

**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT  
OR DEPARTURES FROM POLICY**

<b><u>No:</u></b>	<b>BH2008/03248</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>18 Wellington Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.</b>		
<b><u>Officer:</u></b>	<b>Kate Brocklebank, tel: 292175</b>	<b><u>Received Date:</u></b>	<b>06 October 2008</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>29 January 2009</b>
<b><u>Agent:</u></b>	<b>Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton</b>		
<b><u>Applicant:</u></b>	<b>The Baron Homes Corporation, 20 New Road, Brighton</b>		

**1 SUMMARY**

The application involves partial demolition and extension to the existing two storey Victorian villa and construction of a new two and half storey block attached by a glazed link. A total of 26 self contained flats are proposed with a minimum of 2 staff on site providing 24 hour assistance. The accommodation also includes a staff flat.

In addition to the residential accommodation on the site, two rooms on the ground floor will be used as communal areas for group activities for the residents as well as a drop in support centre for people with learning disabilities who live independently in the surrounding area. To the front of the site seven parking spaces are proposed, to the north side of the building bin and cycle stores are proposed.

There is a defined need for provision of this type of facility within Brighton & Hove and although it is not clear how the floor area previously dedicated to D1 use class compares to the proposed drop in centre it is considered on balance that the provision of a new drop in centre and the development as a whole is of significant benefit to the community of Brighton & Hove. The principle is therefore considered to be acceptable.

The proposed development would largely retain the existing Victorian villa and would involve the addition of extensions and a new block of development which adequately respects the existing building and the surrounding development by way of siting, layout and design and with the imposition of conditions to control the detail will not harm the character of the area.

Residential amenity of neighbouring residents will be protected, while provision of a decent standard of living accommodation will be provided for future occupiers.

This report concludes that the proposed development accords with local plan policies and therefore recommends that, subject to the submission of further details relating to sustainability measures, measures secured by the Section 106 legal agreement and conditions outlined below, planning permission should be granted.

## 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 following Conditions and Informatives, the submission of details to demonstrate that the scheme can achieve an acceptable level of sustainability, the signing of the S106 by 29<sup>th</sup> January 2009 and **Minded to Refuse** if the relevant information is not received and the S106 is not signed by this aforementioned date:

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

- A financial contribution towards off-site highway improvements: £5 900
- A clause restricting the use of the development to provision of housing for those with learning and physical disabilities.

### (ii) The following Conditions and Informatives:

#### Conditions

1. 01.01AA Full Planning Permission.
2. Prior to the commencement of development drawings at 1:20 scale illustrating the detail and finishes of the ramps, and handrails, and details of the glazed link, must be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
3. The windows servicing the bath and shower rooms 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 property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The windows on the west elevation of the new build block which adjoins the boundary with Ainsworth House and those within the east elevation of the extended block which adjoins the boundary with number 20 Wellington Road 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

property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. The lower half of the sash windows in the rear elevation at first and second story level servicing units labelled '13', '20' and the 'staff accommodation' on drawing number 0769-011B shall not be glazed otherwise than with obscured glass and shall be fixed shut and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. No development shall take place until samples of the slate to be used in the construction of the external surfaces of the roofs of the development and the windows to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.
7. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
8. The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
9. Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and improved in writing by the Local Planning Authority. The scheme shall then be approved in strict accordance with the approved details.  
**Reason:** To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
10. All showers within the wheelchair units (number 5, 6, 7, and 8) shall have level access.  
**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.
11. Notwithstanding the approved plans, prior to the commencement of development, details of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. They shall include the provision of two designated disabled parking bays on the site near the main entrance. The parking areas shall be implemented in accordance with the approved details and thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.  
**Reason:** In the interest of highway safety and in accordance with policy TR1 and TR18 of the Brighton & Hove Local Plan.

12. Development shall commence until, detailed drawings, including levels, sections and constructional details of the proposed vehicle access and egress, surface water drainage, outfall disposal, have been submitted to and approved in writing by the Planning Authority and be subject to its approval. The scheme shall be implemented in strict accordance with the approved details.  
**Reason:** In the interests of highway safety and for the benefit and convenience of the public at large and in accordance with TR1 and TR7 of the Brighton & Hove Local Plan.
13. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.
14. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
15. Prior to the commencement of development, details of measures to ensure that the converted element of the development achieves an “Excellent” BREEAM rating and the remainder of the development achieves Level 4 of the Code for Sustainable Homes shall be 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 is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.
16. The new dwelling(s) shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.  
**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.
17. 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, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the

Brighton & Hove Local Plan.

18. 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.

19. No development shall commence until a scale plan showing the extent of the demolition proposed and a written methodology for the demolition has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

**Reason:** To ensure satisfactory preservation of the existing building and to comply with QD14 of the Brighton & Hove Local Plan.

20. All existing external mouldings, including architraves, hood mouldings, cornices, eaves brackets and corner quoins, shall be retained unless they form part of the building to be demolished, as shown on a demolitions plan. All new mouldings shall exactly match the profile and detail of the existing mouldings.

**Reason:** To ensure satisfactory preservation of the existing building and to comply with QD14 of the Brighton & Hove Local Plan.

21. No development shall commence until 1:20 scale elevations of the entrance doors/fanlights to the existing and new buildings has been submitted to and approved in writing by the Local Planning Authority.

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

22. The existing chimney stacks shall be retained and restored in accordance with a specification of works to be submitted to and approved in writing by the Local Planning Authority.

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

23. The trees covered by a Tree Preservation Order shall all be protected to BS 5837 (2005) Trees on Development Sites during the development. A plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved in writing by the Local Planning Authority prior to any development commencing and the protective fencing shall be completed prior to any demolition, use of the site for storage of materials, lifting of hard and soft surfaces within the site or other works in connection with the development which may affect the root systems of the existing trees on the site.

**Reason:** To ensure adequate protection of the trees in accordance with

QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

24. A Method Statement regarding the treatment of surfaces in the vicinity of tree roots of the Beech Trees at the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. These trees shall be protected to BS 5837 (2005) Trees on Development Sites during the development.

**Reason:** To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

25. No development shall take place until a written statement consisting of a Site Waste Management Plan, 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.

26. Scrub clearance and demolition shall not be undertaken during the bird nesting season, from the beginning of March and the end of August.

**Reason:** To protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.

27. No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details.

**Reason:** To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

28. No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details.

**Reason:** To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local

Plan.

29.No development shall commence until nature conservation enhancement as part of the site landscaping scheme has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and the details of the proposed green wall planting and artificial external lighting.

**Reason:** To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

Informatives:

This decision is based on drawing nos. 0769-004 Photographic Site / Street Survey submitted on 6<sup>th</sup> October 2008, 0769-002(A) Aerial Image, 0769-003(A) Site Survey, 0769-005(A) Existing Basement & Ground Floor Plan, 0769-006(A) Existing First & Second Floor Plan, 0769-007(A) Existing Elevations - North & West, 0769-008(A) Existing Elevations - South & East, 0769-016(A) Photomontage & Bay Study, 0769-017 Sun Studies submitted on 21<sup>st</sup> October 2008, 0769-014(A) Proposed Site Sections submitted on 30<sup>th</sup> October 2008, 0769-001(B) OS & Block Plan, 0769-009(B) Proposed Site Plan, 0769-010(B) Proposed Ground Floor Plan, 0769-011(B) Proposed Basement, First and Second Floor Plan, 0769-012(D) Proposed Elevations- North & West, 0769-013(D) Proposed Elevations- South & East submitted on 16<sup>th</sup> December 2008.

1. 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 and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
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
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control

## PLANS LIST – 14<sup>TH</sup> JANUARY 2009

SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
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
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO15	Housing for people with special needs
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

### East Sussex and Brighton & Hove Waste Local Plan

WLP11 Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments

### Supplementary Planning Documents:

SPD03: Construction and demolition waste  
SPD08: Sustainable Building Design

### Supplementary Planning Guidance Notes:

SPGBH4: Parking standards; and

- ii) for the following reasons:  
The proposed development will make provision for much needed accommodation and drop in centre providing extra support for people living in the City with learning and physical difficulties and their families. Furthermore subject to conditions to control the development in detail there would be no significant adverse impact upon residential amenity or the character of the area.
- 3) Please note in relation to Condition 11 that cycle parking area shown on the approved plans is in an unacceptable location and should be sited more conveniently within the development.
- 4) The applicant is advised that a European Protected Species Licence must be obtained from Natural England if bats are found to be present on



site.

### 3 THE SITE

The application site is a former Church of England Children's Home and its curtilage comprises 0.2 hectares of land. The property is situated on the southeast side of Wellington Road at a point approximately 50 metres short of its junction with Franklin Road.

The existing building is a large attractive detached Victorian Villa with extensions to its north elevations. There are two existing vehicular access points with a tarmac driveway running parallel to its Wellington Road frontage linking the two access points.

The surroundings are residential and characterised by a mixture of contemporary and period properties. Opposite the application site is a local authority housing estate comprising one low rise block of four storeys and three high rise seven storey blocks of flats. Immediately adjacent to the south of the site is a part three/part two storey block of flats, beyond this is a three storey period property and further down the road is another part three/part two storey block of flats. Beyond the flats on the opposite side of the road is group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.

The property is not a statutorily listed building or within a designated conservation area and neither does it appear on the local list of buildings of historic or architectural interest.

### 4 RELEVANT HISTORY

**BH2008/00297:** Change of use and renovation of existing Victoria villa, including part demolition and rebuilding of east end of building, together with new block of apartments. Withdrawn 21/04/2008.

**92/0152/FP:** Front single storey addition to form reception area with ramp for disabled persons. Granted permission 12/03/1992.

**BN77/495:** Change of use from residential children's home to day care centre. Granted permission 26/04/1977.

### 5 THE APPLICATION

The proposal seeks planning permission for partial demolition and extension to and conversion of the existing two storey Victorian villa and construction of a new two and half storey block attached by a glazed link. A total of 26 self contained flats are proposed with a minimum of 2 staff on site providing 24 hour assistance. The accommodation also includes a staff flat.

In addition to the residential accommodation on the site, two rooms on the ground floor will be used as communal areas for group activities for the residents as well as a drop in support centre for people with learning

disabilities who live independently in the surrounding area.

To the front of the site seven parking spaces are proposed, to the north side of the building bin and cycle stores are proposed.

## 6 CONSULTATIONS

### External:

**Neighbours:** Eight letters of objection were received from the occupants of **20 Wellington Road** (2x letters), **33, 35, 37, 41, 43, 73 Franklin Road and 49 De Montfort Road** their comments are summarised as follows:

- Lack of parking.
- Loss of privacy – overlooking 24/7 compared with previous use.
- Loss of light/overshadowing.
- Query regarding whether the development will be occupied by social services or private entity.
- Query raised regarding monitoring the development.
- Overdevelopment – similar to refused application BH2006/00371.
- It is recommended that the committee members conduct a site visit to assess the site and its surroundings fully.
- There will be a negative impact on the building – which is the last remaining Victorian Villa in the road.
- Lack of public consultation – until too late.
- People with learning disabilities should be integrated – not put into an institution.
- Poor integration – segregation of those with learning/physical disabilities.
- Overbearing development – from single storey elements to two.
- Loss of views.
- Increased noise and traffic pollution.
- Drop-in centre – need is queried due to the close proximity of Wellington House and it will lead to greater pressure on parking.
- No party wall information has been supplied.
- Lack of amenity space and landscaping to the rear of the site.
- Impact on wildlife.
- Cramped living conditions with poor outlook.

**Councillor Georgia Wrighton:** Made the following comments on the application.

- Hanover and Elm Grove Cllrs welcome efforts made by the applicant to respect the character and appearance of the original villa building at 18 Wellington Road, and restore the property for much-needed local flats for independent living by people with learning and physical disabilities, and an associated drop-in centre.
- English Heritage declined to Statutorily List the building, local residents and Councillors there requested that the building be Locally Listed as it is the only remaining building of its kind in Wellington Road, and of its special character and contribution to the amenities of the area.

- The building and site restored being restored is welcomed and the proposed use for the benefit of local people with Learning Disabilities and as a drop-in supported.
- However the proposal still appears to be an overdevelopment of the site, and could have unsympathetic effects on neighbouring residents' amenities in terms of loss of privacy, outlook, sense of enclosure and light to their properties.
- Concern is also raised about the quality of the accommodation provided to residents of the development, when main habitable rooms at the rear will have partly obscure glazed windows with no outlook, and also regarding the limited garden space available to residents and as a setting to the building.
- It should be ensured that the development has adequate staffing and resources for the quality of care required by residents.
- There are also concerns locally about the degree of overspill parking and traffic in relation to the site.

**Sussex Police:** No objection – suggested inclusion of elements such as gates to secure site and rear amenity space, panic buttons for both residents and staff and ground floor windows fitted with restrictors.

**Southern Water:** No objection – with the imposition of a condition relating to surface water disposal.

**Fire Services:** Awaited.

**Internal:**

**Conservation & Design:** The retention and conversion of the existing historic building is very welcome, though the extent and structural methodology for the demolition works will need to be controlled by condition to ensure that as much as possible of the original fabric is retained. The proposed eastwards extension and the alterations to the roof are considered to be appropriate and the number and siting of the dormers has largely overcome the concerns with the previous scheme.

There is no objection to the principle of a new building to the west of number 18, as the grounds are particularly spacious and the gap between number 18 and Ainsworth House is much greater than the typical gaps in Wellington Road. A new building would also screen Ainsworth House (which is an unattractive brick block) in views from the north east. The scale, footprint and traditional design approach are considered appropriate and the setting back of the new building helps to emphasise its subsidiary status to the original building. The glazed link is appropriate. The authenticity of the traditional approach, and the level of detailing, has markedly improved over the previous scheme but further details will be needed by condition. The east end elevation could be improved by the addition of stairwell windows. Hard and soft Landscaping will be important to the overall scheme and should be required by condition.

**Access Consultant:** Comments are based on the floor plans as originally submitted. The units do not comply with Lifetime Homes Standards but they may not need to in this case. It seems like they are aiming at a building with a specific and continuing use. Several of the bathrooms are too tight with insufficient space for side transfer but, however there is a big assisted bathroom.

The wheelchair accessible units have the following problems:

- a) There is no parking for wheelchair users
- b) Some of the bathrooms in the wheelchair units will only be acceptable if the showers are level entry (so that the same space can be used for side transfer to the WC)
- c) There is no designated space in the units for storage & recharging of an electric wheelchair/scooter.

**Occupational Therapist:** No objection with re-arrangement of internal layout of the assisted bathroom.

**Traffic Manager:** No objection – with the imposition of conditions relating to the provision of cycle and vehicle parking, improvements to the access and requirement for a financial contribution of £5 900 help finance off-site highway improvement schemes, in particular for sustainable modes of transport.

The scale of this proposal would generate a significant number of goods and contractors vehicle movements. Clearly these additional large vehicles could have a detrimental impact on the structure and integrity of the crossovers and adjacent highway. To ensure that this can be rectified at the developers expense it is requested that a condition requiring the submission to details and the subsequent upgrade of the accesses is imposed on an approval.

Using this data the car parking demand of a site with 26 residents should be 8 spaces. The disabled parking provision as set out in SPG4 for this type of development is 1 space per 20 beds. This would suggest that two disabled parking spaces should be provided. The Highway Authority is of the view that additional spaces should be dedicated as part of the existing provision, and this can be addressed by condition. there will be a potential increase in on-street parking demand of no more than two or three car spaces. This increase could not be considered as material and therefore does not generate a reason for refusal of this Application.

**Environmental Health:** No objection.

**City Clean:** Awaited.

**Housing Strategy:** This scheme is a high priority for the City Council and Housing Strategy fully support the application.

The development is for a specialist scheme providing 24 hour care and support for people with learning disabilities and planning consent is applied for on this basis as per Policy HO15 – Housing people with Special Needs.

In this case although the scheme provides accommodation of 26 self contained units it is accepted that it does not trigger the requirement for affordable housing.

**Planning Policy:** HO20 Retention of community facilities:

The key issue with this development, is the need for the applicant to address Policy HO20 which seeks to retain community facilities. The loss of community facilities is not permitted in policy HO20 unless an exception case is made. Exceptions can apply when the community use is incorporated on the site as is proposed (HO20(a)). In principle this development appears to meet the requirements of the policy in that the 'loss' of the community facility is being replaced on the site. However no floorspace figures have been supplied on the application form so that it is not clear how far the new community facility matches the proposed 'loss' in terms of sq m.

Policy HO5 and HO6 , QD15, QD16 need to be addressed on site and SU2 and QD27 are also relevant on site and with regards to any impact on adjacent properties, especially 20 Wellington Road. Details of disability parking, ambulance and community vehicle parking and cycle parking may need to be considered further. SU13/WLP11 - The applicant needs to demonstrate that construction and demolition waste will be diverted from landfill.

**Housing and City Support:** The Learning Disability Department of Brighton & Hove City Council has been in consultation with the applicant to provide a Learning Disability Centre for the local community with on site facilities as well as 24/7 residential care.

The property will provide invaluable local care which is currently unavailable in the city of with may patients forced to use servicing in other towns.

The internal configuration of the building has been researched with the Council's Occupational Therapists to meet the existing standards of this very important client group whose needs are paramount.

**Social Care Contracts Unit:** On behalf of the Adult Social Care Division of Housing and City Support Directorate, no objection is raised in relation to this proposal and support is given for the development of the provision of a wider variety of accommodation resources as alternatives to traditional residential care. It would assist in increasing the in-city provision for older service users, enable some who are currently placed outside the city to be able to return and enable some to be placed in accommodation of a more acceptable standard than currently available. In addition to service users with a learning disability,

the scope of the residential services could be expanded to include service users with a dual diagnosis of mental health and learning disability and also those with a physical disability.

**Arboriculturist:** The Survey is comprehensive and the Arboricultural Section are in full agreement with it. No objection is raised to the application being granted consent, with the imposition of conditions relating to protection of trees covered by a Tree Preservation Order to BS5837 (2005) Trees on Development Sites and a Method Statement to be submitted regarding the treatment of surfaces in the vicinity of tree roots again to BS5837 (2005). Details of the new planting should also be submitted stating the species.

The trees protected by a Tree Preservation Order should all be protected to BS 5837 (2005) Trees on Development Sites during the development, a plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved by the Arb Section prior to any development commencing.

A Method Statement should also be submitted regarding the treatment of surfaces in the vicinity of tree roots - the Beech Trees at the rear are surrounded by tarmac and it is presumed this will need to be lifted and replaced as part of the development. Again, BS 5837 (2005) refers.

Drawing number 0769-009 shows extensive new planting, which is commendable, however a species list is needed.

**Ecology:** It is recommend that this application is deferred pending additional bat survey information.

The ecological survey submitted in support of the application identifies bats and nesting birds as the main potential ecological interest of the site. However the report is based on a single visit in mid September and it is not possible at this time of the year to accurately assess the site for roosting bats or nesting birds.

The survey submitted in support of this application is itself clear that additional survey work is required because there is a reasonable likelihood of bats being present (i.e. before the requirements of paragraph 99 of ODPM Circular 06/2005 can be addressed) and the Council's Ecologist agrees with that assessment. However this means that the application cannot be determined until this additional survey work has been reported, realistically late summer 2009. The potential for Swift (a Sussex Biodiversity Action Plan species) to use the building could also be addressed by survey during the summer months.

The findings of the bat surveys should be accompanied by a bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of

adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. This report will be necessary to satisfy DEFRA licence requirements, should a bat roost be found.

A separate condition is also needed to secure nature conservation enhancement as part of the site landscaping scheme, to ensure conformity with Local Plan policy QD17. This should include the number and locations of bird nest boxes to be erected and the details of the proposed green wall planting.

**Quality of life and Green Spaces:** Awaited.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
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
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
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
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development

- HO15 Housing for people with special needs
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities

East Sussex and Brighton & Hove Waste Local Plan

- WLP11 Reduction, Re-use and Recycling during Demolition and Design,  
and Construction of New Developments

Supplementary Planning Documents:

- SPD03: Construction and demolition waste
- SPD08: Sustainable Building Design

Supplementary Planning Guidance Notes:

- SPGBH4: Parking standards

**8 CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of the partial demolition of the existing building and the suitability of the site to accommodate the proposed residential and community elements of the scheme having regard to the impact of the development upon the character and appearance of this site and the wider locality, the amenity requirements for occupiers of the proposed scheme and the affect upon neighbouring residential amenity. Regard will also be given to sustainability, ecological, arboricultural and transport issues.

**Principle**

National and local policies advocate the efficient and effective use of sites and reuse of 'brownfield' land. The site is currently occupied by a two storey Victorian villa with single and two storey extensions to the north east side of the building, the southern side of the site is largely open garden area which is currently fenced off. The site has been vacant for some time, the last occupant was The Children's Society which used the building as a day care centre (D1 use class). It is alleged (within supporting documentation submitted with planning application BH2006/00371) that the building as a whole was underused and it was vacated and the use moved to another site in Hove in 2004. Little evidence regarding the previous use of the site has been submitted with the current application.

Local Plan Policy HO20 – retention of community facilities details four exceptions which may apply in relation to granting planning permission which would involve the loss of community facilities; they are as follows:

- a) *the community use is incorporated, or replaced within a new development;*  
*or*
- b) *the community use is relocated to a location which improves its accessibility to its uses; or*
- c) *existing nearby facilities are to be improved to accommodate the loss; or*
- d) *it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.*



The current application proposes a total of 26 flats for occupation by people with learning and physical disabilities. In addition to the flats, facilities for a drop in centre are proposed within two rooms on the ground floor of the existing building. The two areas laid out within the development will be used as communal areas for group activities for the residents living in the scheme as well as to provide a drop in support centre for people with learning disabilities who live in dependently in the surrounding area who need emergency contact out of hours or need basic advice and information to advise and direct people to social care services which will be available during working hours Monday to Friday. The service is intended to be linked to the council's day centre located in Wellington Road where there is a larger space available.

Without exact floor area figures relating to the previous amount of space utilised by the previous community use it is not possible to fully assess the loss of D1 community use on the site. It is apparent that the scheme is linked to exception a) of policy HO20 where the use is incorporated within the new development.

Adult Social Care and Housing have stated that the Learning Disability Commissioning Strategy 2009 to 2012 identifies the high need for suitable accommodation with 24 hour on site care and support in Brighton & Hove. Because of the current lack of suitable accommodation for these client groups, the council has a higher than average proportion of people in residential care and a higher proportion of people placed out of the city with higher than average unit cost. Placements outside of Sussex also make it more difficult for family and friends to keep in regular contact.

There are also new people who require services each year; young people coming through transitions or people with learning disabilities whose needs are increasing as they become older. Most of the accommodation currently available for people with learning disabilities are small shared group homes which are not always suitable to meet the complexity of people's needs.

To address the above issues the commissioning strategy contains plans to commission:

- 10 units each year for people who are currently placed out of area
- New services for young people coming through transitions
- New services for people with learning disabilities who are becoming older

On this basis the Council's Housing Strategy Department have expressed an interest in leasing the facility for a period of 10 years and have been in consultation with the applicant regarding the form of the facilities. If the Council lease the facility Adult Social Care and Housing have also stated that the Council will have 100% nominations to the service and residents will be assessed prior to referral to ensure that they are suitable for the accommodation and eligible for support. Each resident will hold a tenancy for

their self contained flat and will receive an personalised package of care and support dependent on their needs.

The Council will select the support provider through competitive tendering and the provider will be monitored to ensure that the Council's performance and contractual obligations are met. It is also stated that the development will act as a support 'hub' for people with learning disabilities and their families who live in the local community. Staff on site and links to support services will provide drop in support to people with learning disabilities and their families living independently in the community. Links will be developed with the local community so that the facility provides a resource for local residents and enable residents in the scheme to be fully integrated and participate into the community.

There is a defined need for provision of this type of facility within Brighton & Hove and although it is not clear how the floor area previously dedicated to D1 use class compares to the proposed drop in centre it is considered on balance that the provision of a new drop in centre and the development as a whole is of significant benefit to the community of Brighton & Hove. The principle is therefore considered to be acceptable.

As stated by the Council's Housing Strategy Officer this scheme is a high priority for the City Council and Housing Strategy. The development is for a specialist scheme providing 24 hour care and support for people with learning disabilities and planning consent is applied for on this basis as per Policy HO15 – Housing people with Special Needs. In this case although the scheme provides accommodation of 26 self contained units it is accepted that it does not trigger the requirement for affordable housing. It is therefore considered prudent to place a restrictive condition on an approval and place an appropriately worded clause within the S106 to ensure that the development does not change to general market housing therefore avoiding affordable housing provision which would be required if the development were no longer providing for special needs housing.

### **Design**

Policies QD1, QD2, QD3, QD4 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.

Wellington Road is characterised by a mixture of development styles, predominantly formed from flatted development both more modern purpose built and converted period properties.

The design of the current application has aimed to address concerns previously raised by Conservation. They state that these have largely been

addressed, in particular the design of the new building is now an authentic match for the original Victorian design. The siting of the new building creates gaps between number 18 and Ainsworth House that are typical of the original Victorian development. The glazed link is now behind the original building rather than through the south bay, which is a significant improvement. The revised solution to providing disabled access is also more sympathetic to the formality of the Victorian design.

The dormers to the front and of the extended original building and those to the new building are now appropriate in terms of number, siting and size. Those at the rear of the extended building do not relate to the windows below and do not accord with SPGBH1, but given the existing haphazard nature of the fenestration to the rear, and the overall improvement resulting from these proposals, this is considered to be acceptable.

The north east elevation of the extended building, as originally submitted was devoid of window openings and therefore appeared somewhat blank. Conservation recommended that this elevation could be enlivened by windows to the stairwell while reducing the dependence on artificial light, the potential impact of these additional openings will be addressed later in the report. Confirmation regarding the requirement of an over-run/motor room element projecting at roof level has been sought and the applicant has confirmed intention to use a hydraulic lift therefore avoiding the requirement for an external projection. It is noted that the 'proposed' elevations for the existing building omit the architraves to the front windows that are shown on the existing elevations, it is therefore considered prudent to condition that all existing external mouldings, including architraves and other decorative details on the existing building to be extended are retained and that all new details exactly match. In further accordance with the Conservation guidance, the roof materials shall be in slate rather than tile and as such a condition requiring the submission of sample materials will be placed on a permission.

