train services around the development is good.

The parking proposed mostly complies with SPG4. General (non disabled)

parking for the residential use is 48 spaces compared with a maximum allowed by SPG4 of 181. The corresponding figures for the medical uses are 5 compared to at least 36. The shortfall on residential disabled parking is 2 spaces- 13 spaces are proposed compared to 15 required. The applicants intend to review this provision in the light of uptake/ utilisation of spaces. This is satisfactory and should be done as part of the travel plan monitoring process.

This is not a car free development and residents will be able to apply for residents parking permits. There is currently a waiting list in this area and consequently existing residents will not be disadvantaged by new applicants as new residents will join the bottom of the waiting list. However, new residents of this development who are unable to get permits may increase parking pressure locally and residents moving into the area in the future may be subject to longer waiting periods for permits than would otherwise be the case.

Although the number of cycle parking spaces proposed complies with standards the nature of the provision does not. The plans show that part of the provision depends on two tier cycle parking which is unsatisfactory as less active/ strong people find it difficult to use these facilities. This is not consistent with policy TR14 which requires convenient cycle parking provision. It is not clear whether the ground floor cycle parking is all covered or whether it will be adequately illuminated (e.g. by wall lighting). A condition requiring the submission for approval of detailed plans of cycle parking and associated lighting which resolve these concerns should be imposed.

There would normally be a need for contributions for transport infrastructure/ services but in this case the applicants have satisfactorily demonstrated that the number of car trips likely to be generated by the new proposed use is generally less than that associated with the old and recent hospital use. (The exception is for PM peak arrivals, but these are estimated to increase by only 2 trips). Given that contributions are normally required to enable additional trips to be accommodated none would be appropriate in this case.

The applicants propose to provide a Travel Plan and this should be confirmed by a condition. This condition should ensure that both the residential and medical aspects are included, an annual monitoring arrangement which includes consideration of the level of disabled parking is established, the Council's approval is required to the contents of the plan and annual reviews and the proposed residents travel pack, and the Council is allowed to require changes in the amount of disabled parking if this is reasonably required in the light of monitoring.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development

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- TR8 Pedestrian routes
- TR9 Pedestrian priority areas
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- 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
- SU15 Production of renewable energy
- SU14 Waste management
- SU16 Production of renewable energy
- 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
- QD7 Crime prevention through environmental design
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- DQ17 Protection and integration of nature conservation features
- QD27 Protection of amenity
- QD28 Planning Obligations
- HO2 Affordable housing and ‘windfall’ sites
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO6 Provision of outdoor recreation space in housing schemes
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HO21 Provision of community facilities in residential and mixed use schemes
- HE1 Listed buildings
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas
- HE8 Demolition in conservation areas

Supplementary Planning Guidance:

- BH4 Parking Standards
- BH16 Renewable Energy and Energy Efficient Development

Supplementary Planning Documents:

- SPD03 Constuction and demolition waste
- SPD06 Trees and development sites
- SPD08 Sustainable building design

Government Policy

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13 Transport

PPG15 Planning and the Historic Environment

PPS22 Renewable Energy

8 CONSIDERATIONS

The main issues of consideration in the determination of this application relate to the design and impact of the development on the Montpelier and Clifton Hill Conservation Area, the adjoining West Hill Conservation Area and the setting of the listed Coach House on Clifton Hill; the impact on adjoining properties and on the demand for travel; and sustainability. The previous reasons for refusal (ref: BH2007/04453) must also be taken into account.

Proposed surgery

Local plan policy HO21 seeks the provision of community facilities in residential and mixed use schemes. The proposed provision of a ground floor doctors surgery complies with this policy and is considered acceptable in this predominantly residential area.

The Primary Care Trust (PCT) has identified the Montpelier GP practice, on Victoria Road, as a potential practice to occupy the development. A number of representations have been received supporting the proposed surgery. The PCT have advised that the Montpelier practice has no opportunity to improve or extend their current surgery building to meet NHS minimum standards and the proposed development offers the best opportunity for relocation. It is understood the PCT have been involved in the design and planning of the new surgery which would potentially be accessible to all members of the community. The facility is considered to comply with policy HO19 of the local plan.

Design

The application site is located within the Montpelier & Clifton Hill Conservation Area, and adjoins the West Hill Conservation Area and a grade II listed coach house in Clifton Hill. The proposal necessitates demolition of the existing hospital buildings on the site, a number of which make a positive contribution to the character and appearance of the area. As such the proposed development should both preserve the area's character and produce substantial benefits that outweigh the building's loss.

A preceding application for a mixed use development on the site was partly refused as it was considered that the design, in terms of its height, scale, mass, detailing and appearance, did not contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area. In

addition the Clifton Hill frontage would have a detrimental impact on the adjoining listed coach house.

The development proposed by this application is of a significantly different height, scale, mass, detailing and appearance to that previously proposed. It is considered that the overall height and massing of the various blocks is appropriate to the site and its surroundings. The reduction in height and greater vertical emphasis and rhythm is welcomed and the quality of the open spaces around the buildings are significantly improved.

The Clifton Hill frontage of the site is the most challenging part of the scheme due to the mixed character of the lane, its more modest domestic scale (in relation to Dyke Road), and the presence of the listed coach house and flint walling. Along this frontage the development proposes a detached 3 and 4 storey building (block A) and the western section of the principal building (block B) which, following amendments, has been reduced to 4-storeys in height. These buildings will complement the scale and rhythm of neighbouring properties, including the listed coach house, and the development satisfactorily addresses the street frontage.

The frontage elevation facing south downhill, blocks B & C, has been amended in response to comments from the Conservation & Design Officer and English Heritage. The main amendments relate to the top-storey of block B, which has been reduced in width and set back from the main front elevation; and upper floors of the half-rotunda, which have been extended outward to reflect lower levels of the building. It is considered that these amendments give the desired orientation, verticality and prominence to block C to which block B clearly and appropriately defers.

Notwithstanding this, amended plans are sought relating to the south facing elevation at third floor level (block C), which at present appears visually weak. Similarly a greater set back of the south facing balcony to maintain the relationship of blocks B and C is being discussed. The submission of additional plans will be commented upon further on the Late Representations List.

The extended forward siting of the development, in relation to previous schemes on the site, creates a longer street frontage to Dyke Road. The Conservation and Design Officer and Regional Design Panel consider this frontage, which comprises blocks C, D, E & F, to create a coherent street frontage that better reflects the pattern and rhythm of the street, in part due to the consistent alignment of blocks. It should be noted that although on plan form this frontage gives a sense of continuous horizontality the elevation is articulated to provide relief and this will be visible in views along Dyke Road.

The simple palette of materials and white render throughout the development is appropriate in this location and a condition is recommended to require the further approval of materials and finishes. Further conditions are

recommended to require larger scale drawings of stair towers, attic windows, balconies, parapets, eaves, window reveals, projecting bays, porches, balustrading, perimeter gates, walls (including the retained flint wall) and piers.

The development allows for the retention of visually important trees on the site and the front garden to the surgery will provide a local amenity and meeting space. The internal landscaped communal garden has been increased in size from previous proposals which enhances the amount of light reaching the space; although this space will experience overshadowing, this would not compromise its amenity value.

For the reasons outlined it is considered the development would make a positive contribution to its surroundings and is of a design and scale appropriate to the site's prominent position within, and adjoining, a conservation and a grade II listed coach house building.

Impact on adjoining properties

A previous application on the site for a residential and GP surgery development was not refused for reasons relating to neighbouring amenity. In relation to this scheme the proposed development, and primarily the main southern building, is of a reduced height with a greater southward projection and additional built form along Dyke Road between blocks C and D. In assessing the impact of the proposed development on neighbouring amenity each of the four principle buildings are considered in turn.

Block A

Block A fronts Clifton Hill and is parallel with the flank elevation of no. 22 and at this point the building is 3-storeys in height. The rear section of the proposed building is between approximately 5m and 7m from the rear garden of no. 22, with the separation greater to the rear. There are no primary windows to habitable rooms of no. 22 on the flank elevation fronting the application site and as such no loss of light will result; similarly due to the orientation of windows to the rear elevation of this property in relation to the proposed building no harmful loss of light or aspect will result.

The flank elevation of the rear section of no. 21 Clifton Hill is likely to experience an overall loss of light as a result of the development. However, the impact of this will not be significant and would not warrant refusal of the application.

Windows to the side elevation of the proposed building correspond to bathrooms or are high level bedroom windows which by virtue of their use and cill level respectively will not result in harmful overlooking of adjoining properties on Clifton Hill.

Blocks B, C, D & E

There is a distance of between approximately 19 and 21 metres between the

existing villas in Dyke Road and the proposed frontage buildings. This is considered sufficient to avoid any unacceptable overlooking or loss of privacy in this city centre location.

A Sunlight and Daylight Report submitted as part of the previous application on the site concluded that any reduction in sunlight for adjoining properties in Dyke Road would be less than noticeable, and where a reduction in sunlight would be noticeable that remaining would still exceed the recommended level. This conclusion was accepted and the committee report states that any changes in sunlight would be minor.

As part of this application blocks B and C have been reduced in height by 1-storey and are sited an increased distance from Dyke Road; with blocks D & E sited approximately 1m closer to Dyke Road than previously proposed but overall reduced in height. It is considered that no significant loss of light will result for adjoining properties on Dyke Road, fronting these blocks, having regard to the previous considerations and the reduced bulk proposed as part of this application.

Blocks F & G

The northernmost building (blocks F & G) is 5-storey in height fronting Dyke Road before stepping down to 4 and 3-storeys towards the centre of the site. This reduction in height parallel with the northern boundary of the site ensures no harmful loss of light or overshadowing to window openings associated with Homelees House or the communal rear garden area. Although the proposed elevation fronting Homelees House contains a number of window openings there is considered to be sufficient separation from the boundary and potential for boundary screening to ensure no undue loss of privacy. It is noted that no objections to the development have been received from residents of Homelees House.

The western boundary of the site adjoins 1-14 Clifton Mews, a three-storey backland office development which has a number of windows overlooking the application site. The proposed northern block is likely to cause additional loss of light above that already caused by a relatively modern two-storey hospital building. However, due to the separation of approximately 9 metres between these buildings and the non-residential use of 1-14 Clifton Mews it is considered any loss of light will not lead to significant harm.

Affordable Housing Provision

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 149 units of which 60 would be affordable, equating to 40%.

The affordable housing, on a grant funded basis, will be delivered in a tenure mix of 66% rent and 34% shared ownership; which is considered acceptable

having regard to the mix of 55% rent and 45% shared ownership sought by Housing Strategy. In the event that grant funding is not available (which would need to be demonstrated) 100% of the affordable units would be for shared ownership, which again is considered acceptable.

A number of the affordable units are undersized in relation to Housing Strategy minimum room sizes. However, the units have been designed to meet, or exceed, Housing Corporation Unit sizes and Housing Quality Indicator minimum sizes and, as with the previous application, no objection is raised in respect to the size of the units.

Housing Mix

Policy HO3 requires new residential development to incorporate a mix of dwelling types and sizes that reflect and respond to Brighton & Hove's housing needs. An appropriate mix of units (both private and affordable) would be close to 30% of one bedroom units, 40% of two bedroom units and 30% of three bedroom units.

The previous application incorporated a mix of 51% one bedroom units, 37% two bedroom units, 11% three bedroom units and 1% studio. Whilst there was concern that this was not an even mix of flat types it was considered that since policy HO3 does not specify an exact mix and flexibility had been shown in other approved schemes in Brighton & Hove refusal on the basis of housing mix could not be justified.

As part of this application the mix of units has been slightly improved and now includes 40% one bedroom units, 50% two bedroom units and 10% three bedroom units. Although the development still provides a larger number of smaller one and two bedroom units, as opposed to larger three and four bedroom units, given the previous decision for residential development on the site the proposed mix is again considered acceptable.

In terms of affordable housing the development proposes a mix of 23 x 1-bed (38%), 31 x 2-bed (52%) and 6 x 3-bed (10%). This is an improvement over that previously proposed (ref: BH2007/04453) and in line with the mix of affordable units sought by Housing Strategy.

Standard of accommodation

The standard of accommodation is generally good in terms of layout. As part of a previous development proposal on the site there was concern that a number of flats within the southern building, which were single aspect and north facing, had limited aspect and would be in shadow for the majority of the time.

This has been addressed and the proposed southern building (blocks B and C) does not contain any single aspect north facing units. A 'Sunlight and Daylight Report' has been submitted analysing daylight within rooms and sunlight to windows throughout the ground floor of the development (the

report relates solely to units at ground floor level as daylight and sunlight to these units will be lower than those at higher floor levels). The report, which uses methods from the BRE Guide 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice', concludes that 'every room satisfies the recommended minimum targets for daylight factor and many exceed the targets by a significant margin', furthermore 'all the flats receive sunshine to one or more rooms and may receive significantly more than the BRE Guide's recommendation'.

A Noise Impact Assessment has been submitted which demonstrates that there are no reasons why sound insulation cannot be provided to achieve suitable noise levels in main habitable rooms throughout the development; there are no reasons to question these findings. A condition is recommended to require the further approval of sound proofing measures to be incorporated in the development.

Policy HO13 also 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 proposal complies with the policy in this respect with 2 of the private units and 6 of the affordable units proposed as wheelchair accessible.

A previous application considered that 'the (proposed) units do not appear to be easy to negotiate in a wheelchair and again is no side transfer in the bathrooms'. The internal configuration of the development has changed from that previously proposal and there are no apparent reasons why the development cannot be built to lifetime home standards, and this is required by condition. Further comments are awaited from the Access Officer in this regard.

Amenity Space

Local plan policy HO5 requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The development allows for private amenity space, in the form of gardens / terraces, to the majority of ground floor units. At upper floors where possible units have private balconies, and where overlooking of adjoining properties would result Juliet balconies are proposed.

The development incorporates a central communal garden that will be accessible for all future occupants. The garden will incorporate landscaping and planting, of which an indicative plan has been submitted, and a condition is recommended to require a detailed planting plan and schedule, a comprehensive list of tree species and planting stock specification, planting densities and a detailed scheme for post-planting maintenance for at least 5 years.

Local plan policy HO6 relates to the provision of outdoor recreation space in housing schemes. The policy states that where it is not practicable or

appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site, may be acceptable.

There is a shortfall of open recreation space on the site and the applicant proposes that this is addressed through a contribution towards the improvement and enhancement of existing facilities in the vicinity of the site. Planning Policy have raised no objection to this approach and a contribution of £263,240 is sought as part of a s106 agreement.

Trees

The application site contains a number of trees, seven of which are protected by Tree Preservation Order (no. 11) 1975. A tree survey has been submitted as part of the application showing the location and extent of trees on the site and their condition. Although the proposed development entails the removal of fifteen trees from the site none are protected by the preservation order and the affected trees are mostly cherries and thorns at the end of their safe and usual life expectancy. The recommended landscaping condition, as outlined previously, will allow replacement planting on the site to be secured.

The trees which do make a positive contribution to the character and appearance of the site and surrounding area will be retained and a scheme for their protection during construction works has been submitted. A condition is recommended requiring that the trees proposed for retention are protected, in accordance with the submitted details, and in accordance with BS 5837 (2005), Trees in Relation to Construction, throughout construction works.

A further condition is recommended to ensure proposed pathways across the site, a number of which lie within the recommended protection zone, are constructed in accordance with Arboricultural Practice Note 1 (Driveways close to trees) to avoid any detrimental harm to the retained trees.

Transport

Local plan policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Contribution Need

Developments of this scale would often require a sustainable modes contribution to satisfy policies TR1 and TR2. However, a Transport Assessment has been submitted which, based on the TRICS database, indicates that the number of car trips likely to be generated by the proposed use is generally less than that associated with the previous hospital use of the site.

Within 400 metres of the site are 3 bus stops, on Dyke Road (outside the application site), Buckingham Road (150m from the site) and Goldsmid / Buckingham Place (375m from the site). Whilst the frequency of routes from

these stops varies based on current timetables there are in excess of 10 buses per hour from the Dyke Road stop, 6 buses per hour from Buckingham Road, and 10 buses per hour from Goldsmid Road / Buckingham Place. The site is therefore considered to be well served and accessible by public transport.

On this basis it is not necessary to seek any contributions to the provision of transport infrastructure / services in the vicinity of the site, as this would only be required to enable additional trips to be accommodated.

Parking provision

The development proposals incorporate a basement car park with 66 spaces, of which 8 will be attached to the surgery, and 12 in total will be for disabled persons: a further 3 disabled persons spaces will be provided at ground floor level. The Traffic Manger has no adverse comments with regard to the provision of parking on the site which is generally consistent with SPG4 (Parking Standards).

The site lies within a controlled parking zone where there is currently a waiting list for resident permits. Any future occupants of the proposed development would be required to join the waiting list in order to receive a residents parking permit.

The Primary Care Trust do not anticipate any parking difficulties associated with the proposed surgery, and note that patients at the existing Montpelier practice do not benefit from any off-street parking relying instead on street parking and public transport. A barrier control system be placed at the base of the entrance ramp to the car park with access to the surgery parking controlled through an intercom system and the surgery reception.

The applicant has agreed to produce a travel plan for the first residents of the development. This is appropriate and a condition is recommended requiring the approval of material within the plan, and an annual monitoring / review process.

The disabled parking provision for the residential element of the development is below that required to reduce the risk of leaving unwanted disabled spaces being vacant. The applicant has agreed to review the disabled parking provision once the uptake and need for such spaces is known, with additional spaces provided if necessary. This requirement is incorporated in the recommended travel plan condition which ensures that the decision on the necessity, or otherwise, for extra provision is made by the Council.

Cycle parking

The development incorporates provision for the storage of 222 cycles across two secured areas within the basement and at ground floor level, with 10 spaces to the front of the surgery. This provision complies with that required by SPG4.

The applicant has advised that the basement cycle parking provision will be accessible for residents and visitors of the private market housing; with the cycle parking provision associated with the affordable units at ground floor level. Access to both areas will be controlled by access code and visitors can be granted access by occupants of the flats. This arrangement is considered acceptable and a condition is recommended to require further details of external illumination to the outdoor surgery cycle parking.

Conclusion

The TA demonstrates that the development will not result in the harmful generation of vehicular movements to or from the site, which is well located with regards public transport and amenities. The proposed parking and cycling is acceptable in terms of SPG4 and any residents without access to off-site parking will be required to join a waiting list for resident parking permits. The development will not result in a harmful demand for travel.

It should be noted a previous application on the site for 156 residential units and ground floor surgery with 64 parking spaces was not refused for transport related reasons.

Sustainability

Policy SU2 requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. The application is accompanied by a sustainability statement which includes an assessment of the development in relation to the Code for Sustainable Homes, the natural environment, pollution, community safety and economic development, energy, land use, transport, waste, materials and water.

The Code for Sustainable Homes Pre-Assessment, which has been completed by a licensed assessor, indicates that the development would achieve a code level 4 and would exceed the mandatory energy and water standards for this level. The assessment is considered sufficient to demonstrate the development would achieve a high standard of efficiency in the use of energy, water and materials.

Conditions are recommended to ensure the completed development incorporates the outlined measures and also to require further details of the drainage system that allows collection of rainwater for use in the communal garden.

As part of a previous application on the site concern was raised in relation to the proliferation of internal bathrooms which would necessitate the use of mechanical lighting and ventilation. There remains a proliferation of internal bathrooms with no natural light or ventilation throughout the proposed development. However, as part of this application the presence of internal bathrooms has not compromised the achievement of a level 4 code for sustainable homes rating.

Biomass boiler

A central biomass boiler is proposed to provide heating and hot water to both the residential units and doctors surgery. The biomass system will result in a reduction in carbon emissions of approximately 24%.

The application site lies within Brighton & Hove City Council's Air Quality Management Area. Whilst the system is welcomed in one respect it is potentially the most polluting in terms of local air quality and is likely to contribute to the existing background pollution levels, worsen air quality in the immediate area, as well as the near by heavily trafficked areas of Seven Dials and Queens Road. The chosen system therefore needs careful consideration.

The Environmental Health officer has raised concerns, as with a previous application on the site, that it has not been adequately demonstrated that the biomass system will not have an adverse impact on air quality in the surrounding area.

There is insufficient information relating to the proposed biomass plant and the application does not assess the air quality impact of its installation in a densely populated urban area. The Environmental Health Officer has advised that a screening tool assessment for the proposed biomass plant, in accordance with new Air Quality Technical Guidance 2008 TG(08), should be submitted. Furthermore the stack height and diameter of the proposed plant will require calculations in order to justify these parameters in accordance with the Clean Air Act (1993), and depending on the results from this it may be necessary for a detailed assessment, using dispersion modelling, to predict near ground level concentrations.

At the time of writing discussions are taking place between the applicant and Environmental Health to resolve this concern and additional information is expected to be submitted. The additional information relates to demonstrating why biomass is the preferred option for this site, and the worst case scenario impacts of the unit and possible emission mitigation options. The outcome of these discussions will be reported on the Late Representations List.

There is not an objection in principle to the biomass boiler in this location, rather a need to comply with best practice and the Clean Air Act (1993) in demonstrating that the boiler will not have an adverse impact on air quality in the area. It is therefore considered that any adverse impact on air quality and on residential amenity can be prevented through the use of conditions.

Conditions are recommended relating to an assessment of noise and vibration from the biomass boiler and any necessary measures to prevent harm to amenity; ensuring only clean chipped wood is used to fuel the plant; restricting delivery times; and requiring further details of the layout and appearance of the plant. Further conditions will be recommended, if necessary, following the result of discussions between the applicant and

Environmental Health.

In the event that the biomass boiler would be deemed unsuitable for use in the development the applicant has confirmed an alternative strategy would be adopted to meet the energy reduction required to achieve Code for Sustainable Homes Level 4. Alternative strategies would include alternative low and zero carbon technologies such as gas-fired combined heat and power, air-source heat pumps, ground-source heat pumps, solar water heating and photovoltaics. The omission of a biomass boiler would therefore not compromise the development achieving a Level 4 CSH.

Waste

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Site Waste Management Plan demonstrating how elements of sustainable waste management have been incorporated into the scheme. There was concern as part of a previous application on the site that inadequate information had been submitted in this regard.

As part of this application a more detailed draft Site Waste Management Plan has been submitted identifying the type, amount and disposal route for waste generated during demolition and construction on the site. The management plan indicates that only a small proportion of waste generated will be diverted to landfill (<1%) and mechanisms will be put in place to allow for the maximum possible reuse and reclamation of materials both on and off-site.

The submitted information is considered sufficient to demonstrate that there are no reasons why waste from the site could not be minimised in an effective manner. A condition is recommended to require a further scheme of waste management once finalised details are known.

Impact on water resources

The application site lies on chalk classified as a Major Aquifer by the Environment Agency and ground water must therefore be protected from pollution.

Environmental Health have commented that the submitted Ground Contamination Report lacks any commitment or specific details of remediation works, or any validation of works once completed. However, the Environment Agency have advised the risk of contamination from heavy metals identified in the soil and from a hydrocarbon presence is likely to be negligible.

It is therefore recommended that further works are required by conditions to require 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. The recommended conditions will ensure the proposal comply with local plan policy SU2 which relates to the quality of water resources.

9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would make effective and efficient use of land within a built up area and is of a design and scale appropriate to the prominent position of the site within, and adjoining, a conservation area and grade II listed coach house building, and will make a positive contribution to the site and surrounding area.

The development will provide a public open space, a surgery and pharmacy, 40% affordable housing, and create a good standard of residential accommodation without detriment to neighbouring amenity.

The development will be highly sustainable and meets the demand it creates for infrastructure, including transport, education, open space, community facilities and public art.

10 EQUALITIES IMPLICATIONS

The proposal would provide 40% affordable units. The development should be built to Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

Objections to the proposal have been received from:-

Addison Road – 89
Argyle Road – 11
Blatchington Road – 34
Buckingham Place – 40 (flat 4)
Centurion Road – 49
Church Road – 27
Clifton Hill – 28A, 37
Clifton Road – 2, 3, 20 (flat 1), 23
Clifton Terrace – 17, 22, 35
Colbourne Road – 15
Compton Avenue – 6
Crescent Drive North – 6
Dean Street – 33
Dyke Road – 20 (flat 5), 26 (garden flat), 38 (flat 1, 3, 5, 7 & A), 44 (flat 6), 338, 57
Prestonville Court
Exeter Street – 30
Furze Hill – Wick Hall (flat 108)
Guildford Road – 22
Guildford Street – 16
Hampton Place – 14
Hanover Street – 13
Islingword Road – 110
Marlborough Street – 22
Melville Road – 6
Montpelier Crescent – 15 (flat 2)
Montpelier Road – 19, 94
Montpelier Street – 7 (flats 1 & 2)
Montpelier Villas – 14
Normanhurst – 34
North Gardens – 10
Old Shoreham Road – 53
Railway Street – 14
Osmond Road – Richmond Court (flat 22)
Powis Grove – 1, 1A (x2), 1B, 5 (x2)
Powis Road – 10
Powis Square – 14
Powis Villas – 2, 5, 10 (x2)
Rigden Road – 19
Russell Crescent – 11
St Georges Road – 38
St Nicholas Road – 11 & 22
Temple Street – 22
Terminus Street – 4, 12
The Poplars – 5 (x2)
Third Avenue – 34
Upper North Street – 36, 80, 104

Victoria Road – 15 (x2)
Victoria Street – 27, 35
Vine Place – 3, 6
York Avenue – 21
York Villas – 13
West Hill Road – 26B
West Hill Street – 2
Waterloo Street – 20 (flat 4)
Wolstonbury Road – 5, 20

saveHOVE

16 Horsegate, Hanlye Lane, Cuckfield
4 Cheesbrook Green, Henfield
54 Fieldway, Lindfield
Clunemore, Killiecrankie, Pitlochry

8 letters of no address

Letters of support for the GP surgery have been received from:-

Albert Road – 19 (flat 2)
Alexandra Villas – 12 (x2)
Albion Hill – 79
Batemans Road – 41
Beaconsfield Road – 11 (GFF)
Berriedale Avenue – 9
Bigwood Avenue – 25
Bishops Road – 12
Bishops Walk – The Peak
Blackman Street – Theobald House (flat 74)
Borough Street – 44
Braemore Road – 72
Buckingham Place – 29A, 63 (flat 4)
Buckingham Road – 34 (flat 3A)
Bute Street – 43 (x2)
Byron Street – 15
Caburn Road – 1A
Cavendish Place – 5 (basement x2)
Centurion Road – 51 (flat 3)
Chanctonbury Road – 32
Chatham Place – 7
Clifton Hill – 30
Clifton Place – 15
Clifton Road – 26
Clifton Street – 31, 39 (x2)
Compton Avenue – 18, 32

PLANS LIST – 3 DECEMBER 2008

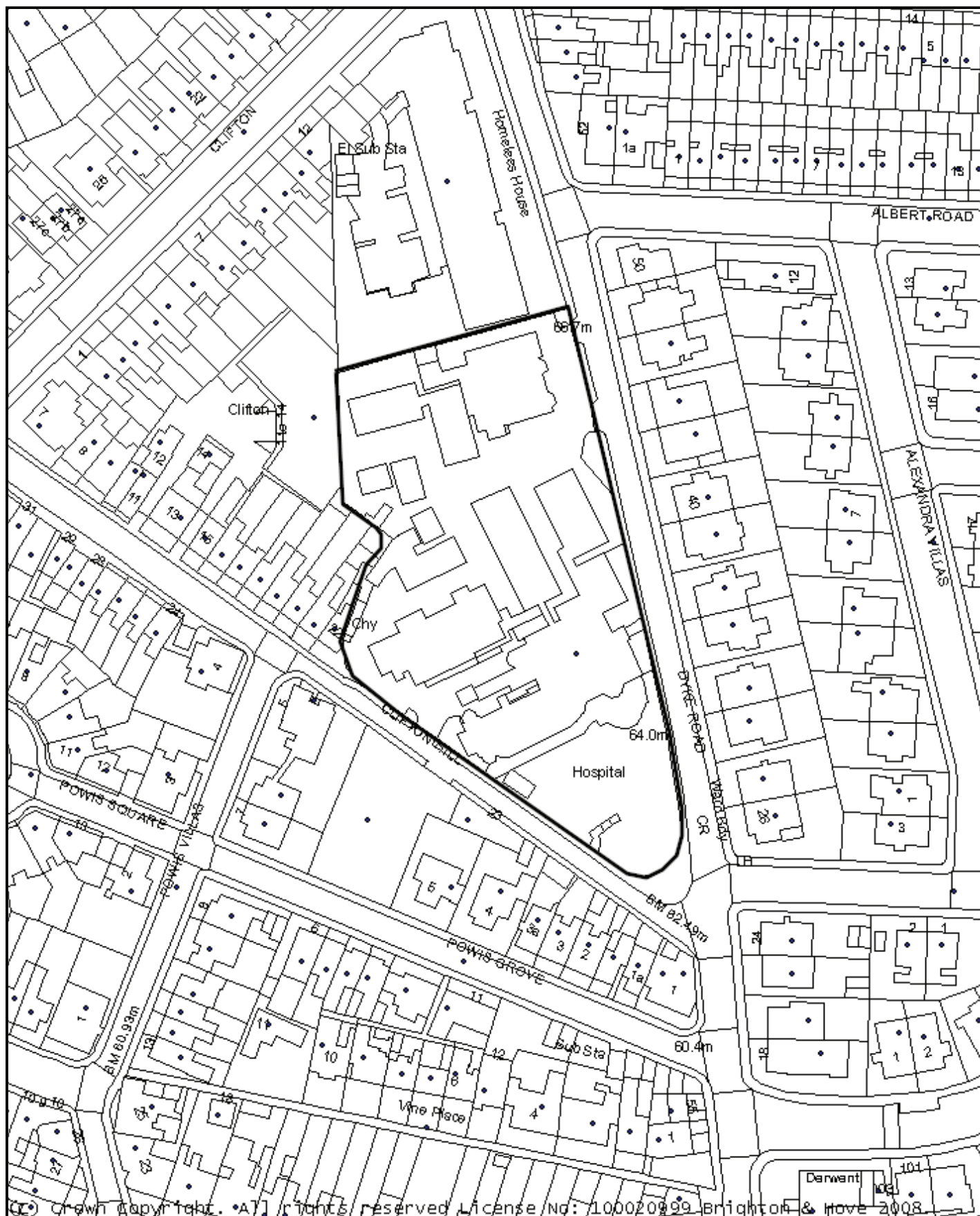
Connaught Terrace – 8
Davigdor Road – 14 Derby Court
Denmark Terrace – 8 (flat 3)
Dyke Road – Elm Court (flat 14), Homelees House (flats 42, 47, 54, 55, 85),
Prestonville Court (flat 44), 251, 301
Foundary Street – 7
Fourth Avenue – 3 (flat 6)
Furze Hill – Furze Hill House (flat 12), Wick Hall (flat 19)
Goldstone Crescent – 55, 106
George Street – 39A
Great College Street – 19
Hamilton Road – 6
Hanover Terrace – 32
High Street – St James House (flat 106),
Key Street – 9
Kings Road – Embassy Court (flat 14 x2), 129 (flat 4), Bedford Towers (flat 10C),
Astra House (flat 32)
Lindfield Court – 10
Lower Market Street – Kerrison Mews (flat 15),
Manor Way – 26
Montague Street – 104 Essex Place
Montpelier Crescent – 2, 18, 25 (flat 2), 28
Montpelier Road – 70, 95 (x2), Christchurch House (flat 3)
Montpelier Terrace – Montpelier Lodge (flat 10)
Montpelier Villas – 9
Newport Street – 13
Norfolk Place – Norfolk Court (flat 11)
Norfolk Road – 13, 34, 38
Norfolk Square – 1 (flat 2)
Norfolk Terrace – 1 (flat 1B)
Old Shoreham Road – 64A
Osmond Road – 29
Palmeira Avenue – 27, 64
Preston Park Avenue – 11A (x2)
Powis Square – 12B
Queens Gardens – 60 Kingsway Court (x2)
Regency Square - 53-54 (flat 3), 65-66 (flat 5)
Roundhill Crescent – 69
Russell Square – Chartwell Court (flat 9), 25
Selbourne Road – 29 (flat 1)
Shaftsbury Road – 54 (x2)
Sillwood Place – 10 Osprey House
Sillwood Street – 9 (flat 2)
Silverdale Avenue – 8
Stanford Avenue – 35 (x2), 41 (flat 1)
Stoneleigh Avenue – 35 (x2)
St Michaels Place – 23 (flat 1)
St Nicholas Road – 9

PLANS LIST – 3 DECEMBER 2008

Temple Gardens – York Mansions East (flat 12)
Temple Street – 19
The Cliff – 34
The Drive – Baltimore Court (flat 31)
The Laurels – 8
The Martlet – 6
The Upper Drive – 16 (flat 7)
Upper North Street – 90, 93
Victoria Road – 17, 32 (flat 3)
Victoria Street – 5, 43
Vine Place – 10
Waterloo Street – 5
West Hill Road – 2
Whichelo Place – 21
Wilbury Road – 17 (flat 6), Cornwall Court (flat 2), Harewood Court (flat 32), Wilbury
Grange (flat 36)
Windlesham Gardens – Windlesham Court (flat 10)
Wolstonbury Road – 18
Woodlands – 9
Wordsworth Street – 78
Wykeham Terrace – 12
York Road – 7 (x2)

5 letters of no address

BH2008/02095 Royal Alexandra Hospital, 57 Dyke Road



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Scale 1:1250



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<u>No:</u>	BH2008/02808	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Royal Alexandra Hospital 57 Dyke Road Brighton		
<u>Proposal:</u>	Conservation Area Consent for demolition of all existing hospital buildings.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	07 August 2008
<u>Con Area:</u>	Montpelier & Clifton Hill Adjoining West Hill	<u>Expiry Date:</u>	11 December 2008
<u>Agent:</u>	Boyer Planning Ltd, Groveland House, Church Road, Windlesham		
<u>Applicant:</u>	Taylor Wimpey UK Limited, Tyrell House, Challenge Court, Barnett Wood Lane, Leatherhead		

1 RECOMMENDATION

That the Planning Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Grant** conservation area consent subject to the following Conditions and Informatives:

Conditions:

1. 01.04AA Conservation Area Consent
2. 13.07A No demolition until contract signed

Informatives:

- 1) This decision is based on drawing nos. PL101, FE601 G, 602 G, 603 G & 604 G submitted 7 August 2008; and drawing nos. PL15 A & 113 B submitted 11 September 2008.
- 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:
 - HE8 Demolition in Conservation Areas; and

Planning Guidance Notes/Documents:

PPG15 Planning and the Historic Environment; and

- ii) for the following reasons:

It has been demonstrated that the existing buildings are beyond economic repair and that retention would require a level of development of a height and density well in excess of that considered acceptable having regard to the wider urban context and the setting of the hospital building. Furthermore there are no viable alternative uses for the site.