The proposed development would largely retain the existing Victorian villa and would involve the addition of extensions and a new block of development which adequately respects the existing building and the surrounding development by way of siting, layout and design and will not harm the character of the area. In this respect and with the imposition of conditions to control the design in detail, the scheme is considered to be of an acceptable standard of design and adequately accords to relevant design policies.

#### **Residential amenity**

Local Plan policy QD27 relates to protection of amenity and 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 site is one of the larger plots within this location, with the existing building centrally located within the plot. The rear gardens of the properties which front

onto De Montford Road to the east of the site abut the eastern boundary of the plot. The development between Wellington and De Montford Road is more tightly squeezed to the northern end owing to the alignment of the roads. As such the rear gardens of the properties which abut the north end of the site have shorter gardens than those at the southern end, the shortest of which at number 45 is approximately 7.5m between the rear boundary and the rear projection.

The existing building has predominantly single storey extensions to the north eastern side of the building, the proposal seeks to demolish the existing single storey extensions which abut part of the north east and eastern boundary of the site and erect a two storey extension with a minimum gap of approximately 1m between it and the rear boundary of number 45 De Montford Road. The layout as originally submitted resulted in three units within part of the rear of the existing building and the extension at first storey level and within the roofspace being single aspect. To prevent overlooking the applicant intended to provide fixed obscured glazing to the bottom sashes of the windows allowing for light and ventilation however restricting outlook to the sky only to prevent adverse overlooking to the properties to the rear. The standard of accommodation proposed for the future occupiers of those units was therefore considered unacceptable by officers.

The applicant has sought to resolve this issue by re-arranging the floor plan to make the units double aspect therefore providing adequate outlook from the front of the property and maintaining partially obscured and fixed glazing to the rear windows. The amended floor layout is considered to adequately overcome concerns relating to overlooking, any overlooking which may occur is considered likely to be of an acceptable nature in this location in relation to retained distances between the development and neighbouring development. It is however considered prudent to condition that some secondary windows and bath/shower room windows are obscured glazed to protect neighbouring amenity.

It is noted that the use would result in the development being in continuous use where previously for some time the site has only been occupied during working hours. However it is not considered that the occupation of the residential accommodation or the use of the drop in centre will result in causing demonstrable harm though noise disturbance.

The residential accommodation provides an adequate layout with respect to natural light and ventilation, particularly since additional windows have been inserted to a number of the bath/shower rooms, the majority of which now benefit.

### **Accessibility**

The applicants have been involved in negotiation with the Council regarding the form of the development, consultation was also undertaken with an Occupational Therapist from Adult Social Care and Housing to ensure that the

layout was satisfactory for the future occupants in respect to their care needs. In addition to this the Access Consultant within the Council has also been consulted, some amendments to the internal layout were required however the scheme is considered to be acceptable with the imposition of conditions relating to provision of disabled parking spaces and level entry into the showers in the wheelchair units to enable side transfer from the WC. The scheme is therefore considered to adequately accord to policy HO13.

### **Sustainability issues**

Policy SU2 requires all development to be efficient in the use of energy, water and materials. Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. A development of this scale would require the submission of a Site Waste Management Plan. The applicant has submitted a daft plan which details where waste arising from the development will be sent in general terms however a condition will be imposed on a permission to ensure an adequate plan is submitted.

SPD08 Sustainable Building Design incorporates existing guidance on renewable energy (SPGBH 16) and sustainability checklist (SPGBH 21) and complements SPDs on Construction and Demolition Waste (SPD03) adopted in 2006 as well as the forthcoming SPDs on Nature Conservation and Developers Contributions. In accordance with the SPD the applicant has submitted a BREEAM multi-residential pre-assessment that demonstrates that the development as a whole could achieve a 'Very Good' rating. The Council's Sustainability Consultant has assessed the scheme and supporting documentation and has raised concern regarding the validity of the pre-assessment for the scheme as a whole.

The development proposed is should really be assessed in two parts, the new build areas and the converted element. The new build element should achieve Level 4 of the Code for Sustainable Homes and the converted element should demonstrate that an 'Excellent' BREEAM rating could be achieved. In addition to the residential element there is also a non-residential element within the converted building (the drop in centre) and this element should be assessed separately to the residential element. It is however considered that owing to the ancillary nature of the drop in centre within the scheme, this element will be assessed within the multi-residential pre-assessment.

The applicant has submitted a reasonable amount of information however it does not adequately demonstrate that the scheme can achieve the appropriate level of sustainability. The applicant is therefore required to submit additional information prior to the application being determined in line with that stated above.

### *Ecology*

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. A full ecology report was also submitted with the application and concludes that although the site is not considered to be of high ecological value in the local context and contains limited habitat of value to wildlife, it does provide foraging and nesting habitat around the periphery of the site suitable for urban species of bird and buildings/roof structures of potential value to roosting bats. Further surveys for bats are recommended. It is concluded that any habitat loss associated with the development, including its related impact on wildlife can be mitigated through enhancement and management of retained vegetation and on-site habitat creation.

In accordance with best practice guidelines (Bat Conservation Trust, 2007), a bat survey is recommended which should consist of a minimum of two evening emergence and activity surveys carried out between May and August, if a bat roost is detected and is adversely affected by the works then it may be necessary to obtain a European Protected Species licence. Further mitigation and compensation is recommended including the protection of trees on the site, ensuring any shrubbery and scrub clearance together with any demolition shall only take place outside the nesting season which is typically between March and August (inclusive). By way of enhancement nesting boxes are recommended and roosting opportunities provided for bats within the new development. Artificial lighting should also be controlled and green walls maintained and where possible introduced.

The Council's Ecologist comments that Paragraph 99 of ODPM Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted . . . developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

Owing to the results of the survey and report submitted by the applicant's ecologist, best practice would required the application to be deferred until the surveys can be carried out and appropriate mitigation methods agreed. It is not clear from the survey (as it was undertaken outside the roost season) how important the site is for bats or if any are actually present within the building. The Ecologist has confirmed that it is very unlikely that appropriate mitigation could not be established for this building in this location, the roost would have to be of a scale which would result in being of regional importance which is very unlikely in an urban area such as Brighton & Hove. On this basis a condition preventing the commencement of development on the site until such surveys can be carried out and appropriate mitigation plan submitted and approved in writing by the Local Planning Authority is recommended along with a Swift survey and mitigation. Conditions requiring ecological enhancement on the site is also recommended which should include the erection bird boxes.

### *Trees*

The site contains a number of trees some of which are covered by a Tree Preservation Order. A tree survey report was submitted with the application and the Council's Arboriculturalist has been consulted and has raised no objection stating that the Survey submitted is comprehensive and the Arboricultural Section are in full agreement with it. No objection is raised to the application being granted consent, with the imposition of conditions relating to protection of trees covered by a Tree Preservation Order to BS5837 (2005) Trees on Development Sites and a Method Statement to be submitted regarding the treatment of surfaces in the vicinity of tree roots again to BS5837 (2005). Details of the new planting should also be submitted stating the species. The extensive planting shown on drawing number 0769-009 is commendable, however a species list is needed which can be secured through a landscaping condition.

### **Transport**

Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. This site is located in a fairly accessible location with good access to public transport links by way of existing bus routes. As part of the development it is proposed to provide 7 off-street car parking spaces to the front of the site. This application was accompanied by a transport statement which detailed estimated traffic generation and demand for the proposed use. The Council's Traffic Manager has been consulted on the application and raised no objection to the scheme.

The Traffic Manager has stated that the scale of this proposal would generate a significant number of goods and contractors vehicle movements and the addition of these large vehicles could have a detrimental impact on the structure and integrity of the crossovers and adjacent highway. To ensure that this can be rectified at the developer's expense it is requested that a condition requiring the upgrading of the access is imposed.

Parking standards for a development of this nature (with no medical facilities on site) require a maximum provision of 1 car parking space per 6 residents plus 1 car space per residential staff, plus 1 car space per two other staff. This means that this site should provide a maximum 8 car parking spaces. This assumes 26 residents, 1 to 2 residential staff (i.e. night shift staff), and 2 additional staff on site at any time during the day.

The disabled parking provision as set out in SPG4 for this type of development is 1 space per 20 beds. This would suggest that two disabled parking spaces should be provided. The Highway Authority is of the view that additional spaces should be dedicated as part of the existing provision, and this can be addressed by condition.

With respect to the above, the Highway Authority consider that there will be a

potential increase in on-street parking demand of no more than two or three car spaces. This increase could not be considered as material and therefore does not generate a reason for refusal of this application.

Unlike car parking, cycle parking standards are set as a minimum, for this type of development the cycle parking requirement is calculated on a basis of 1 space per 10 staff. This would require a minimum level of cycle parking of 1 space; the applicant is proposing six spaces in on-site facility to the side of the property. It is recommended that these facilities should be sited in a more convenient location and that there is adequate space to make a provision elsewhere on the site however the detail and location should be controlled by condition.

The Highway Authority have also requested a financial contribution in-line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The proposal is considered to accord with the criteria set out in policy TR1 subject to a conditions referred to above.

## **9 CONCLUSIONS**

There is a defined need for provision of this type of facility within Brighton & Hove and although it is not clear how the floor area previously dedicated to D1 use class compares to the proposed drop in centre it is considered on balance that the provision of a new drop in centre and the development as a whole is of significant benefit to the community of Brighton & Hove. The principle is therefore considered to be acceptable.

The proposed development would largely retain the existing Victorian villa and would involve the addition of extensions and a new block of development which adequately respects the existing building and the surrounding development by way of siting, layout and design and with the imposition of conditions to control the detail will not harm the character of the area.

With the imposition of carefully worded conditions the proposed development will not cause demonstrable harm to the residential amenity of neighbouring dwellings by way of overlooking, loss of privacy, overshadowing or overbearing effect. Further, the residential accommodation provides an adequate layout with respect to natural light and ventilation and outlook providing a decent standard of living accommodation for the future occupants.

The applicant is required to submit further evidence to demonstrate that the development can achieve a minimum of 'Excellent' BREEAM rating for the converted areas and Level 4 of the Code of Sustainable Homes for the new build elements prior to the application being determined in order to adequately accord to SU2 and SPD08.

The proposal will result in a potential increase in on-street parking demand of no more than two or three car spaces which could not be considered as a



material increase which could warrant refusal of the application.

This report concludes that with the submission of further details relating to sustainability measures, the proposed development accords with local plan policies and therefore recommends that, subject to the measures secured by the Section 106 legal agreement and conditions outlined in section 2 of this report, planning permission should be granted.

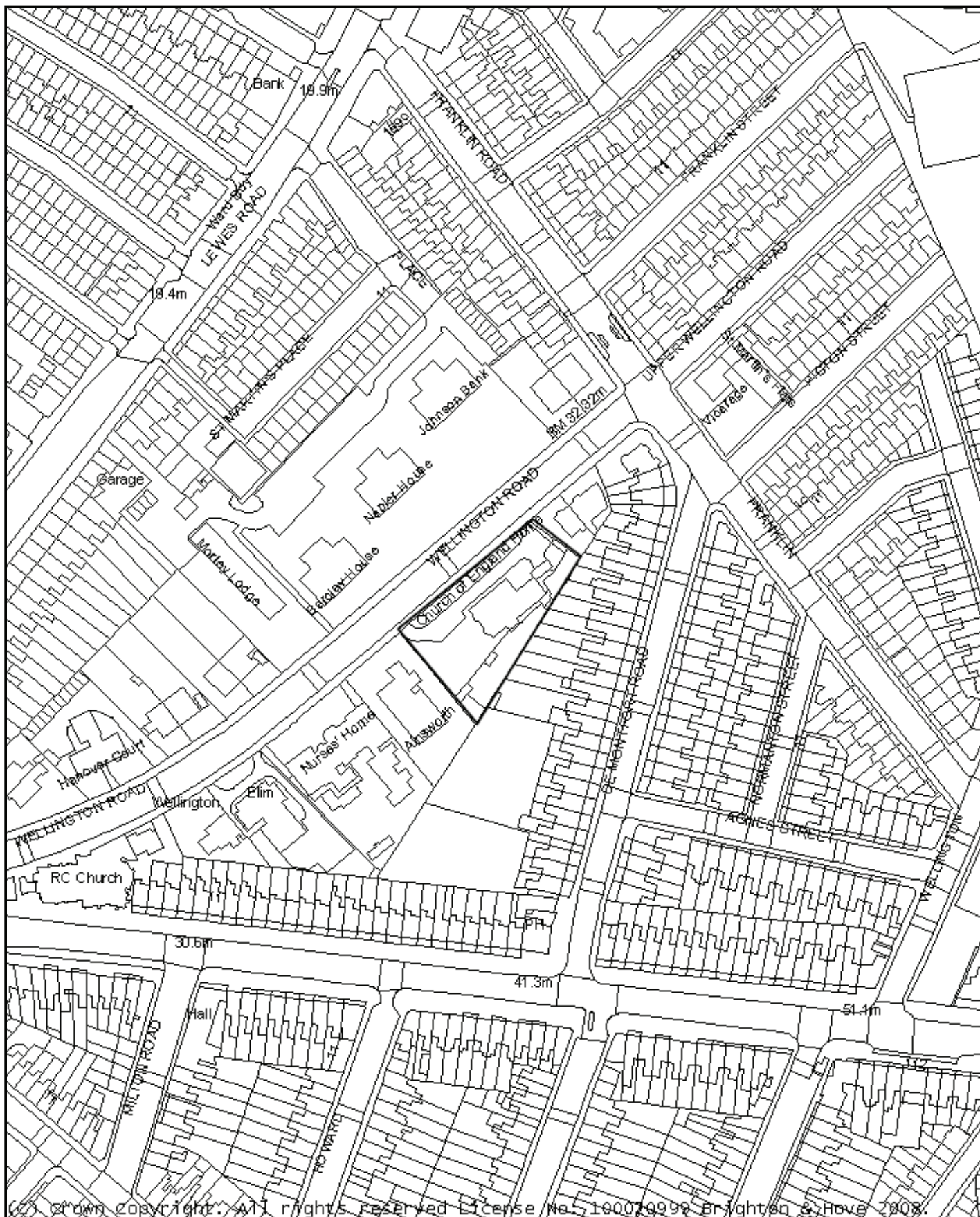
**10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development will make provision for much needed accommodation and drop in centre providing extra support for people living in the City with learning and physical difficulties and their families. Furthermore subject to conditions to control the development in detail there would be no significant adverse impact upon residential amenity or the character of the area.

**11 EQUALITIES IMPLICATIONS**

Two disabled parking bays will be secured by condition to the front of the site. The Council's Occupational Therapists are satisfied with the layout of the development with respect to accessibility.

# BH2008/03248 18 Wellington Road



Date: 16/12/2008 02:15:14

Scale 1:1787



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<b><u>No:</u></b>	<b>BH2008/03140</b>	<b><u>Ward:</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Delphi House, English Close Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 2 new units for B1 (Light Industrial) and/or B2 (General Industrial) with ancillary B8 (Storage &amp; Distribution) use</b>		
<b><u>Officer:</u></b>	Clare Simpson, tel: 292454	<b><u>Received Date:</u></b>	23 September 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	20 January 2009
<b><u>Agent:</u></b>	Sunninghill Construction, Cornelius House, 33 Boltro Road, West Sussex		
<b><u>Applicant:</u></b>	Mr Ian Fry, Fry Properties, c/o Crickmay Chartered Surveyors, 22 London Road, Horsham		

## 1 SUMMARY

The application relates to a vacant site on the eastern half of English Close. It is understood that the previous building was demolished in June 2008 and had been vacant for approximately 2 years prior to demolition. This application proposes the erection of 2 new units for B1 (Light Industrial), B2 (General Industrial) with flexibility between the uses and with B8 (Storage & Distribution) ancillary to the primary uses.

The vacant site is located on the corner of Old Shoreham Road and English Close, and specifically identified in the Brighton & Hove Local Plan for industrial and business uses. The proposed building is considered acceptable in design, amenity and traffic and transport. Further information is required with regard to sustainability and landscaping.

The two units are of a size appropriate for small expanding businesses to relocate to meet their business growth requirements.

## 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 **Minded to Grant** planning permission subject receipt of a detailed east elevation demonstrating how visual relief is to be achieved, a BREEAM assessment and subject to the following Conditions and Informatives:

### Conditions

1. 01.01AA Full planning.
2. The storage and distribution (class B8) uses hereby permitted shall be ancillary to the primary uses of both premises as either class B1 or B2 (Business or General Industries) uses.

**Reason:** To ensure site remains operating in business and industrial use in accordance with the EM1 of the Brighton & Hove Local Plan.

3. 03.01A Samples of Materials Non-Cons Area (BandH).
4. 05.01AA BREEAM.
5. 06.03A Cycle parking facilities to be implemented (BandH).
6. 02.05A Refuse and recycling storage (facilities) (BandH).
7. 05.02A Site Waste Management Plan.
8. 08.01 Contaminated land.
9. Prior to commencement of development, a detailed scheme of any proposed external lighting and/or floodlighting shall be submitted to, and approved in writing by, the Local Planning Authority. This lighting scheme shall demonstrate that there will not be lighting overspill or glare from the site. The lighting scheme shall be implemented in accordance with the approved details and complied with at all times thereafter.  
**Reason:** To ensure that the external lighting within the development does not result in detriment to neighbouring properties, in accordance with Brighton & Hove Local Plan policy SU9, and QD27, of the Brighton & Hove Local Plan.
10. Prior to commencement of development a scheme for the soundproofing of the building shall be submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the approved scheme and retained in place thereafter.  
**Reason:** To safeguard the amenities of neighbouring occupiers in accordance with QD17 and SU10 of the Brighton & Hove Local Plan.
11. 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 in writing. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority. The works shall be retained in place thereafter.  
**Reason:** To safeguard the amenities of neighbouring occupiers in accordance with QD17 and SU10 of the Brighton & Hove Local Plan.
12. No open storage shall take place within the curtilage of the site without the prior permission of the Local Planning Authority.  
**Reason:** To safeguard the visual amenities of the area in accordance with policy QD1 of the Brighton & Hove Local Plan.
13. No development shall take place until a landscaping scheme has been submitted to and improved by the Local Planning Authority in writing. The scheme shall include hard landscaping, means of enclosure, and planting details. All planting, seeding and turfing shall be carried out in the first planting season following the occupation of the building, and any plants which, within a period of 5 years from the completion of the development die, or become seriously damaged or removed shall be replaced unless the Local Planning Authority given written consent to a variation.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenity of area, in accordance with policy QD1 and QD15 of the Brighton & Hove Local Plan
14. The car and motorcycle parking spaces and loading areas shall be permanently marked out as shown on the approved plans prior to the first occupation of any of the units hereby approved, including the designation

of wheelchair user spaces, and thereafter shall be retained and used for such purposes only.

**Reason:** To ensure adequate parking provision and the effective provision for the needs of those with mobility impairment, in accordance with Brighton & Hove Local Plan policies TR1, TR18 and TR19.

15. Prior to first occupation of the site, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame which shall have been agreed with the Local Planning Authority. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. The travel plan shall make reference to the travel plans produced for the earlier phases of development. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.

**Reason:** In order to promote sustainable choices and to reduce reliance on the private car to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.d76 10b received on the 8<sup>th</sup> December 2008 and d76.11 revb received on the 12<sup>th</sup> December 2008, supporting information received on the 22nd September 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 & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD3	Design - efficient and effective use of sites

QD7	Crime prevention through environmental design
QD15	Landscape design
QD25	External lighting
QD27	Protection of amenity
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM7	Warehouses (B8)

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

SPGBH 16: Renewable Energy & Energy Efficiency

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed re-development of this brownfield site would provide a modern and flexible addition to the City's stock of employment floorspace. The proposal is based on appropriately scaled buildings and adequate car parking facilities. The design of the proposal has incorporated some sustainability principles. It is not considered that the development would result in material harm to neighbouring properties. It is considered that potential contamination issues can be adequately controlled by conditions. The proposal is considered to be in accordance with Development Plan policies.

3. 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](http://www.breeam.org)).

### **3 THE SITE**

The application site relates to a vacant land on the northern side of Old Shoreham Road at its junction with English Close. The site and adjoining properties are allocated for industrial and business uses (B1 and B2) and lie within the English Close Industrial Area.

The applicant has provided details of the previous use of the site, which they claim was for the storage and distribution of money with ancillary offices and workshop.

### **4 RELEVANT HISTORY**

**BH2007/02316:** Removal of two storey Southern section of building and alterations to roof of remaining building with formation of additional car parking to front of site. Proposed use of premises as warehouse with ancillary trade counter (use class B8). Refused 22 October 2008 for the following reasons:

1. The application site lies within the English Close industrial area which

is allocated by policy EM1 of the Brighton & Hove Local Plan for industrial and business use under Use Classes B1 and B2. The proposed warehouse use is contrary to the aims of this policy and involves the creation of a trade counter on a site where their presence is resisted. The development would therefore result in the unjustified loss of a B1 / B8 premises contrary to the aims of the above policy.

2. Notwithstanding reason for refusal no. 1 policy EM1 of the Brighton & Hove Local Plan permits warehousing that complies with local plan policy EM7. The development is not considered essential to the economy of Brighton & Hove; will create significantly less jobs that would be generated by B1 or B2 uses; and there are existing vacant warehousing buildings in the Brighton & Hove area. The exceptions identified within policy EM7 are therefore not applicable to the proposed development.
3. Insufficient information has been submitted with the application to demonstrate the development would not have a negative impact in terms of traffic generation or vehicle movements in the immediately surrounding area. The proposal is therefore considered contrary to policies TR1 and EM7 of the Brighton & Hove Local Plan.
4. The proposed alterations by virtue of the extensive glazing to the southern elevation would appear an incongruous addition to the area. Furthermore, it is not apparent the glazed frontage is appropriate to either the proposed use of alternative B1 / B2 uses on the site having regard to the potential for excessive heat loss and solar gain, and the stacking and security of stored goods. The proposal is therefore contrary to policies QD1, QD2, QD14 and SU2 of the Brighton & Hove Local Plan.

Of relevance within English Close are:-

- **BH2002/01055/FP:** Former BT site (on the west of English Close). Erection of twelve B1 (office/light industrial) units. This application was approved and has since been completed.
- **BH2004/00049/FP:** Unit 2. Change of use from B1/B8 (office/light industrial/warehouse) to retail warehouse. This application was refused as the change of use from B1 would be to the detriment of employment generating land within the city, which in turn would threaten PAER status; furthermore the relevant tests for new retail floorspace outside identified centres had not been undertaken.

## 5 THE APPLICATION

Planning permission is sought for the erection of 2 new units for B1 (Light Industrial), B2 (General Industrial) and/or B8 (Storage & Distribution). Two units are proposed. Each unit would have a floor space of 510m<sup>2</sup> with a mezzanine level of 46m<sup>2</sup>.

Loading areas and car parking are located to the rear of the property. Cycle parking is also proposed. The materials have been identified as a

combination of brickwork, aluminium panels, with metal cladding for the roof in grey.

## 6 CONSULTATIONS

### External:

**Neighbours: Letters from English Business Park Offices and Office Partnership 12, English Business Park** with the following comments:

- local demand is for offices rather than industrial units,
- of the 12 EBP units, all but 4 have had the shutter doors removed and replaced with windows for offices, from the drawings it is not clear whether a conversion for offices would be possible,
- we feel that the general **industrial** and storage/ distribution are no-longer appropriate for the site, and B1 is more appropriate and inkeeping with neighbouring properties,
- access to one of the units would be from English Close, we object to this on the grounds that it could restrict access,
- there could be difficulties with vehicle movements on the site

**EDF energy:** No objection.

**Sussex Police:** No objection conditions have been suggested

**Southern Gas Networks:** No objection.

**Southern water:** No comment.

### Internal:

**Traffic Manager:** The Highway Authority has no objection to the level of parking provided. The concern is generated by the lack of suitable on site loading and unloading facilities. To address this, a new plan should be sought that show how a loading and unloading area can be provided.

Comments on amended layout: The relocation of the loading bays addresses the previous concerns. The cycle parking facilities could be closer to the entrance. Concerns are addressed.

**Environmental Health:** The application advises that Majestic Wines was a converted petrol filling station. This department has no record of a contaminated land report.

The application includes the installation of a high efficiency low NOx boiler. The nearest residential accommodation is 68m from the premises. Therefore noise or odour should not impact on neighbouring properties. Conditions suggested

**Planning Policy:** In general policy terms the thrust of the proposal is acceptable i.e. an industrial use on an industrial site but as worded, the proposal does not comply with policy in two important respects.



1. The policy states that new B8 warehousing (unrelated to a factory on the site) is not permitted on EM1 sites other than as part of a starter unit mix, in this respect the application does not comply with policy.

2. The site is an allocated EM1 site primarily for B2 industry where B1 uses are permitted in the mix. It is therefore important to ensure that buildings are designed to allow for B2 use with noise attenuation or other B2 requirements. In this case no parking or loading could possibly ever occur on the access road to the fire station. Therefore it is critical that sufficient detail is given to ensure the application addresses them in detail on this site. Therefore policies TR1, TR4, TR5, TR7, TR14, TR19 all apply.

Sustainability does not appear to have been addressed. Sustainability policies need to be addressed in detail, especially SU2, SU4, SU10 and SU13. QD15 has not been addressed.

### **Economic Development**

The economic development team fully supports the application as it replaces a recently demolished out of date commercial building with two smaller commercial units to a modern design and specification to meet the needs of local business.

The two units are of a size appropriate for small expanding businesses to relocate to meet their business growth requirements and it is envisaged that these will prove popular when developed as they front the Old Shoreham Road.

The applicant states that the proposed employment levels are unknown at this time however, based on the offPAT employment densities for small business use of 3.1 jobs per 100m<sup>2</sup> the proposal could provide employment space for up to 32 employees.

### **Environmental Health:**

The statement accompanying the application advises that Majestic Wines was a converted petrol filling station. This department has no record of a contaminated land report.

The application includes the installation of a high efficiency low NO<sub>x</sub> boiler. The nearest residential accommodation is 68m from the premises. Therefore noise or odour should not impact on neighbouring properties. A contaminated land condition is recommended.

## **7 PLANNING POLICIES**

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR14	Cycle access and parking

TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD3	Design - efficient and effective use of sites
QD7	Crime prevention through environmental design
QD15	Landscape design
QD25	External lighting
QD27	Protection of amenity
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM7	Warehouses (B8)

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

SPGBH 16: Renewable Energy & Energy Efficiency

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD08 Sustainable Building Design

## 8 CONSIDERATIONS

It is considered that the main issues of this application are the principle of development, appropriateness of the proposed uses on the site, the design, layout and appearance of the buildings, landscaping, the impact on neighbouring residential properties, site contamination, and sustainability issues.

### **Planning Policy**

The proposal is for the construction of two new industrial units each with the flexibility in use between Class B1 (Business), B2 (general industrial) and B8 (Storage and distribution). The description has been amended during the course of the application to ensure any B8 use on the site remains ancillary to B1/B2.

The site is designated under EM1 of the Brighton & Hove Local Plan. This site is therefore identified primarily for industrial and business use under use Classes B1 (b) (research and development), B1(c) (light industrial) and B2 (general industrial) but not excluding B1 (a) (offices). Employment Land Study (2006) supports this approach and indicates that to ensure there are sufficient employment sites, existing B1 and B2 sites should be retained.

The Employment Land Study also (2006) suggests units on the eastern side

of English Close 'are all currently perfectly adequate for their uses, and wholesale redevelopment, or a change of use, would not be considered appropriate in the short or medium terms.' However the old building was of no merit and the proposal would be a modern improvement. Prior to its demolition, the building was vacant and marketed for a considerable amount of time, including approximately 2 years on the council commercial property database.

In justifying the current proposal, the applicant claims that previous demolished building was failing to attract prospective tenants, and that it had been vacant for a period of time and redevelopment was the only option.

The applicant also contends that flexibility is key to the viability of the redevelopment of this site, which they estimate to cost in the region of £1 million. However policy EM1 also states that Warehousing (Use Class B8) will not be permitted on these sites unless it is ancillary to the main use(s) or in accordance with the criteria in policy EM7. Providing that the B8 use remains ancillary to industrial use for the site, there is no objection to the proposal, and it is considered that proposal will allow some flexibility in attracting an end-user whilst also meeting the expectations for employment levels. The applicant has agreed to amend the description of the development to reflect the ancillary nature of the B8 which would be permitted, and this can be reinforced by the imposition of an appropriation condition. The design and layout of the new building is appropriate for the business/industrial use which is proposed.

#### **Impact on neighbouring amenity**

The application site is located a significant distance from neighbouring residential properties, the closest being the Cemetery Lodge located on the opposite side of Old Shoreham Road

Environmental Health have commented on the application and consider that the development would not impact on neighbouring properties. In principle having regard to the location of the application site, the proposal would therefore not result in disturbance to adjoining users of the Industrial Estate, which includes a mix of B1, B2 and ancillary B8 uses. On this basis the scheme is not considered to result in a noise nuisance to neighbouring properties. Appropriately worded conditions are required further details of sound insulation measures.

#### **Design and appearance**

The overall footprint of the building is slightly less than previous structure but remains comparable to adjoining development to the east and west. It would be built on the building line of the previous structure. This is approximately 10 metres forward of no.271 Old Shoreham Road, but comparable to the units located on the opposite side of English Close which front Old Shoreham Road

There is an issue with the east elevation of the building. This would appear

quite stark and featureless. Given that the neighbouring property is set well-back in the street scene, this elevation would be prominent and requires some relief. The applicant has confirmed that this will be addressed with an amended drawing.

The materials have indentified as a combination of brickwork, aluminium panels, with grey metal cladding for the roof. This is comparable to some of the other units in English Close and samples will be required.

The Access officer has commented on the proposed development and has not raised any objection. The facilities appear adequate. Steps are proposed for access to the mezzanine levels, but there is ample space for improved facilities if required.

### **Sustainability**

As a commercial building, the application does not need to be accompanied by a sustainability checklist, nevertheless, the development should comply with the Supplementary Planning Document of Sustainable Building Design (SPD08). For major development it is recommended that new-build non-residential should achieve 60% in the energy and water sections of relevant BREEAM assessment within overall level of 'Excellent' achieved. In addition a feasibility study on rainwater harvesting and grey water recycling systems is recommended. At the time of writing, there has been insufficient information submitted regarding these requirements. The applicant has been asked to provide the BREEAM assessment.

General information with regard to policy SU2 has been submitted. Among the measures identities in the application are the inclusion of the NOx boiler, high standard of insulation, sustainably sourced construction materials.

A Waste Management Plan has been submitted as part of the application. Given that the old building has been demolished, some control over the minimisation and reuse of the waste has already been lost. Nevertheless, it appears from the site visit that much of the demolition material remains on-site. Further control on the destination of this material is required and by planning condition.

### **Landscaping**

The application site has no landscaping features at present and there is no mature vegetation on the site and it is disappointing that the application is not accompanied with any information to address the requirements of policy QD15 of the Brighton & Hove Local Plan. Nevertheless as a major new-build development an appropriate landscaping scheme is required. The applicant refers to the planting of native species on site but no details are submitted. In addition in a prominent corner such as this, details of the boundary treatments are also required. Again full landscaping details are sought by condition

### **Traffic and transport**

Vehicle parking is proposed to the side and rear of the property, 24 car parking spaces in total, including 1 disabled space. A cycle shelter is proposed to accommodate 8 bicycles. A travel statement has been submitted as part of the application with the objective to reduce unnecessary travel and encourage sustainable means of transport. This will need to be elaborated upon, and the site should be subject to a travel plan to promote sustainable transport modes for employees.

Although a major development, regard should be had to the previous use and the transport impacts generated. Based on this, it is not considered that the proposal causes increase in travel demand. The site is located on a primary road, utilised by the 5 and 5a bus routes. Aldrington train station is located approximately 10 minutes walk away.

There was a concern that the movement of vehicles on English Close would have the potential to block the English Close access road, with particular concern regarding the movements from the Fire Station to the north. It is considered that the relocation of vehicle loading areas to the rear of the site is the preferred approach, and amended plans have been received depicting this. The Fire Service have been consulted on the application and not commented to date. Neighbouring properties have been re-consulted on this change and any further responses will be communicated to committee. The Traffic Manager raises no objection to the amended layout.

## **9 CONCLUSIONS**

It is concluded that this is a worthwhile addition to the area's stock of smaller industrial units, it accords with the intentions behind designation of the site to provide employment floorspace. Visually, the site would benefit from redevelopment with this modest proposal with a design in-keeping with neighbouring properties. While there are several details that remain to be resolved, these can be satisfactorily addressed though the recommended conditions requiring further details.

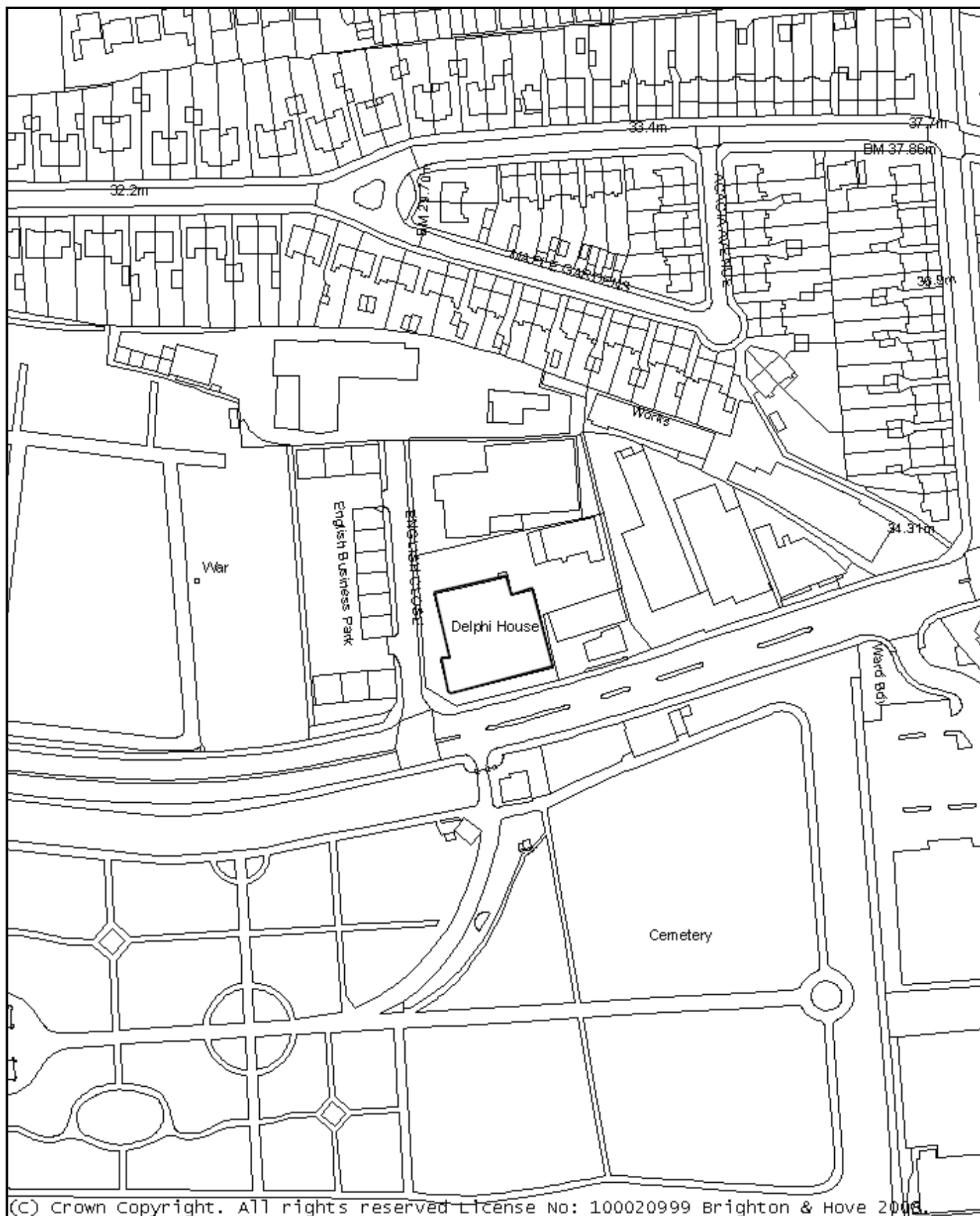
## **10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed re-development of this brownfield site would provide a modern and flexible addition to the City's stock of employment floorspace. The proposal is based on appropriately scaled buildings and adequate car parking facilities. The design of the proposal has incorporated some sustainability principles. It is not considered that the development would result in material harm to neighbouring properties. It is considered that potential contamination issues can be adequately controlled by conditions. The proposal is considered to be in accordance with Development Plan policies.

## **11 EQUALITIES IMPLICATIONS**

The proposal would include disabled parking, together with level access into the buildings. Door widths are acceptable for the purpose of disabled access.

# BH2008/03140 Delphi House, English Close



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<b><u>No:</u></b>	<b>BH2008/03094</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>105 Wellington Road, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and erection of a detached four-storey building for self-storage warehouse with servicing and car park. (Additional plans).</b>		
<b><u>Officer:</u></b>	Chris Wright, Tel: 292097	<b><u>Received Date:</u></b>	18 September 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	19 January 2009
<b><u>Agent:</u></b>	Maslen Brennan Henshaw Partnership, 88 Church Lane, East Finchley, London		
<b><u>Applicant:</u></b>	Safestore Ltd, Brittanic House, Stirling Way, Boreham Wood, Hertfordshre		

## 1 SUMMARY

This proposal is for the demolition of existing buildings and erection of a four storey building for use as a self-storage warehouse with servicing and car park.

The main issues raised by the proposal are noted to be the principle of the development design and appearance, effect on amenities, sustainability and impact on highway and parking provision.

The proposal does not comply with Local Plan policy EM7, which relates to warehouse development regardless of whether situated in a policy EM1 area. The development is not shown to be essential to the city's economy and the number of jobs created by the storage use is significantly less than would be provided by a continued B1 or B2 use.

The applicant has not supplied information concerning existing warehouse units in the city, which may be vacant, or those under construction or with extant planning consent.

The application would result in the loss of 1830 square metres of Class B1 light industrial/office floorspace which has potential to employ up to 96 people in office-based roles. The development of a 6331 square metre warehouse (Use Class B8) for self storage employing 3 persons full time and 5 persons part time is equivalent to less than 0.1 employees per 100 square metres. The proposal does not have the support of the council's Economic Development section for these reasons.

The jobs provided by a warehousing use would not be of the high quality expected or help improve the skill level of local people. This proposal could prejudice the future regeneration of Shoreham Harbour by occupying a key site at the gateway to the harbour and at the foot of a major north-south road

connecting with important east-west routes including the A27. The South East England Development Agency, which will be assisting in bringing forward a comprehensive regeneration strategy for the Shoreham Harbour has objected to the proposal on these grounds and the council's Policy Team has also raised an objection.

The application does not satisfactorily demonstrate the existing light industrial use is redundant and details of the marketing strategy adopted whilst the site has remained dormant have not been submitted. This is contrary to the requirements of Local Plan policy EM5. Alternative uses which would make less effective use of that site, should not be entertained until these matters have been established.

The proposed warehouse, signage and palisade perimeter fencing would not respect the key characteristics of existing development in either scale or form, and would dwarf neighbouring houses and industrial buildings and appear discordant and unduly bulky and overpowering: detrimental to visual amenity and the prevailing townscape. The proposal is contrary to the requirements of policies QD1, QD2, QD4, QD5 and QD12 of the Brighton & Hove Local Plan.

The design and construction does not employ sustainable methods and the dearth of information submitted in related to the efficient use of energy, water and materials contrasts with the requirements of policy SU2 of the Local Plan. The Waste Minimisation and Waste Management strategies put forward by the applicant are insubstantial and do not meet the standards reasonably expected by the local planning authority or meet the objectives of policies SU13 and SU14 of the Local Plan.

In seeking to ensure development is safe, Policy TR7 of the Local Plan opposes schemes which would increase the danger to users of adjacent pavements, cycle routes and road. The proposed vehicular access off Church Road would create an additional hazard for existing highway users and increase the likelihood of pedestrian and/or vehicular conflict and is therefore detrimental to highway safety and the objectives of policy TR7. The number of secure and covered cycle spaces proposed within the site does not meet the minimum standard set out in SPGBH4: Parking Standards and would not make the development satisfactorily accessible for cyclists, contrary to the aims of Local Plan policy TR14.

## **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 **refuse** planning permission based on the following reasons and Informatives:

1. The applicant has not put forward a satisfactory case to justify the loss of the existing light industrial/office use of the site and the proposed development would not provide sufficient levels of employment either in number or in terms of skill level and is not demonstrated to be essential



to the economy of Brighton & Hove. In addition the application site is a key location at an important gateway to the city and the nature of development proposed has potential to prejudice the successful regeneration of Shoreham Harbour and South Portslade. Therefore the development would be contrary to the aims and objectives of policies EM5 and EM7 of the Brighton & Hove Local Plan.

2. The form, bulk, massing, design and appearance of the proposed building are discordant and incongruous with the prevailing townscape and the scale and character of existing development and do not respond to the natural topography of the Copperas Gap and how it has influenced existing development historically. The functional and austere elevations combined with the height and site coverage do not take into consideration the key characteristics of the neighbourhood and would neither enhance the local built environment nor provide an attractive street frontage. The building would be unduly dominant and overpowering, dwarfing adjoining buildings and having a detrimental impact on visual amenity and the street scene. Such harmful visual impact is exacerbated by the prominent location of the application site at a key strategic gateway point for many visitors to the city. As such the proposal is contrary to the requirements of policies QD1, QD2, QD3, QD4 and QD5 of the Brighton & Hove Local Plan.
3. Policy QD12 of the Brighton & Hove Local Plan stipulates advertisements and signs must be sensitively designed and located and contribute positively to the visual amenity of an area. Advertisements and signs which are detrimental to visual amenity will not be allowed. The proposed warehouse signage, comprising three large, stylised fascia signs, blue and yellow in colour, would, by reason of the size, colour, design and high level fixture, be unduly bold and dominant in relation to the existing signage in the immediate surroundings of the site and would not demonstrate design which is sensitive to its setting and the prevailing townscape thereby being detrimental to visual amenity and the character of the street scene. The proposal conflicts with the above policy.
4. The proposed vehicular access to the site from Church Road would, by virtue of its siting near to the junctions with North Street and St. Peter's Road and a right-hand turning lane on this busy and important route down to Shoreham Harbour and the A259 from the north, would add to the dangers faced by existing highway users and would unacceptably increase the risk of vehicular and pedestrian conflict on the highway, to the detriment of highway safety. The proposal is therefore contrary to the requirements of policy TR7 of the Brighton & Hove Local Plan.
5. The level of secure and covered cycle storage facilities within the development falls below the minimum required in Supplementary Planning Guidance note 4: Parking Standards, and is contrary to the objectives of policy TR14 of the Brighton & Hove Local Plan.
6. Insufficient details as to how the development would be efficient in the use of energy, water and materials – both during construction and in operation – have been submitted, and the application is not accompanied with either a commitment to achieving a Very Good or Excellent BREEAM

standard of design, or a pre-assessment for the energy efficiency and conservation of the development. As such the proposal conflicts with the objectives of policy SU2 of the Brighton & Hove Local Plan.

7. The documents accompanying the application do not demonstrate, to the satisfaction of the local planning authority, that construction waste will be minimised, reduced, re-used or recycled and that facilities for the successful recovery and separation of re-usable and recyclable waste will be provided on site. Additionally, the limited detail of re-cycling and waste re-use facilities integrated within the development to be brought into use at the operational stage for the benefit of staff and customers is inadequate. As such the proposal does not accord with the requirements of policies SU13 and SU14 of the Brighton & Hove Local Plan.

Informatives:

This decision is based on the Sustainability Checklist, Biodiversity First Impression List and Site Management Plan submitted on 18 September 2008; the Design and Access Statement and Site Waste Management Plan data sheet submitted on 14 October 2008; the Green Access Travel Plan submitted on 20 October 2008; drawing nos. 6655/00 Rev. A and 6655/109 Rev. A submitted on 18 September 2008; 6655/100 Rev. C, 6655/101 Rev. C, 6655/107 Rev. A and 6655/108 Rev. A submitted on 29 September 2008; 6655/01 Rev. B, 6655-02 Rev. B, 6655/102 Rev. C, 6655/103 Rev. D, 6655/104 Rev. C, 6655/105 Rev. D and 6655/110 Rev. # submitted on 14 October 2008; and 6655/106 Rev. C submitted on 20 October 2008.

### **3 THE SITE**

The application relates to a site of 0.29 hectares situated at the corner of Church Road and Wellington Road in south Portslade, opposite Shoreham Harbour. Formerly in a light industrial use, the site is presently vacant. The large proportion of the site is occupied by a single storey workshop with a protracted roof of jagged, tooth-like pitches, and a two storey flat roofed office type building occupying a position along the west curtilage towards the front of the site.

There are parking areas to the front and rear of the site with vehicular accesses off Church Road and St. Peter's Road.

The site was vacated by the previous occupiers (Thomas Hatchard & Sons) in January 2008, and the company relocated to St. Joseph's Business Park in Hove. The reason given for the company leaving the site is that they could no longer sustain the premises and chose to relocate to smaller premises of 232 square metres.

Their activities on the Wellington Road site included precision engineering and manufacture of metal instruments.

### **4 RELEVANT HISTORY**

On 19<sup>th</sup> October 2000 permission was granted for the erection of a single

storey extension to the front elevation (ref. **BH2000/02334/FP**).

The factory units and offices were built in the 1950s and 1960s (refs. **Q/56/16 and Q/63/78**) and in 1976 two applications were successful for proposed change of use from light industrial to warehousing (refs. **3/76/0415 and 3/76/0548**). In 1978 permission was granted for alterations to provide additional toilet facilities and a staff room (ref. **3/77/0660**) and extensions to the factory were granted consent on 28<sup>th</sup> April 1978 (ref. **3/78/0154**).

## **5 THE APPLICATION**

The application seeks consent for the demolition of existing factory buildings and the redevelopment of the site by way of a self-storage repository facility comprising a box warehouse with arched roof being some 4 storeys in height - some 13.3m high above the level of Church Road - and having a footprint 31.75m by 50.5m. The warehouse would have a gross floorspace of 6331 square metres and have self storage facilities on all four levels – ground, first, second and third floors.

The development would provide for three full time employees and five part time staff. Opening hours would be Monday through Saturday 8am until 6pm and on Sundays and Bank Holidays from 10am until 4pm.

The front of the site would be landscaped and vehicular access off Church Road, at a staggered opposite to the junction with North Street, leading to a parking area along the south side of St. Peter's Road and including 14 car parking spaces. An existing gated access at the foot of Church Road and next to the signalled junction with Wellington Road (A259) would be blocked up and the highway made good.

The perimeter of the site would be delineated with a 2.4m high metal palisade fence adjacent to the public footways of Wellington Road, Church Road and St. Peter's Road.

## **6 CONSULTATIONS**

### **External:**

**Neighbours:** Four letters of representation have been submitted objecting to the proposal by **18 & 35 Church Road (x3); and 1 & 17 St. Peter's Road**, for the following reasons:-

- There are two existing storage companies within a 2 mile radius. There is no need for a third.
- There are plenty of buildings in the North Street industrial estate which are empty and another application for a warehouse facility on the corner of St. Andrew's Road – which is also a totally unacceptable location.
- The building is not in sympathy with existing buildings.
- The building is not an attractive welcome for people arriving in Brighton, Hove and Portslade from the west.
- The four storey building is too high. It is at the bottom of a slight hill and all other buildings are no higher than three storeys at most.

- No need for palisade fence all round site, there is none around the Big Box Co. in Chapel Rd., Fishersgate nor other firms in the area. A fence to prevent unauthorised parking is all that is needed.
- No mention of fire precautions.
- Four storey building will cause overshadowing.
- Overshadowing for houses in St. Peter's Road will be worse in winter months when the sun is lower than the other seafront buildings.
- Overshadowing will cause neighbours to use more power and thereby increasing their carbon footprint and greenhouse gas emissions.
- Traffic using Church Road will increase.
- Children attending the school in St. Peter's Road will be put at greater risk as a result of additional traffic.
- The vehicular access is poorly sited and would be dangerous to use.
- Church Road is the harbour link road.
- Heavy trucks laden with timber, building materials, gravel etc., along with fuel tankers run at odd hours all night – and would have problems if suddenly confronted by a reversing vehicle.
- Increased congestion and pollution.
- For vehicles to reverse onto the road constitutes a highway danger.
- Increase noise.
- Increase activity, seven days of the week.
- Loss of light.
- Uncharacteristic building with the surroundings.
- Devaluing of residential properties.
- Inviting people to an area in need of much improvement.
- Health and safety of the individuals who live and work in that area.
- Passive Infra Red (PIR) lights flicking on and off are a nuisance and can be switched on by small animals.
- There should be solar panels to provide hot water for toilets, cleaning and heating for the office.

**South East England Development Agency: Objection.**

The proposed development could hinder the delivery of a holistic regeneration strategy for Shoreham Harbour. The local planning authority should determine whether the application complies with the Local Plan and whether the application is premature in light of the emerging Area Action Plan.

**East Sussex Fire & Rescue Service: No objection.**

Access for fire appliances is satisfactory. Access for fire fighting is satisfactory.

**Sussex Police: No objection.**

No objection is raised subject to a variety of security precautions, including linking the CCTV with the alarm system, laminated external glazing, lighting, manually operated roller shutters and consideration of biometric security technology.

**EDF Energy:** No objection.

**Southern Gas Works:** No objection.

Subject to the developer being careful not to damage gas pipes and employ hand dug trial holes if in doubt.

**Southern Water:** No comment.

**Internal:**

**Planning Policy:** Objection.

The main policy concern about this proposal is the net loss of B1 floorspace and the associated reduction in the number of jobs the site could potentially deliver. In particular the proposal conflicts with policies EM7 and EM5 of the Local Plan.

The proposal indicates that only eight new jobs would be created, five of which being part time, which is far fewer than would be generated by B1 or B2 uses. The scheme fails test a) of Local Plan policy EM7.

Furthermore, the site has potential to provide valuable office floorspace (B1). Therefore any development proposal should seek to retain the 1830 square metres of B1 floorspace unless it can be demonstrated that it is genuinely redundant, in accordance with the criteria set out in EM5. If the unit is marketed for a reasonable length of time (12-18 months) and is then found to be genuinely redundant then evidence of this should be provided by the applicant including copies of the advert and publication dates and names.

In addition to the Local Plan, there are several emerging policy documents which set out aspirations for future development in the Shoreham Harbour area, including the site of this proposal, which do not have weight but signal current thinking about the future of the Shoreham Harbour area:

- The revised preferred options Brighton & Hove Core Strategy (2008), policy DA7, seeks high quality jobs to stimulate the local and sub-regional economy and provide the potential for inward investment as well as business retention.
- Alongside the Core Strategy, more detailed local policies about the area around Shoreham Harbour will be set out in an Area Action Plan that the City Council is preparing jointly with Adur District Council and West Sussex County Council.
- The Secretary of State's modifications to the draft South East Plan (2008) identifies Shoreham Harbour as a Strategic Development Area with significant potential to help strengthen the Brighton & Hove economy. The anticipated date for adoption of the South East Plan is early in 2009.
- The Shoreham Harbour area has also recently been awarded provisional Growth Point Status by the Government.