The replacement development is considered to preserve the area's character and produce substantial benefits that outweigh the loss of existing buildings.

2 THE SITE

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The site contains a collection of buildings with the main building dating back to 1880 and designed by the local architect Thomas Laison. The eastern side of Dyke Road, fronting the application site, is within the West Hill Conservation Area.

The site was formerly in use as the Royal Alexandra Hospital for sick children until relocating to new premises on the Royal Sussex County Hospital site, on Eastern Road, in June 2007. The site was sold to the applicant in July 2007 and has been vacant since.

3 RELEVANT HISTORY

Applications for planning permission and conservation area consent for the demolition of the former hospital buildings and erection of 156 residential units and 751 square metres of commercial floorspace (doctors surgery and pharmacy), associated access, parking and amenity space were withdrawn by the applicants (**BH2007/02925** and **BH2007/02926**).

Planning permission was refused at Planning Committee in March 2008 for 'demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green)' (ref: **BH2007/04453**). The reasons for refusal were:-

- 1. It is considered that the design of the development by virtue of its height, scale, mass, detailing and appearance does not contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill conservation area and the setting of the West Hill conservation Area. In addition the Clifton Hill frontage would have a detrimental impact on the adjoining listed coach house. The proposal would therefore be contrary to policies, QD1, QD2, QD4, QD5, HE3 and HE6 of the Brighton & Hove Local Plan.*
- 2. The applicant has failed to demonstrate that flats in the main block which have a north facing aspect would result in an acceptable and appropriate standard of accommodation. The proposal is therefore contrary to policy SU2, and HO4 of the Brighton & Hove Local Plan.*
- 3. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. The scheme fails to fully incorporate lifetime home standards into the design of the flats with no side transfer in any of the bathrooms.*

4. *The applicant has failed to provide sufficient information in order for the Local Authority to make an assessment of the suitability of the proposed bio mass fuel plant and is therefore contrary to policy SU9 of the Brighton & Hove Local Plan.*
5. *Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Management Plan with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. The information submitted is not considered sufficiently detailed to demonstrate compliance with policy SU13 and SPD03.*
6. *The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.*

An appeal against this refusal has been submitted to the Planning Inspectorate and will be considered at an enquiry, the date of which has yet to be set.

A further appeal has been submitted against the non-determination of an application for conservation area consent (ref: **BH2007/04462**). At the last meeting on 12 November 2008 Planning Committee determined that had the application not been appealed the application would have been refused for the following reason:-

1. *Policy HE8 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the sites development. In the absence of an approved planning application for the redevelopment of the site the demolition of the existing buildings would be premature and result in the creation of a gap site that would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and adjoining West Hill Conservation Area.*

An revised planning application for 'demolition of all existing buildings and erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (Use Class D1) (including 102 square metres for a pharmacy - Use Class A1) together with associated access, parking, amenity space (including a public garden) and landscaping' (ref: **BH2008/02095**) is included elsewhere on this agenda.

4 THE APPLICATION

The application seeks conservation area consent for demolition of all existing buildings on the site.

5 CONSULTATIONS

External:

Neighbours: letters have been received from:-

Buckingham Place – 15

Clifton Street – 10

Davigdor Road – Bodiham House (Flat 4)

Powis Grove – 1A, 1B

saveHOVE

Victoria Road – 15 (x2)

Victoria Street – 11 & 35

Vine Place – 10

3 letters of no address

objecting to the proposal for the following reasons:-

- the building is a crucial part of the conservation area and the alternatives to demolition have not been properly explored in public;
- despite the suggestion that attachment to the building is merely emotional it is wider and more profound and rooted in the fit of the building in the landscape and conservation area;
- there are no reasons why the building could not be converted to a residential use and there are many examples of developers achieving outstanding conversions of similar buildings;
- it is not appropriate to demolish an asset only for the land to remain vacant for the foreseeable future or be sold to an unknowable future;
- the District Valuer agrees that the tested scheme is not viable but has taken issue with the applicant's conversion costs and points out that the existing buildings are ripe for improvement / re-provision. Regardless, the District Valuer only looks at financial proposals and defers to local and national expertise on conservation areas and heritage;
- concern that the developers are deliberately letting the building deteriorate to further demolition plans;
- reusing the existing building would reduce risk to conservation and listed buildings in the surrounding area;
- the proposed design does not constitute a landmark building of equal or better value; will increase parking problems in the area; there are questions relating to how the detailing of the proposed development supports the presented planning application and 3D representations.

6 Park Royal, 66 Montpeier Road comments that the site is the perfect place to relocate the Montpelier Surgery and allow the practice to offer an expanded service to the community.

The Brighton Society: object to the proposed demolition for the following reasons:-

- the Royal Alexandra Hospital has cared for the children of Brighton &

- Hove for 140 years and has been an integral part of life within the City;
- the building presents a stunning façade to the south and is a major contributor to the townscape of both the Montpelier & Clifton Hill and the West Hill Conservation Areas;
 - demolition and replacement with the proposed mediocre block of flats would have a major detrimental and irredeemable effect on the townscape of this part of the City.

CAG: concerned over demolition of all existing buildings, hope that part it not all of the building could be retained.

Recommend refusal of the application for the new building which represents overdevelopment of the site, the main frontage is over dominant, particularly due to the bow feature, and the Dyke Road frontage is considered blank, repetitive and overpowering.

Clifton Montpelier and Powis Community Alliance: comment on three areas where there is widespread, though not unanimous, agreement:-

- whatever scheme is finally accepted should include a doctors surgery;
 - whatever scheme is approved should be of high quality with regards to outside appearance, materials used and accommodation provided.
- Concerns remain about the frontage design along Dyke Road and the quality over time of some internal apartment block designs;
- some of the s106 monies should be allocated for use in improving the green spaces surrounding St Nicholas Church.

District Valuer: a scheme that retains the main hospital building has been agreed to test whether it is economically viable. The Taylor Wimpey figures demonstrate a deficit of over £1.4m, whereas our figures show a small surplus for land acquisition of £161,620. This would be insufficient to bring the property forward for development. Consequently the tested conversion scheme is not financially viable. In order to make a conversion scheme financially viable 147 new-build units would be required.

The Montpelier and Clifton Hill Association: early consultation was very clear and strong. It was on public record and the applicant would have been aware of the strong public preference for preserving the key buildings and the Council's planners recommendation that they should do. Despite this, the possibility of converting the key buildings has not been seriously considered and, instead, three applications have been submitted to demolish everything.

Despite the claim that conversion is not viable, there are many similar buildings that have been converted (*and an appendix of 14 examples has been provided*) demonstrating conclusively that restoration and re-use is a feasible option for key buildings on the site.

The Association is of the opinion that it is feasible to convert the existing main hospital building. Taylor Wimpey claim that the costs of conversion would be

almost 90% more than the cost of new build. The District Valuer estimates the cost of conversion to be less than 20% more than the cost of new build. When demolition costs are taken into account the costs of conversion are comparable to new build.

If conversion is not financially viable, it is because the applicant has miscalculated the budget for a development which would meet clearly expressed community expectations.

In order to justify demolition, the applicant would have to demonstrate the replacement buildings would preserve the area's character and would provide substantial benefits. The replacement scheme is a gross overdevelopment of the site. The proposed buildings are plain and excessively repetitive. Their modernist style is not in character with the area. They are a most inadequate substitution for the fine examples of late Victorian architecture whose demolition is proposed.

The Victorian Society: object to the proposed demolition. The Society understand that some selective demolition is required on this site as, like many hospitals the Royal Alexandra has accrued a mixture of less than important buildings around it. It is also vitally important that some change does occur to ensure the financial viability and future of the hospital building, but they would like to stress that this should not be at the expense of a key historic feature of the Montpelier and Clifton Hill Conservation Area.

The Royal Alexandra Hospital is an attractive and well built part of the history of this area. It is still in fair condition and lends itself well to adaptation and so offers the possibility of a potentially exciting conversion project. The proposed replacement residential blocks are not of sufficiently remarkable design to warrant the destruction and waste of this historic building.

Internal:

Conservation & Design:

a) Principle of the loss of existing buildings

The applicants contend that the hospital has been greatly altered and makes no positive contribution to the character or appearance of the Montpelier and Clifton Hill Conservation Area. Having inspected the various buildings, including their interiors there are a number of buildings on the site that do make a positive contribution, albeit their contribution would be significantly enhanced by the removal of later unsympathetic alterations, and the reinstatement of missing architectural features.

The original design of the principal hospital building is of a very pleasing Queen Anne revival style handled with conviction by a local architect with some fine local architecture to his name. Regrettably later extensions and alterations have significantly diminished its interest. English Heritage has considered a request to list the building but concluded that the building has been too greatly altered for it to have sufficient architectural or historic interest

to merit listing. Nevertheless the hospital retains architectural merit. Of particular interest is the administration entrance block which retains many original external decorative features. It is richly modelled and provides an exuberant contrast to neighbouring villas, no more no less than the location deserves. The interior is of no special interest. The wards have been subdivided, original external walls removed and the octagonal bays at the southern end have lost their shape and function. The cost of external restoration work will be considerable. Nevertheless it is considered readily adaptable to new uses, and having regard to its original function, room proportions and elevations it might equally well suit a commercial use as a residential use, but in either cases it will require very significant investment, that brings into question its viability.

As a whole the hospital site merits selective demolition and support for the retention of selected buildings is on the basis that they are capable of restoration, for example by the restoration of timber windows, external fabric and roof features and the removal of later extensions. Of the view that the future of the hospital building might reasonably depend upon the ease with which the building might be successfully converted and its original form and missing features restored.

The District Valuer's summary report concludes that a housing scheme of 55 dwellings, including the retention and conversion of the principal hospital building, would be insufficient to bring the site forward for development and that the 'conservation' option is not therefore considered financially viable. Moreover he suggests that some 147 new dwellings would be required, to ensure viability and to support the conservation deficit; in which case I would suggest that the preservation of the principal hospital building would require a housing development of a height and density well in excess of that that might be considered acceptable having regard to the wider urban context and the setting of the hospital building. Cross subsidy would not therefore appear to be an option.

Other land use options are unlikely to achieve a commercially viable development for this site that might secure the building's preservation. Moreover public subsidy, e.g. through grants, would not be available to make up any deficit.

For these reasons it is reluctantly concluded that the hospital building is beyond economic repair, and accepted that there is no viable alternative use.

b) Suitability of the proposed replacement buildings

Following amendments the overall height and massing of the various blocks is appropriate within its wider urban context.

Viewed from Clifton Hill, blocks A and B now complement the scale and rhythm of the neighbouring properties, including the listed coach house, and overall the development satisfactorily address both street frontages.

The further adjustments made to Blocks B and C give the desired orientation, verticality and prominence to block C, to which block B now clearly and appropriately defers. The front elevation to block C at 3rd floor level does however appear visually weak and merits further review. A further set back of the south facing balcony at fourth floor level to maintain the relationship of blocks B and C would also be encouraged. The front garden to the proposed surgery will provide an appropriate local amenity and meeting space, during surgery opening hours, the views of the Regional Design Panel are agreed and the longer street elevation to Dyke Road is now much more satisfactory and creates a coherent street frontage, in part due to the more consistent alignment of the blocks.

The external spaces now also have the desired informality and simplicity. However the southern end of the inner courtyard does narrow greatly and will be overshadowed by blocks B and C, it should be ensured that the north east and west facing single aspect flats in blocks B and C receive an appropriate level of natural light.

The architectural quality of this development will depend very much on careful attention to both constructional detail and selection of materials and finishes, and any consent should be conditioned accordingly.

6 PLANNING POLICIES

It should be noted that an informal Planning Advice Note was prepared in 2006 prior to the sale of the hospital site. The note was not subject to any form of public consultation and was not formally adopted as a supplementary planning document. The note therefore carries only limited weight in the determination of this application which should be determined in accordance in accordance with the Brighton & Hove Local Plan, unless material considerations indicate otherwise. In this instance relevant policies are:-

- HE8 Demolition in conservation areas, and
- Planning Policy Guidance 15: Planning and the Historic Environment.

7 CONSIDERATIONS

The main issue of consideration is whether the proposed demolition would preserve or enhance the character or appearance of the Montpelier & Clifton Hill and West Hill Conservation Areas.

The Royal Alexandra Hospital site is prominently positioned at the junction of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The eastern end of Clifton Hill has the character of a quiet service lane for housing in Powis Grove and Powis Villas with the most distinctive features being the tree cover within the hospital site, flint boundary walling, and the newly listed former coach house. In contrast the semi-detached villas fronting the site on the western side of Dyke Road, within the West Hill Conservation Area, have a consistent and uniform rhythm and appearance distinct from the

adjoining hospital development.

The applicant has commissioned an assessment of the architectural quality of the various buildings on the site. The report considers that taken as a whole the original building's design is of little architectural interest, noting that the original principal elevation composed 3 visually discrete symmetrical parts, two of which are now concealed behind a later contrasting addition and that these result in a series of independent unrelated elevations with little sense of cohesion. The report concludes that the existing buildings do not make a positive contribution to the appearance, character or quality of the conservation area and the proposal would remove an 'untidy and redundant hospital complex of little architectural merit or value'. This conclusion is not shared by the Council's Conservation Officer, English Heritage or the Victorian Society.

It is accepted that taken as a whole the hospital site merits selective demolition. For example at present the external spaces, access and routes through the site, and secondary buildings across the site provide an unsightly unplanned arrangement which has an adverse effect on the surrounding Montpelier & Clifton Hill and West Hill Conservation Areas. Similarly the villa at the northern end of the site, although of a type and appearance typical of the area and period, is isolated and disconnected from other similar properties in the area and has been significantly disfigured by later alterations and extensions, and its traditional garden setting lost. Its contribution to the area's character is therefore slight and subject to a satisfactory replacement building no objection is made to its demolition.

However, the principal hospital building, as extended, is an attractive building which retains a number of features from the late 19th C period and an impressive main façade. Whilst a request that the principle building and others are listed was rejected by the Secretary of State in 2006, English Heritage consider the building has a clear local interest and makes a strong contribution to the character and appearance of the Conservation Area. This importance is reflected by the Montpelier and Clifton Hill conservation area character statement which states that the Royal Alexandra hospital building 'is an important part of Brighton life and a well known local landmark'.

There is a presumption in both local and national policy in favour of retaining buildings which make a positive contribution to the character or appearance of conservation areas. Local plan policy HE8 states that the demolition of a building and its surrounding which make such a contribution will only be permitted where all of the following apply:-

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

produce substantial benefits that would outweigh the building's loss.

Furthermore the policy advises that demolition will not be considered without acceptable detailed plans for the sites development.

Local plan policy HE8 and PPG15 (para 3.19(i)) advise that economic viability should be taken into account when considering proposals for demolition of buildings within conservation areas.

The applicants have submitted a feasibility study for a development involving the renovation and conversion of the retained principal hospital building to 21 flats with new development to the rear comprising a further 34 flats. The study indicates that this alternative scheme, and retention of the principal building, would not be viable. There is no evidence to suggest deliberate neglect of the building and it is noted that although the building is not fully secured, with windows and doors open at the time of a site visit in September, this has not caused any demonstrable damage to the buildings structure which have contributed to the findings of the feasibility study.

The District Valuer was instructed to assess the accuracy of the applicant's feasibility study and concluded that despite significant differences in the expected conversion costs (with the applicant's figure being significantly higher) a conversion / new build scheme of 55 units on the site would not be viable. There are no reasons to dispute this conclusion, which, it should be noted does not take into account the price that the developer paid for the site (inflated or otherwise).

The assessed scheme (for 55 units) is of a significantly lower density than that proposed under recent proposals for development of the site (ref: BH2007/04453 & BH2008/02095). However, the scheme reflects the scale and height of development that could most likely be accommodated on the site in order to respect the setting of the retained principal hospital building, in addition to the extent of developable land to the rear of the site.

In order for a scheme retaining the principle hospital building to be viable the District Valuer has indicated that 147 new-build flats would need to be accommodated on the site, in addition to the 23 units created within a converted main frontage building.

The Conservation Officer has advised that the District Valuer's estimated number of units to make retention of the building viable would result in a height and density well in excess of that which might be considered acceptable having regard to the wider urban context and the setting of the principal hospital building. On this basis, cross subsidy between old and new elements of the site is not an option: and there is little realistic possibility of public subsidy to make up the financial deficit.

It should be noted that the supporting information and financial study do not

explore other possible uses, combination of uses or other ways of converting the building. However, it is accepted that other land use options are unlikely to achieve a commercially viable development that might secure the preservation of the principal hospital building.

For the reasons outlined above it is considered that the principal hospital building is beyond economic repair and there is no viable alternative use for the premises.

PPG15 (Planning and the Historic Environment) advises that consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment: local plan policy HE8 requires that redevelopment should both preserve the area's character and produce substantial benefits that would outweigh the building's loss.

It is considered that the development proposed under ref: BH2008/02095 is of a design and scale appropriate to the prominent position of the site within, and adjoining, a conservation area and grade II listed coach house building, and will make a positive contribution to the site and surrounding area.

Conclusion

The existing building makes an important and positive contribution to the Montpelier & Clifton Hill and West Hill conservation areas. However, the submitted information, as assessed by the District Valuer, demonstrates that a scheme retaining and converting the principal hospital building with new build to the rear would not be economically viable; and the level of development necessary to allow retention of the principal building would be harmful to the setting of the retained building and wider conservation areas. It is therefore concluded that the hospital building is beyond economic repair and that there is no viable alternative use.

It is considered that the plans for the site's development proposed under ref: BH2008/02095 preserve the area's character and would produce substantial benefits that outweigh the loss of existing buildings.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

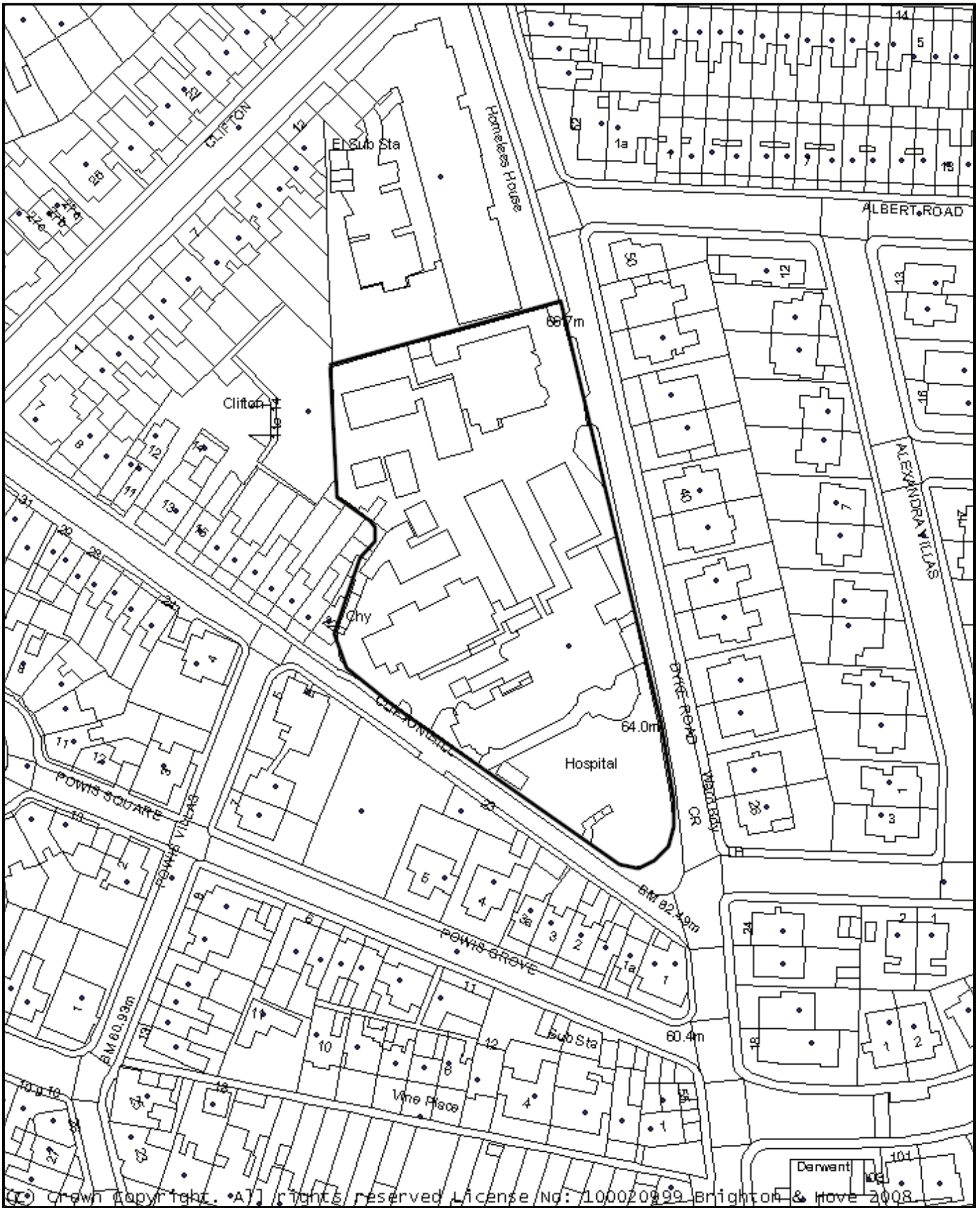
It has been demonstrated that the existing buildings are beyond economic repair and that retention would require a level of development of a height and density well in excess of that considered acceptable having regard to the wider urban context and the setting of the hospital building. Furthermore there are no viable alternative uses for the site.

The replacement development is considered to preserve the area's character and produce substantial benefits that outweigh the loss of existing buildings.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/02808 Royal Alexandra Hospital, 57 Dyke Road



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<u>No:</u>	BH2008/03220	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type</u>	Full Planning		
<u>Address:</u>	Sussex Education Centre, Nevill Avenue, Hove		
<u>Proposal:</u>	Proposed three-storey extension to existing education centre to create a 1688m² office building for NHS Trust.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	30 September 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 January 2008
<u>Agent:</u>	Devereux Architects Limited, 200 Upper Richmond Road, London.		
<u>Applicant:</u>	Mrs Christine Bowman, Sussex Partnership NHS Trust, Swandean, Arundel Road, Worthing.		

1 SUMMARY

The proposal is for the construction of an office building within the Nevill Avenue medical campus to enable the relocation of the existing Sussex Partnership National Health Service Trust headquarters from Swandean, Worthing. The Trust operates services throughout Sussex and state that the central location of the Nevill Avenue campus would provide many locational advantages in the provision of their services. The site has a D1 use (non-residential institutions) and is regarded as a community use. Planning policies aim to retain land in community use for such purposes unless it can be demonstrated that the site is not needed, not only for its existing use but also for other community uses.

The application is a resubmission of the same proposal withdrawn by the applicants on 16 June 2008. At that time it was considered that whilst the proposed office building would provide 100 jobs (most would be relocated in the short term) and was acceptable in terms of design, traffic generation, effect on residential amenity and on sustainability grounds, the applicant had failed to demonstrate why the development cannot be located within existing office premises within the city or that the land is not required for other medical or community uses. Further information accompanies this application which address these issues and it is considered that the proposal can be justified as an exception to policy HO20 in view of the benefits of this proposal to the Sussex Partnership NHS Trust, which is a major community infrastructure provider in the area, and lack of alternative sites which would fulfil the Trust's needs. The supporting information demonstrates this proposal will not prejudice the current and future medical and health needs identified for this site, will cater for the demand in traffic it will generate, will attract approximately 100 jobs to the city, and is acceptable in terms of design and impact on residential amenity and achieves a NEAT (NHS Environmental Assessment Toolkit) rating of "Excellent". For these reasons it is considered that the proposal conforms with planning policies and the securement of a headquarters building in the city is to be welcomed.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is

Minded to Grant planning permission subject to the completion of a Section 106 Obligation to secure:

Conditions:

1. 01.01AA Full planning.
2. 02.06A Satisfactory refuse storage.
3. 03.01A Samples of materials Non-Cons Area.
4. 06.03A Cycle parking facilities to be implemented. **At end of reason add** Provision should be made for a minimum of 10 cycle stands.
5. Details of the parking layout shall be submitted to include the provision of a further 4 additional disabled parking bays shall be submitted to and approved in writing by the Local Planning Authority and implemented before the building is occupied. The bays shall remain for such use at all times thereafter. **Reason:** To ensure adequate provision of disabled parking bays and to comply with policy TR19 of the Brighton & Hove Local Plan.
6. This permission shall enure for the benefit of the Sussex Partnership NHS Trust only and for no other occupier, and upon cessation of occupation by the Trust shall be used for D1 health care use only by an occupier to be agreed with the Local Planning Authority. **Reason:** This permission is granted exceptionally and only in view of the circumstances of the applicant and to conform with policy HO20 of the Brighton & Hove Local Plan.
7. 03.10 Soundproof plant and machinery. **At end of reason add** to comply with policy QD27 of the Brighton & Hove Local Plan.
8. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. **Reason:** In the interests of protecting neighbouring properties from noise pollution and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. 04.01 Landscaping/planting scheme. **At end of condition add:** The design should secure enhancements to local biodiversity, including provision of bat boxes and increased tree planting on the site, including a minimum of 2 trees to off-set the “heat island effect” as defined in SDP08: Sustainable Building Design. **At end of reason add:** to comply with policy QD15 of the Brighton & Hove Local Plan.
10. 04.02 Landscaping/planting implementation. **At end of reason add:** to comply with policy QD15 of the Brighton & Hove Local Plan.
11. 04.03 Protection of existing trees. **At end of reason add.** To accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
12. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved installation shall be installed, maintained and operated in accordance with the approved

details unless the Local Planning Authority gives its written consent to a variation. **Reason:** In the interests of protecting neighbouring properties from light pollution and to comply with policies SU9, QD25 and QD27 of the Brighton & Hove Local plan.

13. The development shall be completed in accordance with the agreed measures given in NEAT (NHS Environmental Assessment Toolkit) report submitted with the application which achieves a rating level of “Excellent”. **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.
14. The development shall be completed in accordance with the agreed measures given in submitted Site Waste Management Plan which forms part of this application. **Reason:** To ensure that the development is sustainable by minimising waste and re-use and recycling of materials is maximised and that materials are handled efficiently and waste is managed appropriately, and to comply with policy SU13 of the Brighton & Hove Local Plan.
15. 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, in accordance with policy SU4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the sustainability statement, site waste management plan and waste disposal policy, transport assessment and travel plan, landscape and open space strategy, design and access statement, biodiversity statement, the planning statement, energy strategy and services concept report, statement of community involvement, and drawing nos. 07156 - D1A, D2A, D3A, D4D, D5C, D6C, D7D, D8E, D9C and SK1B, SK2B, SK3B, SK4B submitted on 30th September 2008.
2. The applicant is advised of the need to carry out development in accordance with the Considerate Constructors Scheme.
3. 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, and to all relevant material considerations,

Brighton & 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.
- SU4 Surface water run-off and flood risk.
- 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.
- QD15 Landscape design.
- QD16 Trees and hedgerows.
- QD17 Protection and integration of nature conservation features.
- QD20 Urban open space.
- QD27 Protection of amenity.
- QD28 Planning Obligations.
- HO20 Retention of community facilities.
- EM4 New businesses and industrial uses on unidentified sites.

Supplementary Planning Documents:

- SPD03: Construction and demolition waste
- SPD08: Sustainability design

Supplementary Planning Guidance Notes:

- SPGBH4: Parking standards

Planning Policy Statements:

- PPS1: Delivering Sustainable Development.

ii) for the following reasons:

It is considered that proposal will not be detrimental to the long term use of the site for health care provision and will provide efficiency in terms of use and cost which will create savings able to be channelled into providing health care. Subject to measures to be agreed in a Travel Plan the use would cater for the demands in traffic it will generate. The scheme is considered acceptable in terms of design, impact on residential development in terms of sustainability. The development would attract approximately 100 jobs to the city which is to be welcomed.

3 THE SITE

The application relates to a site within the healthcare campus at Nevill Avenue, in north Hove. The site which is 4.4 hectares, was developed by South Downs Trust in 1997 and includes Hove Polyclinic, Nevill Hospital, Millview Hospital, the Butterfly Day Nursery and the Sussex Education Centre. Vehicular and pedestrian access to the site is from Nevill Avenue, with controlled pedestrian access linking across the site to Nevill Hospital. Hove Polyclinic is an outpatient facility providing physiotherapy, speech and language, audiology, x-ray imaging and diagnostics, together with a minor surgery facility with recovery beds. Millview Hospital consists of a 39 bed

adult care acute mental health inpatient facility, a 10 bed Psychiatric Intensive Care Unit, a day hospital and an outpatient's facility. An extension provides 35 adult acute beds and a 5 bed substance misuse unit. The site is bounded by residential properties.

The site slopes significantly from the south, rising by 8m to the north. The existing buildings are predominantly two storey, with a three storey element to Hove Polyclinic. Buildings are predominantly brick built and the site is well landscaped with substantial planting to the perimeter.

The proposal is for an extension of the Education Centre building which is located within the northeast part of the campus.

4 RELEVANT HISTORY

- **BH2008/00294**, Proposed three-storey extension to existing education centre to create a 1688m² office building for NHS Trust. Withdrawn 16.06.08.

Hove Polyclinic:

- **3/95/0551(F)**, construction of new Polyclinic and mental health resources centre buildings with associated access roads, car parking, gardens and soft landscaping. Approved 29.09.05
- **BH2003/01476/FP**, Erection of a 58 place nursery building. Refused 30.06.03.
- **BH2004/00594/FP**, Provision of a 46 place day nursery for use by NHS Trust staff. Approved 24.05.04

Millview Hospital:

- **BH2000/01027/FP**, Erection of two storey extension to existing adult health unit to provide 35 inpatient beds, comprising 3 new wards and support facilities. Approved 23.02.01.
- **BH2002/03381/FP**, Remodelling of main entrance reception with provision of new entrance canopy and replacement of two window units. Approved 30.01.03.
- **BH2005/00397/FP**, New satellite medical school. Approved 07.04.05.

5 THE APPLICATION

The proposal is for the construction of a new office building to form the headquarters for the Sussex Partnership National Health Service Trust. The building which is to adjoin the existing Education Centre, consists of:

- Building to measure 15.2m x 33m x 14.6m in height / 3 storey, to attach to the southern elevation of Education Centre with an atrium 4.8m x 14.4m x 13.2m in height.
- Building to provide 1688m² of office floorspace.
- Layout: Public and meeting areas at ground floor level, administrative support at first and second floor levels. Main entrance on west elevation, close to main entrance of Education Centre. Hard and soft landscaping.
- Materials / Design: Rectangular shaped building with flat roof which is raised in southwest corner above staircase and lift shaft, also providing access to plant/machinery within powder coated aluminium louvered plant

enclosure. Walls: rendered with cedar panels between windows on south, west and east elevations. Windows: grey aluminium frames. Brise soleil 22.0m long x 0.6m deep above windows at first, second and third level, south elevation Atrium: primarily glazed with cedar panelled section to front and rear elevation at first floor level, glazed mono-pitched roof.