In order to address the potential policy gap until such time as those policy documents are adopted or approved, Interim Planning Guidance is being

prepared jointly with Adur and West Sussex. The IPG seeks to ensure that development coming forward in advance of the Joint Area Action Plan being adopted is broadly consistent with regeneration aims for the area

**Economic Development: Objection.**

The previous use of the site was a B1 light industrial use covering some 1830m<sup>2</sup> and had been in active use by the previous occupier for many years. Although there is no information provided with regards to the previous occupier, based on the offPAT employment densities for general industrial use of 2.9 jobs per 100m<sup>2</sup> there was the potential for up to 53 jobs being provided on the site.

The application proposes 6331m<sup>2</sup> of B8 space for self storage and the applicant states that this will create 3 full time jobs and 5 part time jobs: significantly less than the site could have provided previously.

The Design & Access Statement submitted pays little heed to the relevant local plan policies and does not address some of the fundamental areas that are required to support a change of use.

Particular reference is made to Policy EM7 Warehousing, which is identified in paragraphs 2.1.10.2 to 2.1.10.3.3. However, the applicant does not cover test a) of the policy which states that 'the number of jobs to be created would not be significantly less than those which would be likely to be generated by B1 or B2 uses' and their argument that this proposal is not the size and type of Warehousing development that is intended to be constrained by this policy is unjustified and incorrect. In order to meet this test the proposal would, in reality, have to provide 164 jobs. The provision of 3 full time and 5 part time jobs are significantly less and does not meet the test.

The applicant makes no reference to the emerging LDF and policy DA7 (above), which includes under the Preferred Options, the need for new and higher quality jobs for the area. This application does not contribute to this as it is considered that the jobs created will not be high quality jobs.

The economic development team has had no contact from the applicant prior to the submission of the application which would have been welcomed to outline the concerns and objection above.

**Traffic Manager: Objection.**

The proposed vehicular access off Church Road would be detrimental to highway safety and quality design and conflicts with policies TR7 and QD28 of the Brighton & Hove Local Plan.

**7 PLANNING POLICIES**

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

- S1 Twenty one criteria for the 21<sup>st</sup> century
- E1 Economy and employment – general

## PLANS LIST – 14<sup>TH</sup> JANUARY 2009

E2	Land and premises quantity – general
E3	Land and premises quantity - criteria
E4	Land and premises quantity – complementary approach
E5	Safeguarding existing land and premises
E6	Regeneration of existing land and premises – redundant sites
E7	Regeneration of existing land and premises – vacant/underused sites
E8	Regeneration of existing land and premises – environmental upgrading
TR1	Integrated transport and environmental strategy
TR3	Accessibility
TR4	Walking
TR5	Cycling - facilities
TR16	Parking standards for development
TR18	Cycle parking
TR32	Shoreham Port Area Policy
EN1	The environment – general
EN6	The coast
EN13	Air quality
EN14	Light pollution
EN26	Built environment

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
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
QD7	Crime prevention through environmental design
QD12	Advertisements and signs
QD15	Landscape design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations

EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
EM7	Warehouses (B8)

Supplementary Policy Guidance Notes:

SPGBH4: Parking standards

SPGBH16: Renewable energy & energy efficiency in developments

SPGBH21: Sustainability Checklist

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

*The application was received 3 days prior to the adoption of SPD08: Sustainable Building Design, which would have required a 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and a feasibility study on rainwater harvesting and grey water recycling systems.*

## 8 CONSIDERATIONS

The key considerations in the determination of the application include the acceptability of the repository use in principle; impact on employment space provision in the city and the regeneration strategy for South Portslade and Shoreham Harbour; the design, scale and appearance of the proposed building; impact on residential amenity; sustainable design and minimisation of emissions in the construction and operation of the building; and the impact on highway safety and parking.

### **Principle of development**

The existing site comprises single storey and two storey buildings providing 1830 square metres of B1 light industrial/office space. Though not situated within a Policy EM1 area, which would otherwise preclude a warehouse use, policies EM5 and EM7 of the Local Plan are pertinent.

Policy EM5 will only sanction the release of office (B1) floorspace and conversions to other uses if the applicant can demonstrate the space is genuinely redundant:-

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



In the event the space is regarded as genuinely redundant, preference will be given to alternative employment generating uses; followed by affordable housing.

The written documents submitted with the application address none of these criteria. The applicant has not put a case forward describing the length of time the premises have been vacant (believed to be but 6 to 12 months) or details of a marketing strategy and as such the site may be considered viable as an ongoing Class B1 site and that a change of use to a less beneficial use in terms of employment levels and employee skill levels would not be acceptable.

Local Plan policy EM7 is not permissive of new primary warehousing development unless it can be demonstrated that such proposals are essential to the economy of Brighton & Hove; and

- a. The number of jobs to be created would not be significantly less than those which would be likely to be generated by Class B1 or Class B2 use;
- b. There are no vacant warehouse buildings existing, under construction or with planning permission in the Brighton & Hove area;
- c. There is no adverse environmental impact due to increased traffic and noise;
- d. The development will not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
- e. There is satisfactory provision for access, parking and servicing.

Existing B1 light industry use could employ up to 3.7 people per 100 square metres, a total of 67.7 people. B1 office space has potential to employ 5.25 per 100 square metres – a total of 96 people.

The application fails to satisfy these requirements and would result in the loss of 1830 square metres of Class B1 light industrial/office floorspace which has potential to employ up to 53 people in general industry in accordance with offPAT employment density statistics (or 67 people in light industry or 96 people in office based roles) and replacement with a 6331 square metre warehouse (Use Class B8) for self storage employing but 3 persons full time and 5 persons part time – equivalent to a mere 0.1 employees per 100 square metres (when counting two part time positions as equivalent to one full time role). The proposal does not have the support of the council's Economic Development section for these reasons.

Therefore the scheme fails criterion a) of policy EM7 because it does not achieve sufficient employment potential – and the replacement of land until recently used for light industry/offices with a single large scale B8 use is not acceptable in this location in principle and certainly is not making the best and most effective use of the site.

The absence of any evidence submitted with the application to demonstrate the applicant has sought existing warehouse units within the city does not

satisfy the requirements of criterion b) of policy EM7 and criteria c) and d) are matters for the local planning authority to determine.

The design and access statement accompanying the application does not justify the proposal to downgrade the site to a warehouse use and simply avers that they do not believe policy EM7 applies to sites like 105 Wellington Road by the extensive remit of criterion b) and that the applicant believes the policy seeks to control significantly larger and more complex warehouse development than that proposed.

This is insufficient justification for failure to comply with policy EM7 which has the clear objective of only allowing primary warehousing development if the applicant demonstrates it is essential to the economy of the city and the site could not be utilised for more beneficial uses providing greater employment opportunities.

Both Economic Development and Planning Policy raise objections to the proposal. Planning Policy and the South East England Development Agency – the latter to facilitate and provide funding for the Shoreham Harbour regeneration - object to the proposal because it would prejudice the future regeneration of both the harbour and South Portslade.

Brighton & Hove City Council is working with partners in Adur District Council to produce a Joint Area Action Plan for improvements to the area but until this is adopted only Interim Planning Guidance, which carries limited weight in decision making, is available.

Similarly, the emerging Core Strategy Preferred Options prepared as part of the Local Development Framework, is expected to be adopted in early 2009 but until that time carries less weight in decision making than the current Local Plan.

Emerging Core Strategy policy DA7 states existing industrial/employment areas should be improved both to provide employment for the local population and contribute to the wider needs of the city and raising skill levels.

The South East England Development Agency and Planning Policy are concerned the development could hinder the successful regeneration of Shoreham Harbour and South Portslade.

#### **Design, scale and appearance**

The existing building is one to two storeys in height and has pitched roofing and a large area of mono-pitch roofs forming a jagged, serrated pattern, typical of industrial premises of its time. The existing buildings are similar in both scale and form to the adjoining residential terraces such as St. Peter's Road. The lower height of the buildings is also reflective of the site's topography in the trough of a valley – formerly a gap in the cliffs before the area became built up – and known historically as Copperas Gap.

Policies QD1, QD2, QD3 of the Brighton & Hove Local Plan require new development to achieve a high standard of design which makes a positive contribution to the visual quality of the environment; takes into account the key characteristics of the local neighbourhood – including topography, the skyline and the height, scale, bulk and design of existing buildings – and make efficient use of sites whilst not being insensible to the prevailing townscape. Additionally policies QD4 and QD5 of the Local Plan seek to ensure development preserves or enhances strategic views and the coastline - including initial views of the city from all access points – and that buildings should present an interesting and attractive frontage, particularly at street level for pedestrians.

The application site is very prominent and situated on a main route into Brighton & Hove from the west and is seen as the gateway to the city by visitors arriving from the west. New development on any scale should be designed to reflect the strategic importance of the location and the first impression it will give visitors to Brighton & Hove.

The proposed warehouse bears little if any resemblance to any of the key characteristics of existing development in either scale or form: having a bulbous curved roof, large footprint and 4-storey height which would not only dwarf neighbouring houses and existing industrial buildings but appear discordant and overpowering – being unduly dominant in the townscape, bulky, unyielding and detrimental to visual amenity and the street scene. The scheme proposes a standard and generic warehouse structure which pays little homage or respect to local characteristics and the qualities of the immediate built environment that have evolved and become established over many years. The bulk and stature of the building does not reflect the topography of the site and how the sloping valley and drop in ground levels centring on Copperas Gap is reflected in the diminishing scale and height of existing buildings. The massing model submitted (drawing no. 6655/109 Rev. A) shows that it is not only the height, but also the length and width of the building, which combine to create a structure that is out of keeping with the prevailing townscape and the form and scale of existing buildings.

The entirely functional building would be built at ground level from blue engineering brick with flat cladding panels of grey and blue forming the main walls – divided by blue cladding to the vertical supporting columns – and topped with a goose grey standing seam roof with yellow gutter rail. A glazed atrium with a hanging shade would mark the warehouse entrance with a similar suspended shade and full height glazing panel feature at the corner of the building with the signalled junction at Wellington Road and at the diametrically opposite corner in St. Peter's Road.

The design and access statement suggests the canopies would also function to shade plant around the building. Although unclear, plant could include air conditioning compressor units or other apparatus that have potential to be unsightly and further degrade the poor appearance of the building.

Ventilation, air conditioning and other apparatus should be designed into the building itself, with the built envelope and architecture, and not added later as an after thought – the repercussions of which could be detrimental to visual amenity and potentially residential amenity also - by virtue of the noise generated.

The 2.4m high palisade fencing is considered excessive and such overt fortification would give the building a hard edged and foreboding character wholly at odds with the domestic scale and residential character of nearby buildings. The height and style of fencing is not appropriate in this location and would introduce an alien and incongruous feature in the street scene, to the detriment of visual amenity.

The warehouse signage would comprise a 15.2m x 2.2m blue and yellow fascia to the Church Road elevation, the top edge being 9.5m above street level, and a 10.75m x 1.6m sign on the north and south elevations facing St. Peter's Road and Wellington Road respectively. The north elevation would be embellished with yellow colour roller shuttered doors and loading bays off the parking area. In view of Local Plan policy QD12, the size and height of the signage in combination with the contrasting and bright blue and yellow lettering and background is inappropriate in this location and would stand out unduly in this location, to the detriment of visual amenity. The signage, similarly to the building itself, is not sensitively designed to be in keeping with the prevailing townscape.

In view of the above the proposal is contrary to the requirements of policies QD1, QD2, QD3, QD4, QD5 and QD12.

### **Amenity**

Policy QD27 of the Local Plan aims to safeguard neighbouring occupiers and users from loss of amenity as a result of new development – such harm including loss of light, overshadowing, noise, traffic movements, hours of operation and overlooking, for example.

The hours of operation proposed are from Monday through Saturday 8am until 6pm and on Sundays and Bank Holidays from 10am until 4pm. As such the warehouse will not be operational in the evenings or overnight and the levels of activity associated with the use would not cause undue loss of amenity. The properties most likely to be affected and residential dwellings in Church Road and St. Peter's Road. Hours of opening can be controlled by planning condition and likewise, levels of external lighting and measures for providing a landscaped buffer/screen between the car park and St. Peter's Road (which is alluded to and set aside on drawing no. 6655/100 Rev. C) can also be secured by condition prior to the warehouse coming into operation.

The applicant envisages 5 customer visits to the warehouse daily (at least ten movements crossing the site threshold) based on empirical data gathered from other Safestore warehouses and this is detailed in the design and

access statement and travel plan accompanying the application.

The daylight and sunlight drawing accompanying the application indicate the building would not overshadow residential properties in St. Peter's Road. The north elevation of the warehouse would be situated 19m in from the site boundary, and 33.5m from the façades of houses on the northern side of St. Peter's Road. This separation is considered just sufficient to preclude an overbearing impact. Similarly, being 19.5m distant, the near corner of the building to Blank Studios and houses in Church Road is sufficient to preclude loss of amenity.

### **Sustainable design and minimisation of construction waste**

A sustainability checklist has been submitted in accordance with SPG21 (which was superseded during the life of the application with SPD08: Sustainable Building Design) and of the twenty-two criteria three categories are described as not applicable (housing and biodiversity) and eight not complied with. These include:

- Submission of a nature conservation report.
- Adding a diverse range of employment opportunities for local people, encouraging both start-ups and expanding businesses.
- Providing training opportunities for local people.
- Provide for expansion in a growth area.

Clearly the importance of providing a diverse range of employment opportunities for local people is one of the key considerations in the sustainability of the proposal and how it would integrate and enhance the prospects of the local population and the failure of the proposal to satisfy this criterion further amplifies the conflict with policies EM5 and EM7 of the Local Plan.

Five of the checklist criteria would be partially met by the proposal: including the standard of design in relation to crime prevention (policy QD7); provision of a mix of uses suitable to the area; compliance with Local Plan policy SU2 (Efficiency of development in the use of energy, water and materials); accessibility to all sectors of the community; and promotion of sustainable means of transport to and from the site.

The reasoning given by the applicant for part failure to comply with policy SU2 of the Local Plan is that it is not applicable when determining the use of the building. Evidently the proposal includes considerable physical development by way of a large warehouse of four storey height and as such the local planning authority should reasonably expect this criterion to be fully met and a commitment to achieving a good BREEAM rating put forward but this is not the case.

The application will satisfy six of the twenty-two criteria in the checklist because the applicant states land and water contamination and atmospheric pollution will not increase; the proposal will re-use a vacant site; the location

has good access to public transport; will provide cycle parking and shower and changing facilities to encourage cycling; and incorporate recycling facilities on site. Of the above assertions none are substantiated, particularly the contention that the development will not increase atmospheric pollution or land and water contamination.

In view of the above the proposal does not adequately comply with policy SU2 of the Brighton & Hove Local Plan or SPGBH21 and does not demonstrate a commitment to sustainable development, either in terms of the environment, the economy or the social landscape: the three mutually reinforcing pillars of sustainability.

### **Waste minimisation and management**

Policy SU13 of the Brighton & Hove Local Plan requires details of how the development would re-use and minimise construction industry waste, e.g. promoting standards of design which increase the life-span of the development, incorporating waste material into the design of the development and utilising construction methods which minimise the use of raw materials and maximise the use of secondary aggregates, recyclable and recycled materials. In addition, policy SU14 requires a waste management strategy for when the development becomes operational, including provision for customers and staff to re-use and recycle the waste they generate.

The Site Waste Management Plan data sheet submitted with the application gives no information leaving all related matters to be established at a later date. A separate document accompanying the application includes one paragraph concerning the applicant's commitment to reducing customer waste encouraging them to take their waste away with them or dispose of it in segregated waste bins stored within a fenced enclosure away from the building to be provided.

The applicant has not submitted information relating to the source of materials or how the quantity of materials or the reduction, re-use and recycling practices to be employed during the construction of the building.

Accordingly the proposal is at odds with the requirements of Local Plan policies SU13 and SU14.

### **Impact on the highway and parking provision**

In seeking to ensure development is safe, Policy TR7 of the Local Plan opposes schemes which would increase the danger to users of adjacent pavements, cycle routes and road and where there are no acceptable solutions forthcoming in response to the problems arising from a development proposal, planning permission shall be refused.

The proposed vehicular access off Church Road is on a busy stretch of road leading down to the A259 coast road and at a staggered opposite with North Street, a main access route to the neighbouring EM1 designated industrial

zone. The proposed access would be situated in front of a turning lane. The access is also close to the junction with St. Peter's Road – a residential street with primary school. The new access proposed would create an additional hazard for existing highway users and increase the likelihood of pedestrian and/or vehicular conflict leading in the worst cases to personal injury and as such detrimental to highway safety and the objectives of policy TR7. The Traffic Manager has raised an objection to the scheme on this basis.

Policy TR19 of the Brighton & Hove Local, in conjunction with SPGBH4: Parking Standards, sets out the maximum off street parking provision for motorised vehicles for new development and changes of use. The site is outside of a parking control zone although Church Road and some of St. Peter's Road is painted with double yellow lines and neighbouring residential streets are heavily parked.

The previous light industrial use of the site would have required 1 car parking space per 20m<sup>2</sup> up to 200m<sup>2</sup> and 1 space for every 50m<sup>2</sup> thereafter. This equates to 42 spaces. An on-site loading bay would also have been required. Although the applicant has not stated how many parking spaces there are on either the plans or application forms submitted, the two existing car parks at the northern and southern ends of the site could likely accommodate such a number of spaces.

In contrast the proposed B8 warehouse use of 6331m<sup>2</sup> could demand a maximum of 1 car space per 50m<sup>2</sup> of floor area, equating to 126 spaces, along with an area for waiting and unloading. The application includes provision for 15-20 parking spaces (design & access statement) although only 14 are shown on the plans, including one space for disabled use. It is reasonable to expect up to eight vehicles waiting at each loading bay also. The proposal is well within the maximum limits for parking set out in SPGBH4 and represents a maximum shortfall of 112 parking spaces.

Five secure and covered cycle storage spaces are proposed within the site, the minimum level required by SPGBH4 being between 7 and 8 spaces. The cycle parking provision does not therefore comply with the requirements of the SPG of with Policy TR14 of the Brighton & Hove Local Plan.

The applicant has submitted a Travel Plan with the application in accordance with policy TR4 of the Local Plan, which is requirement for major employment developments likely to have significant transport implications. The applicant concedes that most users of the self-storage facility would be car users and that the Travel Plan would only apply to staff. Due to the low level of staff the associated traffic implications would be minimal though attempts to encourage cycling and walking to work are praiseworthy.

The Traffic Manager has stated that in the event permission is granted, the applicant would be required to make a contribution towards the local transport infrastructure in order to moderate the deficiencies brought about by the

development, and that such a requirement could be discharged on the applicant entering into a legal agreement for commuted payment of £80,430 - calculated in accordance with the TRICS database.

In summary the proposal would be both detrimental to highway safety and contrary to policy TR7 of the Local Plan, and would not accommodate sufficient levels of secure and covered cycle storage, conflicting with policy TR19 and SPG4.

## **9 CONCLUSIONS**

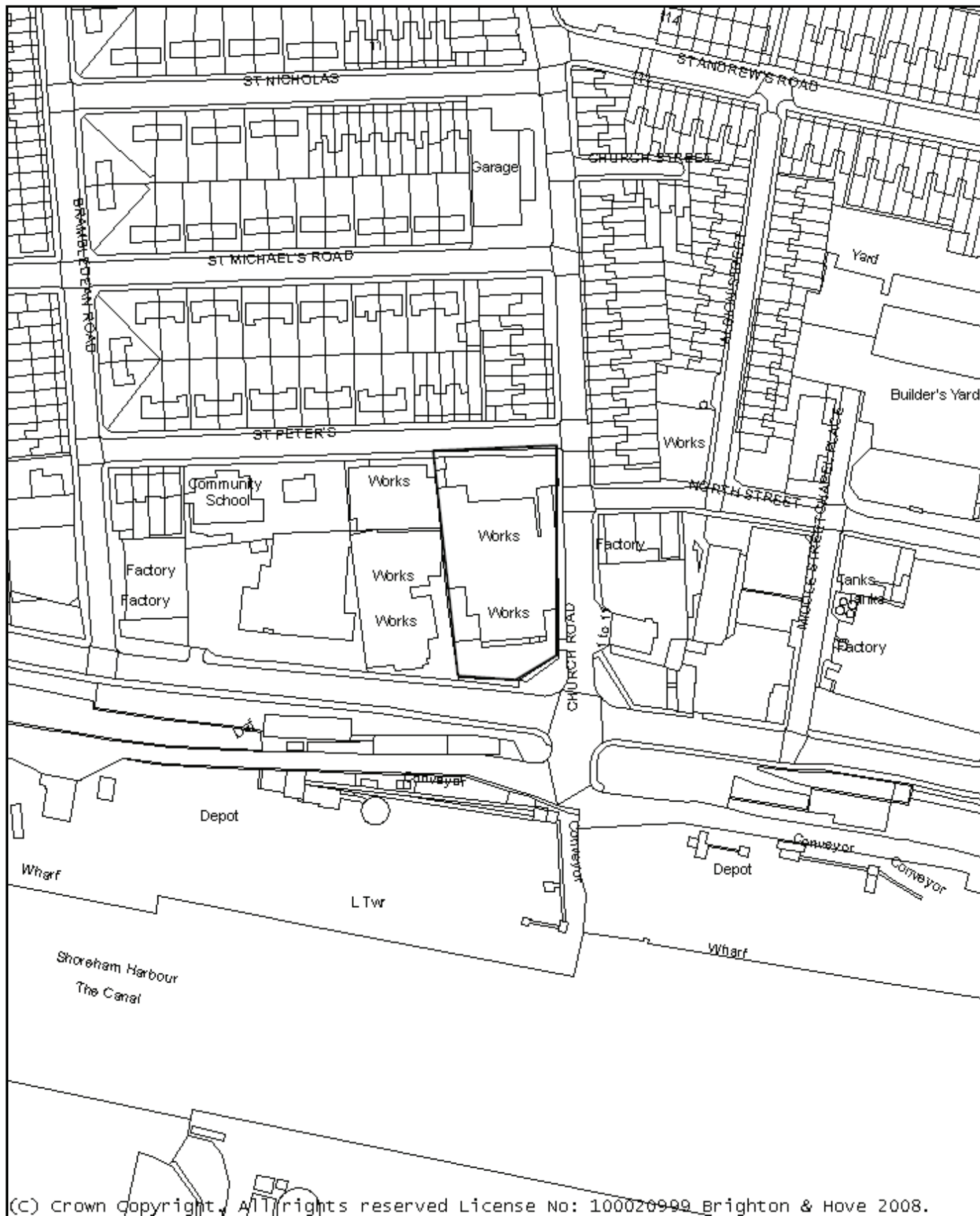
The application is contrary to the development plan for several reasons. The proposed use would not make the most effective use of the site in terms of providing employment opportunities in the local area and creating more highly skilled roles that would have wider benefits of social and economic regeneration. The bulk, scale and appearance of the proposed building and associated signage, are discordant with its setting and surroundings and do not respect the form and character of existing development. The scheme would give rise to visual harm and being in a prominent location at a key gateway to the city from the west is detrimental to an important and strategic view and could prejudice the regeneration of South Portslade and Shoreham Harbour. The proposal introduces a new vehicular access point onto Church Road which has potential to increase incidents of conflict between vehicles and pedestrians that would be unacceptably detrimental to highway safety.

Within the site an insufficient number of secure and covered cycle storage facilities is proposed and the construction waste minimisation and waste recycling and minimisation details submitted by the applicant are insufficient. These factors, in conjunction with the lack of commitment to achieving sustainable building design or BREEAM standards of construction and building operation, would result in an unsustainable development which is at odds with the development plan and the vision for the city in terms of both regeneration benefit, opportunities for the local community and social, economic and environmental sustainability.

## **10 EQUALITIES IMPLICATIONS**

The proposal should be built in accordance with Part M of the Building Regulations and the requirements of the Disability Discrimination Act 1995 (as amended).





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<b><u>No:</u></b>	<b>BH2008/03015</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Maycroft &amp; Parkside, London Road, 2-8 Carden Avenue</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and development of residential care home for the frail elderly (C2). Resubmission of planning application BH2008/00925.</b>		
<b><u>Officer:</u></b>	Liz Holt, tel: 291709	<b><u>Received Date:</u></b>	16 September 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	22 January 2009
<b><u>Agent:</u></b>	Gerald Eve, 7 Vere Street, London		
<b><u>Applicant:</u></b>	Sunrise Senior Living Ltd, Crofton House, 16 Warwick Road, Beaconsfield		

## 1 SUMMARY

The application is for full planning permission for the demolition of six existing dwellinghouses and the construction of a residential care home for the frail elderly (Use Class C2). The application is a re-submission of a previously refused application BH2008/00925.

The proposed development, which would provide 80 suites and ancillary facilities, would consist of a 2½ and 3 storey (2½ storeys on the eastern end) 'L-shape' building along the north and west boundaries of the site, formed by the combination of the curtilages of the existing six detached dwellings. The building would be of a traditional design with pitched roofs, dormers, chimneys, bays and Dutch gables. The development would be constructed of brickwork, render panels, timber framing and plain clay tiles.

Twenty five parking spaces, including two disabled spaces, would be provided at the rear of the property, accessed from Carden Avenue. A contribution of £45,000 is requested towards the Sustainable Transport Strategy. This contribution would relocate the existing bus stop and provide a shelter.

A Screening Opinion was adopted prior to this application and found that Environmental Impact Assessment was not required.

The proposed development, which is considered to be of an acceptable design, would provide residential accommodation for the elderly without being of detriment to the character or appearance of the surrounding area. The application is recommended for approval.

## 2 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 that it is **Minded to Grant** planning permission subject to:

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

- A contribution of £45,000 towards Sustainable Transport Strategy prior to commencement of development;
- The securing of the 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 including residents, visitors, staff, deliveries, servicing, parking management and other users of the site); and
- Public art works to the value of £30,000, the details of which to be submitted and approved in writing by the Council prior to commencement of development.