- Parking: additional 56 bays plus 4 disabled spaces to be provided in three areas throughout the site. Additional 9 cycles racks location to front of existing education building, west elevation.
- Employment: 100 staff.
- Business hours: 07.30 – 1930 hours Monday to Friday, with some limited weekend activity.

6 CONSULTATIONS

External:

Neighbours: 76 Holmes Avenue; 138, 152, 164 Nevill Avenue: Object to the proposal for the following reasons:

Principle:

- No objection to the extensions of the hospital for GP surgeries, which would serve the local area, although additional car parking would be needed to cope with additional pressure of the doctors, pharmacy, staff and patients, many of the less able will travel by car (138 Nevill Avenue).
- No objection to the proposed extension to the Education Centre (76 Holmes Avenue).
- The site as it stands is about as fully developed as it needs to be to serve the City. It is not appropriate to located the headquarters building here.
- The site is for hospital care. The proposal is for an administrative building and could be located elsewhere. Question whether other sites have been considered.

Traffic / Parking:

- Lack of parking: there are 289 spaces and already 320 staff; a further 100 will move to the site. Hope that some will car share. The result of all this is that staff will park in Nevill Avenue and Holmes Avenue choking up the streets with nowhere for residents to park.
- An extra 56 parking spaces are proposed, which is insufficient for the proposed increase activity on the site. Without more on-site parking the proposed building is not suitable for the area.
- The Traffic report is short on knowledge regarding the use of the site. Lectures and meetings are held both in the medical school and Mill View and the influx of people attending is mostly by car which fills available spaces
- Safety: During week commencing 27 October 2008 the maximum number of spaces available during the day was 17. At times there were no spaces available and cars park on the double yellow lines which make it difficult for buses to get around. If you cherry pick the statistics it can look as if the car parking works well but this does not tell the whole story. Traffic during the morning rush-hour is exceptionally busy and difficult for residents in Nevill Avenue to exit driveways safely.

- The site is not directly linked to Worthing (many members of staff will be transferred from here) by bus or rail. In reality use of public transport would mean a mix of both which is also expensive. Consider most staff will travel by car.

Southern Water: No objection.

Southern Gas: No objection.

EDF Energy: No objection.

Sussex Police: No objection.

Brighton & Hove City Primary Care Trust: In connection with the previous application the Primary Care Trust previously gave in principle support to this application. However, many of the conditions set out have not been met or fully satisfied. Specifically:

- The PCT has not yet received sufficient assurance from Sussex Partnership Trust that it will give its full support to ensure the associated PCT commissioning plans for polyclinic development can be delivered and that the integration of primary care facilities will not be jeopardised by the Headquarters development.
- Further details of how the car parking issues associated with the proposed Headquarters development that are to be deployed have not yet been received.
- Will be having ongoing dialogue with the Partnership Trust with a view to resolve the above issues.

Internal:

Planning Policy: This proposal seeks to change the use of part of a site that is currently in community D1/C2 use to a B1 use. Policies HO20 and EM4 apply. Criterion 'd' of policy HO20 requires an applicant to demonstrate that the site is not needed, not only for its existing use but also other types of community use. The City Wide Estate Strategy clearly sets out that additional medical and health services are needed on the wider site (these are a new 10 GP surgery, an extension to the polyclinic, an extension to the Mill View Hospital and the reprovision/relocation of the Neville Hospital). It is felt an exception to policy HO20 could be justified in view of the benefits of this proposal to the Sussex Partnership NHS Trust, which is a major community infrastructure provider in the area, and the significant employment provision provided the supporting information clearly demonstrates this proposal will not prejudice the current and future medical and health needs identified for this site. This is particularly important because if the other community/medical uses identified for provision on this site are prejudiced this will similarly impact upon major community infrastructure providers and the area of site search will be significantly smaller than the one for the office Headquarters. The applicant has provided further information to help demonstrate this.

In terms of economic development a headquarters of this nature is welcomed within the city however the preference is for it to locate within an existing office building or site rather than a community facility site (EM4 and HO20). Thus overriding justification is necessary to demonstrate the use of this site is acceptable and needed. To accord with EM4 regard should be given to the availability of existing land and premises identified in the local plan and on the market and with outstanding planning permission. The applicant has sought to address this in the planning statement. Whilst this proposal lacks alternative site/marketing information some was submitted in respect of the last application which helps to accord with EM4.

The site is currently very open offering green open space to patients, workers and visitors and visually to the surrounding properties. Regard should therefore be given to policy QD20. In view of this it is felt particular regard should also be given to policy QD15. This proposal will impact upon the openness of the site and its 'green' landscape quality/attractiveness by virtue of the proposed extension and also the additional car parking. The applicant has sought to address this and has submitted a 'landscape strategy and open space statement and plan'.

Should it be felt on balance, given the individual circumstances, that this proposal has merit it is considered appropriate to impose a condition requiring the premises to revert back to D1/C2 use should the building no longer be required by the Sussex Partnership NHS Trust as a Headquarters. The reason for this is to ensure clarity in the future use of the premises and surrounding land, including the car park, and to meet the objectives of HO20 which would not normally allow office/B1 development.

Traffic Manager:

The applicants have supported this application with a Transport Assessment. This builds on the Assessment submitted with application BH2008/ 294 for this site by considering the potential transport impact of future proposed developments on this site.

As with BH2008/294, journeys to and from the application site will clearly use existing transport infrastructure and services which cost money to provide and maintain and a contribution towards these costs remains appropriate. The number of trips likely to be generated by the development was acceptably estimated by the applicants at 280 one way person trips per 24 hours per day and on this basis the contribution sought using the standard formula would be £56,000 which should be required in the S106 agreement.

The general parking proposed for the current application remains at 56 spaces which is the maximum allowed under SPG4. 8 covered Sheffield cycle stands are proposed as compared to the recommended minimum of 10. It is proposed to require by condition that 10 be provided and plans showing the design and location are provided. Only 4 disabled parking spaces are proposed compared to the recommended minimum of 17. This remains

unacceptable as for the previous application and again as in that case a condition should be attached to any consent requiring that 4 additional disabled bays are provided as part of the new parking, and signing is provided to indicate that (1) The new general parking is reserved for staff/ visitors to the new facility (2) The new and existing disabled parking is available to every disabled parker at the site. The provision of disabled parking should also be reviewed as part of the travel plan process. The parking layout has been improved compared to that previously submitted although it remains the case that the 6 bays (total) at the end of aisles would require difficult manoeuvring to use if all the others were full.

Although the SPG4 general parking standards are maxima, in response to concerns raised with the previous application, the applicants have tried in the revised Transport Assessment to demonstrate that the parking now proposed can accommodate the maximum parking demand likely to be generated by the future healthcare developments proposed at this site. However this is not successful because (1) They have underestimated the parking allowed for GP surgeries in SPG4 (2) No comprehensive surveys of the existing use of the car park at the Nevill Avenue site have been submitted (3) Most of the spaces regarded as potentially available for users of the new developments are currently used by patients at the site (4) The expected reduction in future parking demand to be brought about by the travel plan is uncertain.

In view of this uncertainty regarding future parking demand and the possibility of parking being displaced to nearby residential areas it is proposed that an enhanced travel plan process should be required. This should involve a requirement for the initial plan to be approved prior to occupation then reviewed annually with reference to specific targets for modal share, with each review being similarly subject to approval and an ability for the Council to be able to require reasonable and proportionate additional measures if the monitoring which contributes to the review process reveals excessive car use. The purpose of this would be to ensure that excessive car use and parking demand would not arise. The use and availability of disabled parking would also be monitored as part of this process and additional bays provided if necessary (in the Council's reasonable view). The applicant's work to date on travel plans has been to a high standard. The transport impact should also be reconsidered as part of subsequent applications for this site as the current TA does not satisfactorily resolve all the issues.

The applicants have also used standard and acceptable TRICS and survey information to estimate the impact on the surrounding network of the traffic and public transport trips likely to be generated by all the developments. This shows that the expected increase in traffic along Nevill Avenue allowing for all the developments and small reductions expected for the travel plan and reduced inter-site travel would be in the order of 4%. This would be expected to disperse without causing undue problems in a relatively uncongested area.

Environmental Health: No objection. The proposed building is approximately

30m from the closest garden. In order to safeguard the amenities of the occupiers of neighbouring properties request that any approval be subject to a condition to ensure noise from plant and machinery be no greater than 5dB(A) below existing background noise.

Economic Development: Support the application for the following grounds:

- The development will provide the NHS Trust with a modern Headquarters style building in the city replacing their current operation in Worthing which is stated as being problematical.
- The Trust carried out a site selection process with a number of set criteria which has resulted in this site being identified as their preferred site. The benefits of this site are stated within the supporting information as being central to the Sussex area, near many of the other relevant health care sites, benefits from a good transport infrastructure and is sited on a site of significant Trust clinical activity. This last point is of particular relevance when considering the cost of relocation and development taking into account any land acquisition that could have had a detrimental impact on the overall proposal.
- The continued view that Brighton & Hove is a location well suited to headquarters operations is welcomed. There have been a number of businesses that have relocated to Brighton & Hove recently for their headquarter location demonstrating that the city is seen as a location for larger organisations together with our smaller businesses.
- The proposal is to provide 1688m² of B1 office accommodation and the applicant states that this will provide space for 100 jobs. Based on the offPAT employment density for office development of 5.25 jobs per 100m² this equates to 89 jobs therefore the figures are comparable.

Arts Officer: An arts contribution is not sought. The proposal does not meet the criteria of Policy QD6 and is not in a prominent location.

7 PLANNING POLICIES

Brighton & 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.
- SU4 Surface water run-off and flood risk.
- 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.
- QD15 Landscape design.
- QD16 Trees and hedgerows.

QD17 Protection and integration of nature conservation features.
QD20 Urban open space.
QD27 Protection of amenity.
QD28 Planning Obligations.
HO20 Retention of community facilities.
EM4 New businesses and industrial uses on unidentified sites.

Supplementary Planning Documents:

SPD03: Construction and demolition waste
SPD08: Sustainability design

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards

Planning Policy Statements:

PPS1: Delivering Sustainable Development.

8 **CONSIDERATIONS**

This application follows the withdrawal of an application for the same proposal on 16 June 2008, which was recommended for refusal by officers. The main concerns were that insufficient evidence was submitted to demonstrate why the development could not be located within existing office premises within the city, that the land was not required for other medical or community uses and that the site could accommodate the parking and traffic needs of this and future medical uses on the site. Further information accompanies this application to address these issues. As with the previous scheme the main considerations in the determination of the application relate to the principle of an office use in this location, the design of the proposed building and its effect on the character and appearance of the campus and effect on surrounding amenity, parking and traffic generation implications and sustainability issues.

Principle of development:

The proposal is for a building to form a new headquarters for the Sussex Partnership National Health Service Trust within the medical campus at Nevill Avenue. The Trust was established on 1 April 2006 to provide mental health, learning disability and substance misuse services for Sussex, following the dissolution of East Sussex County Healthcare NHS Trust based near Hailsham, West Sussex Health and Social Care NHS Trust at Swandean, and the transfer from South Downs Health NHS Trust of mental health services and substance misuse services within Brighton & Hove.

The existing headquarters are currently located at within a former Victorian hospital building at Swandean, West Worthing. This is a temporary measure for continued office use, and in particular for headquarters, because of the building's age, condition and configuration which is inefficient in terms of operation and use.

This proposal for a headquarters building is part of a masterplan for the

campus, which is owned and managed by the Trust. The site lies within the built up area and whilst there are no other formal allocations or designations affecting the land, the sites current lawful use falls within Use Class D1/C2.

Existing buildings on the site consist of the Millview Hospital, a mental services inpatient unit and daycare unit, Hove Polyclinic which is an outpatients facility, the satellite Medical Education Centre which provides teaching facilities for the Trust staff, and the Butterfly Children's Day Nursery open to employees of the health service. Further developments (not part of this application) are for an extension to Millview Hospital of 900m² to provide further beds for older people and to provide Place of Safety facilities and improved psychiatric intensive care facilities to the polyclinic and an extension of 1,000m² to provide extended facilities and a GP surgery accommodation. The masterplan allows for further clinical developments to take place on land to the southeast of Millview hospital and to the rear of the Polyclinic by way of extensions. Whilst the site of the proposed building is not designated in the masterplan for other health related purposes, it is stated that the proposed building has been designed to be flexible and capable of later conversion to other medical uses.

Loss of Community Facilities

Policy HO20 states that sites in community use should be retained where there is a demand unless it can be demonstrated this demand is to be accommodated elsewhere. Alternatively, other uses will only be permitted if it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use. Whilst there is a potential conflict with the agreed strategy prepared by all the NHS Trusts operating in the city, including the Primary Care Trust and also the Council, and thus policy HO20, the Strategy titled the 'City Wide Estates Strategy' acknowledged the aspiration of the Trust to locate its Headquarters at Nevill Avenue and also identifies the need for additional future medical facilities on this site. These were a new 10 GP surgery, an extension to the polyclinic, an extension to the Mill View Hospital and the reprovision/relocation of the Nevill Hospital, which are identified in the masterplan.

The Primary Care Trust gave in principle support to the previous application but have now raised concern that they have not yet received sufficient assurance from Sussex Partnership Trust that it will give its full support to ensure that the plans for the polyclinic development can be delivered. The Primary Care Trust previously stated that the development of the building fits within the site development strategy for the development of further health services at Nevill Avenue and will not prejudice the development of further services of the delivery of the proposed GP surgery / expansion of the Polyclinic on the site. They also stated that the building has been designed to ensure flexibility in its future use if it were to cease to be used as an office building in the future.

The deliverability of the proposed uses within the masterplan is not being

considered in this application, but it appears from the masterplan that the erection of the proposed office building would not prejudice the long term future of the site as a whole for community/medical use, and for this reason the proposal conforms with policy HO20.

New business uses on unidentified sites

Policy EM4 relates to new businesses on unidentified sites; the site is not identified in the Local Plan for employment uses. Criterion 'a' of the policy states that planning permission will be given for new businesses on unidentified sites within the built-up area providing there is a demonstrable need for such given the availability of existing land or premises on the market.

The Trust require their headquarters to be located as centrally as possible within Sussex and following analysis of the geography and transport infrastructure and associated travel times, a location in the Brighton & Hove area, near to the A27/A23 corridor was considered to be the most appropriate location.

The Nevill Avenue site is the only site owned by the Trust within the City able to accommodate headquarter offices alongside substantial inpatient services managed by them.

The Trust are charged with delivering health care within financial limitations and, in their opinion, locating the new headquarters building on land already within their ownership makes sound economic sense with more money available for patient care. It is a priority to maximise funding to provide high quality and effective clinical services and therefore necessary to minimise costs associates with the provision of accommodation that would otherwise divert funds away from care. Alternatives to the proposed new building would have included renting existing accommodation elsewhere, but this would have been expensive in comparison to the proposed site. For example office rents in Brighton & Hove are around £21 per square foot (£226 per m²) for modern offices with air conditioning and around £14 per square foot (£151 per m²) for offices without air conditioning and would have resulted in ongoing expenditure on accommodation from public funding streams that the current application seeks to avoid. With regard to using existing office stock, the Trust state that provision in the City is limited, given their requirements. The only ones available to purchase freehold are:

- 157/159 Preston Road, Brighton: Approximately 1,489m² offices plus 372m² storage. Currently occupied by Norwich Union and requires refurbishment. Available to lease at a rent in the region of £19.50 per square foot (£210m²) or would consider selling the freehold.
- Vantage Point, Brighton: Available offices approximately 1,765m². Requires refurbishment. Will only consider short term leases.
- Telecom House, Preston approximately 2,137m², approximately 1,208m² under offer.
- Vale House, Portslade: Approximately 1,950m², requires refurbishment. No disabled access.

- 2 Montefiore Road, Hove: Approximately 5,574m² require refurbishment. Only available on a short lease.
- The use of accommodation at Brighton General Hospital is dismissed as this is not a Trust site and the Trust has no inpatient beds there.

The Trust conclude that none of these properties are suitable, and additionally they do not meet the principal objective for the headquarters to be sited in close proximity to services provides and ideally on a site of significant Trust clinical activity, to reduce the need for travel. Additionally, the use of existing Trust estate would assist in reducing costs so that money can be spent on health care. This is in line with all NHS provider services trusts which seek to co-locate headquarters on their main hospital site and in doing so the need to travel is kept to a minimum.

Based on the availability of other premises and the overriding benefits to the Sussex Partnership NHS Trust both operationally and financially of locating its headquarter offices close to a site with significant clinical activity, which offers benefits to the wider public as the Trust is a major community infrastructure provider and the savings made in rent can go into patient care, it is considered that the use of the site for office purposes conforms with policy EM4. It is required by condition that the building be for the use of the applicants only, in order to prevent a general office user on the site. Given the exceptional circumstances of the applicant, and the need to locate close to services provided by the Trust and lack of alternative sites within the City, it is considered that the proposal conforms with policy EM4. The Economic Development Officer supports the proposal which would bring 100 jobs to the City.

Loss of urban open space

Policy QD20 aims to resist the loss of areas of public and private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value.

The site consists of a flat piece of lawned ground which whilst contributes to the open character of the area, is not of wildlife, or recreational importance. The proposal involves the use of other pieces of land to be used for car parking which also contribute to the pleasant open character of the area. The loss of this urban open space, not just in terms of the building but also car parking, needs to be weighed against the other identified medical and health requirements that need to be provided on site. This accumulative loss will impact upon the site and will significantly reduce the 'greening' effect. This is felt important given recent research acknowledges the beneficial health impacts of 'green open space' which helps reduce recovery time, helps to reduce blood pressure, stress and depression etc. It is acknowledged the applicant has sought to minimise the loss of open space by providing the offices as an extensions to the education centre and by going to 3 storeys in height. It has also sought to address the reduction in open space with the submission a 'landscape strategy and open space statement and plan'. The

plan is not very detailed and the submission of a detailed landscape plan which also secures enhancements to local biodiversity, including provision of bat boxes and increased tree planting on the site, is required by condition.

Design / Impact on residential amenity:

Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings.

In order to reduce pressure for the development of Greenfield sites and address the need for future jobs, homes and community uses policy QD3 aims to make efficient and effective use of sites within the built-up area.

The site is located north of the Polyclinic and is to adjoin the two storey Education Centre, a flat roofed red brick building with architectural relief provided by small panels of cedar cladding and grey framed fenestration. The proposed building is three storey with a raised corner section and glass atrium, and with plant/machinery at roof level. The building is to be predominantly rendered with cedar panelling between windows, and brise soleil above windows on the south elevation. The proposed building is to be linked to the Education Centre with a mono-pitched glass atrium.

Buildings within the campus are generally two storey, as are surrounding residential properties. The site is within the northeast section of the campus and 60m from the nearest residential buildings in Nevill Avenue. It is considered that the proposed three storey building relates well to its context, that the increase in height from the two storey Education Centre it would adjoin provides contrast, and that the glazed atrium provides an attractive architectural link between the buildings. The proposed building, by virtue of its height, one storey higher than neighbouring development, and render in contrast to surrounding brick development, will provide a visual focal point to this part of the campus.

A three storey building makes efficient use of the site, and would reduce the need for other land to be developed, thus retaining a green and landscaped environment for the hospitals.

Policies QD15 and QD16 relate to landscape design and planting; policy QD17 aims to protect and incorporate nature conservation with new development. The site, whilst open and green, is uninspiring and the opportunity exists within a scheme to develop the area to improve landscaping within the site, including seeking measures to enhance local biodiversity through the provision of bat boxes, increased tree planting on the site, green roofs/walls.

Policy QD27 aims to protect residential amenity. The proposed building is to be situated a minimum of 60m from residential building, with the main aspect

to the south, facing the Polyclinic. Given the distance from neighbouring properties it is not considered that the building would result in an undue loss of privacy or disturbance to the occupiers of neighbouring properties.

For these reasons, it is considered that the proposed building is acceptable in terms of scale, appearance and impact on residential amenity.

Environmental Impact Assessment:

The proposal represents urban development on a site exceeding 0.5 hectares. However, despite the proposal falling within Schedule 2 of the Environmental Impact Assessment Regulations 1999, no significant effect on the environment has been identified and there are no recognised features of particular sensitivity in the surrounding area. The proposal does not fall within the criteria set out in Annex A of DETR Circular 02/99 Environmental Impact Assessment and an assessment is not required.

Traffic Implications:

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 road.

The main public objection to the proposal is that the development fails to provide an adequate level of car parking particularly given that staff are to be transferred from Worthing. It is considered that as the site is not served by a direct public transport link from Worthing, the majority of staff will travel by car. It is feared that the lack of on-site parking will lead to parking within neighbouring streets causing congestion and safety problems.

The proposed office building would provide employment for approximately 100 people. The proposal provides an additional 60 car parking spaces of which 4 are disabled spaces. The Traffic Manager states that the general level of parking provision is in accordance with the maximum standards contained within SPG4, but that the level of disabled parking is inadequate. Whilst the applicants have defended this under provision because of existing disabled parking on site, the Traffic Manger still considers it not enough to cover the shortfall, and also states that provision of cycle parking should be increased from the 8 stands proposed, to 10. The applicants proposed to produce a Car Park Management Plan which could address this concern.

The application is accompanied with a Full Travel Plan and a Transport Assessment which reviews existing transport provision. The Travel Plan identifies of the 100 staff that will be moving from Swandean, 65% use their cars to travel to work, and identifies a need to promote other means of transport. Measures to establish a car sharing database, investigating the potential of forming a car club, setting up a 'guaranteed ride home' for car sharers, and provision of motorcycle/moped parking and training are proposed. The Plan looks at the sites proximity to bus and train services and pedestrian and cycle provision. The Traffic Manager concludes that the Plan

is to a high standard and based on the number of trips likely to be generated by the development, which would be in the region of 280 one-way person trips per 24 hours, that a contribution of £56,000 should be sought as a contribution towards maintaining the existing infrastructure. However, in view of this uncertainty regarding future parking demand and the possibility of parking being displaced to nearby residential areas it is proposed that an enhanced travel plan process should be required.

Subject to conditions as identified by the Traffic Manager it is considered that the appropriate provision could be achieved to accommodate the travel demands likely to be generated by the proposed use, taking into account the needs for the uses.

Sustainability:

The application is accompanied with a sustainability report which includes the sustainability checklist, an energy strategy and a servicing strategy which considers issues such as the water system, drainage, ventilation, lighting an heating.

Policy SU2 seeks efficiency of development in the use of energy resources. The application is accompanied with a Sustainability Statement, an Energy Strategy and a Services Concept Report which considers minimising energy consumption through passive design techniques, achieving CO2 emission levels which are below good practice benchmarks, the creation of visually, thermally and acoustically comfortable environments to support workplace activity, water conservation, and low life cycle cost.

SPD08: Sustainable Building Design, sets out the principles which should be met to achieve acceptable development in terms of sustainability. The Trust team has undertaken an initial assessment of the proposal using the NEAT (NHS Environmental Assessment Toolkit) because the BREEAM methodology is not applicable to this development. The Sustainability Officer has stated that main elements of this scheme relate to minimising the “heat island effect” of the building and achieving 60% in energy and water sections of relevant BREEAM assessments within an overall “Excellent” rating.

To offset the heat island effect a contribution of £672 should be made towards tree planting, which equates to the planting of two trees. It is considered that the most appropriate way of achieving this is to include the need for this provision within the landscaping scheme which is to be secured by planning condition. The applicants also need to agree to the Considerate Constructors Scheme and this is highlighted by informative.

In order to reduce the baseline energy consumption and carbon emissions, energy efficiency levels have been applied to the building construction and envelope. The development will be supplied with low U-values meeting the new Building Regulations (Part L 2006) and will have a high standard of air-tightness to ensure the it is designed to use less energy through passive

design measures which shall be delivered by employing in part exposed thermal mass to all office space, solar treatment of the façade, night cooling of the building, and the use of natural daylight to reduce the need for artificial lighting. This has resulted in a 12% net CO2 emissions reduction against that required for Part L. The main elevation is south facing with ample glazing with a brise soleil to each floor to provide solar shading to prevent overheating in summer. The proposal achieves a score of “Excellent” in its NEAT rating.

The Design and Access Statement indicates the potential for solar thermal panels and/or rainwater harvesting but does not make this part of the proposal. Future proofing of the building to allow for the installation of solar panels has not been considered and no provision has been made for rainwater harvesting for the building as required by the SPD. The Sustainability Statement states that surface water run-off will be to sustainable urban drainage system. The provision of these measures are secured by planning condition.

The development meets the requirements of the SPD and policies of the local plan and is acceptable in terms of sustainability.

Minimisation and re-use of construction and industry waste:

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner through the preparation of Site Waste Statement. A Site Waste Management Plan accompanies the application which states that waste arising will be sorted and recycled, outlines the legal obligations of the applicants and measures for recycling and onsite reuse. It is considered that the document outlines acceptable measures which should be implemented during the construction of the building and should be secured by condition.

Community Involvement:

In addition to liaison with the City Council and Primary and Community Health and Social Care providers an open evening was held at the Education Centre on 6 November 2007. Letters of invitation were sent to 106 householders in surrounding streets. The purpose of the meeting was to inform residents of the proposal and take into account views prior to the submission of the planning application.

The application has received relatively few public objections.

9 CONCLUSIONS

It is considered that the adequate evidence had been submitted to demonstrate the need to locate the development on this site and that the site will not be required for medical or community use in the future. The proposal is considered to be an exception to policy HO20 in that whilst the proposed use is for an office use, it is supporting health care use, could be adapted to medical use in the future and provides efficiency in terms of use and cost

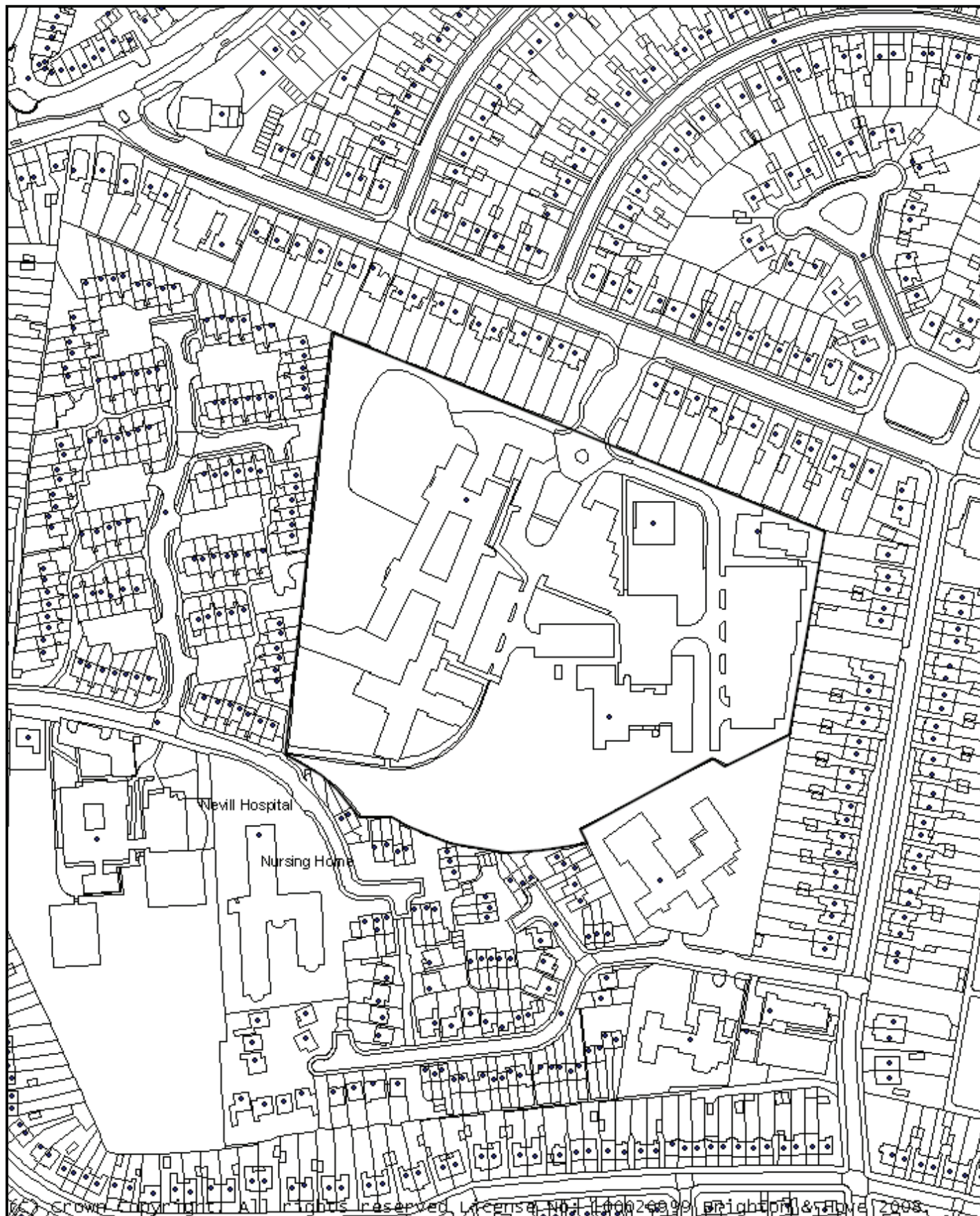
which will create savings able to be channelled into providing health care. It is considered that the use can cater for the demands in traffic it will generate. The scheme is considered acceptable in terms of design, impact on residential development is scores well in terms of sustainability.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

It is considered that proposal will not be detrimental to the long term use of the site for health care provision and will provide efficiency in terms of use and cost which will create savings able to be channelled into providing health care. Subject to measures to be agreed in a Travel Plan the use would cater for the demands in traffic it will generate. The scheme is considered acceptable in terms of design, impact on residential development in terms of sustainability. The development would attract approximately 100 jobs to the city which is to be welcomed.

11 EQUALITIES IMPLICATIONS

The building would have level access, incorporates a lift and disabled toilet facilities. Disabled parking would be close to the building. Doors and corridors facilitate wheelchair access and induction loops are to be provided within the reception area and meetings rooms. The building would have to comply with Part M of the Building Regulations.



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No:	BH2008/01992	Ward:	HOLLINGBURY & STANMER
App Type	Outline		
Address:	Northfield University of Sussex Brighton		
Proposal:	Construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking.		
Officer:	Steve Lewis, tel: 292321	Received Date:	02 June 2008
Con Area:	Stanmer	Expiry Date:	04 November 2008
Agent:	DMH Planning Services, 100 Queens Road, Brighton, East Sussex.		
Applicant:	Mr David Kirkwood, University of Sussex, Hastings Building, Falmer, Brighton.		

1 SUMMARY

The application is an outline application for the erection of 14 blocks of student residential accommodation set over three and four storeys. The application also includes a two storey 1,000sqm reception and multifunction building. The site falls within the boundaries of the Policy EM19 designation which sets out the principle of developing the land for university uses, including halls of residence.

The application is supported by an Environmental Statement (ES) relating to Ecology, Transport, Landscape impact, Archaeological interest and Flood Risk matters. The ES was prepared after a Screening Opinion was adopted by the City Council on 19 November 2007 as the development is defined as Schedule 2 Development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Approval is sought for access, layout and scale.

The application does include indicative designs for each of the building types upon the site. However there is a future requirement of a Reserved Matters approval. This outline application reserves appearance and landscaping matters for future consideration.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to be **Minded to Grant** planning permission subject to the completion of a S106 Agreement to include a Habitat Creation and Management Plan and a contribution towards public art, provided that there are no further objections received that raise further material planning considerations which have not already been considered within the report or by the Committee and to the following Conditions and Informatives:

Conditions

1. 01.02 Outline Planning Permission
2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of

this permission:

- (a) Appearance; and
 - (b) landscaping; 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. No less than 10 artificial bat hibernation boxes in total shall be fixed to the external walls of the proposed new buildings. Prior to the commencement of development details containing the location, siting and design of the bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be made available for use prior to the occupation of the development and retained to the satisfaction of the Local Planning Authority. **Reason:** In the interests of maintaining the bio-diversity and ecological interest of the site and neighbouring SNCI and to accord with policy NC4 of the Brighton & Hove Local Plan.
 4. No construction works shall take place between sunset and sunrise from the 1 April to 31 October. **Reason:** To minimise the potential disturbance to bats during construction and in the interests of maintaining the bio-diversity and ecological interest of the site and neighbouring SNCI and to accord with policy NC4 of the Brighton & Hove Local Plan.
 5. Prior to the commencement of development upon site a detailed lighting scheme for the site; including a full lighting diagram of the whole development, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be constructed and operated in strict accordance with the approved details and thereafter retained. **Reason:** In the interests of the character and appearance of the Sussex Downs AONB, to minimise the impact to the ecology of the area and nearby roosting bats and to accord with Policies QD4, QD25, NC4 and NC7 of the Brighton & Hove Local Plan.
 6. 25.08 Scheme for surface water drainage
 7. Prior to the commencement of development, a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following elements:
 - a) A desk top study identifying:
 - All previous uses
 - Potential contaminates associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors; &
 - Potentially unacceptable risks arising from contamination at the site
 - b) A site investigation, based on (a) to provide information for an assessment of the risk to all receptors that may be affected, including those of site
 - c) The results of the site investigation and risk assessment (b) and a method assessment based on those results giving full details of the remediation measure required and how they are to be undertaken

- d) A verification report on completion of the works set out in (c) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. The works shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. **Reason:** Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters and in accordance with policies SU3 of the Brighton & Hove Local Plan.
8. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to the Local Planning Authority which will respond in writing within 6 weeks of its submission. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met. **Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.
9. Prior to the commencement of development on site a Construction Environment Management Plan shall be submitted and approved in writing by the Local Planning Authority. The works upon site shall be carried out in strict accordance with the approved plan thereafter. **Reason:** To reduce construction traffic generation and the impact of construction vehicles using the surround vehicular network in accordance with policy TR1 of the Brighton & Hove Local Plan.
- 10.05.02A Site Waste Minimisation Plan
- 11.05.01AA BREEAM
- 12.06.02A Cycle Parking Details to be submitted
13. Prior to the commencement of the development, details of means of foul sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and thereafter maintained. **Reason:** to ensure proper foul sewerage disposal and to prevent discharge of foul sewerage in watercourses and contamination of the Falmer public water supply and to accord with policies SU5 and SU9 of Brighton & Hove Local Plan.
14. Prior to the commencement of development, a scheme for the implementation of archaeological works in accordance with the submitted written scheme of investigation, shall be submitted to and approved in writing by the Local Planning Authority. \the scheme shall be implemented as approved. **Reason:** the development is likely to disturb items of

archaeological interest and to accord with policies S1 of the East Sussex and Brighton & Hove Structure Plan and policy HE12 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on DMH Stallard Planning Statement, Environmental Statement Volumes 1 & 2, submitted 11th August 2008, Land Use Consultants Ecological Impact Assessment submitted 11th September 2008, CGMS Consulting Archaeological Desk based Assessment submitted on 3rd November 2008, Pascal + Watson Design and Access Statement & drawing nos. 3217/SE001 Rev A, 3217/EL002 Rev A, 3217/L001 Rev A, 3217/L002 Rev A, 3217/L003 Rev A, 3217/L004 Rev A, 3217/L005 Rev A submitted on 14th July 2008, Pascal + Watson drawing number 3217/EL001 Rev A 7 Maltby Land Surveys Ltd Topographical Survey submitted on 2nd July 2008 and 3217/L006 Rev A submitted on 3rd November 2008.
2. The planning permission granted by this decision does not include external appearance or landscaping which are reserved matters for later consideration. Pascal + Watson drawings 3217/EL001 Rev A and 3217/L005 Rev A submitted on 14/07/2008 are considered indicative drawings and do not form part of the planning permission.
3. To discharge condition 8 of this permission, the applicant should note that a campus wide travel plan which incorporates and takes clear account of this development could be acceptable.
4. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org and www.breeam.org/ecohomes).
6. It is noted that there is a presence of Low/Medium/Intermediate Pressure gas mains in the proximity of the site. No mechanical excavations are to take place above 0.5m of the Low and Medium pressure systems and 3 metres of the intermediate pressure system. The applicant where required should confirm the position of mains using hand dug trial holes.
7. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water's Network Development Team (Wastewater) based at Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, Hampshire. (Tel: 01962 858 688) or www.southerwater.co.uk.
8. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan, Brighton & Hove Local Plan set out below, and to all relevant material considerations, including

Supplementary Planning Guidance:

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport and accessibility
- TR4 Travel Plans
- TR5 Sustainable transport corridors
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU1 Environmental impact assessment
- 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
- SU13 Minimisation and re-use of construction industry waste
- SU16 Production of renewable energy
- QD1 Design quality of development and design statements
- QD2 Design – key neighbourhood principles
- QD3 Design – effective and efficient use of land
- QD4 Design – strategic impact
- QD6 Public art
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Tree and hedgerows
- QD17 Protection of integration of nature conservation features
- QD25 External lighting
- QD27 Protection of amenity
- QD28 Planning obligations
- HO6 Provision of outdoor recreation space in housing schemes
- HO13 Accessible housing and lifetime homes
- EM19 University of Sussex
- NC4 Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGSs)
- NC5 Urban fringe
- NC6 Development in the countryside/ downland
- NC7 Sussex Downs Area 4a of Outstanding Natural Beauty
- HE3 Development affecting the setting of listed buildings
- HE11 Historic park and gardens

East Sussex and Brighton & Hove Structure Plan 1991-2011:

- S1 Twenty one criteria for the 21st century
- S4 Strategic pattern of development
- S5 Definition of development boundaries
- S10 The countryside – general

H1 Housing provision
TR1 Integrated transport and environmental strategy
TR3 Accessibility
TR5 Cycle facilities
TR18 Cycle parking
EN2 Areas of Outstanding Natural Beauty – general
EN3 Areas of Outstanding Natural Beauty – (control of development)
EN17 nature conservation - protection
EN18 nature conservation – enhancement

East Sussex and Brighton & Hove Waste Local Plan
WLP11 – Construction waste minimisation

Supplementary Planning Document:
SPD03 – Construction and demolition waste
SPD06 – Trees and Development Sites
SPD08 – Sustainable building design; and

ii) for the following reasons:

The development will provide 798 new bed spaces upon an allocated site at the University of Sussex Campus which will reduce the pressure upon the city's existing housing stock. The proposal will reduce travel from and to the campus by providing homes for students where they are most required. The proposed buildings are considered appropriately sited and scaled and is not considered to have a severe adverse impact upon the landscape, the Sussex Downs AONB, the Stanmer registered Historical Park/Garden and the Stanmer conservation area. A Section 106 agreement will secure an appropriate level of contribution toward public art and a scheme of mitigation for any potential damage to the adjacent SNCI. Planning conditions will control potential for pollution of under ground water drinking source, ensure a sustainable development and lighting scheme.

3 THE SITE

The application relates to an area of previously undeveloped land located adjacent to the University of Sussex Campus and on the northern edge of the City. The site extends up to 4.7 ha and comprises further cultivated grassland aside from the area included.

The site is located within the Sussex Downs Area of Outstanding Natural Beauty (AONB), the Stanmer Historic Park/Garden. The University of Sussex campus contains many Grade I & II* Listed Buildings. Adjacent to the site is Lewes Court which comprises four blocks of three storey halls of residence.

The site sits at its lowest upon the valley floor in the east and rises steeply towards the west and Stanmer. To the east of the site is the Tenant Lain & Moon Gate Woods Site of Nature Conservation Importance (SNCI). The SNCI is ancient woodland and has species interest. To the west and up the valley

wall is Stanmer Park and Stanmer conservation area.

The site is accessed from the A27 slip road and through the main campus via Refectory Road. The site does not have any separate vehicular access.

4 RELEVANT HISTORY

BH2001/01317/FP - Erection of two residential blocks comprising a total of 36 x 6 bedroom units, 30 x 1 bedroom units, 68 car parking spaces and 46 cycle parking spaces. – **Withdrawn** 22/06/2001.

BH2002/00577/FP - Erection of two residential blocks comprising in total of 36x6 bedroom units, 30x1 bedroom units with car parking for disabled only, cycle parking and associated landscaping. – **Approved** 09/09/2003.

5 THE APPLICATION

The proposal seeks outline planning permission for the construction of further hall of residence at the Sussex University campus. The development will comprise of 798 student bedrooms arranged over 14 blocks, a reception building, bicycle storage and visitor and disabled car parking.

The fourteen blocks of residential accommodation comprise of 4 four storey buildings at the lowest point of the site and 10 three storey blocks across the rest of the site towards the west and Stanmer Park.

The reception building has a floor space of over 1000 sqm and will accommodate a site manager's office, a laundrette, mail room, common room, maintenance facilities and storage area.

It has been necessary to readvertise the proposal because of the additional information submitted. The closing date for comments is 12 December which has, in part, resulted in the Minded to Grant recommendation.

6 CONSULTATIONS

External:

Neighbours:

1 East Court, Broadwater Street, Worthing, Supports the application on the grounds:

- The development will provide urgently needed Halls of Residence to take the University forward and provide the needed accommodation for the Academic community.

31 Lambourne Road, Brighton object on the grounds:

- The development will further encroach onto downland areas. The development is called an Urban Development Project but is located within a Historic park and AONB.
- The potential to solve the housing pressure placed upon the city by the influx of students will not be solved while admission numbers continue to rise.

English Heritage:

In its assessment of the archaeological potential of the Northfields site, we think that the report is broadly correct in identifying moderate potential for Neolithic, Bronze Age and Iron remains. However, if it is correct that two corn-dryers have been found only 100m to the east of the site, we think there may be a greater potential for Romano-British remains than the low to moderate potential suggested. If there is good reason for assigning this level of potential it should perhaps have received more explanation in the report. We also note that no consideration is given to the potential for more deeply buried deposits which will provide evidence for the early geo-archaeological and palaeo-environmental history of the site (though s5.2.5 does recommend geo-archaeological sampling as mitigation).

Moving now to the report's conclusions about constraints on development that arise from archaeological potential (particularly sections 5.2.4 and 6.2). In assessing the likelihood of constraints on the development, the potential for remains is a separate consideration from their importance. In the main, the report correctly asserts that there is moderate potential for prehistoric and Romano-British remains (notwithstanding our comments about this, above), however this is not to say that if remains are discovered they will not be of regional or national importance. It is possible that later prehistoric or Romano-British remains could be of national importance and in these circumstances, it would be appropriate to consider preservation in situ of the remains, which might necessitate amendments to the proposed development scheme, such as adjustments to building foundations, services, planting or landscaping.

Therefore, we do not entirely agree with the report's assertion that "archaeological would not be a constraint on development" (s.5.2.4 and 6.2), but we accept that a pre-determination archaeological evaluation is not clearly justified in this case."

Recommendation

We recommend that the area affected by the proposals should be the subject of a programme of archaeological works, which may comprise a combination of evaluation surveys including surface artefact collection, geophysical survey and evaluation trial trenching (including geo-archaeological evaluation).

These will enable any archaeological deposits and features, likely to be disturbed during the proposed works, to be identified and provision made for mitigation of the effects of the scheme by condition, either for recording or preservation in situ, if appropriate. If the Council wishes to grant planning permission, we recommend that the following condition be applied:

No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

The written scheme of investigation must confirm the action to be taken and

accord with the relevant portions of the East Sussex County Council document Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation work in East Sussex (Version 4, dated 24th April 2008).

The County Archaeologist, rather than English Heritage, should advise you and the applicant about these matters, so we recommend that the Council consults the County Archaeologist before the application is determined and that the applicant seeks advice regarding compliance with archaeological conditions from the County Archaeologist after determination.

Environment Agency:

Protection of Controlled Waters

This site lies on the Chalk Formation, a major aquifer and a valuable groundwater resource. The site also lies on the edge of Source Protection Zone I / II for the Falmer Public Water Supply. All precautions must therefore be taken to ensure that there are no discharges to or pollution of controlled water (groundwater) during the construction of this proposed development or during its future use.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Piling

With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with us when the guidance has been utilised to design appropriate piling regimes at the site.

Surface Water Disposal

We understand that the proposal is to direct the surface water to a group of large diameter soak aways. If soak aways are to be used they must be as shallow as possible, no more than 3m below ground level.

Only clean uncontaminated water should drain to the surface water system. Roof drainage can drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods

such as class 1 oil interceptors are proposed. These should be installed along with trapped gullies to be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering groundwater.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There should be no discharge to made ground.

The Councils own Technical Officers should be satisfied regarding the hydraulic design/capacity of the proposed surface water drainage system.

Summary

The Environment Agency have no objection in principal provided that the following conditions are imposed upon the development:

- A scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority.
- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

South Downs Joint Committee:

The committee has no objections in principle.

It is noted that policy EM19 of the adopted Local Plan applies to the site, which establishes the principle of developing the site for student housing. Nevertheless, this is a sensitive site being within the Sussex Downs AONB and the Grade II registered Stanmer Park and being at the interface of the built area of the campus with its undeveloped surroundings.

The Joint Committee appreciates the layout philosophy with its integration of planting and open space amongst the proposed blocks with no more than four storeys, with the tallest blocks being on the lowest part of the valley floor. There is no reason to doubt that the extended contextual elevation (EL002) is reasonably accurate portrayals of the development in terms of bulk and siting.

The visual impact of the development will depend significantly upon the materials, colours and finishes used within the development. It is noted that external appearance is a reserved matter, although the design and access statement does refer to proposed materials. The Joint Committee would like to see the use of local distinctive materials where possible, perhaps including timber cladding.

The reference to both aluminium standing seam and green roofs within the

statement is noted. The Joint Committee has some concerns with regards to the use of aluminium standing seam roof material being used. The joint committee would not wish to see anything too light or reflective on the roofs and some concerns with regards to the use of sedum upon the Downs is raised.

Care will also be required to be taken with regards to colours. The Committee would prefer to see the use of muted, earthy tones as being the most appropriate to the setting of the development.

The sustainable design elements to the scheme are welcomed and the Committee would wish to see these incorporated into the approved and constructed development.

Landscaping is also reserved for future consideration and the Joint Committee supports the landscape design philosophy in relation to the layout of the blocks and the wider setting of the proposal. The joint committee would be very supportive of suggestions within the design and access statement for tree planting, the recreation of calcareous grassland and the possibility of a damp meadow and dew pond. The creation of a Habitat Management Plan, which should ideally be for the whole campus.

Lighting with the proposed development should be carefully controlled. Whilst it is accepted that some low level lighting is required, this should be no more than is strictly necessary and preferably low level and cut off.

Summary

The Joint Committee raised no objection to this application provided that permission is granted subject to approval of material and finishes and landscaping (both hard and soft), which should include measures to improve the biodiversity upon the site as well as its visual appearance and a Habitat /Landscape Management Plan as reserved matters (on which the Joint committee would welcome being consulted). Controls should be placed upon the maximum heights of the proposed blocks, the incorporation of sustainable design features, and external lighting through the preparation of an external lighting assessment.

County Archaeologist:

The proposed development is situated within an area of archaeological potential, although at present there are no records on the East Sussex and Brighton & Hove Historic Environment Record of archaeological finds from the specific site itself. The area of landscape in which the site is located is however archaeologically sensitive with records of Neolithic, Roman and Medieval finds in the surrounding area.

The cultural heritage/archaeology section of the Environmental Statement which accompanies the planning application is inadequate. It fails to consider the archaeological record for the surrounding area or consider that the site

may have archaeological potential.

Further comments are awaited.

Brighton & Hove Archaeological Society:

The area surrounding the campus is archaeologically sensitive. In the past years features and finds from Neolithic, Roman and Medieval periods have been found. A local resident at Falmer has a collection of 20 Neolithic Axes found from the Universities and Falmer areas. Recent field walk has uncovered a rough out of another Neolithic axe, several pieces of Medieval pottery including a vessel strap handles. A Roman corn drying oven was found and recorded in Falmer and earthworks close to Sussex University playing field pavilion may date to the Roman period.

It is recommended that the approval of any planning application should include a condition for an archaeological survey and assessment of the site. It is possible that a survey may produce evidence warranting further archaeological field work, including excavation.

Southern Water:

There is currently inadequate capacity in the local network to provide foul sewerage disposal service to the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain a specific location.

It is requested that if the application is granted planning permission that conditions are attached to the consent requiring details of proposed means of foul sewerage disposal and ensuring that the necessary infrastructure capacity is available and will adequately service the development.

Additionally it is requested that an informative note to instruct the applicant that a formal application for connection to the public water supply is required and that they will be required to initiate a capacity check to identify the appropriate connection point for the development.

Lewes District Council:

No particular comments are raised and it is assumed that the City Council will fully consider the landscape impact of the proposed development and effects of traffic generation in Falmer Village when considering the application.

East Sussex Fire and Rescue Service:

The Fire Authority object. However if a revision of plans should demonstrate compliance with section B5 of the Approved Document B of the Building

regulations 2000, the Fire Authority will remove its objection. This may include the provision of a fire main, designed and constructed to the appropriate standards, to provide facilities for fire fighting within the distances laid out in the Building Regulations.

Sussex Police:

The key to controlling what occurs within the scheme is to control the access. At present the access for vehicles is controlled on the periphery of the campus and seems to work well.

This proposal has no secure perimeter so the building fabric is the first line of defence. Such a scenario impact of security which will need to be enhanced.

- It means that all glazing to the ground floor doors/sidelights and windows should be laminated.
- All ground floor windows should conform to BS7950 and if openers have restrictors fitted.
- Final exit doors and individual unit front doors should accord with PAS024
- There will be a need for access control to each block and any trades button should be coded and not timed.
- The layout for each block makes it impossible to 'zone' each area of six bedrooms and a common room. Such a system would make all the blocks far more safe and secure.
- It is requested that the applicants consider biometrics, which provides an accurate audit trail of users rather than a record card or tag that was used. Card systems record only the card not the individual user and are open to abuse.
- There may be a need for a panic alarm for some units and occupiers.
- The cycle stores should be secured to accord with BS8220 using locks to BS3621
- Finally there are some concerns with the siting of rubbish bins being immediately adjacent to the blocks, because of possible arson. If they remain attached to the buildings, then they should be housed in a secure structure to conform to the same standard as the cycle stores. Both stores should have suitable locks.

EDF Energy Networks:

No objection, provided rights regarding access and maintenance to EDF's cables within the area are retained

Southern Gas Networks:

Have sent the applicant a plan of Southern Gas Mains and pipelines in the area and comment:

It is noted that there is a presence of Low/Medium/Intermediate Pressure gas mains in the proximity of the site. No mechanical excavations are to take place above 0.5m of the Low and Medium pressure systems and 3 metres of the intermediate pressure system. The applicant where required should confirm the position of mains using hand dug trial holes.

Internal:

Ecologist:

Having assessed the Environmental Impact Assessment submitted with the application, the Council's Ecologist is in agreement with the assessment of the ecological value of the site and its environs.

Given the principle of developing the site is set out in policy EM19, generally the proposed mitigation measures adequately address planning policy.

However the following points should be raised.

- A detailed lighting scheme for the site, including a full lighting diagram of the whole development site, should be submitted to and approved prior to the commencement of works upon the site.
- A detailed habitat creation and management plan for all the ecological works on and off site should be submitted to and approved prior to the commencement of works and secured via a section 106 agreement.
- No construction works or lighting should be permitted between sunset and sunrise from 1 April to 31 October inclusive to minimise potential disturbance to bats during construction.
- At least 10 artificial bat hibernation boxes should be fixed to the walls of the proposed buildings to enhance the site for bats

Planning Policy & Conservation and Design:

Summary

The principle of student housing on this site is supported by Policy EM19 and the site boundary equates to that shown on the Proposals Map. By virtue of that policy the proposal is in accordance with policy NC6. The scale and layout of the proposal is considered to be acceptable in terms of its impact on the AONB, the registered park and garden of special historic interest, the setting of the Stanmer conservation area and the setting of nearby listed buildings, taking into account the local characteristics of the site's context and the strategic views of the site. The development appears to satisfactorily meet sustainability criteria, subject to the comments of the Ecologist and the Transport team, but some use of green walls would improve it further and more information is needed on water conservation measures. Public art and external lighting have not been addressed.

Comments:

The site falls within the AONB but is an exception site by virtue of Policy EM19, which is site-specific to this site and supports potential uses relating to the University, including residential. No indicative number of units is given but the boundary of the policy area is shown on the Proposals Map. The application site equates to this boundary. The appropriate scale and layout of the development is dependent upon its impact on the AONB, the registered park and garden of special historic interest (Stanmer), the setting of the Stanmer conservation area and the setting of nearby listed buildings at Stanmer Park/Village and on the university campus, taking into account the local characteristics of the site's context and the strategic views of the site. All of these issues are satisfactorily addressed in the Environment Statement and

its conclusions are largely accepted and, in particular, the analysis of strategic views shows that the adverse impact on key views is limited to a small area on the publicly accessible ridge to the west. The following two conclusions in the ES are disputed, but this does not affect the overall conclusion:

- The ES finds that the potential impact on the Stanmer Park Historic Park/Garden is 'slight adverse' and that there is no conflict with policy HE11. Whilst it is agreed that the site is now at the edge of the designed landscape and does not contain any principal components, the designed landscape originally extended further eastwards to where the campus is now and there are important components fringing the site, notably Moon Gate Wood. Development of this scale within a designed landscape, particularly taking account the cumulative effect of past encroachment, will inevitably have more than a slight impact, however well screened in longer views. Accordingly the impact is considered to be 'moderate adverse' and policy HE11 is not wholly met.
- The ES finds that there will be no impact on the Stanmer conservation area, due to the physical and visual separation, but the site will be clearly visible from the eastern tip of the conservation area on the ridge between the grubblings. This view out of the conservation area will be harmed by the loss of open field that is historically associated with Stanmer House and Park. However, this view is a limited one in terms of the conservation area as a whole and is already compromised by the university campus. In addition the form and layout of the development has mitigated the harm; in particular by ensuring that Moon Gate Wood remains as a dominant backdrop to the view. The impact is not therefore considered to be significantly harmful. (This view is shown on drawing no. EL002A – Extended Contextual Elevations)

The siting of the buildings in the dip of the site, where it is best screened by trees, is entirely appropriate and the proposal would also satisfactorily relate to the buildings of Lewes Court. The retention of the remainder of the site, on the slope to the west, as managed informal recreation space is considered to be the appropriate response to the site. The layout and form of the proposal has been revised considerably since initial proposals were evaluated at pre-application site meeting. The breaking down of the residential blocks into smaller buildings, of greater number, and the more organic layout responding to the site contours, have greatly improved the proposal and it has also been pulled back from the ancient woodland. The variations in building footprint and height, the spacing of the blocks and the variation in roofline are all welcome. The areas of green roof will be particularly beneficial in integrating the development into the landscape in medium views and in compensating for the loss of Greenfield land. But the incorporation of green walls should also be considered on this site, for example on the end walls of those buildings with green roofs. This would have both visual and ecological benefits.

With regard to the Sustainability Statement (and in addition to the comment

above regarding green walls), further detail of the proposed water saving devices should be provided, including information on any proposals for reuse of grey water. It is also noted that the proposed bathrooms will be internal and not benefit from natural light or ventilation.

The application has made no reference to policy QD7 on Public Art but this is an application to which that policy would apply and further advice should be sought. It is to be hoped that at the Reserved Matters stage an element of public art can be integrated into either the appearance of the buildings or the landscaping.

Avoiding light pollution will be a very important issue on this site, for visual and ecological reasons, whilst at the same time ensuring public safety. No detailed proposals have been included as part of the design strategy, as required by Policy QD25, other than a reference to the fact that external lighting will have “full cut-off fixtures to aid in night-time visibility and pedestrian safety whilst maintaining a dark sky in the AONB”.

It is noted that Appearance and Landscaping are to be Reserved Matters. Both will be vitally important to an appropriate scheme for the site. The general approach to landscaping outlined as part of the application is considered to be appropriate to the historic landscape, particularly the small clusters of tree, the extension to the copse and the new hedge to the field boundary. Additional tree planting around the car parking area and the hammerhead would be welcomed as part of the Reserved Matters application. Permeable surfaces should be used wherever possible. The indicative elevations of the buildings are considered acceptable but the proposed use of six different colours of rain screen cladding raises concerns which will need to be carefully considered at the Reserved Matters stage.

Traffic Manager:

Parking

The proposed level of general parking is very low. There are 8 spaces, of which 4 are disabled and 4 for staff/ visitors. The Council’s general parking standards are however maxima. The University has a general policy of not providing on-site parking spaces for student residences. Also, there are no nearby non-student residential areas in which existing residents could be inconvenienced by any displaced parking. In these circumstances, and given policy in SPG4 and PPG13, the low level of parking proposed seems acceptable.

The application of standards for disabled parking in this case is unclear and the University has not provided specific justification for the level of provision proposed. It is recommended that the availability of and potential changes in the provision of disabled parking should be monitored as part of the travel plan process. Also, there is no proposal for disabled visitors’ parking and one initial space should be provided for this by converting one of the general staff/visitors spaces to disabled visitors only. (This should be required by

condition).

Contributions

Contributions are usually sought for developments which will generate trips, to assist with the provision of transport facilities to enable these trips to be made. This application however does not involve additional student numbers and proposes only 6 new employees. The development will involve 798 students living on campus who would otherwise be living elsewhere and this should involve a reduction in the number of trips made off the campus. In these circumstances no contribution should be sought from the present proposal.

Sustainable modes

Policy TR1 clearly applies here as elsewhere and given this and the low level of parking positive measures are needed to promote the use of sustainable modes.

The amount of cycle parking meets the SPG4 requirements but the layout and security arrangements are not specified and this information should be required by condition.

The quality of bus stop provision in the vicinity of the application site is unclear. The Transport Assessment refers to the possibility of reviewing the possible extension of bus services to or near the site. However this involves no commitment and it is suggested that it should be strengthened to require as part of the initial travel plan (which will be subject to Council approval) an evaluation of the possible extension of bus services locally and the possible provision of new/ improved bus stops. In preparing this the applicants should consult the bus company.

There is an existing travel plan for Sussex University but the Council has little influence on the effectiveness of this plan. Policies, in particular those for the promotion of sustainable modes, have strengthened since the early development of the University and it is proposed that a condition should now be attached to any consent requiring that, in addition to the enhancements suggested above:

1. The initial travel plan should be prepared prior to occupation rather than after car use may become established. This should include targets for modal shares.
2. A process of annual monitoring and reports quantifying the extent to which targets are being met should be established.
3. The Council should be empowered to require proportionate and reasonable additional measures for the promotion of sustainable modes if monitoring shows that targets are not being met.

This may require the establishment of a separate travel plan for this development as evaluation of the current application will not allow

strengthened arrangements to be applied to existing developments.

Construction Environmental Management Plan

A condition should be imposed requiring this plan to be approved prior to the start of construction.

Arts and Creative Industries:

Have confirmed a sum of £65k is required for this development. They have confirmed that the University is currently in the process of drawing up a campus wide Public Art scheme. It has been confirmed that it would be acceptable to pay the contribution rising from this development into a future campus wide art scheme.

Environmental Health:

No objection.

There are no land contamination issues with the site. There is some potential for construction noise but this can be dealt with under the Environmental Protection and Pollution Control Act

7 PLANNING POLICIES

Brighton & Hove Local Plan:

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- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Tree and hedgerows
- QD17 Protection of integration of nature conservation features
- QD25 External lighting

QD27 Protection of amenity
QD28 Planning obligations
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East Sussex and Brighton & Hove Waste Local Plan

WLP11 – Construction waste minimisation

Supplementary Planning Document:

SPD03 – Construction and demolition waste
SPD06 – Trees and Development Sites
SPD08 – Sustainable building design

8 CONSIDERATIONS

Principle of development.

The principle of student housing on this site is supported by Policy EM19 and the site boundary equates to that shown on the approved Proposals Map. For this reason it is considered that the development is in accordance with policy NC6 of the Local Plan.

The creation of approximately 800 student bedrooms would allow the University to offer more halls of residence places to first year students and to reduce pressure upon the present housing stock within the city.

The site falls within the Sussex Downs AONB but is an exception site by

virtue of Policy EM19, which is site-specific to this site and supports potential uses relating to the University, including residential. There is no limit or indication given within policy EM19 for the level of accommodation to be placed upon the site, however the appropriate scale and layout of the development is heavily dependent upon the impact of the AONB and registered park and garden of special historic interest, the nearby listed buildings, the strategic views of the site, its landscape context, local characteristics of the area and the Stanmer conservation area.

Scale and Layout

Approval of scale, layout and access is sought at this outline stage. The scale and layout of the proposal is considered acceptable in terms of its impact on the AONB, the registered Park and Garden of Special Historic Interest, the setting of the Stanmer conservation area and the setting of nearby listed buildings, taking into account the local characteristics of the site's context and the strategic views of the site. All of these issues were addressed satisfactorily within the accompanying Environmental Statement.

The strategic analysis shows the impact and massing of the proposed development upon the wider landscape and its constraints. The analysis of strategic views shows that the adverse impact on key views is limited to a small area on the publicly accessible ridge to the west. Whilst the Environmental Statement concluded that there was a slight adverse impact upon the Stanmer Historic Park/Garden, it is considered that the impact is greater taken in conjunction with the previous encroachment of campus buildings. However due to screening in longer views this is partially mitigated and it is considered that the impact is 'moderate adverse'. The view out of the conservation area will be harmed by the loss of open field that is historically associated with Stanmer House and Park. However, that view is limited in terms of the conservation area impact as a whole and is already compromised by presence of the University campus.

Whilst two of the conclusions to the Environmental Statement are partly disputed it is considered that its overall findings upon landscape assessment are largely accurate. The proposed buildings would be located within the valley, with the taller elements of the development at the floor of the valley. The buildings relate appropriately with Lewes Court and the wider campus, whilst the use of managed recreation space to the west of the site is appropriate. The form and layout of the site, with the use of small buildings, more frequent buildings that are laid out to respond to the topography of the site is positive. The variations in the footprint, height, siting and roof design are welcome aspects of design in this location. The use of green roofs will be beneficial in blending the development into the landscape from longer views and as an ecological compensation for developing a greenfield site.

Whilst the final appearance of the development is not confirmed, there is an indicative scheme for design. It is clear given the sensitive location of the development that materials and detailing will be important factors in the final

appearance of the development. The application is for an outline planning permission and the matter of final appearance has been reserved for future consideration. Accordingly the applicant will be required to address these issues at a later stage. It is felt that some concern would be raised to the use of a standing seam roof given the potential for reflection and clashing with the earthy tones of the downs. The South Downs Joint Committee have indicated that they would like to see more earthy tones and also highlight the potential for the use of local distinctive materials where possible and advocate the potential use of timber cladding.

It is also considered that great care should be taken of the lighting scheme for the proposed development. It is accepted that some low level lighting is required. This should be no more than is strictly necessary and preferably low level and cut off. It is considered necessary for both landscape impact and ecological reasons that a full scheme of lighting impact is required for the whole development.

Ecology

The site is located adjacent to the Moon Gate Wood Site of Nature Conservation Importance (SNCI). This site has ecological interest in the form of ancient woodland and species. Accordingly part of the Environmental Statement included an Ecological Impact Assessment.

The Council's Ecologist recommends that, given the site allocation and presumption of development for university development, ecological mitigation should be sought. Policy NC4 directs that where development is acceptable it should only take place where there is an acceptable impact and scheme of mitigation.

The Ecologist confirms that the submitted Ecological Impact Assessment chapter is a good assessment and agrees with its value of the site and environs. However it is considered that a section 106 agreement setting out a Habitat Creation Plan and Management Plan for all ecological works on and off site should be secured prior to granting of planning permission. The Council's Ecologist has indicated the potential principles and features of what should be included in the Habitat Creation Plan, which includes a Calcareous grassland, Damp Meadow, Dew pond and the use of a Chalkland grass roof of no less than 20% of the total roof area.

Furthermore the Ecologist recommends some further protection and habitat works to ensure the long term biodiversity of the site and to minimise the impact upon bats living in adjacent woodland. It is recommended that no construction works take place between sunset and sun rise in April to the end of October, and that at least 10 artificial bat boxes be placed upon the new building across the site. It is considered that both these requirements can be imposed by planning conditions.

The Ecologist also recommends that a condition be placed to require the

submission of details of lighting for the whole development site. This is also considered necessary for landscape impact reasons and can be added as reasons for imposing the condition for a suitable scheme of lighting.

Sustainability

The design statement accompanying the application states the aspiration for a BREEAM rating of excellent, with the scheme meeting at least very good. This would achieve the Council's standard upon sustainability and making the development efficient in the use of energy, water and materials.

The design statement confirms that the development will seek to use high levels of insulation; double glazing; use of natural light; low energy lighting; natural ventilation; water saving devices; management policies on recycling facilities with the emphasis upon waste reduction; timber frame construction with use of timber from sustainable sources, utilise heat from the University's main central boiler and the use of green roofs.