Conditions:

1. 01.01AA Full Planning.
2. 02.06A Satisfactory refuse storage (BandH).
3. 03.01A Samples of materials – Non Cons Area (BandH).
4. 02.06A Satisfactory refuse storage (BandH).
5. 06.03A Cycle parking facilities to be implemented (BandH).
6. 04.03 Protection of existing trees. **At the end of the condition add...** the plan shall include the protection of trees which are located off site but have roots in the vicinity of the development (i.e. Withdean Park). The trees shall be protected in accordance with BS5837. **At the end of the reason add...**and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
7. 04.01 Landscaping/planting scheme. **At the end of the reason add...**and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan
8. 04.02 Landscaping/planting (implementation). **At the end of the reason add...** and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan
9. All existing trees on site which are to be retained as indicated on the drawings submitted, and any new trees which are to be planted as part of the landscaping scheme, which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** In the interests of visual amenities of the surrounding area and the residential amenities of nearby properties and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan.
10. Prior to the commencement of the development a method statement for the construction of all new pedestrian access routes and blocking up of existing pedestrian access routes shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details.  
**Reason:** In order to protect trees from damage during construction as a result of the proposed access routes and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
11. 03.03 Odour control equipment. **Add ...** and to accord with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
12. 03.04 Odour control equipment (sound insulation). **Add ...** and to accord

with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 13.03.10 Soundproofing plant/machinery. **Add** ...and to accord to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 14.05.02A Site Waste Management Plan
- 15.05.01AA BREEAM
16. Construction of the development shall not commence until details of the proposed means of foul sewage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details.  
**Reason:** To enable the Local Planning Authority to control foul sewage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
17. The development hereby permitted shall not be brought into use until the vehicle parking area shown on the submitted plans has been laid out and surfaced to the satisfaction of the Local Planning Authority. The parking area shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
18. Prior to the commencement of the development on site, detailed drawings, including levels, sections and constructional details of the proposed highway works, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.  
**Reason:** In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.
19. No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.  
**Reason:** The development is likely to disturb remains of archaeological interest and in order to protect and provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
20. Notwithstanding the Ecological Assessment Document submitted as part of the application, prior to the commencement of the development full details of ecological mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and retained as such thereafter.  
**Reason:** In the interests of maintaining the biodiversity and ecological interest of the site and to comply with policy QD17 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 5073-AL-0001revA, 5073-PL-011, 5073-PL-012, 222/53-01revE, unnumbered Colour Illustrations (Site Plans, Floor Plans and Door Canopy) Site Constraints Plan, Appendices of the Design and Access Statement, Planning Statement, Affordable Housing Policy Report, BRREAM Multi-Residential Report, Transport Statement, Interim Travel Plan, Energy Strategy Statement and Sustainability Checklist, Great Crested Newt Survey Report, Arboricultural Impact Assessment, Ecological Assessment Public Consultation Document and Pinders Needs Assessment Report submitted on the 16<sup>th</sup> September 2008, drawing nos. 5073-PL-032revH, 5073-PL033revG, 5073-PL-034revG, 5073-PL-035revG, 5073-PL-036revF, 5073-PL-037revE, 5073-L-038revE, 5073-PL-039revD, 5073-PL-040, pages 1 to 27 of the Design and Access Statement, Site Waste Management Plan Data Sheet and Biodiversity First Impression List submitted on the 30th September 2008, Drawing nos. 5073-PL-041revA, 5073-PL-042revA and 5073-PL-043revA submitted on the 23<sup>rd</sup> October 2008, drawing labelled appendix A7 and associated e-mail submitted on the 13<sup>th</sup> November 2008, an e-mail from Peter Dines received on the 11<sup>th</sup> December 2008 and drawing no. 2076.10 submitted on the 15<sup>th</sup> December 2008
  
2. IN.07A Informative: BREEAM
  
3. The applicant is advised that the written scheme of investigation, in accordance with condition 19, should 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 in East Sussex (development Control (2008)' including Annexe B.
  
4. 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
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
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
SU3	Water resources and their quality
SU4	Surface run-off and flood risk

SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
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
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO11	Residential care and nursing homes
HE12	Scheduled ancient monuments and other important archaeological sites
<u>Supplementary Planning Guidance (SPG's)</u>	
SPGBH4	Parking Standards
<u>Supplementary Planning Documents (SPD's)</u>	
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
<u>Planning Policy Guidance</u>	
PPG13	Transport ; and

(ii) for the following reasons:-

The proposed development would provide residential accommodation for the elderly in accordance with policy HO11 of the Brighton & Hove Local Plan. The proposed building is considered to be of acceptable design and there would be no significant adverse impact upon the character or appearance of this site or the surrounding area. Furthermore, subject to conditions to control the development in detail, there would be no significant harm to the amenity of neighbouring properties.

### **3 THE SITE**

The application site, which is located on the corner of Carden Avenue and London Road, encompasses six separate plots, currently occupied by large detached family houses, mostly hidden behind fences and mature trees with front gardens. Two of the plots (Parkside and Maycroft) front London Road, the other four plots front Carden Avenue. At present all boundaries benefit from mature planting and there are a number of mature trees on the site.

The site lies in a residential area, adjacent to London Road which is the primary route into the City from the north. There are dwellings located immediately adjacent to the east and on the western side of London Road; Withdean Park adjoins the site to the south and a residential/sheltered

housing development to the north. As well as residential dwellings there are existing rest/nursing homes in the locality and a children's nursery. Development in the immediate area is generally two storeys, although Elwyn Court is three storeys. In the wider locality there are larger high rise developments along London Road.

**4 RELEVANT HISTORY**

**BH2008/00925:** Demolition of existing buildings and development of residential care home. Refused 11/07/2008 on the grounds of the bulk, massing, footprint, height, and design being out of character with the surrounding area, the net loss of the existing six dwellings and exacerbation of traffic problems within the area. An appeal against this refusal has been lodged.

**5 THE APPLICATION**

Planning permission is sought for the demolition of 6 existing dwellings, known as Maycroft and Parkside London Road and nos. 2, 4, 6 and 8 Carden Avenue and the construction of a residential care home (Use Class C2). The proposed development would consist of a 2½ and 3 storey (2½ storeys on the eastern end) 'L-shape' building along the north and west boundaries of the site, formed by the combination of the curtilages of the existing 5 detached dwellings. The building would be of a traditional design with pitched roofs, dormers, chimneys, bays and Dutch gables. The development would be constructed of brickwork, render panels, timber framing and plain clay tiles.

The proposed development would provide 80 private suites (25 suites would be used for residents suffering from mental frailty or dementia whilst 55 suites would be used for elderly care) in addition to the provision of communal living/dining areas and staff accommodation and facilities.

Vehicular access to the site will be provided at the north-eastern corner of the site via Carden Avenue. Twenty-five parking spaces, including 2 disabled, are proposed located in the south-eastern section of the site.

**6 CONSULTATIONS**

**External:**

**Neighbours:**

Petition from **Elwyn Jones Court** comprising of **54 signatures** objecting on the grounds that quality of life would be disrupted by the proposed demolition and residents' safety would be comprised. The bus stop into town would be alongside the proposed demolition/building site. The residents who are able to travel into town would have to walk into London Road past the lorries etc, involved in the project. The dust and noise created would mean that residents would be unable to neither have their windows open nor sit in the garden. For the practically housebound this would be unbearable. Environmentally nothing is mentioned about the trees presently surrounding the area. The loss of these would be tragic. Surely with the present provision in the area for elderly people (ie sheltered blocks, nursing homes etc) there is no need for further

development such as this proposal. The potential increase in traffic and lack of parking spaces are also of considerable concern.

102 generic objection letters received from:

**Flats 2, 3, 10, 13, 15, 19 and 23 Bourne Court**

**13, 14, 15, 16, 17, Bramble Cottage 18, 23, 26, 27, 31, 34, 35, 38 and 40 Carden Avenue**

**Flats 1, 2, 4, 6, 7, 10, 11, 12, 13, 14, 15, 16, 18 and an unknown flat Charles Kingston Gardens**

**4 Cornwall Gardens**

**77 Eldred Avenue**

**39 Elsted Crescent**

**Flats 2, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 31, 34, 35, 36, 38, 39, 40, 41, 42, 43, 45, 47, 49, 53, 54, 56, 57, 58, 60, 62, 63, 64, 66, 69, 72 and 73 Elwyn Jones Court, South Woodlands**

**31 Old London Road**

**3 Overhill Gardens**

**27 Princes Road**

**16, 19 South Woodlands**

**2, 4 The Deneway**

**Flats 3, 4, 9, 11, 12, 12A, 14, 19, 39 and 40 The Priory**

**73 Tivoli Crescent North**

Object on grounds of;

- it will be too big for the area,
- it will be ugly and unsightly,
- the bus stop will be moved,
- the roads will be more dangerous,
- there will not be enough parking,
- the environment will be damaged,
- too many trees will be destroyed, and
- family homes will be destroyed.

Other reasons given are as follows;

- overdeveloped for size of area,
- bad design,
- with the redevelopment of the vets at 8 The Deneway, plus the existing, vastly expanded, refuge in the Deneway, the area is becoming more and more commercial and less residential in nature,
- the children attending the local nursery may be at risk from traffic,
- Withdean Park may be built on,
- this isn't a development that will benefit/will be affordable to the local community, more affordable housing is needed for local people,
- how far will the bus stop be moved?
- the elderly and blind will be at risk and cannot afford to lose the bus stop,
- parking is already dangerous as Carden Avenue is a major bus route,
- too noisy and dirty whilst being built,



## PLANS LIST – 14<sup>TH</sup> JANUARY 2009

- any building works will be unbearable for local residents,
- who will be able to afford the £50,000 per year, the onus would be on the Council to subsidise the majority, it would be another drain on the City's finances,
- the peaceful area will be gone,
- other road crossings (light or zebra crossings) would be absolutely essential,
- London Road and Carden Avenue already produce large amounts of traffic, the proposed development will increase the volume of traffic and make crossing roads even more hazardous for the already large elderly population,
- there are enough nursing homes in the area already,
- the development will spoil the character of the surrounding area plus stretch the 5 and 5A bus service to its limit,
- not suitable for the area,
- it is dangerous to try to cross the road opposite the bus shelter on the corner of Graham Avenue and the post box a few yards away. Traffic lights should be put up for people to cross this road to go to the bus stop or post box,
- it will be more dangerous than it is now to cross the road. There are a lot of old people in Elwyn Jones court, some with bad eyesight,
- have other priorities in this time of economic recession,
- it will be noisy for old people,
- it will take far too long before it is finished,
- Carden Avenue is over-inundated with residential/sheltered housing.
- the project is not in keeping with its surroundings,
- there is already a problem with parking for a local nursery which has made Carden Avenue more dangerous due to the high volume of traffic and parking on the verge near the bend,
- the roundabout at the junction with London Road is already an accident spot, which would become much worse if such a large development goes ahead,
- the area already has a high density of residents and traffic/parking is a serious problem,
- It will detract from the area due to over-population
- there is the possibility of over-encroachment on the peace and tranquillity of the area of Withdean Park,
- not enough car park spaces for the staff and residents,
- children walking to the nursery or school will be put at risk during the development,
- the area will be overdeveloped,
- residents prefer a home not an institution type of building therefore a large property as planned is out of character with the benefit expected, taking onto consideration the generic objection reasons and with a nursing home and other facilities already in the area any further development would be an environmental disaster. Family housing as it is should be retained,
- as a main artery into Brighton London Road is grid-locked most days in

busy periods. Access into Carden Avenue from London Road is very difficult now and will be intolerable if this building was to go ahead,

- this is a residential area which over the years, with various developments being permitted to change to a commercial enterprise zone,
- extremely concerned about the intensification of traffic movements that this large development will generate at the junction off London Road and Carden Avenue,
- the size and scale of this development is not appropriate in this area,
- would result in a loss of family homes,
- parking is inadequate,
- Carden Avenue is already a busy road and any additional traffic and parking on this road would be dangerous to pedestrians including residents from the local care home,
- with the number of people on the Council housing list would think that social housing is a higher priority, and

**150 Balfour Road, objects** on the grounds that the roads will be more dangerous due to increased traffic and children walking to the nursery/school will be put at risk. Cars will be parked dangerously; there will be 100 staff, 80 residents and only 25 car parking spaces. Also family housing will be destroyed.

**6 Briarcroft Road, objects** on the grounds that this is a rehash of the previous proposal democratically thrown out by the planning committee. The area will be totally overdeveloped; a property of this scale should be at least 50 feet from the building line to allow for essential services to be provided. This development will create at least a ten fold increase in water and sewage. This area is prone to flooding and as it is at the bottom of a valley and contains an underground river. The traffic at this area is very dangerous. The new development, although slightly lower, is for a similar number of units and much of the green space from the original development has been removed. This will also fail to free family homes because there is currently no liquidity in the housing market. It is also completely out of keeping for Patcham.

**10 Carden Avenue, object** as the proposed development will have a devastating effect on their property, it will no longer be visible as residential property because the surrounding houses will all have advertising hoardings. Their property will be swamped by the sheer size, scale and bulk of the building, 10 Carden Avenue will look like an out of character annex next to this 80 bedroom monolith. This development will completely change the character of the area. The design has not changed since the previous application and Urban Design was the main reason for refusal. Although the south-west elevation has slightly reduced there are still 80 units mainly achieved by a loss of green space and trees. The only green space left will be road facing, noisy and polluted. This property will also destroy the initial impression of Patcham and the City of Brighton & Hove. It will dominate the landscape due to the close proximity of the London Road building line. The design is too bulky and the overdevelopment has not been addressed by

these proposals. Family housing will be lost by these proposals and the current rate of sales of houses will not free up any housing. Local sewage and water will not cope. There is also a historic risk of flooding in this area. There is overcapacity of healthcare in the area. The transport implications of this have not been fully thought out. This junction is the main artery into the City and many accidents occur and are not reported. The Bus Stop will need to be moved. To move the bus stop closer to the junction will cause major delays and put the safety of children and old people at risk. Many mature trees will be destroyed in the building of this development and many may be damaged. The area around Withdean Park (home of the national lilac collection) is a unique environmental area for Brighton & Hove with mature trees and local wildlife. No amount of landscaping will replace what has taken a hundred years to establish. Sunrise developments use an amplified sound system in the grounds of their care homes. 24 hour movements of staff, emergency vehicles and ancillary services will be outside their bedroom window due to the position of the access road. The handover times are not during public transport hours; this will cause noise pollution and loss of sleep. Other Brownfield sites have not been considered. There is no affordable housing element to this proposal. The design of the building is totally out of keeping with the surrounding area and is far too big and overpowering.

**14 Carden Avenue (The Wishing Tree Nursery), objects** as this is a re-submission and this application has done very little to address the key reasons for refusal in July 2008. Looking back over 50 years at the planning history for this part of Carden Avenue it is clear that whether applications were refused or granted the Authority has acted in a consistent and responsible manner, namely to prevent developments that will adversely affect the neighbourhood, to prevent over intensive development of a plot or series of plots, to ensure the safety of road users and pedestrians by minimising substantial developments in traffic sensitive areas, to preserve the character and appearance of the surrounding area, to prevent the net loss of residential units and to preserve the ecological integrity of the area. On all of these accounts the Sunrise development will have a significant adverse affect on this neighbourhood. Have examined relevant case law and judicial review precedent and there is much evidence to support a consistent and reasonable decision and to protect neighbourhoods form an inappropriate overdevelopment. Therefore requests that the Authority remains consistent to its long held belief that, over-development of this area, would destroy its character and set unwelcome precedent for other inappropriate developments in similar residential areas.

**54 Carden Avenue, objects** as Carden Avenue is predominantly a residential street. There is already a nursery and an old peoples' home at the end of the street, adding this development would totally change the nature of the road, making it more commercial in nature than residential. The proposed development would totally destroy the streetscene both in terms of the existing period properties and the mature trees. The plans are completely out of keeping with the existing streetscene. It would disrupt the enjoyment of the

park during the course of the development. Carden Avenue onto London Road is a busy junction; a development of this size would mean a major increase in traffic to and from the site both during and after the development. This would disrupt traffic on the A23 which already sees heavy backlogs at busy times, increase traffic along Carden Avenue and make it more dangerous for pedestrians who use Carden Avenue as a major thoroughfare. Feel that a development of this size is totally inappropriate in a residential area on the edge of one of the few green spaces in the City.

**98 Carden Hill**, objects as trees will be destroyed, the environment will be put at risk, Withdean Park may be built upon, the roads will be more dangerous, cars will be parked dangerously, children walking to the nursery/school will be put at risk, the area will be overdeveloped, family housing will be destroyed, the design is old and tired, they will have 100 staff, 80 residents but only 25 parking spaces and it won't be for local due to the annual cost.

**16 Crest Way**, (2 e-mails received) objects on the grounds of overdevelopment and poor consideration given to parking spaces.

**54 Dover Road**, objects as this would be an eyesore for visitors coming into Brighton and serves no local public interest.

**34 Eastfield Crescent**, objects as the area concerned is on the main approach to Brighton from the north. This is currently occupied by substantial detached housing which have established trees and gardens and blend in perfectly with the environs. The plan would replace this with a large building and cleared area for parking which would be very detrimental to the locality. London Road/Carden Avenue is a busy junction which is already congested at rush hour and the proposed creation of a business would lead to added disruption which this location would be unable to absorb, leading to even greater congestion.

**20 Elwyn Jones Court**, objects as cannot seem to see where this will be anything but “not good” an ending health wise and many people are going to be made inconvenienced in many ways. Still fully oppose this.

**35 Elywn Jones Court**, objects on grounds of the proposed development blocking out the light, removing trees, no room for parking in Carden Avenue and it will be dangerous for Elwyn Jones residence to cross to the bus stop.

**8 Glen Rise**, objects on the grounds of unnecessary demolition of family homes, the site is totally unsuitable for elderly people being at a major junction of Carden Avenue and London Road (A23), there are no shops or other facilities nearby for elderly people, Carden Avenue and London Road would not be able to open their windows due to traffic noise and fumes, car and ambulance access to the site would be difficult and dangerous as it would be so close to the T junction and there is insufficient parking for visitors. Staff would need more parking spaces, those coming from Hove etc have no buses

to the site.

**54 Hampstead Road**, objects as concerned about the environment, trees being felled, increased traffic and an eyesore to Withdean Park.

**32 Highview Avenue North**, objects as this massive development will cause problems not just while in progress by the demolition of perfectly good houses but of trees in the area as well. The development will no doubt involve many work vehicles which will block the access to the Nursery and for children walking to school. Once the development is in place it will bring no real benefit to the people of Brighton but rather cause more traffic problems as there is little parking planned for either people working at the home or visitors. This is a poorly placed development which will have a massive impact on residents and visitors to Brighton who will be confronted with this massive building as they enter the City.

**18 Lauriston Road**, objects but no reason given.

**47 Old London Road**, objects as the plans are still far too large for this area, will have a negative impact on the environment around it and completely fail to give adequate provision for parking and other facilities needed to make a development of this size practical. Presents a negative impact to the area of Withdean and if approved would set a dangerous precedent for many other residential and green areas of the city.

**199 Osborne Road**, objects as the development is extremely unattractive in an area that is the entry into Brighton, it overdevelops the area for people that will likely be moving to Brighton, not people already living in Brighton. It removes family housing and increases traffic issues in an area that has children going to nursery and school. Withdean Park is at risk of being developed and with the apartments across the way, it is an important green area for local residents.

**11 Patchdean**, objects as the proposal is unsuitable for the area, there will be an increase in traffic to this already busy junction. Trees and open spaces will be lost. Seems an overdevelopment of the site and will have a great increase in disturbance to other residents during construction.

**76C Preston Drive**, objects but no reason given.

**32 Ravensborne Court, Warren Way**, objects as would like to see the city stay young and vibrant. This development conveys completely the wrong impression to people coming into the city, do not want Patcham being a hot spot for old people. Do not think the town needs more provisions for old people, think we want to attract wealthy families to live in those lovely existing homes. It is also an overdeveloped, 80 bedrooms is too much.

**13 Reigate Road**, objects as it is an unsuitable and ugly development.

**107 Southdown Road, Portslade**, objects as it will spoil the character of the attractive and impressive entry road into Brighton, 5 much needed family homes with gardens and trees that add to the area will be lost, the flats will overshadow and darken a very busy road junction and make it even more dangerous for pedestrians and cars to cross, Brighton already has sufficient space for Alzheimer patients and would hate to see concrete covering the pretty area.

**10 Valley Drive**, objects on the grounds of overdevelopment of the site based on the density being too high, car parking provision for the number of resident's workers and visitors is insufficient, resulting in parking around the busy London Road/Carden avenue junction; the proposed site will generate traffic at this busy junction. When considering there is a proposal to include Westdene School pupils in the Patcham High catchment, the increased car traffic will present a further and significant risk to the children's safety. The current properties proposed for demolition are established family homes whose stock in the City is increasingly under treat. As a prime location viewed by many thousands of people who pass the site each day, the destruction of so many mature trees will adversely change the approach into Brighton. The local community perception is that the adjacent park would be at increased risk of development.

**30 Westdene Drive**, objects as it is very difficult to find homes for larger families. The proposed development would turn that area from a mixture of family houses, flats and commercial properties into almost exclusively flats and commercial properties. The remaining few houses will be completely isolated without a sense of community The nursing home a few doors up was converted into residential flats based on the argument that there wasn't the demand for old people places, quite sure you couldn't make the same argument for family houses.

**19 Withdean Crescent**, (2 e-mails received) objects on the grounds that the proposal involves the loss of a further six attractive detached family homes, the provision of an assisted Living Home does not compensate for that loss from the housing stock. It is highly debateable whether it would release other family homes in the area. The weekly cost of the home is outside any support levels available from the NHS/LA's further restricting access. The site is at the junction of two busy roads. A Bus Lane is proposed in London Road which will run past the site and this add further pressure leading to extended traffic queues in a busy road, let alone further activity from the development. The location adjacent to the junction of two busy roads is not suitable for such a development. Local shops are on the other side of Carden Avenue which would need to be crossed close to the junction with London Road. The proposed site is in a predominantly good quality residential area which has already accommodated other nursing and care homes in the vicinity. It will have a negative impact on the beautiful Withdean Park due to its scale and height. This is not an appropriate site.

**Brighton & Hove Primary Care Trust:** No comments received.

**East Sussex County Archaeologist:** The proposed development is of archaeological interest because it lies within a Downland dry valley which appears to have been the focus for Prehistoric activity. Although no finds or features have been reported from the development area, finds of Bronze Age burials have been made in area close by. Finds of Roman coins and Neolithic axes also suggest activity in this valley during other periods. In the light of the potential archaeological significance of this site, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. Suggests a condition to ensure such a programme is implemented.

**East Sussex Fire and Rescue:** objects as the plans deposited fail to show Fire Service Access for appliances and fire fighters. However, should the applicant be able to indicate compliance with B5 of Approved Document B of the Buildings Regulations 2000, the Fire Authority will remove its objection subject to compliance with a number of issues.

**EDF:** has no objection to the proposed works.

**MEP Caroline Lucas:** objects as the proposal will be in contravention of certain aspects of the Brighton & Hove Local Plan. The proposal would result in a development out of keeping with the surrounding area and the loss of green space, including wildlife habitats and several mature trees. The previous application for this site (BH2008/00925) was refused on several grounds; the new application does nothing to answer the Planning Committee's concerns. Indeed by increasing the overall footprint of the proposed development the applicant has actually made things worse. Specifically the proposed development would result in the loss of family-type dwellings, have a significant impact on the neighbouring community, by way of noise, disturbance, bulk and size, be detrimental to the character and appearance of the area, result in the loss of green space in a residential area and unduly impact on the visual amenity and living conditions of surrounding residents.

**MEP Nigel Farage:** objects as the proposed building would be disproportionately large for its setting of semi-detached properties surrounded by their gardens. Such a building would unpleasantly interrupt the leafy suburb with a 3-storey block and driveway, together occupying five plots, most of the area of which is presently laid out lawns and trees, thus obliterating a mature, green space of considerable, general amenity value, raising the population density and visiting traffic-flow, offering only a narrow, overshadowed strip of open green between the driveway and the building. Appreciate that this development conforms to the current fashion, in EU planning, for "interpolated, high-density, car-free housing", but feel that it

would be more judiciously interpolated location, where it does not so inappropriately disrupt the established pattern of settlement.

**Southern Gas Networks:** There are low/medium/intermediate Pressure gas mains in the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3m of the intermediate pressure system. The developers should, when required, confirm the position of mains using hand dug trial holes.

**Southern Water:** No objection subject to inclusion of recommended informative and conditions.

**Preston and Old Patcham Society,** objects on the grounds of inappropriate design, traffic generation on the mini-roundabout, over-development and loss of family housing.

**Internal:**

**Adult Social Care:**

(10/12/2008) previous comments are still relevant

(Previous Comments 04/06/2008) Currently within the city we have sufficient older people residential care home provision; The strategic drive is for less residential provision, with other support, such as home care and support to carers being developed. This is to enable older people to remain independent in their own homes for as long as possible. There is a shortage of nursing care provision for those who need care home with 24 hour nursing support. The application though is clearly of a high standard and could provide choice to those needing residential care within the city.

**Arboriculturist:** The application appears to be for a change to the elevations and therefore the arboricultural aspect of the application will not have changed. The Arboricultural Section therefore does not object to the proposal, but would like to resubmit their comments below.

(Previous Application Comments 23/05/2008) An Area Preservation order was placed on this in 2007, however, access has now been gained to the gardens and this will soon be updated to cover only certain trees at the site that are of high public amenity value.

Seventeen trees will be covered by this Preservation Order. They are all on the outer edges of the proposed development site and all are marked for retention on the “proposed layout with tree protection” plan submitted as part of the application.

Fourteen trees of some worth that have no public amenity value and therefore cannot be included on the Preservation Order will be lost should this development be granted permission.

The Arboricultural Section ask that should this application be granted consent,



a condition should be attached asking that a landscaping scheme be submitted showing replacement specimens for these 14 trees.

A plan has been submitted to show the proposed placement of protective fencing for the trees. The Arboricultural Section would like this to be amended to show protection for trees that are off-site and not mentioned in the plan that may have roots in the vicinity of the development (i.e. trees from Withdean Park).