Further information also received demonstrates that the proposed development will have on-site recycling and waste storage facilities. Further comments from City Clean are awaited upon the revised plans. It is considered that an appropriate condition can be imposed upon the development to either ensure compliance with the details received or for further information during the reserved matters stage.

Further information was also received with regards to the water saving technologies to be used in the development. These include dual flush WCs; aerated taps in all sinks; only showers will be installed and will have a nominal flow rate at or less than 9 litres per minute and no specific landscape irrigation system to be used, instead with the emphasise upon natural irrigation.

Sustainability has been given careful consideration and, subject to implementation conditions, the scheme is considered acceptable in this respect.

Transport

The proposed level of parking associated with the development is low. The proposal will provide 8 spaces in total. Four spaces will be made available for disabled residents and the remainder for staff and visitors. This is considered acceptable as the Council's parking standards are a maximum, the University also has a general policy of not providing on-site residential parking and there are no nearby residential areas where student parking could be displaced.

There is not a significant justification at this time for the proposed level of disabled parking provision. It is considered that availability and changes to disabled parking provision should be monitored as part of a Travel Plan process.

Sustainable transport contributions are usually sought for a development

which generates additional trips, to support the increased pressure upon transport infrastructure. This application does not however result in additional student numbers and proposes only 6 additional employees. The development will allow approximately 800 students to live on campus who would otherwise live elsewhere. This should therefore result in the number of trips being made to the campus to reduce. On this basis it is not considered justifiable to request a transport contribution.

The level of cycle parking proposed meets SPGBH4 (Parking Standards), although layout and security of the facilities is unclear. A standard cycle parking condition can cover this aspect of the developed to deliver acceptable secure, lit and covered cycle parking.

The campus is served by the number 25 Bus Route which has links to the east, west and centre of the city. The Transport Assessment submitted with the application refers to reviewing bus services near to or near to the site. However it does not make a firm commitment and the Transport Manager considers that this should be done as part of the Travel Plan process, which is monitored by the council.

There is an existing Travel Plan for the University; however the Council has little control of its policies and effectiveness. Policies with respect to the promotion of sustainable transport modes have strengthened since the development of the University. It is considered that the University should produce a new Travel Plan for the development which should be prepared prior to occupation of the development, with annual monitoring and empowering the Council to require proportionate and additional measures for the promotion of sustainable transport modes. It is considered that the requirement to produce a Travel Plan for this development could be incorporated into a campus wide plan if the university desired however there is no requirement to do so outside of this site on the basis of this development.

It is considered that a Construction Environment Management Plan is required for the development. This can be secured by a planning condition prior to the commencement to the development.

Archaeology

The site is situated within an area of archaeological potential, although at present there are no records of finds on the East Sussex and Brighton & Hove Historic Environment Record. The area of landscape in which the site is located is however archaeologically sensitive with records of Neolithic, Roman and Medieval finds in the surrounding area.

The archaeological section of the Environmental Statement submitted with the application was considered to be weak. This was because the chapter placed reliance upon the finds and record of the specific site rather than the potential of the landscape. It was recommended by English Heritage and the County

Archaeologist that the applicant undertakes a new Archaeological desk-based assessment prior to the application being determined. Accordingly a regulation 19 notice of the EIA Regulations was served and additional information requested.

The applicant responded by producing an Archaeological desk based assessment. English Heritage responded to this report by broadly agreeing with the report in finding moderate potential for Neolithic, Bronze Age and Iron Age remains. The report correctly asserts that there is moderate potential for prehistoric and Romano-British remains, which could have regional or national importance. In these circumstances it may be considered necessary to have appropriate preservation in-situ of the remains, which may necessitate amendments to the development scheme, such as foundations, services, planting or landscaping.

It has been recommended that the area affected by the works should be subject of a programme of archaeological works which may comprise a combination of evaluation surveys (including surface artefact collection), geophysical survey and evaluation trial trenching (including geo-archaeological evaluation). This will enable any deposits and features, likely to be disturbed by the development, to be identified and provision made for mitigation of the effects of the scheme, either by recording or preservation in-situ if appropriate.

Finally it is also recommended that the application not be determined until the County Archaeologist has responded with regards to compliance and their assessment of the Archaeological desk based assessment. At the time of writing the County Archaeologist has not been able to respond and accordingly the application is minded to grant subject to no further objection being raised by the County Archaeologist.

Public art.

The development is of a category and scale that would qualify to make a contribution towards public art. The suggested total for this development is calculated at £65,000. It is considered that the campus would benefit greatly from new works of public art and that other contributions collected from other recent developments could have a substantial positive impact upon the public realm of the campus.

The University has stated a desire to make any contribution for public art towards a campus wide scheme it is currently negotiating to enter into with the Council's Arts and Creative Industries team. There is no objection to the monies being spent upon such a scheme. On this basis it is proposed that the University should enter into a section 106 agreement for payment of the sum of £65,000 that is ring fenced for a campus wide public art scheme. If the University fails to reach agreement with the Council upon the campus wide scheme within two years, it is then proposed that the monies collected will default to sole Council control for spending upon public art within the campus.

Waste

The application is accompanied by a waste minimisation statement. According to SPD03 (Construction and Demolition Waste) this is insufficient and the most appropriate type of waste strategy for a development upon this scale is a Waste Minimisation Plan. Although many of the aspects of waste minimisation touched upon in the submitted document are encouraging it is considered well below the standard required for a development of large and significant scale.

It is considered that a condition can be placed upon any permission granted requiring that a full waste minimisation plan is submitted and approved prior to the commencement of the development.

9 CONCLUSIONS

The development will provide 798 bed spaces upon the campus. It will reduce pressure upon the present housing stock of Brighton & Hove to meet for the city's accommodation needs. The development will be located upon an allocated site at the University Of Sussex, which is specifically allocated for student residences and is therefore agreeable in principle.

Whilst the site is located adjacent to and within a sensitive landscape with protection designations, it is considered that the range of buildings, design approaches and siting of the development will not cause a harmful impact upon the character and appearance of the area. A further application for reserved matters must consider the final appearance and therefore the remainder of the impact upon the landscape.

The facility will provide good quality student accommodation enabling the university to provide bed spaces for people with a range of access and disabled needs.

The project will reduce the amount of trips to and from the campus by locating further students within the campus, Along with a range of sustainable transport measure such as cycle parking and the formation of a travel plan it is considered that the development will have a positive impact upon the transport infrastructure of the area.

The proposed development will be accompanied by a Habitat Creation and Management Plan to mitigate for the impact upon the ecology of the site and adjacent SNCI.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development will provide 798 new bed spaces upon an allocated site at the University of Sussex Campus which will reduce the pressure upon the city's existing housing stock. The proposal will reduce travel from and to the campus by providing homes for students where they are most required. The proposed buildings are considered appropriately sited and scaled and is not

considered to have a severe adverse impact upon the landscape, the Sussex Downs AONB, the Stanmer registered Historical Park/Garden and the Stanmer conservation area. A Section 106 agreement will secure an appropriate level of contribution toward public art and a scheme of mitigation for any potential damage to the adjacent SNCI. Planning conditions will control potential for pollution of under ground water drinking source, ensure a sustainable development and lighting scheme.

11 EQUALITIES IMPLICATIONS

The development is required to meet Part M of the Building Regulations and will meet BS 8300 – *Design of Buildings and their approaches to meet the needs of disabled people – A Code of Practice*. The development will provide fully accessible rooms in part of the development as it does across campus to meet the needs of people with disabilities. The development will provide 4 disabled car parking spaces. The reception building will be wheelchair accessible and have an induction loop system.



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MINOR APPLICATIONS

<u>No:</u>	BH2008/02452	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages at rear of 90 Cromwell Road Hove		
<u>Proposal:</u>	Demolition of existing single storey garages and construction of one 2-bedroom mews house.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Received Date:</u>	22 July 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 October 2008
<u>Agent:</u>	C J Planning, 80 Rugby Road Brighton		
<u>Applicant:</u>	Miss Pauline Whitcomb, C/o CJ Planning Ltd		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **Refuse** planning permission for the following reasons:

1. Policies QD1 and QD2 of the Brighton & Hove Local Plan state all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics. The proposed dwelling and associated garden area would appear incongruous in relation to surrounding development, with the restricted size of the plot also significantly smaller than surrounding development. The proposed dwelling by reason of its siting abutting the site boundaries on three sides, has unsuitable and insufficient spacing around the structure and would be reliant (at first floor level) on light and outlook over neighbouring sites to ensure an acceptable standard of accommodation. The proposal fails to respect the local context or to enhance the positive qualities of the local neighbourhood, and is considered to be an inappropriate form of development contrary to the above policies to the detriment of the visual amenities and character of the area.
2. The scale of the proposed structure is considered to be excessive and would form an unduly prominent feature detrimental to the setting of the neighbouring properties and the visual amenities of the surrounding area. The outlook from neighbouring windows and garden areas would be harmed. Furthermore, details of the design are considered to be unsympathetic, and out of keeping with the appearance of neighbouring dwellings. The proposed development is therefore contrary to policies QD1, QD2, QD27, and HE6 of the Brighton and Hove Local Plan.

Informatives:

This decision is based on drawings and details submitted on 22 July and 3 September 2008.

2 THE SITE

The application relates to a set of 4 garages located to the rear of no. 90 Cromwell Road. The site has its own access from Cromwell Road via a driveway which runs down the side of no. 90. The northern side of Cromwell Road is located within the Willett Estate Conservation Area.

3 RELEVANT HISTORY

Planning permission was granted for the existing block of four garages in October 1958 (ref. **M/5821/58**).

An outline planning application for the erection of a new dwelling to the rear of no. 90 Cromwell Road was submitted in 2001 (ref. **BH2001/02013/OA**). This application was withdrawn.

4 THE APPLICATION

The application seeks consent for the erection of a two storey dwelling of a 'mews' style which would replace an existing block of garages.

5 CONSULTATIONS

External

Neighbours:

Letters have been received from the residents of **Flat 31 Cromwell Court, Flats 2, 3, and 5 90 Cromwell Road**, the owners of **Flat 1, 90 Cromwell Road**, and **Sussex County Cricket Club**, objecting to the proposal on the following grounds:

- The proposal for a new dwelling in this location, and the size of the new dwelling, are inappropriate in relation to the surrounding area. An unwelcome precedent would be set for future development of a similar nature.
- The proposed development would result in a loss of off-street parking which the existing garages offer. The existing garages should be retained.
- The north facing glazing of the proposed dwelling would overlook neighbouring properties.
- The use of the proposed dwelling and the existing driveway would cause noise disturbance.
- The construction of the proposed dwelling would cause noise and disturbance.
- Residents of no. 90 Cromwell Road have a right of way down the driveway, in relation to bin storage, and an access from the rear garden area to the driveway which it appears would be lost, or at the least the access would be made more inconvenient.
- The application should include the provision of bicycle storage for use by all residents of no. 90 Cromwell Road.
- The proposed balcony / terrace which would be located alongside the boundary of the site would directly overlook the cricket ground and would be 'un-neighbourly'.
- Use of the proposed dwelling would conflict with existing activities carried

out by the Cricket Club in close proximity to the application site; the existing distance between the cricket ground and neighbouring residential properties in this location acts as a 'buffer'.

- The existing boundary wall is 'historical' and it appears would be demolished.

The agent for the scheme has submitted two letters in response to the objections raised.

Letters have been received from the residents of nos. **2, 7, 19, 24, 25, and 42 Cromwell Court** stating support for the application citing the following reasons:

- The proposed house will benefit / enhance / improve the area and the views from flats of Cromwell Court in comparison to the existing garages.
- The proposed development would improve security.

Internal

Traffic: No objection subject to the provision of cycle storage, vehicular parking, and the applicants entering a legal agreement with the Council to contribute towards sustainable transport measures.

Access Consultant: The proposed dwelling is broadly acceptable in compliance with Lifetime Homes Standards; however the entrance to the house should be level or ramped, bedroom door layouts require amendment, and the windows shown are not suitable for ambulant disabled people.

Conservation and Design: The site is situated outside of the Willett Estate Conservation Area but is visible from it primarily through the gap between Cromwell Court and no. 90 Cromwell Road. A back land development such as that proposed would be considered unacceptable and out of keeping were the site located within the conservation area, however as it is not, it is considered that such a proposal would not cause significant harm to the setting of the conservation area. On that basis, the design of the building is considered to be broadly acceptable however some design details should be revised.

6 PLANNING POLICIES

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR14 Cycle Access and Parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of space
- QD5 Design - street frontages
- 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
- HE6 Development within or affecting the setting of Conservation Areas

Supplementary Planning Documents

- SPD03 Construction and demolition waste
- SPD08 Sustainable building design

7 **CONSIDERATIONS**

The main issues of consideration are the impact of the proposed dwelling on the residential amenity of occupiers of adjoining properties, the use of site to accommodate a new dwelling, the suitability of the development with regards its design and impact upon the surrounding area, issues of sustainability, and access and traffic issues.

The principle of the use of the site for a residential dwelling

The site is surrounded by properties in residential use and is located within the Built-up Area as designated in the Brighton and Hove Local Plan. It appears that the garages are in use for the storage of private motor vehicles. A residential use of the site is considered to be acceptable in principle, and consistent with general government guidance encouraging the maximum use of brownfield sites.

Acceptability of development is however subject to the provision of a suitably designed building which does not cause detriment to the surrounding area and existing street scene, or to neighbouring living conditions, and which provides a suitable standard of living conditions for future occupiers.

Policies QD1 and QD2 of the Brighton and Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and / or the prevailing townscape.

The proposed dwelling is effectively of a two-storey character, however the majority of the headroom at first floor level is provided within the roofspace. The site is considered to be too small to accommodate a dwelling of the scale proposed. The building would abut the boundary walls of the site on three sides, and would be reliant (at first floor level) on light and outlook over neighbouring sites to ensure an acceptable standard of accommodation. It is considered that such a building represents a poor standard of development; the constraints of the site and the prevailing character of the surrounding area have not been sufficiently addressed. It is considered that a new dwelling should usually be set within a site with sufficient space around the building to

provide adequate light and outlook. The fact that the building would abut the site boundaries on three sides is an indication that the development would be of a cramped nature; the proposed garden area is also of a limited area.

Whilst it is accepted that mews-style properties exist in 'backland' locations in the city, such properties are usually of a historic nature and the relationships between such buildings and neighbouring properties is established. In such cases conversions to residential use can be appropriate. In the case of the application site such a relationship does not exist; the existing garages are single storey and are of minimal impact. It is not considered that such a structure sets a precedent for the acceptability of a larger residential building in this location. Were such a scheme to be approved, it would set an unwelcome precedent for the approval of similar development in the surrounding area. Overall the proposal is considered to represent an overdevelopment of the site, and refusal of the scheme is considered to be warranted on this basis; the erection of a dwelling house of the scale proposed, on a site of this size in this location is considered inappropriate.

Standard of Design

The proposed dwelling is of a mews style, which represents a traditional form of building, which in some locations in the city are located in close proximity to surrounding residential dwellings, and often do not have a street frontage. Many mews style properties have a single storey appearance with features such as roof dormers; the proposed dwelling has an appearance and scale closer to a two storey dwelling. It is considered that the building would represent a significant and prominent addition to the area which would affect the outlook and views from the windows of neighbouring residential properties. The eastern end of the building would also be visible from Cromwell Road to the north; the northern side of this road is located within the Willett Estate Conservation Area and as such the application site forms part of the setting of this area.

The existing garages are of a single storey nature and do not form a prominent feature in the surrounding area. The scale of the proposed structure is considered to be excessive and would form an unduly prominent feature detrimental to the setting of the neighbouring properties and the visual amenities of the surrounding area. Overall, it is considered that the new dwelling would be an inappropriate addition to the visual environment.

Some of the details of the proposed design are considered to be inappropriate; the gable end eastern section of the north elevation would be more in keeping with surrounding properties were it of a brick finish such as that of no. 90 Cromwell Road, and the roof design to the front of the dwelling could be simplified; the eaves lowered and the flat lead roll roof omitted.

To the rear a more contemporary approach has been taken to the design, with glazed doors and windows at first floor level and a full width balcony, solar panels, and a 'green roof'. It is considered that this detailing (which is

not visible from the street) would be appropriate visually, however the fact that the glazing and balcony face out across a neighbouring site (Sussex County Cricket Club) in close proximity to the boundary of the site is considered an indication that the scheme is excessive given the constraints of the site, representing an inappropriate form of development.

Standard of accommodation

The proposed two storey house provides at ground floor level; an integral garage, a utility room, a large bedroom, a small bedroom/office, and a bathroom. At first floor level a large living room is proposed with a kitchen / dining area, and a large balcony area.

Outdoor space is provided in the form of a small area to the north of the dwelling alongside the driveway access to the site. Whilst this area does provide some private outdoor amenity space in conjunction with the balcony area at first floor level to the rear of the dwelling, it is considered that a dwelling of this size would usually be expected to benefit from a greater area of garden space. The limited size of the garden area, and the general lack of spacing around the proposed building, as detailed above, is considered an indication of the overdevelopment of the site which the scheme represents.

Refuse and recycling storage, and cycle storage space is shown located in the proposed garage; these details are considered to be acceptable. All the rooms in the dwelling would benefit from adequate levels of outlook and daylight and natural ventilation.

As a new residential building it is expected the dwelling be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with disabilities without major structural alterations. The submitted floorplans show details such as turning circles, and door and hallway widths. The Accessibility Consultant has commented on the proposed layout and considers the scheme to be broadly acceptable in compliance with Lifetime Homes Standards. Some minor revisions to the entrance to the dwelling, bedroom doorway layouts, and windows would be required to ensure full compliance; such details could be controlled by suitable planning conditions were the application to be approved.

Impact on neighbouring residential amenity

The proposed dwelling is set away from the nearest residential buildings (90/91 Cromwell Road and the Cromwell Court block) by a minimum of 15 metres, it is therefore considered that the building would not cause any significant overshadowing of the windows of neighbouring windows, or directly block outlook from these windows. The primary issues of concern therefore relate any overlooking of neighbouring properties which would be caused, noise disturbance, and the impact of the proposed structure on the visual amenities of the area.

In regard to overlooking, first floor fenestration to the northern side of the

proposed dwelling has been restricted to two small dormer windows and a small kitchen window. Whilst some views of neighbouring gardens would be available, given this limited fenestration, and the distance between the proposed windows and neighbouring buildings, it is considered that these windows would not cause significant harm to neighbouring amenity.

To the rear of the dwelling a full width balcony with glazed doors and windows are proposed facing out over the Cricket Ground to the south. As this site is not residential use, it could not be said that residential amenity would be harmed by the overlooking of this property, however, as previously detailed, the fact that the rear balcony and fenestration relies on gaining light and outlook over a neighbouring site is an indication of an inappropriate form of development. The balcony would provide some limited views of the residential gardens to the east and west of the site; it is however considered that this impact could be suitably mitigated by privacy screening to either side of the balcony area. It would be appropriate to require such details via suitable planning condition were the scheme to be approved.

In regard to noise disturbance, given the spacing between the proposed dwelling and neighbouring residential units, it is not considered that the use of the dwelling would cause significant disturbance. The use of the existing driveway for vehicular access is of greater concern as no. 90 Cromwell Road has side windows facing onto the driveway, in close proximity to it. The driveway does however currently provide access to three garages, and were these garages in regular use it is considered that levels of disturbance would be similar to that caused by vehicular access to the proposed dwelling. On that basis, the proposed use would not cause a significantly increased noise disturbance in comparison to the existing.

As detailed above, the scale of the proposed structure is considered to be excessive and would form an unduly prominent feature detrimental to the setting of the neighbouring properties and the visual amenities of the surrounding area; the outlook from neighbouring windows and rear gardens would be harmed.

Traffic / highway issues

The proposal provides off-street parking for one vehicle in the integral garage, and it appears that the driveway to this garage would provide further parking space. Cycle storage is also provided in the garage.

The Traffic Manager has no objections to the proposal subject to the securing of a financial contribution towards public transport infrastructure in the surrounding area. These details could be secured via planning conditions; therefore it would be unreasonable to refuse the application on such grounds.

The loss of the off-street parking which the existing garage provides has been raised as an objection to the proposed scheme. The existing garages are used for the parking of private motor vehicles and general storage. The

proposed development will provide off-street parking for one to two vehicles. The Traffic Manager has raised no objections in regard to this matter; on balance it is considered that the loss of off-street parking in a central location well served by public transport does not warrant the refusal of the current application.

Sustainability issues

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. It is detailed in the supporting design statement for the application that the dwelling is intended to achieve Code for Sustainable Homes rating of “Level 3”. Some information has been submitted in support of this claim, and this in conjunction with the submitted design and layout, is considered to be sufficient evidence that the design could meet such a standard. Were the application to be approved, further details required in this regard could be required and secured via suitable planning conditions.

In regard to construction and demolition waste minimisation, the statement submitted is of a rather generic nature and provides limited site-specific information. It is however considered that an acceptable level of basic information has been provided, and further details required could again be requested and controlled via suitable planning conditions.

Trees

The existing trees and planting alongside the boundaries of the rear gardens of nos. 90 and 91 Cromwell Road are to be retained.

Other objections raised

The residents of no. 90 Cromwell Road have referred to a right of way down the driveway, in relation to bin storage, and an access from the rear garden area to the driveway which it appears would be lost, or at the least the access would be made more inconvenient. Whilst the block plan submitted (ref. BT01 02) shows replacement gates to the front access of the site, they are described as matching the existing gates, and may therefore not require consent. No further details have been submitted in regard to this replacement therefore it appears consent is not sought for this element of the scheme. If there is an existing right of way relating to bin storage then this access should remain, however it appears that this would be a private matter between the applicant and the residents of no. 90 Cromwell Road. Furthermore, the proposed scheme would not necessarily result in the loss of this access.

Disturbance caused by construction has also been raised as an objection, in this instance this matter is not considered to be a material consideration of the current planning application. Issues of noise disturbance can be controlled under other statutory legislation.

Conclusion

The proposed development is considered inappropriate and unacceptable due to the scale and design of the proposed dwelling and its siting. The

proposed dwelling by reason of its siting abutting the site boundaries on three sides, has unsuitable and insufficient spacing around the structure and would be reliant (at first floor level) on light and outlook over neighbouring sites to ensure an acceptable standard of accommodation. The proposal is considered to be out of keeping with surrounding development, would harm the visual amenities of the area, and would set an unwelcome precedent for the acceptance of similar development. For the reasons detailed above, refusal of the application is recommended.

8 EQUALITIES IMPLICATIONS

If approved the development would be expected to incorporate Lifetime Homes Standards into the design and internal layout; this matter could be controlled by suitable condition (see above).

BH2008/02452 Garages at the rear of 90 Cromwell Road



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No:	BH2008/02629	Ward:	NORTH PORTSLADE
App Type:	Full Planning		
Address:	321 Mile Oak Road Portslade Brighton		
Proposal:	First floor extension to convert bungalow into house, including front porch extension.		
Officer:	Jonathan Puplett, tel: 292525	Received Date:	04 August 2008
Con Area:	N/A	Expiry Date:	29 September 2008
Agent:	Mr A Rogers, 40 Dawn Crescent Upper Beeding West Sussex		
Applicant:	Mr M Goble, 321 Mile Oak Road Portslade		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **Refuse** planning permission for the following reasons:

1. Policies QD1 and QD2 Policy of the Brighton and Hove Local Plan state that new development should be designed to emphasise the positive qualities of the surrounding area. QD14 states that planning permission for extensions or alterations to an existing building will only be granted if the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The existing bungalow is located within a small plot with an unusual relationship with neighbouring properties. The proposal to extend the bungalow to two storeys is considered to be an overdevelopment of the site which fails to respect the constraints of the plot and its relationship to neighbouring residential dwellings. The extension would result in a cramped formed of development, and is considered to be inappropriate.

2. Policies QD14 and QD27 of the Brighton and Hove Local Plan state that Planning permission for development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The bulk of the proposed extensions would have an enclosing and overbearing effect on the outlook from the rear windows and rear gardens of neighbouring properties located to the west of the site; particularly no. 4 Oakdene Close which adjoins the rear of the site.

3. There is an existing retail unit with residential accommodation above located to the east of the application site at no. 323-325 Mile Oak Road. The proposed first floor windows facing onto this site would be located approximately 12 metres away from the first floor rear windows of no. 323-325 Mile Oak Road. This would create an unwelcome relationship of overlooking between these properties, harming the privacy of the residents. The outlook from the rear windows of no. 323-325 Mile Oak Road would also be harmed. Furthermore, the development conflicts with the recently approved scheme for the construction of a block of nine flats at no. 323-325 Mile Oak Road. An unwelcome relationship of overlooking between habitable

rooms of no. 321 as proposed, and the new block of flats would be created, harming the privacy of residents. The proposed extension would also harm the outlook from the rear windows of the proposed flats. The scheme is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan which seek to protect residential amenity.

Informatives:

This decision is based on drawings and details submitted on 4 August, 8 September, and 29 October 2008.

2 THE SITE

The application relates to a detached bungalow set back from the west side of Mile Oak Road; the site is set behind an existing retail unit with residential accommodation above; this building is currently vacant. The site is accessed via the 'Mile Oak Inn' public house car park.

3 RELEVANT HISTORY

In relation to the application site:

BH2006/00015: Single storey front extension, granted consent in February 2006.

In relation to the adjoining site 323-325 Mile Oak Road:

BH2007/02497: Construction of 3 storey block to create nine flats following demolition of existing building, granted consent in May 2008. It appears that it may not be possible to implement this scheme.

A revised scheme has subsequently been submitted (ref. **BH2008/03117**) for the construction of 3 storey block to create nine flats following demolition of existing building. This application is currently under consideration.

4 THE APPLICATION

The application seeks consent for the extension of the existing bungalow to create a two storey dwelling

5 CONSULTATIONS

Neighbours:

Letters have been received from the residents of Nos. **3, 4 and 5 Oakdene Close**, and '**Little Shiuim**' **Southon Close** objecting to the proposal on the following grounds:

- The proposed development would result in overlooking of properties in Oakdene Close, and would overshadow these properties and their gardens.
- The appearance of the proposed development would have a negative impact on the surrounding area, and is out of keeping with neighbouring buildings. The outlook from neighbouring properties would be harmed.
- The proposed development is excessive given the small size of the site, particularly when considered in conjunction with the recent approval for a block of 9 flats at the adjoining site (nos. 323-325 Mile Oak Road).

Letters have been received from the residents of the **flat over the Mile Oak Inn Mile Oak Road, nos. 323 to 325 Mile Oak Road, 49 Thornhill Rise, 76 Wickhurst Rise, and 2 Oakdene Close**, stating support for the application

6 PLANNING POLICIES

Brighton and Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD27 Protection of amenity

Supplementary Planning Document

SPDBH1 Roof Alterations and extensions

7 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.

Impact on the appearance of the property and the surrounding area

Policies QD1 and QD2 Policy of the Brighton and Hove Local Plan state that new development should be designed to emphasise the positive qualities of the surrounding area. Policy QD14 of the Brighton and Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

The existing bungalow is located within a small plot with neighbouring residential properties located in relatively close proximity; the rear garden of the site is particularly narrow. Properties located to the rear are set on a significantly higher level and many have a clear view of the existing bungalow at no. 321. It is therefore the case that any significant change to the appearance, scale, and bulk of the bungalow will have a significant impact on the visual amenities of the area. The building is set back from the Mile Oak Road Street frontage; however views are available of the property from Mile Oak Road and from Oakdene Crescent to the north.

It is considered that the small scale of the existing bungalow, located within a small site, has allowed the building to co-exist with neighbouring properties without appearing out of place or causing significant harm to amenity. The proposal to enlarge the bungalow to two storeys is considered to represent an overdevelopment of the small plot; the structure would have a dominant visual appearance which would fail to respect the constraints of the site, and the relationship of the site with neighbouring residential properties. When viewed from Mile Oak Road or beyond, the proposed dwelling would appear 'boxed in' and the relationship between the dwelling and nos. 323-325 Mile Oak Road would appear inappropriately cramped.

It is noted that a proposal for a block of nine flats has recently been approved at nos. 323-325 Mile Oak Road, and a similar revised scheme has subsequently been submitted. It is considered that were the approved development to be constructed, the inappropriate visual impact of the extension proposed would be exacerbated.

In regard to the detailing of the proposed design, the two storey dwelling proposed is considered to be of an acceptable standard, however in this location, the scale and bulk of the extension is considered to be unacceptable in principle.

Impact on residential Amenity

It is considered that the proposed extension would have a significant impact on the amenity of the residents of surrounding properties. The extended dwelling would have an unduly prominent appearance causing significant harm to the outlook from rear windows and gardens of neighbouring dwellings located to the west of the site. In particular, the rear windows and garden of no. 4 Oakdene Close (which adjoins the site) have an outlook which is already significantly affected by the existing bungalow. The proposal to enlarge this bungalow would have a significant negative impact on the residents of the dwelling, and to a lesser extent those of neighbouring dwellings. Back gardens of properties to the west of the site would also be overshadowed to some extent.

In regard to overlooking; only one high level bathroom window is proposed to the rear of the dwelling, and a similar window to the southern elevation. To the north elevation a bedroom window is proposed which would provide some views of neighbouring back gardens, however it is not considered that significant harm to neighbouring privacy would be caused. Of greater concern are the proposed first floor windows to the east elevation, which face across to the 323-325 Mile Oak Road site. In regard to the proposed development of this site to construct a block of nine flats, it is considered that these first floor windows would create an unwelcome relationship of overlooking between habitable rooms of the two properties, harming the privacy of the residents. The proposed extension would also harm the outlook from the rear windows of the proposed flats.

Were the existing building at nos. 323-325 Mile Oak Road to be retained / renovated, it appears that any first floor rear windows of the building would be overlooked by the windows of the proposed extension of no. 321, again creating an unwelcome relationship.

Conclusion

The proposed extension is considered to represent an inappropriate overdevelopment of a constrained site, which fails to respect existing relationships with neighbouring residential properties. The visual amenities of the area would be harmed, and the overbearing nature of the proposed

structure would cause significant harm the residential amenity of neighbouring residents. Furthermore, the proposed first floor fenestration to the eastern elevation of no. 321 would create an unwelcome overlooking relationship with the existing building of no. 323 and 325 Mile Oak Road, and would also create a similar relationship with any new flats which may be constructed to the 323-325 Mile Oak Road site in the future. The outlook from windows of such flats would also be harmed. Refusal of the application is recommended for the reasons stated above.

8 EQUALITIES IMPLICATIONS

None identified.

BH2008/02629 321 Mile Oak Road



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No:	BH2008/02662	Ward:	ST. PETER'S & NORTH LAINE
App Type	Full Planning		
Address:	35-38 Lewes Road, Brighton		
Proposal:	Variation of Condition 2 of application 95/1064/FP for an extension of the existing hours of use.		
Officer:	Anthony Foster, tel: 294495	Received Date:	08 August 2008
Con Area:	n/a	Expiry Date:	3 October 2008
Agent:	DGG Planning (Wokingham) Ltd, Kirkwood, 5 Windmere Close, Winnersh.		
Applicant:	HSS Hire Service Group, Property Service Dept, Sealand Road, Chester		

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 to **Grant** planning permission subject to the following Conditions and Informatives :

Conditions

1. The premises shall not be open or in use except between the hours of 0730 to 1730 hours Monday to Friday, and between 0800 and 1700 hours on Saturdays.

Reason: To safeguard the amenity of the adjoining neighbours and in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Design and Access Statement, and Site Plan submitted on 8 August 2008.
2. 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.

Brighton and Hove Local Plan:

SU9 Pollution and nuisance control
 SU10 Noise Nuisance
 QD27 Protection of amenity

and

- (ii) for the following reasons:-

The proposed extension to the opening hours of the premises will not result in a significant impact upon the amenity of the adjoining neighbours.

3. The applicant is advised that the remaining conditions attached to the original planning permission reference 95/1064 still remain.

2 THE SITE

The application relates to a tool hire shop located on the west side of Lewes Road in Brighton. The site comprises a retail floor space located within the terraced buildings fronting Lewes Road and a rear service/goods yard. Within the rear service yard is storage building and a rear access onto Newport Street.

The premises is currently occupied by HSS hire who specialise in hiring a wide variety of tools and equipment to the construction industry and individuals.

3 RELEVANT HISTORY

95/1064 - Alterations, including new shopfront and roller-shutters, to change the use from vehicle hire to hire of tools and equipment. – **Granted** 21/11/1995.

96/0428/FP - Installation of gates to rear exit onto Newport Street and increase of wall height fronting St. Martins Street. (Retrospective) – **Granted** 06/08/1996.

96/0660/AD - Installation of non-illuminated 'Warning' sign at the exit onto Newport Street. – **Granted** 15/08/2006.