The pedestrian footpath coming onto the site from the corner of Carden Avenue and London Road should be diverted further way from tree T.43 which will be named on the Preservation Order. There are also some concerns regarding trees in G.42 (also named on the Preservation Order) and T.43 with regard to the difference in soil levels between the public footpath and the development site. The Arboricultural Section would either like to see this pedestrian footpath placed elsewhere or precise details of the proposed construction to ensure that it has minimal impact on the trees in its vicinity.

The Horse Chestnut tree T.41 on the tree protection plan will also be named on the Preservation Order. It is on an island bed at the entrance to this property and it is understood that part of the development proposal is to block off this entrance and re-landscape this area. This will be a great advantage to this tree and it is hoped that this can be achieved bearing this in mind (ie the current concrete broken up to facilitate rainfall to roots prior to infilling with top soil etc).

All in all the Arboricultural Section do not object to this application, but suggest conditions are attached to cover the above points.

**City Clean:**

(Original Comments 21/11/08) Have asked for the refuse store to be relocated to the northern part of the development next to Carden Avenue. Also concerned that the storage area 24.6m<sup>2</sup> is too small, only allowing for 10,000lrs of waste. Estimate this building will generate 20,000ltr of waste a week, which would need 50m<sup>2</sup> floor space, allowing for manoeuvrability and future proofing the store. Understand residential homes do not create as much waste as normal households, however, would request this storage area is larger in the region of 35-40m<sup>2</sup>.

(Additional Comments 2/12/2008 following submission of additional details) Are happy with the plans regarding the site of the storage area and the route to access refuse/recycling storage area. However require the following, double yellow lines and hatching around the turning circle to ensure no parked cars are present, warning signs to ensure no parked cars are present and refuse store must be larger as previously requested (35-40m<sup>2</sup>).

**Ecologist:** No comments received.

**Environmental Health:** have raised issues over noise from plant and

machinery and noise from kitchen extraction units. A kitchen extraction unit will be required and this raises concerns over odour issues Recommendation is to grant subject to conditions relating to noise from plant and machinery, odour control equipment and sound insulation of odour control equipment.

**Environmental Health Food Safety Team:** Have sent a letter to the agent requesting more information in relation to food safety regulations.

**Quality of Life Green Space:** would say that in kind with Patching Lodge, near Queens Park, should be looking for contribution to casual informal for nearby Carden Park which does not have much in the way of facilities for older people and would be nearest open space unless the full amount from ready reckoner is being provided on site.

**Urban Designer:** This application is a resubmission of application BH2008/00925. Although the use of the building is similar to the earlier application, the size and bulk of the building is less. The majority of the building has been reduced by one storey. The proposal is now of a similar height and form to the buildings of Elwyn Jones Court, opposite on Carden Avenue, while coming down in scale at the eastern side to respect the neighbouring houses along Carden Avenue. Overall it is considered to be more acceptable proposal, which has been refined to take in the concerns expressed in the previous urban design comments and elsewhere. A more authentic roof could be more acceptable, although it is accepted that lowering the height of the building has made this less visible from the street, The mature trees create a visual barrier facing the street.

**Planning Policy:** No comments received in relation to the current application however comments received in relation to application BH2008/00925 were as follows,

(initial 03/06/2008) Policy HO8 requires that there be no net loss of residential units subject to 5 exception tests. The proposal does not appear to meet any of the five tests. Should the applicant wish to re-apply they will need to address HO8 and demonstrate how the policy is met. Policy HO11 relates to proposals for new residential care and nursing homes and is therefore relevant to the proposal.

(final verbal comments 20/06/2008) having considered the additional evidence put forward by the applicant it is not considered that a refusal on the basis of loss of the existing family dwellings could be justified or upheld on appeal, as this application proposes another form of residential accommodation and will release other dwellings on to the open market.

**Public Art:** it is really encouraging that the developer acknowledges the relevance of Local Plan Policy QD6 (Public Art), has incorporated public art into the development and agrees that the public art element should be to the suggested value of 30k.

**Traffic Manager:** would not like to restrict grant of consent of the application subject to the inclusion of conditions relating to details, including drawings, levels, sections and constructional details of the proposed access road, surface water drainage, street lighting and off site highway works, provision of cycle parking and car parking areas in accordance with the submitted plans and a financial contribution towards sustainable modes of transport.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
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
SU3	Water resources and their quality
SU4	Surface run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
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
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO11	Residential care and nursing homes
HE12	Scheduled ancient monuments and other important archaeological sites

### Supplementary Planning Guidance (SPG's)

SPGBH4 Parking Standards

### Supplementary Planning Documents (SPD's)

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

### Planning Policy Guidance

PPG13 Transport

## 8 CONSIDERATIONS

### Background

A previous application for the demolition of the existing dwellings and the construction of an 82 bedroom residential care home (reference BH2008/00925) was refused at Planning Committee for reasons including the design, massing, footprint and bulk being out of character with the surrounding area, the loss of the existing residential properties and on the grounds of the travel and traffic implications. This refusal is now subject to a public inquiry by the Planning Inspectorate.

In the determination of the current application consideration must be given to the loss of the existing detached dwellings, the suitability of the site to accommodate a nursing home taking account of the needs of the residents and criteria set out in policy HO11 of the Brighton & Hove, the impact of the development upon the character and amenity of the surrounding area, traffic and travel implications and sustainability.

A Screening Opinion was issued by the Local Planning Authority for the site which concluded that Environmental Impact Assessment was not required.

### Loss of Existing Dwelling

At present the development site is comprised of six large family sized dwellings. In order to accommodate the proposed care home these existing properties will be demolished. Policy HO8 prevents the net loss of residential units subject to five exception tests. The proposal does not appear to meet any of the five tests in that the existing dwellings are not unfit for human habitation, each dwelling is served by adequate access, the buildings are not listed, there would be no increase in affordable housing and there are no previous uses to be considered as a material consideration in the determination of the application.

The proposed care home falls within the C2 (Residential Institutions) category of the Town and Country Planning Use Class Order 1987 and as such the proposal would result in the loss of six single dwellinghouses, which fall into Use Class C3 of the Order, contrary to policy HO8. However, the applicant has stated that the proposal would result in future elderly occupants giving up their existing houses and moving into the proposed more appropriate and smaller accommodation. They state that future residents of the care home are likely to be moving out of their local family homes, which will be released back onto the housing market. As a result, the proposal would result in the reuse of under-occupied existing homes and an increase in available accommodation.

This view has been supported by the Planning Inspectorate in the determination of an appeal for an application for a similar development at Esher, Surrey by Sunrise. The Inspector concluded that "*there would of course be a change, but it would be a constructive one making better use of*

*the land. The advantage of this was put clearly by the appellant in that most residents of this development would, in the nature of things because of its cost, move into the care home from existing houses, thus releasing dwellings from family occupation. Most of these would be local as people generally prefer to stay in the area where they live. I think that it right, (sic) and is in addition to the direct marketing of needs for more care home accommodation in the area, albeit for only a section of the market. I consider that the proposal would thus be fully compatible with the proper planning of the area”.*

Despite an objection from a neighbour referring to the above case, officers still consider that the above appeal decision, especially the stated comment, is relevant in the determination of this application. Consequently it is considered that, based on the fact that the proposal would result in an increase in residential accommodation on the site and the release of existing dwellings back onto the open market, the principle of the development is considered to be acceptable as an exception to policy HO8 of the Brighton & Hove Local Plan.

Concerns regarding the lack of affordable housing provision are noted. However, as the proposed development falls within the C2 Use Class rather than C3 there is no requirement for the development to include affordable housing provision.

#### **Provision of Nursing Home**

It is not considered that in principle the provision of a nursing home on this site would harm the character of the area. It is recognised that there are already nursing/rest homes and sheltered housing schemes within the locality. However, there is an overall need in the City for high quality residential accommodation of the nature proposed, as reported in the 2008 Pinders ‘The Long-Term Care for the Elderly, Needs Assessment Report’ submitted as part of the application.

Policy HO11 is supportive of developments which provide new residential nursing homes, provided that four criteria are met:-

Criterion a) concerns general amenity – it is not considered, in principle, that a nursing home in this location will harm neighbouring properties by way of noise, disturbance or overlooking above and beyond the existing situation whereby there are six households using the site currently.

Criterion b) requires adequate amenity space to be provided, at a minimum depth of 10m and not less than 25sqm per resident, but acknowledge that a lower standard may apply to nursing homes where residents are less mobile and rely more heavily upon internal space. Within the type of development proposed a great emphasis is placed upon the provision of community and communal space throughout the home. Internal communal space accounts for approximately 40% of the overall floorspace within the building. It is proposed to provide areas of external amenity space around the perimeter of the

building which residents can use for walks and seating areas and formal gardens at the rear of the building which will be laid out with benches, pergolas and high quality landscaping. The proposal would not meet the suggested amenity space standards set out within criterion (b); however, the amenity space provided would be of high quality. Furthermore a number of internal sunrooms and relaxation areas are proposed for less mobile residents.

It is recognised that residents would be less mobile than those living in a rest home where the standards should be strictly adhered to. In assessing this criterion, it is considered that outlook from bedrooms and communal areas are a particularly crucial issue for less mobile residents. The development has been designed so that all of the bedrooms and communal areas have windows which either overlook the rear gardens or the street surroundings, there are no principle internal rooms. Overall criterion (b) relating to adequate amenity space is considered to have been adequately addressed by the applicant in that while there is less outdoor amenity space than required by the standards, there is additional indoor amenity space and visual amenity created by views from within the bedrooms and communal living rooms. The internal space provided, together with the areas laid out for walks, adequately meets the needs of the future residents.

Criterion c) specifies that the premises must be accessible to people with disabilities. The applicants have confirmed that the building is fully accessible for people with disabilities and will comply with the National Care Standards.

Criterion d) states that such developments must provide for operational parking in accordance with the Council's standards, as set out in SPGBH4 and policies TR18 and TR14. The applicant has stated that 70-80 staff are due to be employed with a maximum of 40 staff on site at any one time. With this in mind, the proposed provision of 25 car parking spaces, including 2 disabled parking spaces and cycle parking is considered acceptable in accordance with the SPG, policies TR18 and TR19 and advice from the Council's Traffic Manager. In addition a serving area/ambulance bay will also be provided within the car park area.

### **Amenity for Residential Occupiers**

Within the current proposal 80 suites are proposed, in comparison to the 82 suites proposed within application BH2008/00925. The internal layout of the development is considered to be acceptable. The proposed building would provide a high quality form of accommodation for the particular sector of the community for which the development is intended.

The proposed development will provide 55 individual non-self contained living/bed rooms for the frail elderly with a lockable front door. These rooms will be provided with an en suite bath or shower unit, toilet and vanity basin. These rooms however will not have cooking facilities as meals will be provided in the communal dining room, although a sink and coffee making

facilities will be provided in each room.

Twenty five units are assigned to the 'Reminiscence Neighbourhood' which are units for residents suffering from Alzheimer's. This area will be a managed self-contained area providing a safe and stimulating environment for residents. The individual rooms within this area of the development will be of the same standard as the other 55 suites but will have additional design features to aid independence for those suffering from memory impairment.

Twenty three of the eighty suites proposed will be able to accommodate twin beds which will allow people who wish to share to remain together. As a result a maximum of 103 residents can be accommodated within the proposed development.

Communal space consists of a parlour, bistro and dining room in addition to living rooms, entertainment areas and activity areas being provided throughout the development. A hairdressers and wellness room will also be provided.

Central service facilities such as a kitchen, laundry room, administrative areas and a staff room will also be provided. Conditions are recommended requiring soundproofing and odour control equipment to be installed to minimise any adverse impact with regards to noise or smell pollution resulting from the communal kitchen and laundry.

It is noted that the Council's Green Space Officer has recommended that a contribution is made towards providing facilities for the elderly in Carden Park, which at present does not have much in way of facilities for older people. Carden Park however is located at some distance from the site whereas Withdean Park is located directly to the south of the site. It is assumed that the Green Space Officer intended to refer to Withdean Park.

The development at Patching Lodge was for 76 self-contained flats in a sheltered home scheme and therefore the residents are more mobile than those who would occupy the proposed care home. It is therefore considered that in this instance the provision of a contribution towards facilities at either Withdean Park or Carden Park could not be justified. In addition, as set out above it is considered that the proposed external amenity space for the development is acceptable given the amount of usable internal amenity space provided and the future residents.

### **Design**

Policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan set out design criteria for applications of the nature proposed. 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 onus is upon the

applicant to demonstrate that new development can be integrated successfully into its context.

This application site lies within two neighbourhoods, as defined in the draft Urban Characterisation Study. These are the inner suburban area of the London Road Corridor and the Patcham Suburb character of the Patcham neighbourhood.

This stretch of London Road is described as 'Inner Suburban; predominantly large scale, tall residential blocks set in attractive landscaped amenity space. Mainly private ownership and elderly occupied'. Patcham Suburb is described as 'very low density suburban housing developed between the 1930s and 1980s in a wide valley, mainly two storey semi-detached houses and bungalows in wide streets. The earlier part laid out on a regular grid pattern with later development based on cul-de-sac pattern. Weak architectural cohesion but cohesive public realm'.

This application would involve demolishing the six existing dwellings, which are in themselves unusual for this stretch of London Road, although not of Carden Avenue, There is no objection from a design aspect to the demolition of the existing dwellings.

Carden Avenue has a different character, being made up of substantial detached houses, part for the northern corner with London Road which has 2½ - 3 storey sheltered housing, known as Elwyn Jones Court.

As a result of the amendments to the proposal, following the earlier refusal, the building height has been reduced throughout the development, resulting in a redesign of the layout and a complete floor of residential accommodation being removed. The building as proposed in the current application is formed of 3 and 2½ storey elevations fronting London Road and 2, 2½ and 3 storey elevations fronting Carden Avenue. In conjunction with the reduction in height of the property a smaller gable feature is also proposed on the corner of the building which will be located adjacent to the London Road and Carden Avenue junction in order to simplify and reduce the prominence of the building on the junction.

Within the re-submitted application the applicant has again sought to address the character of the area in design terms. The building steps down in height on the southern end of the building, which is located adjacent to Withdean Park and on the eastern end which will be located adjacent to no. 10 Carden Avenue. It is considered that the corner of the site and the London Road frontage is capable of accommodating the three-storey element of the building and the step down in height on the Carden Avenue frontage is acceptable given the distance and visual gap that will be retained between the proposed building and no. 10 Carden Avenue and taking into account the height and scale of the development on the opposite site of Carden Avenue, namely Elwyn Jones Court. A view which is supported by the comments received by



the Council's Urban Designer, whose comments are more favourable to the scheme than within the previously refused application as a result of the amendments made, especially with regards to the reduction in the height and massing of the building.

The scheme is considered to be adequate in terms of height, scale, bulk and detailed design and to respond satisfactorily to the character of the area. The building in its own right is an acceptable design and would not have an adverse impact on the character of this site or the wider streetscene. In this location the proposed traditional building style, which takes its lead from existing properties within the area, is considered appropriate and acceptable.

It is acknowledged that objections to the scheme include reference to other applications for site within the immediate vicinity of the site which have been refused on grounds of being of detriment to, or out of character with the surrounding area. However these references relate to developments of a smaller scale than that proposed, ie to extensions of existing dwellinghouse and as a result it is considered that such developments are not comparative in relation to the proposed scheme. In addition the site to which this application relates is located at the western end of Carden Avenue and therefore at the end of the streetscene. It is considered that, as a result of the siting of the development site within the street scene and the presence of other buildings within the local vicinity, as discussed above, the proposal is acceptable and will not be of detriment to the London Road or Carden Avenue streetscenes or the wider area.

### **Neighbouring Amenity**

Having regards to the character of the area, the siting and design of the building and its relationship to neighbouring dwellings it is not considered that significant harm to neighbouring amenity would occur so as to justify refusal of the application.

The site is bounded by two residential dwellings to the east, nos. 10 and 10a Carden Avenue and Withdean Park to the south. This application seeks to reduce the impact upon the neighbouring amenity by stepping the building down in height on the eastern end, pulling the building away from the eastern boundary and arranging the internal layout so that there is only one window in the eastern most elevation, the section of the building located closest to no. 10 Carden Avenue. Despite the inclusion of this window it is considered, given the distance between the eastern most facing elevation of the proposed development at the western facing elevation of no. 10 Carden Avenue, approximately 15.4m, that the proposed development will not have a significant adverse impact upon the amenities of the eastern neighbouring property with regards to overlooking or loss of privacy. In addition along the eastern boundary of the site the applicant intends to install a close boarded timber fence of approximately 1.8m in height and dense vegetation and mature trees which will help to obscure views from the proposed window towards the eastern neighbouring property.

A distance of approximately 13.4m would be retained between the flank elevation of the eastern most section of the building, which will be formed of two storeys, and the west facing elevation of no. 10 Carden Avenue. This distance would be similar to the distance currently located between the side elevations of nos. 10 and 14 Carden Avenue and significantly greater than the existing distance located between nos. 8 and 10 Carden Avenue. With this in mind it is not considered that any overshadowing or loss of light to neighbouring property no. 10 Carden Avenue would be considerably worse than the existing situation. Taking account of the step down in height, the increase in distance between the proposed building and no. 10 Carden Avenue and the existing relationship between nos. 8 and 10 Carden Avenue it is not considered that a refusal on the grounds of harm to the amenities of the occupiers of no. 10 Carden Avenue could be justified.

The southern section of the proposed building would be located approximately 35.2m from the west facing elevation of no. 10a Carden Avenue, a distance which is considered sufficient to prevent any harm occurring by way of overshadowing or loss of light. The eastern facing windows within the development which will face directly towards no. 10a Carden Avenue and the rear garden area of no. 10 Carden Avenue will be located a minimum of approximately 32.2m from the eastern boundary of the site, a distance which is considered sufficient to prevent any unacceptable overlooking or loss of privacy particularly bearing in mind the fact that nos. 10 and 10a Carden Avenue already have views towards and therefore overlook each other at a much closer distance.

The southern most facing elevation of Elwyn Court located to the north of the site would be located approximately 37m from the north facing elevation of the proposed building, This is sufficient to prevent any detrimental impact upon the amenity of occupiers of Elwyn Court.

Sufficient distance would be retained between the proposed building and dwellings located on the western side of London Road to prevent any unacceptable harm occurring with regards to impact upon amenity.

The proposal would not result in loss of outlook for the adjacent properties. Furthermore there are a number of mature trees in the north, east south and west boundaries of the site which will provide a high level of screening of the new building during the summer months.

The proposed vehicular access into the site would be located on the eastern boundary adjacent to no. 10 Carden Avenue; this access would serve the proposed 25 car parking space, two disabled parking spaces and ambulance/servicing bay at the rear of the building.

Concerns regarding the change in character of the area are noted. However, it is not considered that the proposed residential use, albeit a residential

institution rather than single dwellinghouse, would compromise the character of the area. Nursing/rest homes are often situated within the suburban residential areas and are more suited to established residents areas by virtue of their nature rather than predominantly commercial sites. It is recognised that there are other nursing/rest homes within the vicinity and that planning permission has been granted for the change of use/redevelopment of a nearby nursing home to a single dwellinghouse (28 Carden Avenue reference BH2004/02803/FP). However, many older nursing homes have had to close down because they cannot meet current Care Standards not because there is no need for this type of development within the City.

### **Sustainability**

Policy SU2 requires all development to be efficient in the use of energy, water and materials. The proposed development has been designed to maximise energy management in that all the principle rooms have been designed to benefit from natural light and ventilation. The scheme will incorporate a number of sustainability features including solar thermal hot water heating, efficient water appliances, rainwater harvesting and energy efficient fixtures and fittings.

As part of the application an Energy Strategy Statement and Sustainability Checklist (in relation to the former SPGBH21) and a BREEAM Multi-Residential Assessment (intended for guidance purposes only) have been submitted. In order to comply with policies of the Brighton & Hove Local Plan the proposed development would be required to meet a BREEAM rating of minimum 'Very Good'. Within the information submitted it is clear that the applicant is committed to meeting this standard and therefore it is recommended that a condition should be attached to the approval to ensure that the stated standard is met. The proposal is considered to be acceptable in respect of sustainability.

This development requires a Waste Minimisation Plan to address the reuse of demolition materials and the minimisation of construction waste that will be generated as a result of the physical development. A sufficient plan has not been submitted as part of the application, although the sustainability statement does make reference to measures which will be undertaken to ensure efficient use of demolition and construction waste, A condition is recommended requiring the submission of a full Site Waste Management Plan in accordance with policy SU13 of the Brighton & Hove Local Plan.

### **Transport**

Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport.

As part of the development it is proposed to provide 25 car parking spaces, including 2 disabled bays and 1 ambulance/servicing bay. The Council's Traffic Manager has requested the provision of 2 additional

disabled parking bays. At the time of writing this report the applicant has not confirmed whether this request can be met. However within the previous application 2 disabled parking bays were also proposed and no comment on this was made by the Traffic Manager. As a result it is considered that refusal on this basis could not be justified.

The existing site, incorporating the six single dwellings, provides six separate access points, none of which are considered to be designed to an appropriate standard. The proposed development will result in the six existing access points being closed and upstand kerbs and footways reinstated accordingly in addition to the construction of one new access to the new development which will be designed to an appropriate standard. The Traffic Manager states that the removal of these inappropriate existing access points will be a benefit to pedestrians, particularly the mobility and visually impaired. The proposed 'Keep Clear' box, associated with the proposed new access and tactile paving at the access point represents a material improvement to public safety and maintains the free flow of traffic at the London Road/Carden Avenue junction.

In order to accommodate the proposed development and the new access, the existing flag bus stop located on the southern side of Carden Avenue will have to be removed. As part of the scheme a new bus stop and shelter will be funded, which will be located to the west of the proposed access, in addition to the widening of the carriageway to allow for the provision of the new bus stop.

Seven cycle spaces for use by staff will be provided adjacent to the west of the proposed car park. This facility will be secure, lit and covered. An additional 2 cycle spaces will be provide adjacent to the main entrance of the property for short term visitors. These facilities and the proposed location are considered acceptable and in accordance with policy TR14 of the Brighton & Hove Local Plan.

In order to comply with policies TR1 and QD28 of the Brighton & Hove Local Plan the applicant is expected to make a financial contribution of £15,000 in line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. In addition the applicant is required to provide a financial contribution of £30,000 towards moving the existing bus stop and the provision of a bus shelter and other related works required for such a facility. The applicant has indicated a willingness to enter into a S106 agreement to secure this total sum of £45,000.

The developer is also proposing to provide two dedicated pedestrian access points, in addition to the vehicular access point, both of which are well connected to the rest of the development, in accordance with policies TR1, TR7 and TR8.

The earlier application BH2008/00925 was refused by Planning Committee on

grounds which included a reason relating to the development exacerbating existing traffic problems within the area as a result of the increased traffic movements and the proximity of the proposed development to the junction of London Road and Carden Avenue.

The six recorded collisions between the 1<sup>st</sup> of January 2003 and 31<sup>st</sup> December 2007 that were within the vicinity of the site were all slight in severity. They took place on the roundabout itself, not on the approaches to the roundabout. As a result of the location of these collisions the key concern, in terms of the affect the development may have on the traffic safety, is whether it will create a material increase in traffic volume using the Carden Avenue arm of the nearby junction. A material increase in traffic is usually considered as being between 5% and 10% dependent on the available capacity of the road during peak period for transport demand for the development proposed. Using the TRICS database, which is a nationally recognised source of traffic and transport impact data for various land uses, the proposed development would increase traffic volumes, using Carden Avenue, by 4.3%, an amount which is less than the percentages stated above which would normally be viewed as a material impact. As a result of these figures the Traffic Manager does not support the previous reason for refusal.

As a result of the above it is considered that this proposal will not generate a concern in terms of volume of traffic using the roads or traffic safety, in accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.

### **Wildlife**

This application is accompanied by a report which indicates that there will be no adverse impacts upon wildlife. Notwithstanding the Ecological Assessment document submitted as part of the application, given the loss of a number of mature trees within the site in order to accommodate the proposed development, it would seem appropriate to secure ecological mitigation measures, such as the installation of bird and bat boxes, via a condition attached to the approval.

### **Other Issues**

In accordance with policy QD6 of the Brighton & Hove Local Plan the applicant has agreed to provide £30,000 towards funding public art which will be secured via the signing of a S106 agreement.

Plans submitted as part of the application indicate the storage of refuse and recycling facilities to the rear of the property. It has been confirmed that the size of this facility can be increased in accordance with comments received by the Council's City Clean department. It is recommended that a condition relating to details of such facilities is attached to the approval.

At present the site is subject to a Tree Preservation Order. Subject to the compliance with the attached conditions, there are no objections from the Council's Arboriculturist.

**9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would provide residential accommodation for the elderly in accordance with policy HO11 of the Brighton & Hove Local Plan. The proposed building is considered to be of acceptable design and there would be no significant adverse impact upon the character or appearance of this site or the surrounding area. Furthermore subject to conditions to control the development in detail there would be no significant harm to the amenity of neighbouring properties.

**10 EQUALITIES IMPLICATIONS**

The proposal would be fully accessible to the disabled. Disabled parking spaces will be provided close to the entrance of the property. Developments for care homes are not required to comply with Lifetime Homes Standards as this is covered by the National Care Standards.



Date: 16/12/2008 03:54:39

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**MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2008/03297</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>107 Southover Street</b>		
<b><u>Proposal:</u></b>	<b>Change of use from A1 retail shop with living accommodation above into a single dwelling unit incorporating alterations and renovation works.</b>		
<b><u>Officer:</u></b>	Anthony Foster, 294495	tel:	<b><u>Received Date:</u></b> 10 October 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	22 December 2008
<b><u>Agent:</u></b>	Martin Szczerbicki, 128 Hollingbury Road, Brighton		
<b><u>Applicant:</u></b>	Mrs Jackie Linturn, 26 Crescent Road, Brighton		

**1 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Refuse** planning permission for the following reasons:

1. Insufficient evidence has been submitted to demonstrate that the retail unit is genuinely no longer viable and in the absence of such required evidence, the proposal is contrary to policy SR8 of the Brighton & Hove Local Plan.