BH2006/03631 - Variation of Condition 2 relating to planning permission 95/1064/FP to read "The Premises shall not be open for trade except between the hours of 07.30 to 17.30 hours Monday to Friday, and between 08.00 and 17.00 hours on Saturdays." Also Variation of Condition 9 to read "No vehicles, unless otherwise agreed in writing with the local planning authority, shall be admitted to this site via Newport Street" – **Granted** 02/02/2006

BH2006/04059 - Installation of security lighting (Retrospective)- **Granted** 23/02/2006

4 THE APPLICATION

The application seeks to vary condition number 2 of planning permission 95/1064/FP. The existing condition states:

"the premises shall not be open or in use except between the hours of 0800 to 1730 hours Monday to Friday, and between 0800 and 1700 hours on Saturdays"

The proposed variation will allow the premises to open from 0730 to 1730 Monday to Friday. The opening hours on a Saturday will remain the same.

5 CONSULTATIONS

External:

Neighbours:

4, 5 (x2), 14, 18, Newport Street, and 25 St. Martin's Street object on the

grounds:

- The business is inappropriate within a residential area due to the noise and disturbance which is created.
- The extension of opening hours and will result in additional traffic in an area which is already log jammed resulting in greater congestion and air pollution.
- In appropriate to use Newport Street outside of business hours, the proposal will result in additional industrial traffic using a road which is unsuitable for such traffic.
- A covenant exists which restricts the use of the site, which should not be used for “any noisy noisome or offensive trade” and “nor to use or occupy the said premises to the nuisance annoyance or injury of the houses or land adjoining or contiguous thereto”.
- The increase in opening hours would also require an increase in activity upon the site. Earlier opening would require that staff prepare equipment to go on site earlier than present.
- The operations on the site have escalated above the terms of the original planning permission. The yard is serving larger construction operations above a domestic tool hire business. This misrepresents the information used to determine planning application 95/1064/FP.

Internal:

Traffic Manager: No objections.

Environmental Health: No objections.

6 **PLANNING POLICIES**

Brighton and Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD27 Protection of amenity

7 **CONSIDERATIONS**

The main consideration arising from this application and the proposed extended opening hours is related to noise and its impact upon neighbouring amenity.

The proposal seeks to vary planning condition 2 of permission number 95/1064. Variation of these conditions would allow the opening hours of the premises to be extended, which at present are restricted to 0800 to 1730 Monday to Friday.

The Local Planning Authority previously granted a 1 year temporary consent in February 2007 under planning permission reference BH2006/03631 for a variation of the opening hours, the subject of this current application. A temporary consent was granted to enable the council to assess what impact the extended opening hours would have upon the amenity of the adjoining properties. Throughout this period and dating back to 2003 the Council's

Environmental Health section has not received any complaints relating to the premises nor the activities which take place on the site.

PPG24 deals with noise issues associated with development, this includes an extension of opening hours. PPG24 identifies residential dwellings as noise sensitive development. Paragraph 12 of PPG24 indicates that noise sensitive development should not be permitted during the hours of 23:00 to 07:00, when people are normally sleeping. It is clear that the additional opening hours sought as part of this application would not intrude into what is considered to be normal sleeping hours and in this respect it is not considered that significant additional noise or disturbance would occur.

Local Plan Policy SU9 relates to the control of development which is liable to cause pollution and nuisance, whilst Policy SU10 seeks to restrict development which will result in an additional noise nuisance. Policy QD27 seeks to protect the amenity of the local area including its users, residents and occupiers from disturbance.

The Hire Shop has been located on the site since 1995 and is an established business within the area. It is accepted that some level of noise may be expected from the premises due to the nature of the business. The proposed hours fall within the guidelines published within PPG24 it is therefore considered that the proposed extension in opening hours adheres to Local Plan Policies SU9, SU10 and QD27.

Comments regarding the existence of a restrictive covenant on the premises have been raised by third parties are noted. However, this is a private matter between the parties involved and landowners and cannot be taken into account as part of this application.

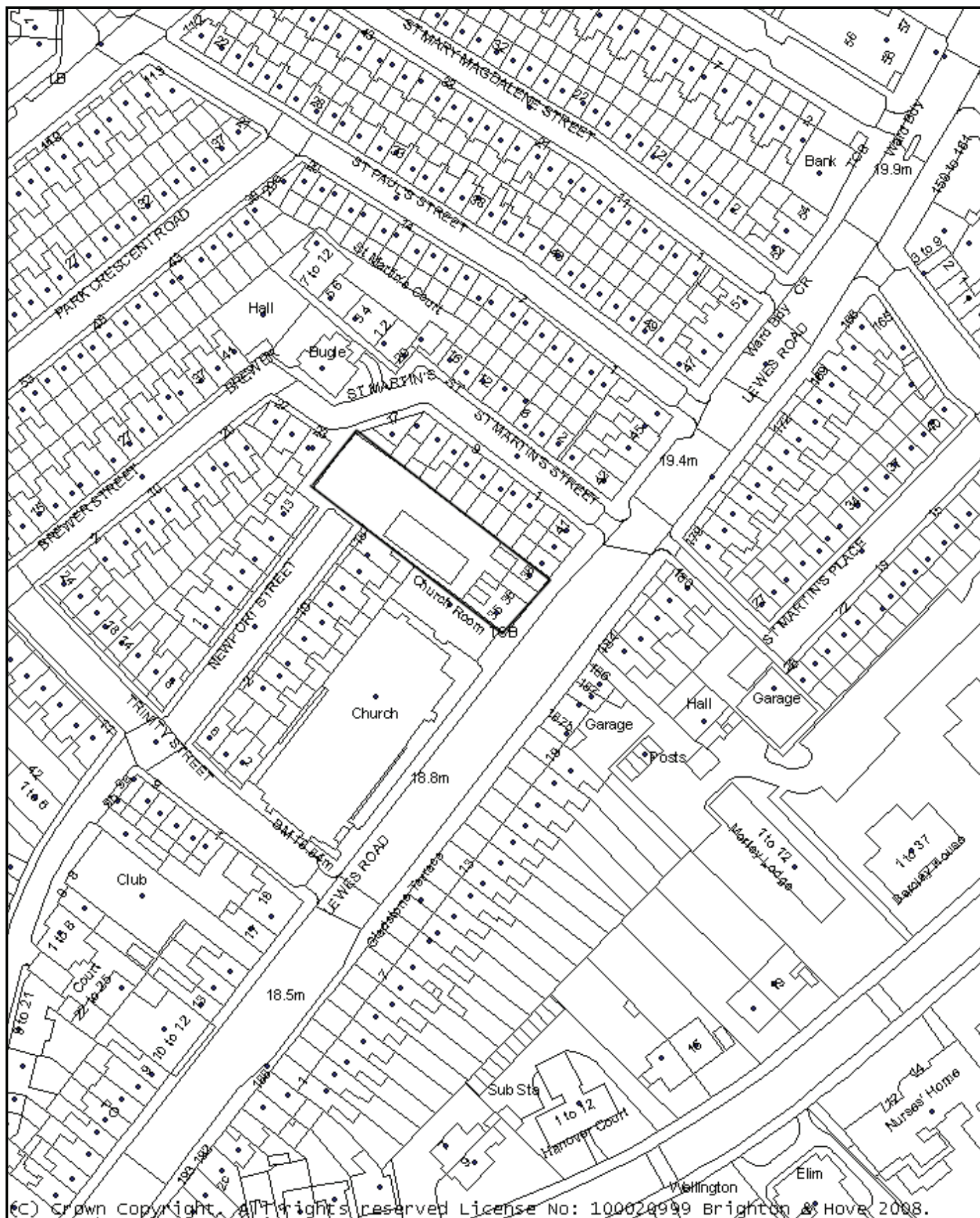
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

It is considered that the proposed extension to the opening hours of the premises will not result in additional or demonstrable harm to the amenity of the local residents above that which is already experienced, therefore the application is recommended for approval.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/02662 35-38 Lewes Road



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No:	BH2008/01541	Ward:	MOULSECOOMB & BEVENDEAN
App Type	Full Planning		
Address:	39 Mafeking Road Brighton		
Proposal:	Erection of first floor extension to provide office space and erection of a ground floor porch.		
Officer:	David Alabi, tel: 0486	Received Date:	29 April 2008
Con Area:		Expiry Date:	18 August 2008
Agent:	Mr S Bromley, 5 West Street, Shoreham by Sea.		
Applicant:	Mr B Edwards, 73 The Rookery, Dean Court Road, Rottingdean.		

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 to **Grant** planning permission subject to the following Conditions and Informatives:

Conditions

1. 01.01AA Full planning
2. 03.01A Samples of materials Non Conservation Areas
3. The development hereby permitted shall be used only in connection with the ground floor workshop/storage use and shall not be used independently. **Reason:** In order to protect the residential amenities of neighbouring occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. 02.03A Obscure glass (**rear first floor window**) and (**fixed shut**)
5. 05.04 General Sustainability measures
6. 06.02A Cycle parking details to be submitted (BandH)
7. Access to the rear roof shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace patio or similar amenity space. **Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 8766/1A submitted on 21 October 2008
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton and Hove Local Plan:

- TR1 Development and the demand for travel
- TR14 Cycle parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance

- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principle for neighbourhoods
- QD3 Design effective and efficient use of site
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of amenity

ii) for the following reasons:

The proposed extension is limited in scale and would not result in overlooking or have any significant implications for the adjoining neighbours neighbouring occupiers.

2 THE SITE

The application relates to an irregular shaped site between a terrace on the north east side of Mafeking Road and the rear of terraced flats on the south side of Coombe Road. Mafeking Road rises gently from north to south. In addition there is a marked fall in ground levels between Mafeking Road and buildings fronting Coombe Road to the north of the application site. The variation in ground levels between numbers 58 and 56 and the application site is between 2.4 and 3 metres.

At present part of the site is occupied by a workshop building which falls within the B1 Use Class. The site shows signs of recent industrial workshop use, although the applicant states that it is mainly used for the storage of wood.

3 RELEVANT HISTORY

BH2004/00573/CL – Certificate of lawfulness for use of the premises for B1(c) light industrial – **Granted** 26/04/2004.

BH2004/01971/FP – Demolish existing workshop Class B1 (c). Erection of a two storey two bedroom house. – **Refused** 12/08/2005. **Appeal Dismissed.**

BH2005/00895/FP - Demolish existing workshop Class B1(c). Erection of live/work unit (workshop with bed-sit above). – **Refused** 17/05/2005.

4 THE APPLICATION

The proposal is for the erection of a first floor extension and a front entrance porch.

5 CONSULTATIONS

External:

Neighbours:

Nos. 37, 48 Mafeking Road, 52B, 52c, 54, 54b, 56b, 56c Coombe Road
object on the following grounds:

- Loss of residential amenity, including a loss of privacy, noise, dust and disturbance from construction works.
- The development will impact upon limited on street parking.
- Loss of wildlife habitats

Internal:

Traffic Manager:

No objection on traffic grounds

Environmental Health:

No reply received.

6 PLANNING POLICIES

Brighton and Hove Local Plan:

TR1 Development and the demand for travel

TR14 Cycle parking

TR19 Parking standards

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

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

QD1 Design – quality of development and design statements

QD2 Design – key principle for neighbourhoods

QD3 Design effective and efficient use of site

QD14 Extensions and alterations

QD15 Landscape design

QD27 Protection of amenity

7 CONSIDERATIONS

Background

The previous scheme for a live/work unit reference BH/2005/00895 was refused for its failure to justify the loss of employment space; inadequate provision of private amenity space; overdevelopment of the site; and failure to demonstrate that the proposal would be built to lifetime homes standards.

The current scheme involves a significant reduction in the overall size and scale of the proposed development when compared with the previous scheme. Moreover it is to be used in connection with the existing use.

The main considerations in the assessment of this planning application relate to the principle of the development; its impact on residential amenity; effect on the street scene and highways considerations.

Principle of the use

The surrounding area is predominantly residential comprising rows of two storey terraced dwellings. The existing workshop is an anomaly in this location but it has been in existence for a considerable period of time and is lawful.

It is considered that the erection of a first floor extension and its use as an office in conjunction with the B1 use is acceptable in principle as it compliments an existing employment generating use.

Impact on residential amenity

Policy QD27 seeks to protect the amenities of neighbouring occupiers. The proposed addition would be attached to an existing two storey dwelling but would not project beyond its front or rear walls. It is not considered that the proposal would have an adverse impact on the amenities of the occupants of this dwelling.

With regard to the residential premises to the rear of the site, it is noted that these dwellings which front onto Ewhurst Road and Coombe Road are between 25 and 8 metres away from the rear of the application site. In addition the nearest affected properties fronting Coombe Road are considerably lower than the application site. The difference in levels varying from between 2 and 3 metres. In addition the distance between the proposed extension and the rear walls of premises fronting Coombe Road is approximately 9 metres at its closest point.

Neighbouring residents have expressed concern about loss of privacy through overlooking. However the applicant has stated that he would be prepared to ensure that the rear window is obscure glazed and non-opening. As the proposal includes a front window providing the main source of light, an appropriate condition could be included to overcome the neighbours concerns about overlooking.

Highways issues

Off street car parking provision is not included as part of the proposal, however the proposal does not involve the loss of a car parking space. In addition there is an attached structure which appears to have been built for the garaging of vehicles and this could be used for the garaging of a vehicle in connection with the proposed use.

Design considerations

Although this is an application for a business use, its appearance along Mafeking Road would appear wholly consistent with the adjoining house. The proposed windows are similarly proportioned, the facing treatment would be rendered and the roof would be of a consistent pitch and design.

The proposed front entrance porch would be covered by a pitched roof and would enable additional space providing access to both ground and first floors. It would be covered by glazing and include a rendered wall to its south elevation adjacent to number 37 Mafeking Road.

Concerns raised by neighbouring occupiers have been taken into account. However, it is considered that the proposal, which would represent a modest addition to the existing building, would not result in any material harm to neighbouring occupiers or interests of acknowledged importance and as such the scheme is considered acceptable.

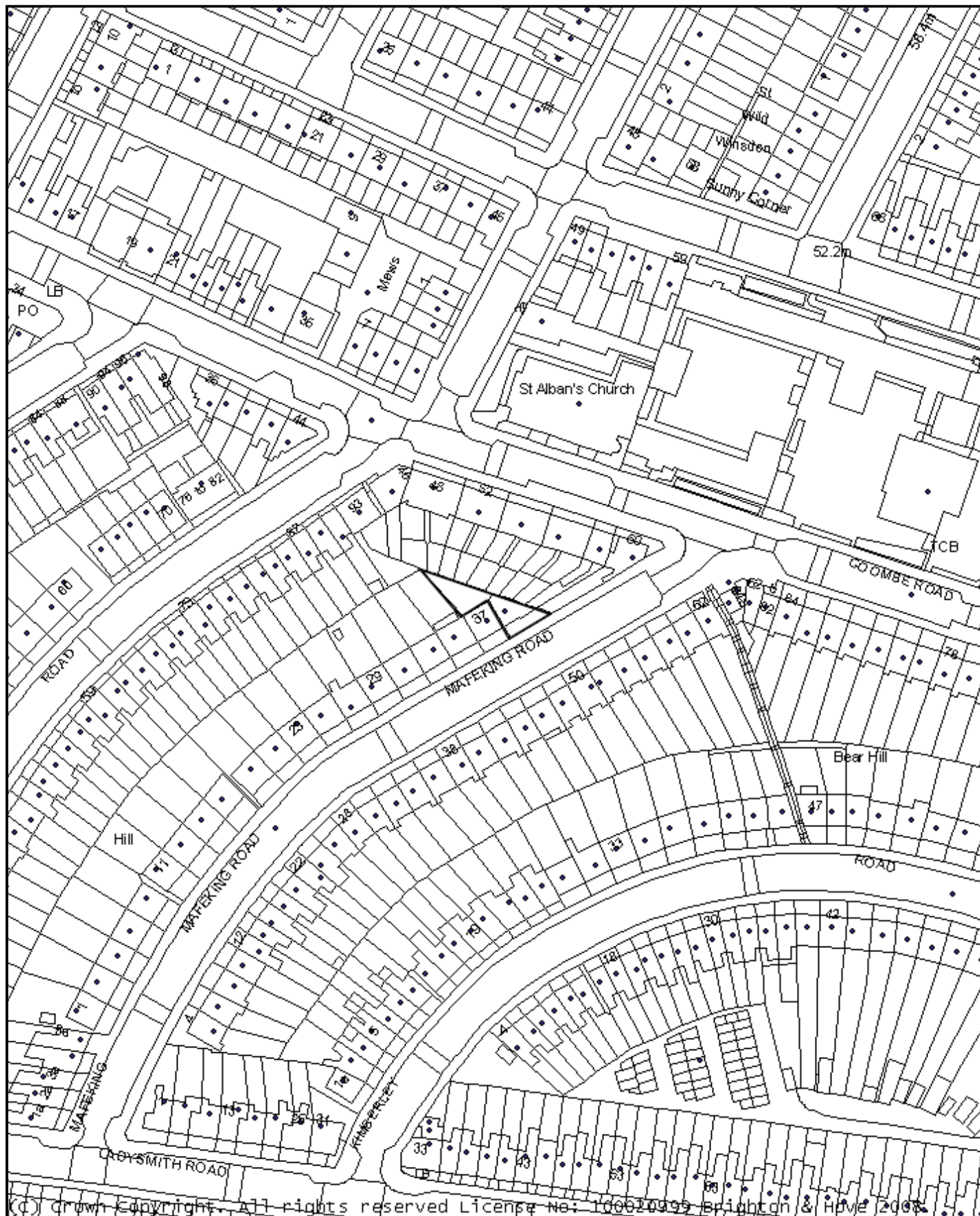
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extension is limited in scale and would not result in overlooking

or have any significant implications for the adjoining neighbours neighbouring occupiers.

9 EQUALITIES IMPLICATIONS

The proposed office would have staircase access only



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<u>No:</u>	BH2008/00405	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	189 Carden Avenue Brighton		
<u>Proposal:</u>	Demolition of existing vacant public house and construction of 7 flats, basement and ground floor A1 retail, with associated car parking, cycle storage and amenity space.(Resubmission of BH2007/02045)		
<u>Officer:</u>	David Alabi, tel: 290486	<u>Received Date:</u>	19 September 2008
<u>Con Area:</u>	None	<u>Expiry Date:</u>	06 November 2008
<u>Agent:</u>	DMH Stallard, 100 Queens Road, Brighton		
<u>Applicant:</u>	Mr Manoj Shah, Liberty Land 2 Ltd, Liberty House, Whitchurch Lane Edgware		

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 to **Grant**, planning permission, subject to the following:

Conditions:

1. 01.01AA Full Planning
2. No window shall be provided/inserted in the northern elevation of the building hereby permitted without the prior written approval of the Local Planning Authority. **Reason:** To safeguard the privacy of the occupiers of the adjoining premises and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. 03.01A Samples of Materials Non-Cons Area (Band H)
4. 02.05A Refuse and recycling storage (facilities) (Band H)
5. 04.02 Lifetime Homes
6. 05.01 Eco Homes/Code for sustainable homes
7. A scheme for grey water recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first occupation of the development hereby approved. **Reason:** In the interests of the efficient use of water and in order to comply with policy SU2 of the Brighton & Hove Local Plan.
8. 06.03A Cycling parking facilities to be implemented (Band H)
9. 05.03 Waste minimization statement
10. 06.01A Retention of parking area
11. 05.02A Site Waste Management Plan
12. 15.02A Archaeology (Watching brief) (B&H)

Informatives:

1. This decision is based on drawing nos. AP160/P100 Rev E, 101 Rev D, 102, Rev C, 103, 104 B, 105, 106, 107 and the design and access statement received on 11th September 2008, planning statement received on 15 August 2008, waste minimisation statement received 15 August 2008, biodiversity statement and the sustainability checklist received 15 August 2008.

2. This decision to grant planning permission has been taken:
(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy
- 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 site
- QD5 Design – street frontages
- QD10 Shopfronts
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD19 Greenways
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- SR7 Local Parades

Supplementary Planning Guidance:

- SPGBH 4: Parking Standards
- SPGBH 16: Energy Efficiency & Renewable Energy
- SPGBH21: Brighton & Hove Sustainability Checklist

Supplementary Planning Documents:

- SPD02: Shop Front Design
- SPD03: Construction and Demolition Waste
- SPD06: Trees and Development Sites

Planning Policy Statements;

- PPS1: Delivering Sustainable Development
- PPS3: Housing

- (ii) for the following reasons:
The proposed scheme has addressed the main concerns that arose out of the previous application. The design and appearance of the proposed

building is more sympathetic to the character of the area; the overall bulk and scale of the development has been appropriately reduced; the dwelling mix is in accordance with Council policy and the proposal would not have any significant affect on the amenities of neighbouring residential occupiers. The proposed development is now considered acceptable.

2 THE SITE

The site is located on the northern side of Carden Avenue on the western corner of its junction with Carden Crescent. It contains a two storey, red brick, ridged roof public house which is now vacant. To the rear, facing Carden Crescent is a double garage and small pub garden. There is a large hardstanding and parking area to the front of the public house.

To the north of the site is a pair of bungalows known as 1 and 3 Carden Crescent. To the west is a two storey, end of terrace house. To the east, on the opposite side of Carden Crescent, facing Carden Avenue is small parade of retail outlets including a sandwich shop, betting shop, fish and chip shop and fast food outlet, all of which are contained in a two storey, ridged roof terrace which appears to have residential units above. Behind this parade is a pair of two storey, semi-detached houses which address Carden Crescent. Carden Avenue is a very wide, suburban dual carriageway, lined with trees. On the southern side of Carden Avenue are further residential units. The area is predominantly residential with the exception of the commercial uses noted above and some others further along Carden Avenue. The physical character of the area is suburban consisting mainly of two storey, ridged roof buildings, built in brick.

3 RELEVANT HISTORY

BH2007/02045/OA - Demolition of existing building, erection of replacement building comprising 9 flats and 139 square metres of A1/A3 (retail and restaurant/cafe) uses. Refused 05/09/2007.

BH2008/00405 - Outline planning permission for the demolition of the existing building and the erection of a replacement building comprising seven flats and 352 square metres of A1 floorspace in a 1-3 storey building. This application involved consideration of layout, access, appearance and scale. Refused 5/6/2008.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing vacant public house and construction of 7 flats, basement and ground floor A1 retail with associated car parking, cycle storage and amenity space.

The proposal comprises 2 three bed flats; 3 two bed flats along with two 1 bed units. The commercial floor space would include a total of 320 square metres of interdependent floor space. The ground floor area would include 155 square metres with the basement area comprising 165 square metres. Access to the basement would be gained via internal stairs from the ground floor area. There would be no independent access to the basement.

5 CONSULTATIONS

External

Neighbours: **Nos 155 Ladies Mile Road, 3 Carden Close, 191 Carden Avenue and 10 Haywards Road** object to the application on the following grounds:-

- The removal of this building will remove a local icon and asset to the area;
- The proposal would result in increased car parking pressure;
- Basement parking will create a hazard from cars leaving and entering into and from the site;
- The basement would be subject to flooding;
- The building could be converted into a restaurant and public house
- Loss of parking spaces would result in more illegal parking on double yellow lines;
- The building should be used for residential purposes only;
- A wholly residential scheme would be more appropriate; and
- Loss of privacy through overlooking.

County Archaeologist: No objection subject to recommended conditions.

Brighton & Hove Archaeological Society: Recommend a watching brief condition if permission is granted.

Internal

Environmental Health: No objection subject to recommended conditions for refuse storage, odour control equipment, soundproofing and control of amplified music.

Traffic Manager: No objection subject to conditions to control construction details for road works, drainage, street lighting, cycle parking and parking areas.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy
- 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 site
- QD5 Design – street frontages

QD10 Shopfronts
QD15 Landscape design
QD16 Trees and hedgerows
QD17 Protection and integration of nature conservation features
QD19 Greenways
QD27 Protection of amenity
QD28 Planning obligations
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
SR7 Local Parades

Supplementary Planning Guidance:

SPGBH 4: Parking Standards
SPGBH 16: Energy Efficiency & Renewable Energy
SPGBH21: Brighton & Hove Sustainability Checklist

Supplementary Planning Documents:

SPD02: Shop Front Design
SPD03: Construction and Demolition Waste
SPD06: Trees and Development Sites

Planning Policy Statements:

PPS1: Delivering Sustainable Development
PPS3: Housing

7 **CONSIDERATIONS**

The main considerations relate to the loss of the A4 public house, the suitability of the site to accommodate the proposed retail floorspace and seven flats having regard to the amenity requirements for each flat, the affect upon the character of the area, neighbouring residential amenity and transport issues. Regard will also be given to sustainability.

Principle

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. Previously-developed land is defined in PPS3 as that which is or was occupied by a permanent structure including the curtilage of developed land. However PPS3 stresses that there is no presumption that previously-developed land is necessarily suitable for housing development. Nevertheless given the predominant residential use in the area it is considered that the principle of the re-development of the site, to incorporate housing is not in question.

On the previous outline planning application design was a major concern consideration. This remains the case with the current planning application. In

this respect PPS3 states that a development should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access. It states further 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. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore, the tests for this proposal in terms of design, are:

- whether it would be integrated with and complimentary to the area;
- whether it would compromise the quality of the local environment;
- whether it would be inappropriate in its context; and
- whether it would fail to improve the character and quality of the area.

These matters are all considered under the heading of 'design issues' below.

Design issues

Policies QD1, QD2, QD3 and QD5 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 neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.

The site is on a prominent location at the junction of Carden Avenue and Carden Crescent. In this location the design and appearance of any new building is particularly important as it helps to define the area which is characterised by two storey, ridged-roof residential development built in brick. The design of the previous scheme was considered unacceptable by virtue of its overall appearance and more specifically its bulk, massing, roof style and the rendered facing materials. This scheme also included a large expanse of curved roof on the western end of the building which failed to have regard to the design and appearance of surrounding buildings. The dormers and second floor bay window also related poorly to the main roof. In addition the roof incorporated numerous individual design elements which did not relate well to one another and resulted in an over complicated roof form. In addition the fenestration arrangement was considered poor in that the bay feature at first and second floor level did not relate satisfactorily to the remainder of the fenestration in the building and the industrial style garage doors/access gates on the south and west elevations were not considered to be a sympathetic design solution for a residential building in the area.

The current scheme has addressed the concerns raised about the design and appearance of the development and the proposed design now includes a more traditional roof design similar to that of surrounding houses. The proposal will also be similar in height to neighbouring buildings and includes two storeys plus accommodation in the roof space which will be lit by roof lights. The approach to the design of the building is more traditional and utilises brick facing materials and slate roofing. The appearance of the building within this suburban context is now considered to be more in keeping with the character of the area.

Loss of the existing public house and the provision of new A1 uses

The existing public house has a function room that could previously have been used as a community facility, the loss of which could potentially be contrary to policy HO20 of the Brighton & Hove Local Plan. However, given the significant social problems which appear to have been previously related to the site, including drug dealing, fighting, violent and abusive behaviour, the loss of this small ancillary community facility is considered acceptable, particularly given the site's proximity to similar establishments. The site is adjacent to a local parade and as such, providing any additional A1 retail floorspace would help strengthen the retail function of the parade, in the spirit of policy SR7 of the Brighton & Hove Local Plan. There is no Local Plan policy protecting public house uses.

Dwelling mix

The thrust of planning policy, specifically policy HO3 of the Brighton & Hove Local Plan in this instance, is to secure a mix of dwelling types and sizes with a particular emphasis on units suitable for family occupation which are in short supply in Brighton & Hove. The previous scheme included an unsatisfactory dwelling mix. This issue has now been addressed and the proposal now includes a more appropriate mix including 2 x three bedroom flats, 3 x two bedroom flats and 2 x one bedroom flats. The proposed dwelling mix is considered acceptable and represents a satisfactory dwelling mix for this site in accordance with policy HO3 of the Brighton & Hove Local Plan.

Lifetime homes

The plans submitted together with the lifetime homes checklist demonstrate that the proposed development would be capable of complying with lifetime homes standards in compliance with policy HO13 of the Brighton & Hove Local Plan.

Amenity space

The previous scheme failed to provide private usable outside amenity space in the form of a private garden or balconies contrary to policy HO5 of the Brighton & Hove Local Plan. The current scheme provides 198 square metres of shared amenity space is proposed. The policy is not prescriptive in identifying the amount of amenity space required and in this case the space provided is considered acceptable as it complies with the Government's requirement for more efficient use to be made of brownfield/previously developed land.

Sustainability

This application was accompanied by a sustainability checklist and supporting statement. It is proposed to provide solar thermal panels to provide for an element of the energy requirements of the development, low energy light fittings, high performance glazing, condensing boilers, low water usage fixtures and fittings, rainwater harvesting and locally sourced materials. Furthermore, the applicant has stated that the development would achieve a

minimum Code level 3 for Sustainable Homes rating. Subject to full details this is considered to be acceptable and in accordance with policy SU2.

Construction and demolition waste

A Site Waste Management Plan has not been submitted with the application in compliance with the requirements of the council's adopted Construction and Demolition Waste SPD or policy SU13 of the Brighton & Hove Local Plan. The brief paragraph contained in the design and access statement does not satisfactorily address the issue. However, a condition is recommended requiring the applicant to address this issue in detail.

Neighbouring amenity

The proposed development would not result in any significant harm to the amenities of neighbouring occupiers. Sufficient distance will be retained between the proposed building and properties on the opposite side of Carden Avenue, 191 Carden Avenue and the eastern side of Carden Crescent to prevent any harm occurring by way of overshadowing, loss of light or overlooking. The properties most likely to be affected would be 187 Carden Avenue and 1 Carden Crescent.

There are no windows proposed in the north elevation of the northern section of the proposed building and therefore there will be no direct overlooking into the side window of 1 Carden Crescent. There are no windows in the east elevation of 187 Carden Avenue and therefore there will be no direct overlooking or loss of privacy from at this point. It is considered that sufficient distance will be retained between the windows in the north elevation of the main section of the proposed building and neighbouring properties to the north of the site to prevent any unacceptable loss of privacy or overlooking occurring. There will be views of neighbouring gardens from the windows in the rear elevation of the proposed building. However, this will not be any worse than the existing situation whereby neighbours overlook each others gardens.

As stated above the eastern elevation of the adjacent dwelling at 187 has no side windows which would be affected by the proposed development. 1 Carden Crescent has a large habitable window on its southern (side) elevation, facing the application site. The proposed development includes the provision of a single storey element with accommodation in the roofspace positioned towards the northern boundary of the site. However, bearing in mind the overall height of this section of the building and the distance that will be retained between the proposed building and the side elevation of 1 Carden Crescent it is not considered that any loss of light to the neighbouring property would be significantly detrimental so as to justify refusal of this application.

Finally it is not considered that the proposed development would result in an unacceptable increase in activity, noise or disturbance to neighbouring occupiers compared to the previous use as a public house.

Refuse and recycling storage

Sufficient space for refuse and recycling storage has been identified on the plans in accordance with policy SU2 of the Brighton & Hove Local Plan.

Transport issues

Ten off-street car parking spaces are proposed for the flats including garage accommodation for 6 cars. This is considered acceptable given the site's location. The Transport Planning team have raised no objection to the proposal subject to conditions to control the development in detail.

In this instance it is not considered appropriate or necessary to request a financial contribution toward sustainable transport modes as the highway works proposed to the front of the site would benefit the public by removing the hazardous parking from Carden Avenue thereby ensuring that the wider community would benefit from the proposal.

Cycle storage has been identified on the plans submitted in accordance with policy QD14. Nineteen cycles can be accommodated are provided at this site which is to be welcomed as it provides for alternative modes of transport other than the private car.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed scheme has addressed the main concerns that arose out of the previous application. The design and appearance of the proposed building is more sympathetic to the character of the area; the overall bulk and scale of the development has been appropriately reduced; the dwelling mix is in accordance with Council policy and the proposal would not have any significant affect on the amenities of neighbouring residential occupiers. The proposed development is now considered acceptable.

9 EQUALITIES IMPLICATIONS

The proposed dwellings would have to comply with Part M of Building Regulations and is Lifetime Home Standards.



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No:	BH2007/03951	Ward:	ROTTINGDEAN COASTAL
App Type:	Conservation Area Consent		
Address:	Garages 53 and 54 14 Church Place Brighton		
Proposal:	Conservation Area Consent for demolition of end of terrace double garage.		
Officer:	Liz Holt, tel: 291709	Received Date:	22 October 2007
Con Area:	Kemp Town	Expiry Date:	30 January 2008
Agent:	Clive Hawkins Architects Ltd, C/O 33 Wellingtonia Court, Laine Close Brighton		
Applicant:	Mr K Ridout, 124 Dorothy Avenue, North Peacehaven		

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 to **Grant** Conservation Area Consent subject to the following Conditions and Informatives:

Conditions:

1. 01.04AA Conservation Area Consent
2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work is commenced in accordance with a scheme for which Planning Permission has been granted within a period of 6 months following commencement of demolition. Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on 3 unnumbered photographs submitted on 19 October 2007, drawing no. 01 and a Design and Access Statement submitted on 22 October 2007, drawing 03RevB submitted on 18 March 2008, a Planning Statement submitted on 25 April 2008, and drawing no. 02Rev B submitted on 8 June 2008.
2. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton and Hove Local Plan set out below,
Brighton and Hove Local Plan:
HE8 Demolition in Conservation Areas
 - (ii) for the following reasons:-
The double garage relating to the proposed demolition makes no positive contribution to the character or appearance of the Kemp Town Conservation Area. In conjunction with redevelopment of the site to form a single dwelling, it is considered that the proposed demolition of the garage will not be of detriment to the character or appearance of the Conservation Area.

2 THE SITE

The application relates to an existing double garage located on the eastern side of Church Place. The site is located within the Kemp Town Conservation Area and is located within the setting of a number of listed buildings located in Sussex Square in addition to St. Mark's Church which is located on the corner of Church Place and Eastern Road.

3 RELEVANT HISTORY

BH2007/03493 - Demolition of end of terrace double garage and erection of one two-bedroom house with pitched roof. Concurrent Application for Planning Permission.

4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the existing single storey flat roof garage in order to accommodate the construction of a two storey dwellinghouse which is subject to the concurrent application BH2007/03493.

5 CONSULTATIONS

External:

Neighbours: No responses received in relation to the Conservation Area Consent Application.

CAG: (Original Comments Received 20th November) The group objects to the proposals on grounds of overdevelopment and were disappointed that the proposed design did not relate to the site's surrounding.

(Additional Comments Received 15/04/2008) The group recommends refusal. It is considered the design to be poor quality and of a size and typology that fits poorly within its wider context.

Internal:

Conservation and Design:

(Original Comments received 21st January 2008) Existing site: Single storey garages that contribute little to the character of the conservation area. Good views of the rear of Sussex Square. No objections to the garage removal in principle, this should be subject to a suitable replacement building. To the north of the site are two pairs of 1930s semi detached houses, set back from Church Place, with front gardens and walls, brick built, clay tile roofs, bay windows and attached single storey garages. To the south are a string of single storey garages. No. 4 Church Place is a plain, two storey flat roofed building, with shop front of little architectural merit, opposite St Marks Church. 237 Eastern Road, to the south on the corner, is of Regency design and forms a coherent street scene with 10 and 11 Sussex Square, spanning Eastern Road.

6 PLANNING POLICIES

Brighton and Hove Local Plan:
HE8 Demolition in Conservation Areas

7 CONSIDERATIONS

The principle consideration in the determination of the application is the impact that the demolition of the existing garages will have upon the character and appearance of the surrounding Kemp Town Conservation Area.

The site currently contains a single storey, flat roofed, double garage. The garage is located to the north of other flat roofed garages. To the north of the garage is passageway which provides access from Church Place to the basement flat located in the rear of 18 Sussex Square.

Unlike the other garages located to the south of the site, the existing garage is set back from the related road by approximately 7m and as a result, provides a hard standing area at the front of the garage.

It is considered that the existing flat roofed double garage contributes little to the character and appearance of the surrounding Kemp Town Conservation Area and therefore it is considered that the proposed demolition will not be of detriment to the character or appearance of the Conservation Area.

The site is also subject to a full planning application; reference BH2007/03493, for the construction of one residential unit, which has yet to be determined.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The double garage relating to the proposed demolition makes no positive contribution to the character or appearance of the Kemp Town Conservation Area. In conjunction with redevelopment of the site to form a single dwelling, it is considered that the proposed demolition of the garage will not be of detriment to the character or appearance of the Conservation Area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03951 Garages 53 and 54, 14 Church Place



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No:	BH2007/03493	Ward:	ROTTINGDEAN COASTAL
App Type:	Full Planning		
Address:	Garages 53 & 54 14 Church Place Kemptown Brighton		
Proposal:	Demolition of end of terrace, double garage and erection of 1 two-bedroom house.		
Officer:	Liz Holt, tel: 291709	Received Date:	14 September 2007
Con Area:	Kemp Town	Expiry Date:	13 December 2007
Agent:	Clive Hawkins Architect, c/o 33 Wellingtona Court, Laine Close, Brighton		
Applicant:	Mr Kevin Ridout, 124 Dorothy Avenue, North Peacehaven		

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 to **Grant** planning permission subject to the following Conditions and Informatives:

Conditions:

1. 01.01AA Full Planning Permission
2. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies HO7 and SU15 of the Brighton & Hove Local Plan.
3. 13.01A Samples of Materials – Cons Area (BandH)
4. 13.06A No permitted development (extensions) – Cons Area (BandH)
5. 02.02A No permitted development (windows) (BandH)
6. 05.01A EcoHomes / Code for Sustainable Homes
7. 04.02 Lifetime Homes
8. Notwithstanding the Waste Minimisation Statement submitted with the application, no development shall take place until a written statement, consisting of a revised Waste Minimisation Statement, 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 for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
9. 06.03A Cycle parking facilities to be implemented (BandH)
10. 02.05A Refuse and recycling storage (facilities) (BandH)

11. No works shall commence until full details of a landscaping scheme, which includes permeable hard surfacing, means of enclosure, and planting of the development, have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details 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 five 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 interests of the visual amenities of the area and to comply with policies QD2, QD16, QD27 and HE6 of the Brighton & Hove Local Plan.
12. 04.02 Landscaping/planting implementation/maintenance. Add ' and to comply with policies QD2, QD16, QD27 and HE6 of the Brighton & Hove Local Plan' to end of reason.
13. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full before the development is first occupied or brought into use and retained thereafter. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to safeguard neighbouring amenity and to comply with policies QD1, QD2, QD16, QD27 and HE6 of the Brighton & Hove Local Plan.
14. 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 within the curtilage of the property. **Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development, in accordance with policy SU4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on a Design and Access Statement submitted on the 14th of September 2007, drawing no. 01 and 3 unnumbered photographs submitted on the 19th October 2007, drawing no. 03RevB submitted on the 18th March 2008, a Planning Statement submitted on the 25th April 2008, drawing no. 02RevB submitted on the 8th June 2008, a Sunlight and Overshadowing Analysis submitted on the 11th November 2008, an e-mail, block plan and 2 unnumbered photographs submitted on the 12th November 2008.
2. The applicant is advised that the requirements of condition 2 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £3,500 to fund improved sustainable transport infrastructure in the vicinity and to

fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development from being eligible for on-street residential parking permits.

3. IN.07 Informative – EcoHomes/Code of Sustainable Homes
4. The applicant is advised that the Waste Minimisation Statement submitted as part of the application is deemed insufficient as it fails to set out issues such as exact waste generated and quantities and names of contractors. Details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. 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,

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standard
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- HO3 Dwelling type and size
- HO5 Provision of outdoor recreation space in residential development
- HO13 Accessible housing and lifetime homes
- 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
- QD15 Landscape design
- QD27 Protection of amenity
- HE3 Development affecting the setting of a Listed Building
- HE6 Development within or affecting the setting of Conservation Areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Planning Policy Statement
PPS3 Housing

Planning Policy Guidance
PPG13 Transport
and

(ii) for the following reasons:-

Following amendments to the design of the proposed development it is considered that the proposed dwelling will not be of detriment to the character or appearance of the Church Place street scene or the wider area, including the surrounding Conservation Area and the setting of the adjacent Listed Buildings. Furthermore, the sunlight/overshadowing analysis concluded that the proposed development will not have a significant adverse impact upon the amenities of the direct eastern neighbouring properties with regards to loss of sunlight or overshadowing.

2 THE SITE

The application relates to an existing double garage located on the eastern side of Church Place. The site is located within the Kemp Town Conservation Area and is located within the setting of a number of listed buildings located in Sussex Square in addition to St. Mark's Church which is located on the corner of Church Place and Eastern Road.

A locked doorway is located to the northern side of the existing garage which provides access into the alleyway which runs alongside the garage and which provides access to the basement flat located at the rear of no. 18 Sussex Square.

3 RELEVANT HISTORY

BH2007/03951 - Conservation Area Consent for demolition of end of terrace double garage and erection of one two-bedroom house. **Concurrent Application.**

4 THE APPLICATION

Planning permission is sought for the demolition of the existing double garage and the construction of a two storey, two bedroom dwellinghouse.

5 CONSULTATIONS

External:

Neighbours:

14 Church Place (also known as Flat 1, 18 Sussex Square), (2 e-mails received), objects to the proposal as it will result in loss of light and privacy. States that the plans submitted as part of the application omits their property and so does not give a true reflection of the affect the development will have.
16 Church Place, objects (2 e-mails received) to the proposal on grounds of loss of light/sunlight, the proximity of the new building, loss of privacy and

overlooking and the proposed flat roof design would be out of character in the surrounding area.

Flat 2, 16 Sussex Square, objects, as it would be highly undesirable for any building to take place at the rear of the houses in Sussex Square given that the rear gardens and all part of the Grade I level of protection. The aim is to preserve all aspects of Sussex Square and not simply the facades. The proposal would result in loss of light to the rear of 16 Sussex Square.

Flat 4, 16 Sussex Square, (2 e-mails received) objects as no new building should be allowed in the gardens of these Grade I Listed Buildings. The proposal would be unacceptable in any residential area because due to loss of privacy, loss of light and would result in overlooking. The building is of a low quality design completely out of keeping with the surrounding buildings and would set a precedent which others would exploit to the detriment of the area. The proposal is a totally inappropriate modern construction which will be squeezed into a space far too small; it will be too high and far too close to the rear residential properties of Sussex Square.

Flat 5, 16 Sussex Square, objects as the building would set a precedent to the detriment of the unique grade one architecture of Sussex Square and set new boundaries in terms of building new developments in the square.

Flat 2, 17 Sussex Square, (2 letters received) objects to the proposal on grounds of it creating a precedent for further developments in the area, the loss of the garages will add to the parking problems in the area and the development would overlook several gardens.

Flat 3, 17 Sussex Square, (2 letters received) object as they feel that parking in the area is becoming worse and to dismantle two garages would add to this parking problem as another dwelling would also add more parking being needed, egg visitors etc. It would also set a precedent for more applications of this nature which would add to the problem. Feel that garages are more in need in the area and a build at the rear would be detrimental to the area. Other areas of concern are privacy, overlooking, change in light in rear gardens and rooms and direct effects on the value of properties in the square.

Flat 3, 18 Sussex Square, objects on grounds of loss of privacy to rear bedroom and terrace area and a reduction in levels of light to rear terrace area. Having a modern building of this design effectively in the back garden of Sussex Square is not in keeping with the area. The proposal will remove secure parking spaces; there is already a parking shortage in this area so this would add to the problem. Understand previous attempts to develop the site have been rejected and assume the previous reasons for refusal are still valid.

Flat 4, 18 Sussex Square, (3 e-mails received) objects to the application as it would result in overlooking, loss of privacy and loss of light/sunlight. In addition a modern development to the rear of Sussex Square is not in keeping with the area. The development would result in the loss of secure parking spaces, for which there is a shortage in the area and as a result the proposal would add to this problem.

Flat 1, Bristol Mansions, 19/20 Sussex Square, objects as no. 19 Sussex Square has a large town house behind it, although it has been there a number of years, the loss of the afternoon light is very apparent as a result of this

building in addition to it creating loss of privacy. The proposal will result in the residents at number 18 Sussex Square suffering the same loss of light and privacy. The loss of the two garages will lose two private parking spaces thus adding vehicles onto the already overcrowded streets. The proposal if approved could set a precedent for similar developments in the area which would be inappropriate.

Kemptown Society, 6 Arundel Terrace, the society has always objected to the replacement of the single storey garages to the rear of the Kemp Town Estate with taller buildings on the grounds of overdevelopment. If approved it sets a precedent destroying the view from and of the Grade I Listed Houses.

CAG: (Original Comments 20 November 2007) The Group objects to the proposal on grounds of overdevelopment and were disappointed that the proposed design did not relate to the site's surroundings.

(Additional Comments 15 April 2008 following amendments) The Group recommends refusal. It considered the design to be poor quality and of a size and typology that fits poorly within its wider context.

Internal:

Conservation and Design:

(Original Comments 21 January 2008) Existing site: Single storey garages that contribute little to the character of the conservation area. Good views of the rear of Sussex Square. No objections to the garage removal in principle, this should be subject to a suitable replacement building. To the north of the site are two pairs of 1930s semi detached houses, set back from Church Place, with front gardens and walls, brick built, clay tile roofs, bay windows and attached single storey garages. To the south are a string of single storey garages. No. 4 Church Place is a plain, two storey flat roofed building, with shop front of little architectural merit, opposite St Marks Church. 237 Eastern Road, to the south on the corner, is of Regency design and forms a coherent street scene with 10 and 11 Sussex Square, spanning Eastern Road.

Proposed development: Although the Conservation and Design team is reluctant to allow development to encroach visually on the rear elevation of the grade I listed buildings of Sussex Square, any proposed development does have to preserve or enhance the character of the Kemp Town Conservation Area, be of quality design, and be in keeping with the existing street scene. The proposed house, although set back from the street in line with the 1930s semis, appears to take its architectural queue from no. 4 Church Place – plain and flat roofed.

Although in some areas, a mixed architectural style to the street scene is considered to be a positive aspect, in the case of this development, the proposed house appears to be dwarfed by the 1930s semi next door. The proposed flat roof appears incongruous and the detailing of the building is inferior to the 1930s semi. Timber cladding is not a feature of the conservation

area and the size and arrangement of the proposed windows and doors are smaller, reflecting the size of the proposed development, just not the size or storey height of the other buildings in the road, nor the grand scale of the building in Sussex Square. Although the development will be read as modern and therefore separate to the historical rear elevations of Sussex Square and the street scene in relation to the 1930s semi's, in this case, this is not considered to be an enhancement, nor does it preserve the views of the rear of Sussex Square from Church Place.

There is also concern about the inclusion of parking space on the forecourt of the proposed development. Cars and hard-standing break up the continuity of a street, and although there are garages in the existing situation, where there are houses and garages, the parking access is separate and not in front of the dwelling, as would be in this case.

(Additional Comments 20 May 2008) The amended plans are in accordance with the alterations to the proposed scheme that had previously been asked for – namely the inclusion of the pitched roof and the exclusion of the hard-standing to the front. The plans are now not considered to be out of character with Church Place and the neighbouring properties. There is however no indication of what the roofing material is to be. As this is a constrained site and small alterations could detract from the approved scheme and therefore the character of the area, please attach the following conditions: 13.06a No PD and 13.01a sample of materials.

(Additional Comments 15 August 2008 following a query regarding earlier comments on the timber cladding) Consider that the revised plans are acceptable in principle. In retrospect, the inclusion of the timber cladding is satisfactory, it does not detract from the design, or the Conservation Area.

Traffic Manager:

(Original Comments 18 October 2007) would not wish to restrict grant of consent subject to the inclusion of conditions relating the construction of the crossover, cycle parking and a financial contribution of £1,500 towards improving sustainable means of transport.

(Additional Comments 9 April 2008 following amendments) would not wish to restrict the grant of consent subject to the inclusion of conditions relating to the reinstatement of the footpath, a financial contribution towards sustainable means of transport and the development being car free.

(Additional Comments 12 November 2008) The £1,500 is to contribute towards improving sustainable modes of transport in the area. This could include upgrading local bus stops to access of mobility impaired users, upgrading pedestrian crossing facilities particularly along Eastern Road. The amendment of the TRO requires the securing of a fee of £2000 via a s106 agreement.

Private Sector Housing: The proposed layout of the new dwelling is unsatisfactory for means of escape from fire, as the first floor bedrooms are accessed from an open kitchen/living room area on the ground floor. This arrangement should be avoided if at all possible. Letter sent to applicant to advise them of this.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standard
SU2 Efficiency of development in the use of energy, water and materials
SU9 Pollution and nuisance control
SU10 Noise nuisance
SU13 Minimisation and re-use of construction industry waste
SU15 Infrastructure
HO3 Dwelling type and size
HO5 Provision of outdoor recreation space in residential development
HO13 Accessible housing and lifetime homes
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
QD15 Landscape design
QD27 Protection of amenity
HE3 Development affecting the setting of a Listed Building
HE6 Development within or affecting the setting of Conservation Areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport

7 **CONSIDERATIONS**

In the determination of the application consideration must be given to the impacts of the proposed development upon the character and the appearance of the Church Place street scene and the wider area including the surrounding Conservation Area and the impacts upon the setting of the various Listed Buildings located within the immediate area. Furthermore the impacts upon the amenities of the neighbouring properties, the adequacy of living conditions

for future occupiers and highway issues matters must also be considered.

Principle of Development

National Planning Policy on Housing (PPS3) and policy QD3 of the Brighton & Hove Local Plan seek the efficient and effective use of land for housing, including the re-use of previously developed land including land which is vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question.

PPS3 states that a development, such as that proposed, should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and thereby resulting in a development which is efficient in the use of the land without compromising the quality of the local environment. However PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are:

- whether the development would be integrated with and complimentary to the area;
- whether the development would compromise the quality of the local environment;
- whether the development would be inappropriate in its context; and
- whether the development would fail to improve the character and quality of the area.

These matters are considered below.

Visual Amenities

In order to accommodate the proposed new dwelling the existing single storey flat roofed double garage will be demolished. The demolition of the existing garages and the impact upon the character and appearance of the Kemp Town Conservation Area is subject to concurrent Conservation Area Consent application BH2007/03951. The garage does not contribute positively to the character of the Conservation Area.

Following concerns raised by the Local Planning Authority, since submission of the application the design of the proposed dwelling has been amended to replace the proposed flat roof with a pitched roof and side gable roof form.

The ridge height of the proposed single dwelling will be located approximately 8m above ground level. This results in the ridge of the proposed dwelling being located approximately 1.2m below that of the northern neighbouring property, no. 16 Church Place thereby reflecting the stepping of the ridge heights of the immediate street scene as a result of the slight north to south gradient upon which Church Place is located.

The existing double garage has a footprint of approximately 6.2m wide by approximately 10.8m in depth. The design of the proposed dwelling results in the south-east section of the building projecting by an extra 1.2m than compared to the main east facing elevation of the property. The proposed dwelling will have a width of approximately 6m and a maximum depth of approximately 8.6m. The footprint of the proposed dwelling is thereby retained within the footprint of the existing garage.

The site address is located to the south of two pairs of 1930's semi-detached properties. These properties are set back from Church Place and have front gardens with brick built boundary walls, clay tiled roofs, bay windows and attached single storey garages.

To the south of the site are located other single storey garages in addition to no. 4 Church Place, which is formed of a plain, two storey flat roofed building. St Marks Church is located on the western side of Church Place on the corner with Eastern Road.

As set out above, following objections raised by the officers, the proposed front hard-standing area has been replaced with a front garden area in order to prevent a break in the continuity of the street scene, in relation to the appearance of the adjacent pairs of semi-detached properties.

The design of the proposed dwelling takes into account the topology of Church Place, namely the presence of a slight south to north gradient, which is reflected in the height of the existing residential properties located on the eastern side of Church Place, to the north of the site address. The proposal has been designed so that the ridge height of the proposed development is set at a lower level than that of the northern neighbouring properties, the pair of semi-detached dwellings, thereby reflecting the staggering of the ridge height of the properties on the eastern side of Church Place in relation to the gradient upon which it is sited.

The windows within the front elevation of the proposed development have been designed to reflect those seen within the front elevation of the adjacent pair of semi-detached properties. The proposed window to be located above the entrance door to the property is of a similar design, size and style to the window located above the entrance door related to nos. 16 and 18 Church Place whilst the other two windows proposed within the front elevation of the development reflect the size of the middle section of the bay windows located on these northern neighbouring properties.

The Church Place street scene within the locality of the site is not considered to provide a uniform appearance with regard to the style and design of the properties and therefore it is considered that the proposed dwelling will not be out of character with the street scene of Church Place, to the south of the junction with Bristol Gardens.

As a result of the modern design of the proposal the dwelling it is considered that the development will be read separate to the historical rear elevations of the properties located on Sussex Square.

It is considered that, in order to ensure a satisfactory appearance to the development, a condition should be attached requiring samples of the proposed external materials.

Overall, following the amendments to the scheme and subject to the compliance with the attached conditions it is considered that the proposed new dwelling will not be of detriment to the character or appearance of the Church Place street scene or the wider area, including the surrounding Conservation Area in addition to not having a significant adverse impact upon the setting of the Listed Buildings located on Sussex Square.

Living conditions for Occupiers

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. For the purpose of this policy balconies are taken into account. At the time of submission the proposal included the provision of a rear facing Juliet balcony; however following concerns of impact upon amenities of the neighbouring properties the proposal has since been amended in order to omit this feature. As the proposal now stands a rear terrace area will be provided in order to provide a private external amenity area for the occupiers of the proposed dwelling in addition to the provision of a front garden area. This is considered acceptable in accordance with policy HO5 of the Brighton & Hove Local Plan.

It is acknowledged that the proposed external amenity area for the new dwelling will be enclosed by the retention of the existing boundary walls. It is considered however that the size of the proposed terrace will prevent the future occupiers of the proposed dwelling feeling enclosed and the design of the development having a significant adverse impact upon the amenities of the future occupiers.

Policy HO13 requires new residential dwellings to be built to a lifetime homes standard. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. A Lifetime Homes Checklist has been submitted as part of the application in addition to a Lifetime Homes Standard section being included within the submitted Design and Access Statement. Despite the submission of this information it is recommended that a condition is attached to ensure that the development when built fully complies with the lifetime homes standards.

Impact Upon Neighbouring Properties

Following concerns raised by officers the application has been amended since submission in order to omit the proposed rear Juliet balcony. As a result it is considered that the proposed development will not have a significant adverse impact upon the amenities of the neighbouring properties with regard

to loss of privacy or overlooking.

As set out above the proposed rear private terrace area for use by the future occupiers of the property will be surrounded by the existing boundary walls. It is considered that by virtue of the height of the retained walls no significant adverse impacts upon the amenities of the neighbouring will result with regard to loss of privacy or overlooking from the proposed external amenity area.

The principle of the proposed two-bedroom dwelling is not deemed likely to result in an unacceptable increase in noise or activity levels which would be of detriment to any neighbouring dwelling given the existing residential character of the area.

Due to the building form of the proposed new dwelling and the positioning in relation to number 16 Church Place no significant adverse impacts upon the amenities of this neighbouring property are envisaged with regards to loss of light or overshadowing.

As part of the application a sunlight and overshadowing analysis has been submitted. The analysis relates specifically to the rear elevation of no. 18 Sussex Square, the neighbouring property located directly to the east of the development site.

Despite the objections it is also considered that the proposed development will not have a significant adverse impact upon the amenities of nos. 19 and 17 Sussex Square with regards to loss of light or overshadowing as a result of the existing urban form of the area, the positioning of the neighbouring properties in relation to the site and as a result of the analysis set out above.

Traffic Issues

Policy TR1 of the Brighton & Hove Local Plan states development proposals should provide for the demand for travel they create.

The proposed development will result in the loss of a double garage in addition to potentially two off-street parking spaces for vehicles on the hard-standing area located at the front of the existing garage. No off-street parking facilities are provided for the proposed new dwelling.

The site address is located in zone H of the controlled parking areas of Brighton & Hove. The area is currently experiencing a high demand for residents parking permits and as a result, in order to comply with policy TR1 of the Brighton & Hove Local Plan, the development will be required to be car free. Given the site's location in close proximity to public transport links, namely buses, a car free development is considered acceptable in this instance, an issue which can be controlled via a condition attached to the approval.

It is acknowledged that the loss of the existing double garage will result in the

loss of existing off-street parking spaces and the potential of an increase in demand for on-street parking spaces. However as set out above the area is subject to parking restrictions for which a waiting list for permits operates. At present the existing users of the double garage will not be able to obtain a parking permit within Zone H and therefore it is considered that the loss of the garage will not have a significant adverse impact upon the on-street parking facilities within the immediate area.

An area for the secure storage of one bicycle within the front section of the property is proposed, in accordance with policy TR14 of the Brighton & Hove Local Plan. It is recommended that a condition is attached to the approval to ensure such facilities are provided.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new developments to demonstrate a high standard of efficiency in the use of energy, water and materials.

In accordance with policy SU2 the internal layout of the proposed dwelling incorporates natural light and ventilation to all habitable rooms therefore reducing the reliance on mechanical means of ventilation and artificial lighting, which result in an excessive draw on energy.

No details have been submitted as part of the application to demonstrate how the proposed dwelling will be constructed to achieve a Code for Sustainable Homes rating of “Level 3” or higher. It is however considered that a condition can be attached to the approval to ensure this issue is dealt with prior to the commencement of the development.

In accordance with policy SU13 a waste minimisation statement has been submitted as part of the application with regards to both the demolition of the existing property and the construction of the proposed dwellinghouse. However the document does not provide certainty and the information fails to provide an indication on likely amounts of waste to be recycled and therefore it is considered that the proposal does not fully comply with policy SU13 or SPD03. This issue could be resolved via a condition attached to an approval if the application is considered acceptable.

A secure area at the front of the property would be provided for the storage of refuse and recycling facilities in accordance with SU2 of the Brighton & Hove Local Plan.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Following amendments to the design of the proposed development it is considered that the proposed dwelling will not be of detriment to the character or appearance of the Church Place street scene or the wider area, including the surrounding Conservation Area and the setting of the adjacent Listed Buildings. Furthermore, the sunlight/overshadowing analysis concluded that

the proposed development will not have a significant adverse impact upon the amenities of the direct eastern neighbouring properties with regards to loss of sunlight or overshadowing.

9 EQUALITIES IMPLICATIONS

Policy HO13 would require the dwelling to be built to lifetime home standards.

BH2008/03493 Garages 53 and 54, 14 Church Place



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Scale 1:1250



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No:	BH2007/03943	Ward:	ST. PETER'S & NORTH LAINE
App Type:	Full Planning		
Address:	30-33 Bath Street Brighton		
Proposal:	Demolition of existing buildings, to be replaced with proposed development of 2 storey building to the rear with B1 office space on the ground floor and 2x1 bedroom apartments above and 3 storey building to the front with B1 office space on the ground floor and 5x2 bedroom apartments above, with refuse, cycle storage and amenity spaces. (Amended)		
Officer:	Kate Brocklebank, tel: 292175	Received Date:	23 October 2007
Con Area:	West Hill	Expiry Date:	18 December 2007
Agent:	Turner Associates, 19a Wilbury Avenue, Hove		
Applicant:	Mr S Theobald, c/o Turner Associates, 19a Wilbury Avenue, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of this report and resolves to **Grant** planning permission subject to the following Conditions and Informatives :

Conditions:

1. 01.01AA Full Planning
2. 13.01A Samples of Materials – Cons Area **amended to read** No development shall take place until samples of the materials (including colour of render, paintwork and coloured panels) 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.
3. 02.06A Satisfactory refuse storage **amended to read** No development shall take place until elevational details of the refuse and recycling storage indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation 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 policies SU2 and QD27 of the Brighton & Hove Local Plan.
4. 02.03A Obscured glass **amended to read** The windows servicing the bathrooms within the flats hereby approved shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. All glazing to the balconies hereby approved shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining

properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

6. 02.04A No cables, aerials, flues and meter boxes
7. A method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, shall be submitted to and approved by the local planning authority before works commence. The demolition and construction works shall be carried out and completed full in accordance with the approved method statement. **Reason:** To ensure satisfactory protection of the existing boundary walls which are considered to be an important feature within the conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan.
8. The following details shall be submitted to and approved by the local planning authority before works commence:
 - i) elevations and sections at 1:20 scale of the shopfronts and sample elevations and sections of the building including bays, windows, doors, parapets, balustrades, copings, eaves, brises soleil, bin stores, meter cupboards, cycle stores, and all other features,
 - ii) sectional profiles at 1:1 scale of window, door and shopfront frames,
 - iii) details and samples of materials,
 - iv) details of colours and finishes,
 - iv) a landscaping scheme including hard and soft landscaping, tree and shrub planting, level changes, reinstated paths, new paths and hard paved areas, fences, walls and gates, and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
9. The walls of the new buildings shall be smooth rendered down to ground level and shall not have bell-mouth drips or channels. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
10. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
11. The windows shall have concealed trickle vents and all roof ventilation and extract outlets shall use flush, concealed slate or tile vents, to match the roof covering, and concealed ridge and eaves ventilators. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
12. 04.02 Lifetime homes
13. 05.01A Ecohomes/Code for Sustainable Homes **amended to read** an Ecohomes or BREEAM rating.
14. 06.02A Cycle parking details to be submitted **amended to read** No development shall take place until elevational details of the cycle storage indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and the cycle 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 TR14 of the Brighton & Hove Local Plan
15. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies HO7 and SU15 of the Brighton & Hove Local Plan.
 16. 05.02A Site Waste Management Plan
 17. No demolition shall take place during the Swift nesting season between May and August and a swift nesting box shall be attached to the building on completion of the scheme. **Reason:** To ensure protection of species on the site in accordance with policy QD18 of the Brighton and Hove Local Plan.
 18. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include permeable hard surfacing, means of enclosure, planting of the development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
 19. All planting, seeding or turfing comprised in the approved details 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 accord with policy QD15 of the Brighton & Hove Local Plan.
 20. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and subsequent amendments, the commercial units on the ground floor of the development hereby approved shall be used only as B1 (a) and (b) and for no other purpose in Use Class B1. **Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenity of the area in accordance with policy QD27 of the Brighton & Hove Local Plan.
 21. The commercial units on the ground floor of the development hereby approved shall only be in use between the hours of 08:00 – 19:00 Monday to Friday and 09:00 – 18:00 on Saturdays. There shall be no working on Sundays, bank or public holidays and no deliveries shall take place

- outside these hours. **Reason:** To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton and Hove Local Plan.
22. No external working in relation to the commercial units on the ground floor shall be carried out at any time. **Reason:** To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton and Hove Local Plan.
23. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the local planning authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the local planning authority. **Reason:** To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton and Hove Local Plan.
24. A scheme for the soundproofing of the building shall be submitted to the local planning authority and no development shall commence until a scheme is approved by the local planning authority. The end use of the premises shall not commence until all soundproofing works have been carried out to the satisfaction of the local planning authority. **Reason:** To safeguard the amenities of adjoining occupiers and to accord with policies QD27 and SU10 of the Brighton and Hove Local Plan.
- 25.08.01 Contaminated land

Informatives:

1. This decision is based on drawing nos. TA 103/06 – TA 103/09 revision C, TA 103/10 – TA 103/13 revision D, TA 103/14 revision B submitted on 7th November 2008.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the East Sussex and Brighton and Hove Structure Plan and the Brighton and Hove Local Plan set out below,

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- 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
- QD5 Design – street frontages
- QD15 Landscape design
- QD17 Protection and integration of nature conservation features

QD18 Species protection
QD27 Protection of amenity
HO3 Dwelling type and size
HO4 Dwelling density
HO5 Provision of private amenity space in residential development
HO7 Car free housing
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of conservation areas

Supplementary planning guidance

SPGBH4 Parking Standards

Supplementary planning document

SPD 03 Construction and Demolition Waste
SPD 08 Sustainable Building Design

East Sussex and Brighton & Hove Structure Plan 1991 – 2011

S1 Twenty One Criteria for the 21st Century

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

RPG9

W5 Diversion from landfill

(ii) for the following reasons:-

The proposed development would make a more efficient and effective use of this site by providing the city with additional residential dwellings while retaining commercial floorspace. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding conservation area. There will be no significant harm to neighbouring amenity. The proposal accords with development plan policies.

3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.
4. 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.
5. The local planning authority has determined the application on the basis of the information made available to it.
6. The applicant is advised that the requirements of condition 15 may be

satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £12,820 to fund improved sustainable transport infrastructure in the vicinity and to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development from being eligible for on-street residential parking permits.

7. The crossover shall be constructed as a footway 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.

2 THE SITE

The site is situated on the southern side of Bath Street and is formed from two two storey buildings (one of which is divided into two) and a single storey garage. Number 31 is a two storey building with a pitched roof and smooth rendered elevations. Adjoining the north east elevation is the single storey brick built garage with a pitched roof. Numbers 32 and 33 are formed from an industrial style building with a flat roof and white painted smooth rendered elevations. To the rear of the vacant frontage buildings is a disused partially covered yard area.