**Informatives:**

1. This decision is based on Site Plan, Design & Access Statement, Waste Minimisation Statement, Biodiversity Checklist, and drawing numbers 08.09.03/03 and 08.09.03/04 submitted on 10 October 2008.

**2 THE SITE**

The site is a mid terrace property located on the south west side of Southover Street. The site comprises a vacant shop unit at ground floor level, with a two bedroom residential unit above located on the first and second floors.

The commercial unit was most recently used as a tea room (A3 use), however it is disputed as to whether this change of use occurred lawfully as there is no record of a planning application for the change of use from A1 retail to an A3 use. The last documented lawful planning use of the site was as a ladies dress wear shop (A1 use) in 1976. The unit has been vacant for a period of 6 months. The surrounding area is mixed in character comprising residential properties and a number of public houses.



**3 RELEVANT HISTORY**

**76/2312:** Change of use of part of ground floor from light industrial to ladies wear shop. Approved 30 November 1976.

**4 THE APPLICATION**

The application seeks the change of use of the ground floor retail (A1) unit to residential (C3) use. The application also proposes the replacement of the existing fenestration on the front elevation of the property, including the existing roof-lights located within the front roof slope. It is also proposed to provide a recessed section of roof within the rear roof slope and to install 4 roof-lights within this roof-slope. The application would result in the creation of a 3 no bedroom property.

**5 CONSULTATIONS**

**External**

**Neighbours:** 3 letters of objection from **39 Hanover Terrace, 15 and 109a Southover Street, Street** have been received on the following grounds:

- The previous business was very successful and had to move to a larger premises, the loss of one of the last shops on the street would be devastating for the area.
- Demand still exists for retails properties within the area.
- The existing Victorian shop front should be retained.
- There is no evidence provided to prove that the shop is no longer viable.

10 letters of support from the occupiers of **4 Hanover Street, 61 Hanover Terrace, 105, 112, 119, and 135 Islingword Road, 105, 106, and 108 Southover Street, 91 Trafalgar Street** have been received on the following grounds:

- The property is in need of substantial repair.
- Forcing the property to remain as a retail space, in light of current economic conditions , is simply not a viable alternative.
- The rest of the road and area is largely residential a shop would not fare well in the area as it would be isolated from other commercial businesses.
- There is no passing trade within the area to support a potential commercial activity.
- Everyone is aware of the housing shortage in this country.
- It is my understanding that previous businesses have not done well in the area as it is well covered by corner shops and local supermarkets.
- The owners of the previous tea rooms clearly stated that there was not enough support from local people.

**Internal**

**Traffic Manager:** No objection.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

QD1	Design – Quality of development and design statements
QD2	Design – Key principles for neighbourhoods
QD3	Design – Efficient and effective use of sites
QD5	Design – Street frontages
QD14	Extensions and Alterations
QD27	Protection of amenity
TR1	Development and the demand for travel
TR14	Cycle parking
TR19	Parking standards
SU13	Minimisation and re-use of construction industry waste
HO3	Dwelling type and size
HO4	Dwelling Densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
SR8	Individual shops

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction & Demolition Waste

## 7 **CONSIDERATIONS**

For the purposes of this application, in light of a lack of evidence which suggests that the premises have been used as a tea room for a period of 10 years or longer the existing lawful use of the site is to be taken as A1 retail use. Therefore the main considerations in this case relate the principle of the loss of an existing retail unit, the proposed alterations, impact upon neighbouring amenity and the standard of accommodation proposed.

### **Principle**

Local Plan Policy SR8 seeks the protection of individual A1 shops. The policy is criteria based and allows the conversion of individual retail shops if **all** of the following criteria are met:

- a) *the shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;*
- b) *it has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and*
- c) *the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.*

With regards to criterion a, the site is located within walking distance of London Road Town Centre as defined under policy SR5. It is therefore considered to adhere to criterion a of policy SR8.

Criterion b) requires applicants to demonstrate that the use is no longer viable. The applicant has stated within their supporting documentation that unit has been vacant for at least 6 months. The criterion requires that each case needs to be considered on its own individual facts and circumstances. No evidence has been provided by the applicants which relates to the marketing of the current property. This information would be required for such a proposal to overcome the policy presumption against the loss of an A1 retail unit.

With regards to criterion c), the adjacent properties are both within residential use, it is considered that the change of use of the ground floor of the property would not result in detriment to the amenity of the neighbouring occupiers.

Given the above, although the application adheres to criteria a) and c) of policy SR8 the applicant has failed to adequately demonstrate that the A1 use of the unit is no longer viable, it is therefore considered that the proposal is contrary to Local Plan Policy SR8.

### **Design**

Policies QD1, QD2, QD3, QD5 and QD14 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 application proposes minor external alterations to the front elevation of the property. The applicants design and access statement states that front façade is to be renovated with the existing windows being replaced with similar timber framed double glazed windows to match the existing windows as closely as possible.

SPGBH1 contains very clear guidance on roof extensions. Proposed within the front roofslope is the removal of the existing single large velux window and the insertion of 2 no smaller velux windows, which together result in similarly proportioned fenestration as is existing.

To the rear a recessed section of roof is proposed in which 4 roof-lights would be installed. It is considered that this would appear as an incongruous feature within the roof slope, however, it cannot be seen from any surrounding street, and is therefore considered to be acceptable in design terms as it would not adversely impact on the character and appearance of the area.

It is therefore considered that the proposal complies with Local Plan QD1, QD2, QD3, QD5 and QD14 and Supplementary Planning Guidance Note 1, Roof Alterations and Extensions.

### **Neighbouring Amenity**

Policy QD14 and QD27 seeks to protect the amenity of the neighbouring occupiers.

The rear dormers and rooflight will allow some overlooking of adjacent gardens. However, it is not felt that the development will result in anymore overlooking than already exists through existing first floor windows and that there is already a degree of mutual overlooking between the host property and its adjacent neighbours.

### **Standard of Accommodation**

Policy HO5 of the Brighton & Hove Local Plan requires new residential properties to provide outdoor amenity space appropriate to the scale and character of the development. Within the proposed development a limited amount of amenity space is provided to the rear. However this level of provision is consistent with properties within this locality. It is therefore considered to be an acceptable level of provision.

### **Sustainability**

Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities, the applicant has demonstrated that these facilities can be provided onsite. The application provides for both refuse and recycling storage to the rear of the amenity space. The applicant also provides for cycle storage within the site in accordance with Policy TR14. Although the proposed location of both the cycle storage and refuse/recycling facilities could result in one, if not both of them being unusable, it is considered that there is sufficient space within the amenity area for additional facilities to be provided.

Policy SU13 and Supplementary Planning Document 03 Construction and Demolition Waste (SPD03) requires development to reduce the generation of construction and demolition waste and requires applications to demonstrate that regard has been given to the minimisation and reuse of construction waste. Details have been submitted to this regard and it is considered that the development would adhere to policy SU13 and SPD03.

## **8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

The applicant has failed to demonstrate that the existing retail unit is no longer viable and as such is contrary to Policy SR8 of the Local Plan which seeks to protect individual shop units.

## **9 EQUALITIES IMPLICATIONS**

The proposed unit would need to comply with Lifetime Home Standards and Part M of the Building Regulations.



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<b><u>No:</u></b>	<b>BH2008/03096</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>Address:</u></b>	<b>102 Marine Parade</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing four-storey house into five self-contained flats.</b>		
<b><u>Officer:</u></b>	Anthony Foster, tel: 294495	<b><u>Received Date:</u></b>	18 September 2008
<b><u>Con Area:</u></b>	East Cliff Conservation Area	<b><u>Expiry Date:</u></b>	31 December 2008
<b><u>Agent:</u></b>	Jon Andrews Ltd, Chilcote, Threals Lane, West Chilmington		
<b><u>Applicant:</u></b>	Mr & Mrs K McClymont, 14 Abbots, 129 Kings Road, Brighton		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Refuse** planning permission for the following reasons:

1. The proposed refuse and cycle storage enclosure, by reason of its siting, height, design and materials results in a bulky and incongruous addition, would be detrimental to the character and appearance of the open formal garden area, the East Cliff Conservation Area and to the setting of the listed building. As such the proposal is contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.
2. The proposed development fails to provide adequate provision for secure cycle parking at ground floor level in accordance with the Council's standard, and is therefore considered to be inconsistent with the aim to encourage alternative means of travel, contrary to policies TR1 and TR14 of the Brighton & Hove Local Plan.
3. The proposed development fails to demonstrate that it will meet the travel demands from the site or contribute to improving sustainable transport methods. As such the proposal is contrary to policies TR1, HO7 and SU15 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy and as such would be likely to result in excessive use of these limited resources. This would be contrary to policy SU2 of the Brighton & Hove Local Plan.
5. The application has failed to demonstrate detail of construction waste minimisation measures and is therefore considered to be contrary to policy SU13 of the Brighton & Hove Local Plan and SPD03: Construction and Demolition Waste.
6. The application fails to provide adequate provision for the storage of recyclables, contrary to policies QD27 and SU2 of the Brighton & Hove Local Plan and PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

### Informatives:

1. This decision is based on drawing nos. 477/01, 477/02 Rev A, 477/04, Design and Access Statement, Heritage Statement and Waste

Minimisation & Management Statement submitted on 18 September 2008 and unnumbered plan window detail and Biodiversity Checklist submitted on 5 November 2008.

## 2 THE SITE

The site is located on the eastern corner of Marine Parade and Burlington Street and comprises a grade II listed, five-storey terrace property. The property presents a frontage to both Marine Parade and Burlington Street and is located within the East Cliff Conservation Area.

The property forms a short terrace of three, with nos. 103 and 104 Marine Parade. A large formal lawn/garden area is provided to the front of the three properties and small space to the rear. The area to the front has been paved to provide a large parking area. These works have been carried out without permission, and are currently being investigated by the Council's Planning Investigations Team.

The property adjoins no. 1 Burlington Street, a five storey end of terrace property, to the north and is opposite the Royal Crescent Hotel located on the western corner of Marine Parade and Burlington Street.

## 3 RELEVANT HISTORY

**BH2008/03083:** Listed building application for conversion of existing four storey house into five self contained flats. Currently under consideration by the Council.

**BH2008/00774:** External paving to provide parking/access drive - retrospective. Refused 28/10/2008. An appeal has been lodged.

**BH2008/01575:** Conversion of existing four-storey (plus basement) house into 5 flats (4 two-bedroom units and 1 one-bedroom unit), including construction of new mansard roof accommodation at fourth floor level, replacing existing roof. Construction of bin/cycle store on front amenity area. Refused 22/04/2008.

**BH2007/01576:** Internal and external alterations, with mansard roof extension to enable conversion of house into 5 flats. Construction of bin/cycle store on front amenity area. Refused 22/04/08.

**BH2007/03041:** A retrospective listed building application for external paving at the front of the property to provide parking via access drive was refused 05/10/2007.

**BH2000/00738/FP:** Installation of pedestrian gate onto Burlington Street (Retrospective). Approved 20/07/2000.

**BH2000/00740/LB:** Installation of pedestrian gate onto Burlington Street (Retrospective). Approved 20/07/2000.

Adjacent site 104 Marine Parade

**BH2006/03915:** A retrospective listed building application for the creation of a hardstanding at the adjoining site (104 Marine Parade) was refused 15/02/07.

**BH2007/03215:** Block pave the separated area of land to the front of property to form car parking area and landscape garden area (Resubmission of

BH2006/03915). Approved 18/10/2007.

#### 4 THE APPLICATION

The application seeks to convert the existing dwelling into into 3 two bedroom flats located at lower ground, ground and first floor level, and 2 one bedroom flats on the second and third floor.

A single storey extension is proposed at lower ground floor level at the rear of the property. The proposed extension would extend to align with the rear elevation of the ground floor above.

A refuse and cycle store is proposed in the forecourt of the property along the western side boundary.

#### 5 CONSULTATIONS

##### External:

**Neighbours:** Eight letters of support have been received from the occupiers of **9 & 13 College Street, 2A St. George's Terrace, 24 Rugby Place, 129 Kings Road, 12 Royal Crescent Mansions, 12 Collingwood House, and 1 Milbury Close, Exeter**, on the basis that the property is too large to be in use as a single dwelling, and that the appearance of the scheme would be appropriate and would retain part of the original staircase and also the overall character of the building.

Three letters of objection to the application have been received from the occupiers of **11 and 16 Royal Crescent Mansions, 100 Marine Parade** on the following points:

- The extension will detract from the appearance of the building,
- The bin/cycle store will be incongruous and detract from the main building,
- Overdevelopment of a historic property,
- Increased disturbance,
- Inadequate and unsuitable position of refuse storage,
- Highway safety.

##### Internal:

**Environmental Health:** No comment.

**Conservation and Design Team:** Please see previous comments on refused scheme BH2007/ 01576. It is felt that the reasons for refusal of the previous scheme have not been overcome and therefore approval cannot be recommended.

##### *Staircase and subdivision issues:*

The staircase between ground and first floor is most likely a later alteration, possibly late Victorian or Edwardian. The staircase from the first floor upwards is the original Regency and is in the original location. In the previous refused application, BH2007/ 01576 suggested that the staircase from the ground floor to first could be removed and a staircase inserted to continue the



existing Regency one above and this could facilitate a more productive and usable building. However, the current proposals for removing the staircase between the ground and first floor and relocating the staircase on the upper floors are contrary to policy HE1 and SPG11. SPG 11 states “The positions of chimneybreasts and staircases (including secondary servant’s stairs) are extremely important in determining the original plan form of an historic building. Their removal will rarely be acceptable, irrespective of whether there is a fireplace in existence or whether the stair is of grand or modest design or is in use.” (page 4).

With regards to new layout proposals, SPG 11 also states that “Any layout must respect the original plan form” (page 4) and on conversion or intensification of use, the SPG take into account the sub division of properties into flats or maisonettes. It states “Proposals for a more intensive use of a building will be considered with caution. It is likely that the number of residential units that a building can accommodate is will normally be less than with an unlisted building.....Schemes to over-intensively sub-divide a building will be refused. For example it will be more appropriate in larger properties to use the upper two or three floors as a maisonette.”

*Condition of the basement:*

It is appreciated that the basement is currently in a poor state of repair, however a scheme for maisonettes or retention of the complete house could be successful for this building and bring the basement back into habitable use. The state of this part of the property is not considered to outweigh the moving of the staircase and subdivision of the rest of the property. Refusal is therefore recommended.

I can confirm I would be unhappy with the location, design and bulk of the cycle storage. I believe this structure will be incongruous in that particular location and will detract from the open nature of the front garden and from the setting of the listed building (HE3). Owing to the siting, the storage units will also be highly visible from the public highway and compromise the character of the conservation area (HE6). I appreciate the need for cycle storage and promoting sustainable transport, however I feel the bulk and design of the storage units does not meet the high standards required in conservation area, or in the setting of a listed building. A redesign and reduction of bulk of this particular aspect could be acceptable; however I would be unhappy controlling this by condition as the setting of the proposed development is sensitive.

With regards to the state of the building, the basement is in a poor condition, but the rest of the building could be simply brought up to a liveable condition without moving original features. The building is not on the Council’s Building at Risk List as it is not considered to be a sufficient state to warrant this designation.

The Council’s Empty Property Team have confirmed the building is on the

Empty Property list, however there has been no communication with the owners.

**Transport Planning Officers:** No objections to the proposal subject to conditions to secure cycle parking and motor vehicle parking areas and to require that the developer enters into a legal agreement to fund £2250 towards improving accessibility to bus tops, pedestrian facilities and cycling infrastructure in the area of the site.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
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
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
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
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
SPGBH11	Listed Building Interiors
SPGBH13	Listed Buildings General Advice

### Supplementary Planning Document

SPD03	Construction & Demolition Waste
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### Planning Advisory Notes

PAN05	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
PAN03	Accessible Housing and Lifetime Homes

## 7 **CONSIDERATIONS**

It is considered that the main issues of this case are the acceptability in principle of the proposed conversion of the house into smaller residential units, the impact of the external changes on the character and appearance of the existing building and the East Cliff Conservation Area, the adequacy of living conditions for future residents, the impact on the amenity of neighbouring properties, and highway and sustainability issues.

### **Principle of Conversion**

Policy HO9 of the Brighton & Hove Local Plan specifies a range of criteria that conversion proposals must meet. With an original internal floor area in excess of 115sqm, the building is considered to meet the first of the tests. The application proposes 3 two bedroom units, which provide suitable family units, meeting the second policy requirement. It is considered that the proposal would not detrimentally impact on neighbouring properties in accordance with the third requirement.

However, as detailed later in this report, adequate cycle parking arrangements have not been provided. Car parking is not included as part of this current application. Car parking issues are discussed later in this report.

While the proposal would accord with basic requirements of policy HO9 in that the original floor area of the building exceeds 115sqm and a family unit would be provided, the detailed design of the proposal raises a range of unacceptable issues that are discussed in turn elsewhere in this report. The proposal therefore has failed to address all of the required criteria of policy HO9 and is therefore unacceptable.

### **Impact on the character and appearance of the existing building/conservation area**

A small single storey extension is proposed at basement level beneath an existing ground floor extension. The extension would align with the rear elevation of the ground floor. While the extension is considered to be acceptable in principle, the proposed windows in the north elevation would not be consistent with the style and proportions of the windows on the upper floors. However, as this is to the rear it is considered that the impact on the both the existing building and conservation area is acceptable.

The application proposes enclosed cycle and refuse storage at the front of the property, adjacent to the western site boundary. The proposed enclosure would be positioned below the boundary wall. However, the storage would appear as a bulky and incongruous form within the front garden. As noted elsewhere in this report, the proposed refuse and cycle store would also fail to provide adequate storage and a larger store would be needed.

The siting, height, design and materials of the proposed bin/cycle store would result in a bulky and incongruous addition, would be detrimental to the character and appearance of the open formal garden area, the East Cliff

Conservation Area and to the setting of the listed building. The bin/cycle store is therefore considered to be contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.

The site currently provides three off-street car parking spaces. However, these car parking spaces have been formed without planning permission. Retrospective permission was sought for the formation of these spaces most recently in 2008 under reference BH2008/00774. This application was refused due to the detriment to the historic and architectural character and appearance of the listed building and surrounding conservation area. A subsequent appeal has been lodged. The parking spaces do not form part of this current application.

**Living conditions for future occupiers**

Brighton & Hove Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers.

The units at ground floor and above would benefit from adequate living conditions in terms of daylight/sunlight, outlook and privacy.

The basement level unit would be accessed from the front bay through the open plan living room and kitchen. Both bedrooms would be served by a light well as the main window and subsequently would receive limited natural light and have restricted outlook. No access is proposed to the small courtyard at the rear. The living conditions of this unit would be compromised.

Policy HO5 requires the provision of external amenity space within new residential development. A small L shaped courtyard area is provided to the rear of the site at basement level. This area would provide limited amenity value due to enclosure, shading and overlooking from other units in the proposed conversion. Access to this area is not shown on the submitted plans from the basement unit, as the door to this area would be removed as part of the proposal.

A formal garden is located to the front of the property. However, no details have been submitted with the application detailing the use of this area, whether this would be a communal area for all the units or if this is a garden for a single unit.

The lack of outdoor amenity space is in part considered acceptable due to the constraints of the Listed Building, and also in relation to the location adjacent the sea front.

Policy HO13 requires all new residential units to meet lifetime homes standards. This enables units to be adapted at a later time to meet the changing needs of occupants, without the need for major structural alterations. It is accepted that a degree of flexibility is provided to the application of the standards to conversion schemes, particularly in listed

buildings. Were this application were acceptable further detail would have been required to ensure compliance with this standard.

### **Impact on neighbour amenity**

Brighton & Hove Local Plan policy QD27 requires that new residential development does not cause unacceptable detriment to the living conditions of neighbouring properties. The proposal would retain existing windows, so no increased overlooking would result from these. It is not considered that the ground level extension would cause increased overlooking or, by reason of their bulk, any significant impact upon neighbours.

The proposed development is not considered to impact on the adjoining neighbouring properties in accordance with policy QD27 of the Local Plan.

### **Transport**

Brighton & Hove Local Plan policy TR1 requires new development to address the travel demand arising from the development and policy TR7 requires that development is not detrimental to highway safety. Policy TR19 states that car parking must comply with the maximum standard set out in SPGBH4 Parking Standards. Policy HO7 relates specifically to car free housing, stating that this will be acceptable in locations with good access to public transport and local services and facilities in the presence of complementary on-street car parking controls.

The site currently provides three off-street car parking spaces. However, as noted earlier in this report, these car parking spaces have been formed without planning permission and is currently being investigated. The Council's Traffic Manager has stated that the development should provide a contribution of £2,250 towards improving accessibility to bus stops in Marine Parade and St. George's Road.

It is noted that the site is considered to benefit from good access to public transport and local services and facilities. Accordingly, the site is considered to be in a suitable location for car free development. Brighton & Hove Local Plan policy HO7 requires that car free development proposals are located in areas with complimentary on-street car parking controls, and that such measures are used to prevent future occupiers from being eligible for on-street car parking. The site is within a Controlled Parking Zone, and therefore satisfies this requirement. Car free development of the site could have been enforced by means of amendment to the relevant Traffic Regulation Order, to prevent future occupiers from being eligible for on-street resident parking permits, if the scheme were to be considered acceptable in other aspects.

However, as the applicant has not indicated that they are willing to enter into a section 106 agreement to ensure contribute £2,250 towards improving accessibility within the area or fund the amendment of the relevant TRO, refusal on these grounds is recommended.

### **Refuse, Recycling and Cycle storage**

Brighton & Hove Local Plan policy SU2 requires the provision of refuse and recyclables storage facilities with new development. Further guidance on minimum required capacity is provided in PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

A storage enclosure is proposed in the front garden to cater for refuse, recyclables and cycle storage. The structure would measure measuring 3m x 2.7m with a height of 1.3m and would provide five separate refuse bin stores and an area for cycle storage. However given a height of 1.3m the applicant has fail to demonstrate that an appropriate level of cycle storage may be housed within the structure. In addition, no recyclables storage is detailed.

The application forms state that five cycle parking spaces would be provided. It is noted that this is one space short of the minimum provision specified in SPGBH4 Parking Standards, contrary to Brighton & Hove Local Plan policy TR14. However, as detailed above, the storage proposed is also considered to be inadequate. Given the listed building context, this is not considered to be a matter that could be addressed by condition.

### **Sustainability**

Policy SU2 of the Brighton & Hove Local Plan requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. No detail has been submitted to address this requirement.

Policy SU13 and Supplementary Planning Document 03 Construction and Demolition Waste (SPD03) requires development to reduce the generation of construction and demolition waste and requires applications to demonstrate that regard has been given to the minimisation and reuse of construction waste. Details have been submitted to this regard and it is considered that the development would adhere to policy SU13 and SPD03.

## **8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

It is considered that the proposed development would harm the historical and architectural form and character of the Listed Building by removing original internal features and altering the historic building form and layout. Furthermore the proposed external cycle parking and refuse storage area is consider to be insufficient, the structure of which would be an incongruous structure in that particular location and will detract open nature of the front garden and from the setting of the listed building within the East Cliff conservation area.

## **9 EQUALITIES IMPLICATIONS**

There is concern that the constrained internal layout would not meet lifetime homes standards.



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<b><u>No:</u></b>	<b>BH2008/03083</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>Address:</u></b>	<b>102 Marine Parade</b>		
<b><u>Proposal:</u></b>	<b>Internal and external alterations, to enable conversion of house into 5 flats. Construction of bin/cycle store on front amenity area.</b>		
<b><u>Officer:</u></b>	Anthony Foster, tel: 294495	<b><u>Received Date:</u></b>	18 September 2008
<b><u>Con Area:</u></b>	East Cliff Conservation Area	<b><u>Expiry Date:</u></b>	9 January 2008
<b><u>Agent:</u></b>	Jon Andrews Ltd, Chilcote, Threals Lane, West Chiltington		
<b><u>Applicant:</u></b>	Mr & Mrs McClymont, 14 Abbots ,129 Kings Road, Brighton		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Refuse** Listed Building Consent for the following reasons:

1. The proposed development would harm the historical and architectural form and character of the Listed Building by removing original internal features and altering the historic building form and layout contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11 Listed Building Interiors and Supplementary Planning Guidance Note 13 Listed Building General Advice.
2. The proposed refuse and cycle storage enclosure, by reason of its siting, height, design and materials results in a bulky and incongruous addition, would be detrimental to the open appearance of the formal garden area and to the setting of the listed building, contrary to Brighton & Hove Local Plan policy HE3.

### Informatives:

1. This decision is based on drawing nos. 477/02 Rev A, 477/04, Design and Access Statement, Heritage Statement and Waste Minimisation & Management Statement submitted on 18 September 2008 and drawing nos. 477/01 rev A and 477/07, and unnumbered plan window detail, submitted on 5 November 2008, and Structural Report received 14 November 2008.

## 2 THE SITE

The site is located on the eastern corner of Marine Parade and Burlington Street and comprises a grade II listed, five-storey terrace property. The property presents a frontage to both Marine Parade and Burlington Street and is located within the East Cliff Conservation Area.

The property forms a short terrace of three, with nos. 103 and 104 Marine Parade. A large formal lawn/garden area is provided to the front of the three properties and small space to the rear. The area to the front has been paved to provide a large parking area. These works have been carried out without



permission, and are currently being investigated by the Council's Planning Investigations Team.

The property adjoins no. 1 Burlington Street, a five storey end of terrace property, to the north and is opposite the Royal Crescent Hotel located on the western corner of Marine Parade and Burlington Street.

### 3 RELEVANT HISTORY

**BH2008/03096:** Full planning application for conversion of existing four storey house into five self contained flats. Currently under consideration by the Council.

**BH2008/00774:** External paving to provide parking/access drive - retrospective. Refused 28/10/2008. An appeal has been lodged.