In the wider context the site is within a mixed commercial and residential part of the West Hill conservation area. The surrounding buildings on this section of Bath Street vary somewhat in design with the majority of the residential properties being purpose built flats. All of the buildings have limited set back from the street. Adjoining the south west of the site is Dyke Road Mews which is a two storey commercial mews development with central forecourt/parking area and access via Dyke Road and Bath Street. The site backs onto the rear of predominantly residential, four storey properties which front Compton Avenue, a number of which have rear extensions which have large windows overlooking the site.

Bath Street is a one way road, divided into two lanes with parking restrictions along the length, the surrounding area is also within a Controlled Parking Zone (CPZ).

3 RELEVANT HISTORY

BN.70.2398 – Proposed new garage workshop and new car showroom with 2 bedroom flat over. **Approved** 22.12.1970.

BH2007/00891 – Demolition of existing buildings with the development of 3 two-storey two-bedroom mews cottages, 1 two-bedroom maisonette, 4 two-bedroom flats and B1 commercial office accommodation with refuse and cycle storage and amenity spaces. **Withdrawn** on applicants request 25/05/2007.

Concurrent Conservation Area Consent application **BH2007/00894** –

Demolition of existing buildings to allow redevelopment for residential and office accommodation. **Withdrawn** on applicants request 30/04/2007.

Current concurrent Conservation Area Consent application **BH2007/03942** for

demolition of existing buildings **under consideration**

4 THE APPLICATION

The application as originally submitted sought planning permission for a scheme similar to that of the previous submission BH2007/00891 for demolition of the existing buildings with the development of 3 no. mews cottages, 1 no. maisonette, 4 no. 2 bed flats, and B1 commercial office space along with refuse and cycle storage and amenity spaces.

The scheme was considered to be too dense and concern was raised over the quality of the residential accommodation with respect to outlook and the proposed mix of residential and commercial on the ground floor potentially leading to loss of amenity. The design of the scheme has also been subject to negotiation between the applicant and the Council's Conservation Officer.

The plans have subsequently been amended. The proposed development now consists of demolition of the existing buildings on the site, and erection of a three storey frontage block and two storey rear block in a mews style similar to that of the adjoining site, Dyke Road Mews.

On the ground floor of both blocks it is proposed to provide B1 offices in the form of 6 units. A total of 7 units of residential accommodation are proposed within the development. At first and second storey level of the frontage block two two-bedroom flats and the lower floor of a two-bedroom maisonette are proposed, on the second storey level the bedrooms and bathrooms of the upper level of accommodation of the maisonette is proposed and two additional two-bedroom flats taking the frontage buildings total number of residential units up to five. Within the rear element at first storey level two one-bedroom flats are proposed.

Each flat has provision of a private balcony and the maisonette has a small roof terrace. Access to the residential accommodation in the frontage building is provided via a central opening which leads to a courtyard area between the buildings, excluding the maisonette which has private access off Bath Street. Within the courtyard access to the rear commercial units and the residential accommodation above is provided. The courtyard will contain the majority of the cycle parking and refuse and recycling storage, each area will have planters over in addition to other areas of landscaping.

No off street parking is proposed.

5 CONSULTATIONS

External:

Neighbours

Eight letters of objection have been received on the scheme as originally submitted from the occupants of **Flat 4 Sycamores, Ground floor 19 Compton Avenue, First floor 23 Compton Avenue (2xletters), Flat 2 Sycamores, flat 6 Beau House (2 x letters), The Cottage 17 Compton**

Avenue. Their comments are summarised as follows:

- Concern is raised over the proximity of the proposal and the neighbouring flat 6 Beau House owing to the size and position of the development.
- The distance between the development and flat 6 Beau House is only approximately 3m potentially affecting the amount of light entering our living room, kitchen, bathroom, balcony and possibly bedroom.
- It will also compromise privacy as well as making the balcony unusable owing to the close proximity of the proposed development – there appears to be a roof terrace overlooking or a brick wall blocking light to the balcony.
- However if our concerns are addressed this development will be a vast improvement on the street and will add a much needed vitality.
- In general the scheme is supported however query is raised regarding the potential use of obscured glazing in the first floor windows of the properties to the rear of the site – particularly as 17 and 23 Compton Avenue have bedroom extensions which are close to the rear boundary of the site and 19 has a raised patio above the height of the wall.
- The proposed raised decked gardens are a cause for concern with respect to overlooking.
- If the residents are able to apply for parking permits this could lead to further congestion – their provision should be restricted.
- A family of foxes live on the site – the developers should seek to protect them by liaising with a suitable agency.
- The grass roofs should be monitored so they do not become unsightly – a combination of grasses could be used to achieve a better eco system.
- Concern is raised over potential overlooking, loss of privacy and loss of light.
- The development is overly dense and exploitative of the site.
- The buildings should be set back from the street as is generally characteristic for the area to create a green band along the street frontage.
- The north facing balconies and windows on the top floor will result in direct overlooking into the bedroom of flat 4 Sycamores.
- Without parking provision traffic congestion and illegal parking will worsen.
- The development will obstruct views and/or overlook rear gardens on Compton Avenue.

One additional letter of **objection** was received **post re-consultation** from the occupants of **Flat 4 Sycamores** and **Flat 2 Sycamores** their comments are summarised as follows:

- It is preferred to see the site being developed rather than left derelict.
- The objections to the amended application are the same as the original application.
- Loss of natural light due to increased height of the building compared with existing.
- Loss of privacy due to being overlooked.

- Additional nuisance parking in the private off street parking areas of Sycamores as no provision is being made within the proposed scheme.
- Concern is raised over the impact on this heavily congested location on a busy gyratory.
- Construction and associated materials and parking without on site facilities will lead to chaos and frustration.

Internal:

Planning Policy

This is a proposed mixed use development of office and housing on Sui Generis site that included both offices and housing and as such raises no land use policy issues. It is considered that the proposal broadly satisfies policy EM4. It is assumed that the application is intended to be car-free.

Offices – EM4

EM4 is considered to be broadly met. The Environmental Health team should provide comments regarding the scheme in relation to criteria (f) with comments from Sustainable Transport in order to clarify criteria (e).

Residential Units – HO3, HO13, HO5

The residential units appear to be of an adequate size. The council's Access Officer should be able to confirm compliance with the Lifetime Homes Standard. The applicant has provided amenity space for all of the residential units in the form of balconies / roof terraces.

Parking / Transport– TR1, HO7

The application appears to be car-free as there are no car parking spaces proposed. This should be clarified.

Sustainability/Waste – SU2 & SU13

The green roof and water recycling should be conditioned as part of the development. It is considered that SU2 and SU13 are met.

Economic Development

The economic development team fully supports the application on the following grounds;

The proposal will provide a modern mixed use development replacing a series of buildings and uses that are redundant. As part of the mixed use scheme the applicant proposes to replace the previous employment uses (car showrooms, storage and small offices) totalling 341m² (3,671ft²) with 221m² (2,379ft²) of modern office development. The proposal therefore increases the amount of B use class employment space on the site which is welcomed and supported and it is considered that B1 offices are more appropriate to the location than the previous uses which included storage.

Traffic Manager

No objection – with the imposition of conditions to secure cycle parking as

shown on plans submitted and a requirement for the applicant to enter into a legal agreement to make a contribution towards sustainable transport in the area and to ensure that the development remains truly car free. An informative is also recommended to ensure the pavement is reinstated in accordance with Manual for Estate Roads and under a licence from the Highway Operations Manager. The site is located within the city's Controlled Parking Zone Y, which is currently experiencing a 5 month waiting list for residents parking permits. To ensure that the site fully complies with the principles of TR1 and HO7 of the Local Plan the site should be defined as Car Free.

I would therefore recommend that a condition is also included that requires the developer to fund the amendment of the relevant Traffic Regulation Order.

Ecologist

If there is access under the eaves, use by swift is possible - bats are unlikely at this location – it is not considered reasonable to request a bat survey in this case. A condition should be imposed requiring a survey for swift at an appropriate time of year prior to demolition and to propose appropriate mitigation (if any), to be agreed prior to commencement of works. Alternatively, owing to the difficulty in determining whether swift are using a building outside the nesting season, a condition prohibiting demolition between May and August and the erection of an artificial swift box on the new building.

It is noted that a neighbour has raised concern over foxes on the site, they are not protected under nature conservation legislation - they are protected from various forms of killing by animal welfare legislation - but in planning terms, no specific action is normally needed.

Environmental Health

Main issues are potentially contaminated land and noise. No objection subject to conditions relating to hours of operation for the B1 office units and deliveries, external working, the submission of a scheme for the treatment of plans and machinery and sound proofing and contaminated land.

The application site, 30/31 Bath Street appears from contemporary trade directories from 1938 to 1962 as various motor engineers from Miltons Limited to AJ Rice Motor Engineers in more recent years. Additionally, records from East Sussex Fire and Rescue indicate the likelihood of submerged fuel storage tanks at 31 Bath Street. It is disappointing to note that the report lacks any references to Brownfield site or potentially contaminated land.

Concern is raised regarding the blanket B1 use with established residential properties built above that the potential for nuisance may exist and therefore the following conditions are necessary to prevent disturbance. Discussion with the planning agents to address the lack of information in the application on

proposed hours of use and servicing of the site has led the Environmental Health Officer to consider placing hours of use for the commercial B1 units.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- 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
- QD5 Design – street frontages
- QD15 Landscape design
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling density
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary planning guidance

SPGBH4 Parking Standards

Supplementary planning document

SPD 03 Construction and Demolition Waste

SPD 08 Sustainable Building Design

East Sussex and Brighton & Hove Structure Plan 1991 – 2011

S1 Twenty One Criteria for the 21st Century

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

RPG9

W5 Diversion from landfill

7 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of the proposed development, the proposed design and scale and its impact on the conservation area, the impact on residential amenity for future occupiers and existing neighbouring properties. Consideration is also

given to traffic implications and matters relating to sustainability.

Principle of development

The site is situated just outside the defined Local Shopping Centre of Seven Dials. The current use of the site as a whole is Sui Generis, as the site used to operate as a garage and car showrooms with ancillary offices and a residential unit. The buildings have been vacant for a considerable amount of time and are in a state of disrepair.

Local Plan policy EM4 relates to planning permission for new business and industrial uses including B1 Use Class, on unidentified sites within the built up area boundary, the policy sets out seven criteria (a-g) to which proposals must accord. The requirements of policy EM4 are considered to be met, the employment land study found that there is a need within the city for additional office accommodation to 2026 and this scheme will assist in meeting that provision by providing six B1 office units.

As stated by the Council's Economic Development team, the B1 office element of the scheme is shown as being at ground floor level accessed directly from the street and is laid out in three separate units of differing sizes introducing an element of flexibility for potential occupiers. No further detailed information is provided to give the size of these individual units but they would meet the needs of new and embryonic businesses setting up and growing in the city.

The site is within a sustainable location with respect to accessibility by public transport, walking and cycling and this is assisted by the provision of adequate levels of secure cycle parking. The scheme would not result in the net loss of residential accommodation. One unit exists on the site at present. However seven units are proposed which results in a net increase of six units. The site is largely developed and derelict, so it would not result in the loss of an important open space either.

Issues relating to traffic will be addressed further within the traffic section later in the report. However the Traffic Manager has raised no objection on this basis and the proposed B1 use is considered acceptable in this mixed residential location with respect to noise and protection of amenity, particularly in comparison to the approved use. The design and scale of the development and potential impact on the character of the area will also be addressed later in the report. The proposed development is quite dense but a central courtyard area will be provided with planting including on top of the proposed bin and cycle stores.

With the above issues taken into consideration, the scheme is considered to adequately accord to the requirements of EM4.

Design and scale

With respect to the assessment of the design of the proposed development

the following policies are considered to be of particular relevance. Local Plan policies QD1 and QD2 set out the design criteria for the assessment of new development. QD1 requires proposals to demonstrate a high standard of design and policy QD2 requires developments to emphasise and enhance the positive qualities of the local neighbourhood by taking into account the local characteristics. Of particular relevance is criterion a) of QD2 which refers to height, scale, bulk and design of existing buildings. Policy QD3 requires development to seek the more efficient and effective use of sites, it also expects proposals to incorporate an intensity of development that is appropriate to the locality and/or prevailing townscape. HE6 relates to development within or affecting the setting of conservation areas.

The scheme has been amended as a result of negotiation and although the mews style has been maintained with a frontage and rear block, the 'mews houses' to the rear of the site have been removed and commercial units have been sited within the rear block on the ground floor with two one bedroom flats above. The design and layout as originally submitted raised concerns with respect to amenity owing to the mix of commercial and residential uses on the ground floor within very close proximity. There were also some design concerns relating to the uniformity of the height and design of the frontage building, in contrast to the existing buildings which are varied in their heights, designs, plot widths, roof forms, designs and materials. It was therefore considered to lack the variety and visual interest of the existing buildings. The proposed recessed balconies on the front elevation were not a feature of the conservation area or Bath Street and the scheme was not considered to be an adequate replacement for the existing buildings in townscape and conservation terms.

The current scheme has aimed to address the previous design concerns raised by the Council's Conservation Officer and the current scheme is considered to adequately reflect the mews style of the neighbouring development, Dyke Road Mews, by setting the rear block further back in the plot to follow the alignment more closely so that it relates more to the general layout and grain of the surrounding area. The frontage block has also been amended to introduce a pitched roof and the re-ordering and design of the fenestration has been undertaken in line with the Conservation Officer's guidance. The amended scheme, as confirmed by the officer is considered to be of an acceptable design and will not harm the character of the surrounding conservation area.

Amenity for future and existing occupiers

Policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health. The proposed development has been altered somewhat to address concerns relating to residential amenity, both neighbouring and that of future occupiers. The current scheme maintains a minimum distance of approximately 4m between the rear eastern side one bedroom flat and the

rear extension of number 25 Compton Avenue, the closest development to the rear of the site.

On assessment of the plans and in particular section BB, the existing walling to the rear of the site is approximately 3.7m in height when measured from inside the site, the ground floor is set below this height and the first floor is set 1m in from the rear boundary approximately 1.4m higher than the walling (approximately 5.1m in height to the eaves. The proposed development is west of the existing rear extension at number 25. This orientation coupled with the limited increase in height when compared with the existing rear boundary is not considered likely to result in adverse overshadowing or loss of light to number 25 or the adjoining properties which back onto the site. Only rooflights are proposed within the rear roofslopes of the scheme, and one window exists in the rear elevation of flat marked as 'A5' of plan number TA 103/08 revision C which will service the bathroom and will be conditioned to be obscured glazed. As such adequate levels of privacy are maintained.

To the north east of the site is Beau House, on the south west elevation of the building are two open balconies at first and second storey level approximately 2m from the side boundary of the site. At present they are adjacent to a single storey garage with a pitched roof, it is proposed to replace this element and the adjoining frontage buildings with a two and half storey building with a pitched roof. The existing garage is approximately 7.8m in depth, 3.5m to the height of the eaves and 6.3m to the height of the ridge. The proposed building on this boundary is approximately 7.2m in depth and stepped in adjacent to the balconies in order to limit the impact on light and outlook from both the balconies and other window openings on this elevation. It is likely that the proposed development will impact on the neighbouring flats, owing to the orientation of the flats, but it is not considered likely to cause demonstrable harm to their residential amenity by way of an overshadowing or overbearing affect.

The proposed layout of each flat is considered to be acceptable with respect to outlook, natural light and ventilation and are of an adequate scale for this form of flatted development. The glazing on the rear of the frontage block and the front of the rear block has been designed to largely prevent adverse overlooking between the flats. Owing to the limited separation between the blocks (a minimum of approximately 5m and a maximum of approximately 9m) it is likely that some mutual overlooking will occur. It is considered prudent to condition that the glazing to the balconies are obscured to aid privacy levels. It is considered that acceptable levels of privacy will be maintained and a decent standard of living accommodation provided.

Policy HO5 requires the provision of usable private amenity space in residential development, appropriate to the scale and character of the development and QD2 relates to key principles for neighbourhoods. The surrounding area is quite mixed in character with a number of purpose built flatted developments and converted period properties with limited and in

some cases no private amenity space. The proposed development makes provision for a private balcony to each residential unit as well as the communal central courtyard area. The scheme is therefore considered to adequately accord to policies HO5 and QD2.

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards. The applicant has submitted a floor plan of the first floor of the scheme to demonstrate how the scheme accords to the requirements of HO13 and on assessment of the remaining floor plans the development appears to be capable of complying with the standards. A condition will be imposed on an approval requiring the scheme to fully accord.

Policies TR14 and SU2 require all new dwellings to provide secure, covered cycle parking and refuse and recycling storage. The proposal scheme makes adequate provision for both however a condition securing their provision and further elevational details will be requested by condition.

Traffic issues

Policy HO7 will grant planning permission for car-free housing in locations with good access to public transport and local services where there are complementary on-street parking controls and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term.

The site is situated within a highly sustainable location which has the benefit of numerous modes of public transport and local services. The proposal seeks to provide cycle parking to the Council's adopted standards however no provision is made for off-street car parking on the site.

The Council's Traffic Manager has been consulted on the application and has raised no objection to the scheme with the imposition of a condition relating to the provision of cycle parking, and the a requirement for the applicant to enter into a legal agreement to secure a financial contribution towards improving accessibility to sustainable modes of transport in the area and ensuring that the site remains car free in the long term.

With the imposition of a condition relating to securing cycle parking, the applicant entering into a legal agreement and an informative relating to the reinstatement of the pavement the application is considered to adequately accord to relevant transport policies.

Sustainability

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to 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 proposal is for new build development and as such it is required to meet a minimum of a 'Very Good' BREEAM rating or level 3 of the Code for Sustainable Homes. The applicants Design and Access Statement details the inclusion of measures such as rainwater recycling and the use of sustainable materials, A-rated appliances, A-rated high efficiency combination boilers and high levels of insulation. The applicant has also submitted a Sustainability Report which details justification on how the scheme can achieve a minimum of 'Very Good' BREEAM and Level 3 of the Code for Sustainable Homes. In addition to this information and on assessing the floor plans it is considered likely that the scheme can achieve an appropriate level of sustainability, in order to ensure this the development will be conditioned appropriately.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature. The applicant has submitted one which goes some way to addressing the requirements of the policy however with a development of this scale a full management plan is requested by condition.

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. The Council's Ecologist has been consulted on this application and has raised no objection in principle however the building could be used by Swift during the nesting season. Outside the nesting season however it is difficult to decipher whether a building is being used by Swift. As such it is recommended that a condition prohibiting demolition during the nesting season (between May and August) and the inclusion of a Swift box on the new building.

A neighbour has raised concern regarding the potential impact on a family of foxes who live on the site; foxes are not protected under nature conservation legislation, they are protected from various forms of killing by animal welfare legislation however in planning terms, no specific action is normally required.

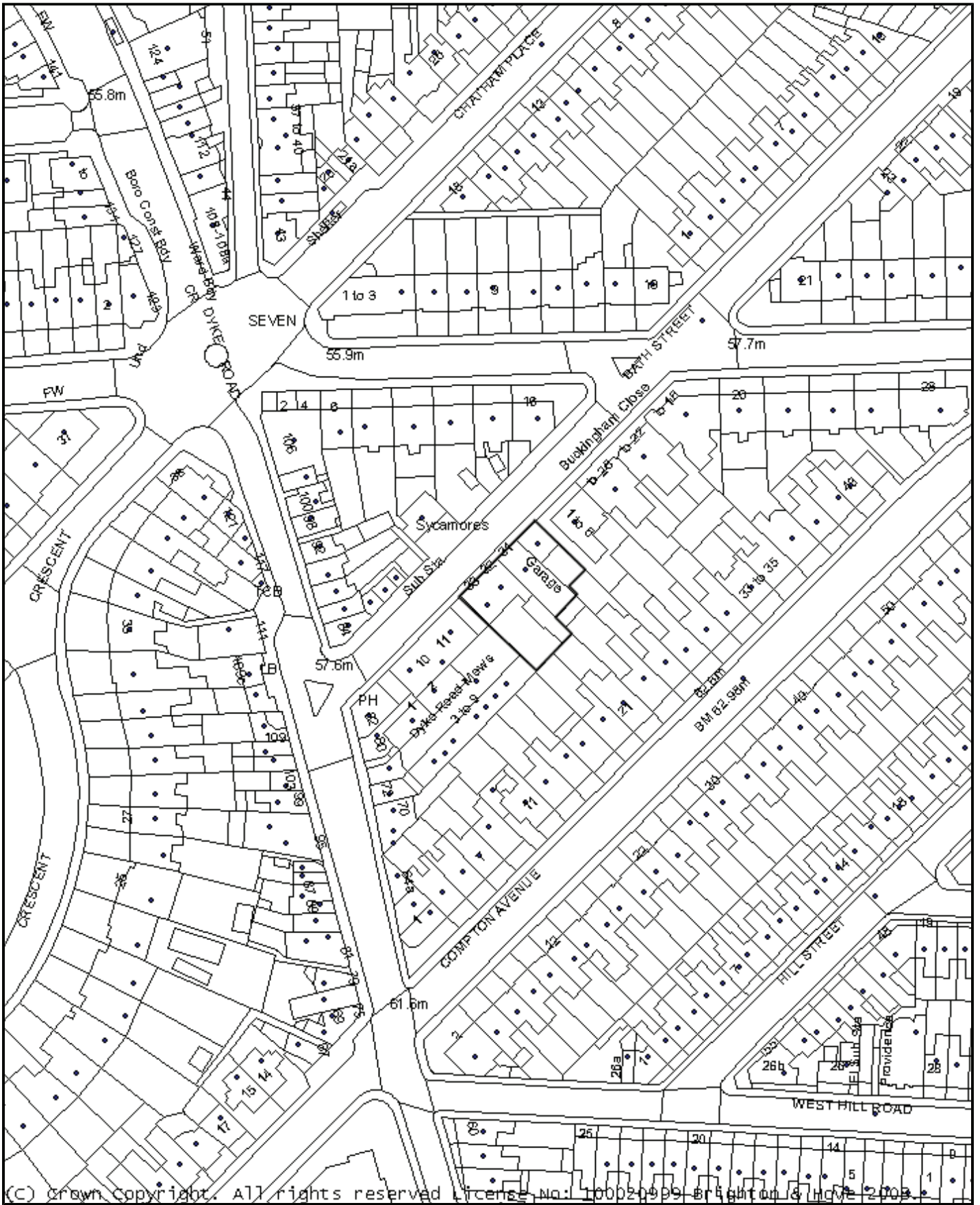
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would make a more efficient and effective use of this site by providing the city with additional residential dwellings while retaining commercial floorspace. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding conservation area. There will be no significant harm to neighbouring amenity. The proposal accords with development plan policies.

9 EQUALITIES IMPLICATIONS

The residential units will be required to comply with lifetime home standards.

BH2008/03943 30-33 Bath Street



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No:	BH2007/03942	Ward:	ST. PETER'S & NORTH LAINE
App Type:	Conservation Area Consent		
Address:	30-33 Bath Street Brighton		
Proposal:	Demolition of existing buildings.		
Officer:	Kate Brocklebank, tel: 292175	Received Date:	23 October 2007
Con Area:	West Hill	Expiry Date:	18 December 2007
Agent:	Turner Associates, 19a Wilbury Avenue, Hove		
Applicant:	Mr S Theobald, c/o Turner Associates, 19a Wilbury Avenue, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of this report and resolves to **Grant** conservation area consent subject to the following Conditions and Informatives :

Conditions:

1. 1.01.04AA Conservation Area Consent.
2. 13.07A No Demolition Until Contract Signed
3. A detailed photographic record survey of the exterior of the buildings shall be carried out and submitted to the Local Planning Authority before demolition commences. **Reason:** For the Council's historical records in accordance with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA 103/06 – TA 103/09 revision C, TA 103/10 – TA 103/13 revision D, TA 103/14 revision B submitted on 7 November 2008 and feasibility study submitted 11 November 2008.
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,

Brighton & Hove Local Plan:

HE8 Demolition in conservation areas

Planning Policy Guidance

PPG15 Planning and the Historic Environment

- (ii) for the following reasons:-

In conjunction with appropriate redevelopment of the site, it is considered that the proposed demolition of the building would not harm the character or appearance of the West Hill Conservation Area and would not be contrary to Policy HE8 of the Brighton & Hove Local Plan.

2 THE SITE

The site is situated on the southern side of Bath Street and is formed from two two storey buildings (one of which is divided into two) and a single storey garage. Number 31 is a two storey building with a pitched roof and smooth

rendered elevations. Adjoining the north east elevation is the single storey brick built garage with a pitched roof. Numbers 32 and 33 are formed from an industrial style building with a flat roof and white painted smooth rendered elevations. To the rear of the vacant frontage buildings is a disused partially covered yard area.

In the wider context the site is within a mixed commercial and residential part of the West Hill conservation area. The surrounding buildings on this section of Bath Street vary somewhat in design with the majority of the residential properties being purpose built flats. All of the buildings have limited set back from the street. Adjoining the south west of the site is Dyke Road Mews which is a two storey commercial mews development with central forecourt/parking area and access via Dyke Road and Bath Street. The site backs onto the rear of predominantly residential, four storey properties which front Compton Avenue, a number of which have rear extensions which have large windows overlooking the site.

Bath Street is a one way road, divided into two lanes with parking restrictions along the length, the surrounding area is also within a Controlled Parking Zone (CPZ).

3 RELEVANT HISTORY

BN.70.2398 – Proposed new garage workshop and new car showroom with 2 bedroom flat over. **Approved** 22.12.1970.

BH2007/00891 – Demolition of existing buildings with the development of 3 two-storey two-bedroom mews cottages, 1 two-bedroom maisonette, 4 two-bedroom flats and B1 commercial office accommodation with refuse and cycle storage and amenity spaces. **Withdrawn** on applicants request 25/05/2007.

Concurrent Conservation Area Consent application **BH2007/00894** – Demolition of existing buildings to allow redevelopment for residential and office accommodation. **Withdrawn** on applicants request 30/04/2007.

Current concurrent planning application **BH2007/03942** Demolition of existing buildings, to be replaced with proposed development of 2 storey building to the rear with B1 office space on the ground floor and 2x1 bedroom apartments above and 3 storey building to the front with B1 office space on the ground floor and 5x2 bedroom apartments above, with refuse, cycle storage and amenity spaces **under consideration**.

4 THE APPLICATION

The application seeks Conservation Area Consent for demolition of the existing buildings.

5 CONSULTATIONS

External:

Neighbours: None received.

Internal:

Conservation Officer: On assessment of the revised financial feasibility study for options 1, 2 and 3 and it is accepted that they demonstrate that all three options for retaining the frontage buildings are not financially viable and show negative residual site values.

It is also accepted that an acceptable replacement scheme has been submitted that could be approved.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE8 Demolition in conservation areas

Planning Policy Guidance

PPG15 Planning and the Historic Environment

7 CONSIDERATIONS

The main issues of consideration of the proposed development are the demolition of the building and the impact on the conservation area.

Policy HE8 of the Local Plan seeks to retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building that is considered to make such a contribution will only be permitted where it is demonstrated that the building is beyond economic repair, viable alternative uses cannot be found; and the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss. Demolition will not be considered without acceptable detailed plans for the sites redevelopment.

This policy follows the guidance of PPG15, which states (at paragraph 4.27) "the general presumption is in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area."

Where demolition is unavoidable, PPG15 provides controls to ensure that proposals for demolition are fully scrutinised. Paragraph 19 of PPG15 presents a range of considerations that applications for demolition within conservation areas are expected to address. Policy HE8 is based on these considerations.

The scheme has been amended during the course of the application as a result of negotiation, the financial viability study has also been amended and updated since the application was submitted in December 2007. The Conservation Officer has been consulted on the application and has stated that the later extensions and covered yards at the rear of the main frontage buildings are of no architectural or historic value and there is no need to make

a structural or financial case for their demolition. Most of the frontage buildings, apart from the single storey garage building (No. 30) make a positive contribution to the conservation area, although they would benefit from restoration work. No. 30 is neutral in its effect on the conservation area, and its redevelopment would be acceptable subject to the replacement building preserving or enhancing the character of the conservation area.

It would appear that the buildings have received little or no significant maintenance over a number of years and are in poor condition. However, the report by HT Partnership on their physical condition does not establish that the buildings are beyond physical repair. Each of the three options have been assessed and the revised financial feasibility study for options 1, 2 and 3 and it is accepted that they demonstrate that all three options for retaining the frontage buildings are not financially viable and show negative residual site values.

A financial viability study has not been presented for a variation of Option 3 to make a 4th Option - i.e. a rebuild of the end unit, and dormer roof extensions of the other buildings. Whilst this would add to the site's value, it is accepted that the assessment set out in the Conservation Design Report provided by Jon Turner that given their structural condition, little of the original fabric of the buildings would be left by the time that new openings were formed or repositioned at ground floor level and the new roof extensions added. It would amount to little more than the party walls and the first floor front facades and small sections of the back walls. In view of this, it is considered that the case for demolition of the buildings has now been made. It is also accepted that an appropriate replacement scheme, for consideration elsewhere on this agenda, has been submitted that could be approved.

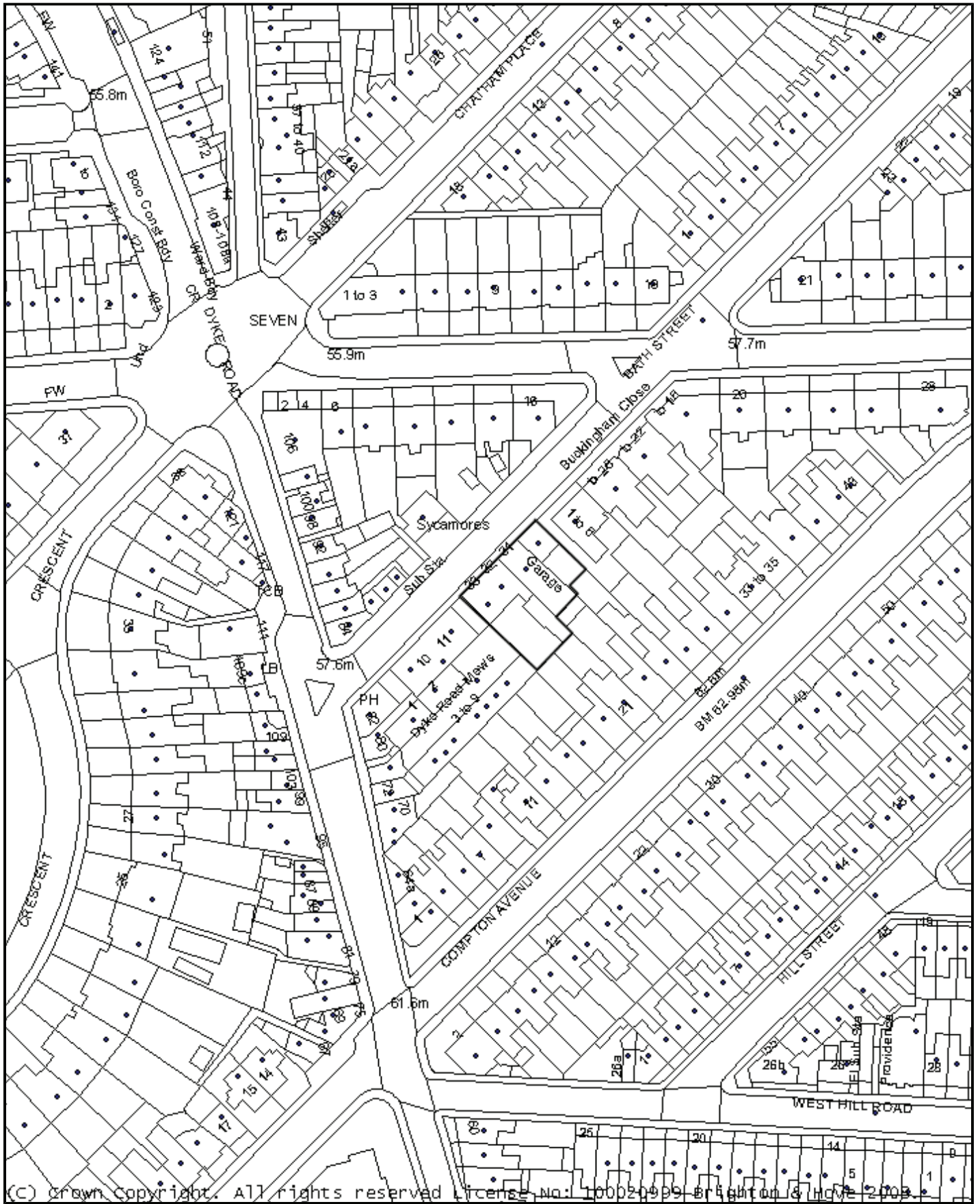
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

In conjunction with appropriate redevelopment of the site, it is considered that the proposed demolition of the building would not harm the character or appearance of the West Hill Conservation Area and would not be contrary to Policy HE8 of the Brighton & Hove Local Plan.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03942 30-33 Bath Street



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