**BH2008/01575:** Conversion of existing four-storey (plus basement) house into 5 flats (4 two-bedroom units and 1 one-bedroom unit), including construction of new mansard roof accommodation at fourth floor level, replacing existing roof. Construction of bin/cycle store on front amenity area. Refused 22/04/2008

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**BH2000/00740/LB:** Installation of pedestrian gate onto Burlington Street (Retrospective). Approved 20/07/2000.

Adjacent site 104 Marine Parade

**BH2006/03915:** A retrospective listed building application for the creation of a hardstanding at the adjoining site (104 Marine Parade) was refused 15/02/07.

**BH2007/03215:** Block pave the separated area of land to the front of property to form car parking area and landscape garden area (Resubmission of BH2006/03915). Approved 18/10/2007.

### 4 THE APPLICATION

The application seeks to convert the existing dwelling into into 3 two bedroom flats located at lower ground, ground and first floor level, and 2 one bedroom flats on the second and third floor.

A single storey extension is proposed at lower ground floor level at the rear of the property. The proposed extension would extend to align with the rear elevation of the ground floor above.

A refuse and cycle store is proposed in the forecourt of the property along the western side boundary.

## 5 CONSULTATIONS

### External:

**Neighbours:** Eight letters of support have been received from the occupiers of **9 & 13 College Street, 2A St. George's Terrace, 24 Rugby Place, 129 Kings Road, 12 Royal Crescent Mansions, and 1 Milbury Close, Exeter**, on the basis that the property is too large to be in use as a single dwelling, and that the appearance of the scheme would be appropriate and would retain part of the original staircase and also the overall character of the building.

**English Heritage:** This application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

### Internal:

#### **Conservation and Design Team:**

Please see previous comments on refused scheme BH2007/ 01576. It is felt that the reasons for refusal of the previous scheme have not been overcome and therefore approval cannot be recommended.

#### *Staircase and subdivision issues:*

The staircase between ground and first floor is most likely a later alteration, possibly late Victorian or Edwardian. The staircase from the first floor upwards is the original Regency and is in the original location. In the previous refused application, BH2007/ 01576 suggested that the staircase from the ground floor to first could be removed and a staircase inserted to continue the existing Regency one above and this could facilitate a more productive and usable building. However, the current proposals for removing the staircase between the ground and first floor and relocating the staircase on the upper floors are contrary to policy HE1 and SPG11. SPG 11 states "The positions of chimneybreasts and staircases (including secondary servant's stairs) are extremely important in determining the original plan form of an historic building. Their removal will rarely be acceptable, irrespective of whether there is a fireplace in existence or whether the stair is of grand or modest design or is in use." (page 4).

With regards to new layout proposals, SPG 11 also states that "Any layout must respect the original plan form" (page 4) and on conversion or intensification of use, the SPG take into account the sub division of properties into flats or maisonettes. It states "Proposals for a more intensive use of a building will be considered with caution. It is likely that the number of residential units that a building can accommodate is will normally be less than with an unlisted building.....Schemes to over-intensively sub-divide a building will be refused. For example it will be more appropriate in larger properties to use the upper two or three floors as a maisonette."

#### *Condition of the basement:*

It is appreciated that the basement is currently in a poor state of repair, however a scheme for maisonettes or retention of the complete house could be successful for this building and bring the basement back into habitable use. The state of this part of the property is not considered to outweigh the moving of the staircase and subdivision of the rest of the property. Refusal is therefore recommended.

I can confirm I would be unhappy with the location, design and bulk of the cycle storage. I believe this structure will be incongruous in that particular location and will detract from the open nature of the front garden and from the setting of the listed building (HE3). Owing to the siting, the storage units will also be highly visible from the public highway and compromise the character of the conservation area (HE6). I appreciate the need for cycle storage and promoting sustainable transport, however I feel the bulk and design of the storage units does not meet the high standards required in conservation area, or in the setting of a listed building. A redesign and reduction of bulk of this particular aspect could be acceptable; however I would be unhappy controlling this by condition as the setting of the proposed development is sensitive.

With regards to the state of the building, the basement is in a poor condition, but the rest of the building could be simply brought up to a liveable condition without moving original features. The building is not on the Council's Building at Risk List as it is not considered to be a sufficient state to warrant this designation.

The Council's Empty Property Team have confirmed the building is on the Empty Property list, however there has been no communication with the owners.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings

### Supplementary Planning Guidance

SPGBH11	Listed Building Interiors
SPGBH13	Listed Buildings General Advice

## **7 CONSIDERATIONS**

The main consideration in this case is the impact of the development upon the historical and architectural character and appearance of the listed building.

Policy HE1 of the Local Plan seeks to preserve the architectural and historic character and appearance of the interior and exteriors of listed buildings and the setting of listed buildings. The policy states that permission for alteration, extension or change of use of listed buildings will only be permitted when the

proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting and the proposal respects the scale, design, materials and finishes of the existing building and preserves its historic fabric. Policy HE4 seeks the reinstatement of original features on listed buildings in conjunction with applications for change of use, alteration or refurbishment.

The listed building still contains the original staircase on first, second and third floor level. The original staircase linking the ground and first floor appears to have been removed at the turn of the century to presumably facilitate the internal division of the property into two maisonettes.

A larger staircase than the original has been installed, and this occupies the majority of the original ground and first floor rear room of the front block. A new glazed lobby has also been installed at ground floor level.

The first, second and third floors remain relatively intact with the original room layout and staircase on each floor, albeit with stud partitions to enable the rear rooms of the original front block to be utilized as modern bathrooms. It is accepted that the lower floors of the property are in a poor condition and these levels would benefit from investment.

Despite the various internal alterations having taken place, the internal layout of the building is still considered to retain substantial original historic and architectural character and appearance, as reflected in the listed status.

The application proposes to partially reinstate the original staircase at ground floor level. The detailed design of the original staircase would mirror the remaining staircase on the upper floors. However, the new staircase would be positioned approximately 1 metre from the eastern wall to provide a new corridor between the front and rear rooms and a staircase to the flats on the ground, first, second and third floor. The original staircase on the first, second and third floor would also be repositioned 1m in from the eastern wall of the building. The modern glazed entrance would be removed from the ground floor.

The Design and Conservation Officer has raised an objection to the removal and moving of the original staircase on the basis/grounds that the existing position of the staircase is considered to have an integral relationship to the history of the building, and to the front and rear rooms of the original front block.

As part of the previously refused application reference BH2007/03041, the applicant advised that they have been unable to sell the building as a whole and have advised that the internal works are required to enable the conversion of the property into saleable flats. A letter from a real estate agent was submitted by the applicant stating that the property was unsuccessfully marketed between Autumn 2001 and April 2002.

No additional information or evidence of marketing was provided with the letter. It is also noted that the property was marketed more than five years ago. The apparent lack of interest in the property is not considered to merit the removal and or alteration of the original internal layout of the listed building. The reported lack of interest in the property may reflect the poor condition of the lower floors or the economic realism of the asking price, which was not detailed with the submitted information. Although the building is on the Empty Property list it is not on the Council's Building at Risk List.

The Design and Conservation Officer has advised that there may be some scope to alter this building into two maisonettes, with some rethinking of the layout and internal spaces without the need to alter the remaining historic layout of the building. The removal of the later section of the staircase to the ground and first floor and reinstatement the original staircase as the existing position of the staircase is considered to have an integral part to the form in this location might be acceptable however, any proposal would need to comply with policy and supplementary planning guidance.

The proposed internal alterations would change the original layout on the first, second and third floor and would have a detrimental impact on the historic layout and form of the listed building contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 11 Listed Building Interiors. Accordingly, this aspect of the development is considered to be unacceptable.

The application proposes a single storey rear extension at the basement level. While the extension is considered acceptable in principle the proposed windows in the north elevation would not be consistent with the style and proportions of the windows on the upper floors.

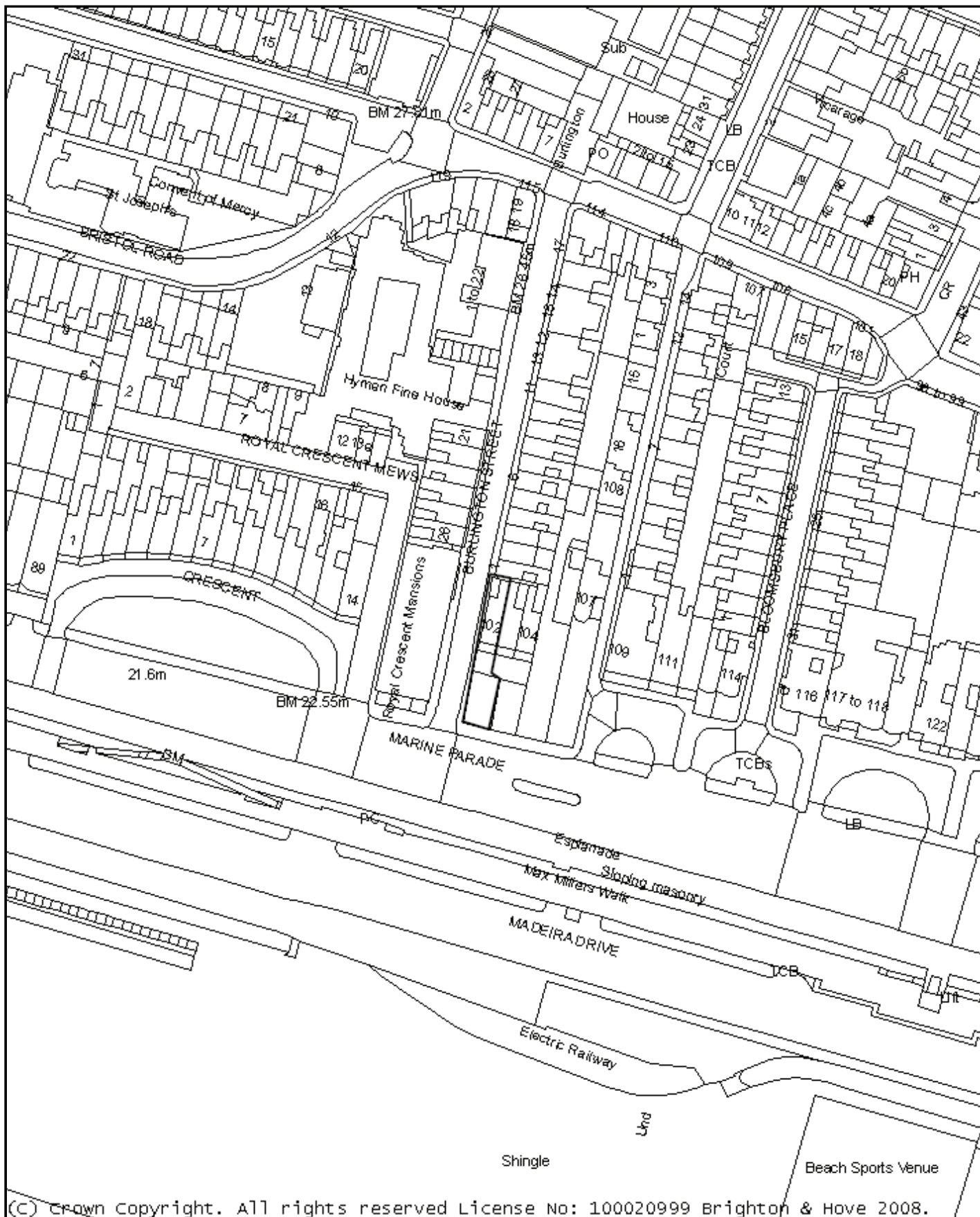
Two of the windows along the west elevation at ground and first level would serve the new bathroom for each unit. Currently these windows serve the staircase on the ground floor and a study on the first floor. It is unclear from the plans whether the windows would be obscurely glazed. It is unlikely that this would be acceptable within the context of the listed building.

A single storey cycle and refuse enclosure/store is proposed adjacent to the western site boundary at the front of the site. The enclosure would sit below the boundary wall. However, due to the scale of the enclosure, it would appear as a large bulky form within the formal garden.

It is considered that the proposed store would be harmful to the appearance and layout of the formal garden and the architectural or historic appearance and setting of the listed building contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

## **8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

It is considered that the proposed development would harm the historical and architectural form and character of the Listed Building by removing original internal features and altering the historic building form and layout. Furthermore the proposed external cycle and refuse storage area would be incongruous in that particular location and would detract from the open nature of the front garden and from the setting of the listed building.



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<b><u>No:</u></b>	<b>BH2008/03057</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>64 St James's Street</b>		
<b><u>Proposal:</u></b>	<b>Demolition of facade and infill between pub and beauticians. Forming of maisonette and A1 unit.</b>		
<b><u>Officer:</u></b>	Aian Thatcher, tel: 292265	<b><u>Received Date:</u></b>	16 September 2008
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	05 December 2008
<b><u>Agent:</u></b>	Mr Andy Strange, ASA Architects, Island Cottage, Tamar Street, Torpoint, Cornwall		
<b><u>Applicant:</u></b>	Mr Mark Lower, The Red House, Horsham Road, Cowfold		

## 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. 13.01A Samples of Materials – Cons Area.
3. 02.05A Refuse and recycling storage (facilities).
4. 04.02 Lifetime Homes.
5. 05.04 General Sustainability Measures
6. 06.03A Cycle parking facilities to be implemented.
7. 13.05A Rooflights – Cons Area.
8. The new east facing dormer windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
9. No development shall take place until full details of the proposed elevations and sections of the proposed glazing system at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** To ensure there is no detrimental impact to the character and appearance of the East Cliff Conservation Area and to comply with Policy HE6 of the Brighton & Hove Local Plan.
10. Notwithstanding the details shown on the approved plans, there shall be no perforated metal spandrel panels applied to the rendered parts of the walls.  
**Reason:** To ensure there is no detrimental impact to the character and appearance of the East Cliff Conservation Area and to comply with Policy HE6 of the Brighton & Hove Local Plan.

Informatives:



1. This decision is based on drawing no. 1267-PL-001 A submitted on 10.10.08, drawing no. 1267-PL-002 D submitted on 31.10.08 and design and access, waste minimisation and heritage statements submitted on 16.09.08.

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
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development ion the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
SR6	Local centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 1: Roof Alterations and Extensions

SPGBH4: Parking Standards

Supplementary Planning Document

SPD02 Shop Front Design

SPD03 Construction & Demolition Waste; and

(ii) for the following reasons:-

The proposed development would cause no loss of light, outlook or privacy to adjacent occupiers, would be constructed using appropriate materials and would not cause any harm to the East Cliff Conservation Area. The proposal would not jeopardise highway safety and the standard of accommodation to be provided is acceptable. The proposal is considered to be in accordance with development plan policies.

## **2 THE SITE**

The application site comprises a two-storey infill structure which is located between a three storey public house to the west and a single storey building

occupied by a beauticians to the east. The building fronts onto the south side of St James Street, opposite its junction with Lavender Street. There is also a part basement level, which appears to be accessed mainly from the adjoining property (no. 24 Grafton Street) which is in use as a public house.

The building itself comprises a ground floor retail (Class A1) unit, with a residential studio flat above, with associated rear roof terrace. The ground floor is currently being used as an Estate Agent, which is unauthorised and is subject to a current enforcement investigation.

The existing building is of basic design, with UPVC windows and doors to the front, and a weatherboarding finish at first floor level.

The applicant has a wider site ownership, including no. 23 Grafton Street (which is situated to the south), and also included within the application site area is the area behind no. 24 which links the application site and no. 23. This area also incorporates built form, mainly in the form of ancillary store and WC facilities, which are to be incorporated within the proposed new residential unit.

### **3 RELEVANT HISTORY**

**BH2008/01839:** Demolition of façade and new infill between existing pub and beautician. Formation of maisonette and change of use from A1 (retail) to A2 (estate agent) – withdrawn 29.09.08.

**BH2005/02398/FP:** Remodelling of shop front and upper parts (resubmission) – approved 25.11.05.

**BH2005/00218/FP:** Demolition of existing shop and studio and redevelopment forming shop with maisonette over – withdrawn 07.03.05.

**BH2001/02725/FP:** Change of use from storage to greengrocers (use class A1) – approved 10.01.02.

### **4 THE APPLICATION**

The application seeks consent to remodel the existing building. The existing façade is to be demolished, and a three storey front extension erected on the current vacant hardstanding, which is irregular curved shape, to infill the building line of this part of the street. The extension would be predominately glazed, with stall risers and rendered side panels, with mullion detailing to the glazed areas, and would have a copper standing seam profiled roof.

The A1 use would be on three levels to the front part of the building only, with ancillary store and facilities at a newly created basement level.

At first floor level, there is to be an extension of the existing roof, to infill the rear terrace area, and link the building to the outbuildings to the rear of No. 24 Grafton Street. The remainder of the building, including the extension would then comprise a one bedroom maisonette.

The application makes provision for cycle parking and refuse storage.

Amended plans were received on 31.10.08 to address the initial comments received from Conservation and Design.

## 5 CONSULTATIONS

### External

**CAG:** No comments to make regarding the proposal.

**Neighbours:** 6 letters of objection have been received from the occupiers of: **The Crown Inn, Grafton Street (x2); 28 Hill Brow; 46 Upper St James; Top to Toe, 45-46 Upper St James Street and one from Lewis and Co Planning on behalf of Zelgrain Ltd** on the following grounds:

- Poor design which fails to take account of planning policies and the surrounding area;
- Lack of private amenity space for the proposed residential unit;
- Unsatisfactory outlook from habitable rooms for the proposed unit;
- Failure to demonstrate compliance with lifetime homes;
- Failure to demonstrate adequate sustainability measures;
- Failure to demonstrate noise impact on the occupiers of the proposed unit;
- Gross overdevelopment of a very small corner site;
- Out of character with the surrounding area;
- The proposed basement will be impossible without seriously damaging the adjacent buildings;
- Land marked on the plan as belonging to 64 St James Street, part of which is in fact un-adopted land originally the paved entrance to 46 Upper St James Street;
- Impact to drains and sewage;
- Overshadowing;
- Overlooking; and
- Loss of light.

### Internal

**Conservation and Design:** There is no reason to doubt the useful history of the site as set out in the Heritage Statement. The existing unassuming building is prominent in views from the east and north east, where its long slate roof is a noticeable feature. There is no objection in principle to the loss of the undistinguished front façade of this building. Similarly there is no objection in principle to moving the building line forward to form a less abrupt change in line and to mask the extensive side wall of the pub, with its over-dominant advertising panel. The curved corner is considered to be a valid approach to softening the change in building lines and the general scale and height of the proposal is considered to be acceptable.

However, the largely glazed frontage is considered to be an overly dramatic statement for what is acknowledged as being an historical infill site and would represent too much of a stark contrast with its surroundings, particularly after

dark when illuminated from within. In connection with this there are reservations about the resulting prominence of the internal spiral stair. It is considered that a greater element of solid walling is needed and particularly at ground floor level, in order to give the building a solid visual base and framework and a clear external face. It is acknowledged that the current application has been revised from the previous, withdrawn application by the addition of a low stallriser to the shop frontage. In addition, the proportions of the ground floor frontage have been improved by lining the fascia level through with the shop unit to the east (as per the existing building). However, these changes are not considered significant enough to overcome the concerns referred to above.

The first floor of the residential unit has a very high ceiling and it is not clear why a mansard form of roof has been chosen instead of retaining the existing simple ridge form, given that there appears to be no need for additional head room. The modern dormer over the staircase would be clearly visible from the east and north east and is much too large and wide and would not relate well to the mansard form of the roof or the traditional slate finish.

The revision to the proposed forecourt paving from granite setts to red brick paving is welcome.

*Comments on amended plans*

The introduction of additional areas of solid render at either edge of the frontage is very welcome and greatly improves the proportions of the frontage. The continuation of the perforated metal spandrel panels across the render is, however, inappropriate. The alterations to the dormer window, to form two traditionally-proportioned dormers, are also welcome but the windows should be timber vertical sliding sashes in keeping with the traditional form and materials of the roof. The reasoning for the change to a mansard form of roof is now understood and accepted.

The issue of the visibility of the spiral stair has not been addressed, either by re-siting it or by screening it with solid areas of cladding, but on balance the proposals are now considered to be acceptable subject to the comments above.

If permission is granted a condition will be necessary to require the submission of 1:20 scale sample elevations and sections of the proposed glazing system and the standard conditions on approval of materials and conservation rooflights should also be added.

**Transport Planning:** We would not wish to restrict the grant of consent of this planning application, subject to the inclusion of the following condition:

The development shall not be occupied until secure, sheltered and illuminated cycle parking spaces have been provided in accordance with the approved plans or details that have been submitted and approved in writing by the

planning authority and the area shall thereafter be retained for that sole use.

**Environmental Health:** Have concerns over plant and machinery to be installed and possible noise levels.

## 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 on the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
SR6	Local centres
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance Documents: (SPG's)

SPGBH 1: Roof Alterations and Extensions  
 SPGBH4: Parking Standards

### Supplementary Planning Document

SPD02 Shop Front Design  
 SPD03 Construction & Demolition Waste

## 7 CONSIDERATIONS

The main considerations in the determination of this planning application are the impact on the host building, the impact on the character and appearance of the East Cliff Conservation Area, highways issues, amenity issues and sustainability issues.

### **Impact on host building**

Policy QD14 relates to extensions and alterations and confirms that they will only be granted if the proposals are well sited, designed and detailed in relation to the host property. SPGBH1 relates to roof alterations and extensions. It sets out general advice and principles, covering all types of roof alteration/extension.

The impact to the front of the building is dramatic, in that the proposal would alter the front elevation in its entirety. The existing front elevation is a

dilapidated shopfront incorporating a mixture of materials such as UPVC and timber, while the proposed extension would replace this with a part rendered and part glazed frontage which also incorporates perforated metal spandrel panels on the glazing. This is considered to significantly improve the front of the building.

The relationship between the new front extension and the rear part of the site, which is visible from the public domain due to the single storey building adjoining the application site to the east is of importance. The existing rear part of the building, where it protrudes above the party wall includes weatherboarded walls and a tiled low pitched roof. This is to be amended to include a mansard roof incorporating a slate covering which will retain the same ridge height of the existing building. This will meet the front part of the proposed building by abutting against a rendered wall, which forms the third floor level. This relationship is considered to be acceptable.

The mansard roof profile will then be extended at first floor level to cover the whole depth of the site, and will create the first floor rear extension to cover the existing roof terrace. This new roof profile will include 3 no. conservation style rooflights in the west elevation and two small dormer type windows in the eastern elevation, with lead dressings above.

The impact on the host building is considered to be appropriate, as it will considerably improve the visual appearance of the building.

#### **Impact on character and appearance of East Cliff Conservation Area**

Policy QD14 also confirms that alterations and extensions should be well sited, detailed and designed in relation to adjoining properties and the surrounding area. Policy QD2 confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account, amongst other things, the local characteristics including height, scale, bulk and design of existing buildings.

Policy HE6 will not permit developments which will not preserve or enhance the character and appearance of conservation areas.

The new façade will be relocated to the north, in a curved formation, to a maximum of 4.8m, and a minimum of 3m from the existing frontage, which is considered to be an appropriate feature of the proposal, and softens the building line between 46 Upper St James's Street (to the east) and 65 St James's Street (to the west).

The bulk, scale and massing of the proposed new façade is considered acceptable within the street scene, and the conservation area. The design has been amended during the course of the application to address the initial comments from the Council's Design and Conservation Team. The design of the scheme, on balance and having regard to the comments on the amended plans from Design and Conservation, is now considered acceptable, subject

to a condition ensuring that no metal spandrel panels are applied to the rendered panels.

### **Highways issues**

TR1 requires that new development provides for the travel demand which it generates.

The use of the building would remain as one retail and one residential unit, on this basis, and having regard to the comments from Transport Planning there is not considered to be a material change in impact.

The proposal also incorporates safe secure cycle parking, and a condition is recommended to ensure that there is no occupation of the residential unit until this is in place, and to ensure that it is retained as such. This accords with policy TR14.

It is therefore considered that there would be no detrimental highways issues.

### **Amenity issues**

Policy QD27 relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent, existing or proposed occupiers.

The application proposes to enlarge the residential unit to the rear from a studio flat, to a 1 bedroom maisonette. Also proposed is a first floor infill extension to close in an existing terrace. This will be utilised for additional residential floorspace.

The first floor roofline (to the rear) will also be reduced from 7.1m to 6.8m, and will include the formation of a new mansard roof. This new roof structure will include a number of new openings, namely a 2no. small dormer windows in the eastern elevation, and three conservation rooflights in the west elevation. In addition, there are further new window openings in the eastern elevation, at ground and first floor level, all of which will be fitted with obscure glazing, and face onto an existing lightwell.

The proposed dormer windows would have an outlook over the roof of the adjoining building to the east, however, this would not cause any adverse overlooking issues as the outlook is across the roof of the neighbouring property.

The conservation rooflights to the west are not considered to cause any harm to residential amenity as they overlook an existing external seating area which forms part of the Sidewinder public house, beyond which are a number of parking spaces.

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The applicant has

submitted no information in this respect stating how the scheme can accord to the standards, however a condition is recommended ensuring that this scheme is fully compliant.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The scheme does not allow for any private amenity space, however having regard to the existing situation, where there is only a small external terrace, the size of the proposed unit being only 1 bedroom and the proximity to the seafront, this is considered acceptable.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The plans indicate provision for a bin store and secure cycle parking is provided within the entrance area at ground floor level. The application therefore conforms to the requirements of these policies.

The concerns from neighbours are noted and the main potential for additional impact occurs from the first floor single storey rear extension. This extension in-fills the existing terrace, which is situated wholly above the ground floor, and will make the lightwell the same size at first floor level as it is at ground floor level. Whilst this may decrease the amount of light received by the windows facing into the lightwell at ground and first floor levels, this is not considered unduly harmful having regard to the uses which face onto this, namely a public house, the remainder being the subject site. Therefore, on balance this is considered to be acceptable.

Due to the siting and location of the maisonette in relation to neighbouring dwellings it is not considered likely to cause demonstrable harm to any neighbouring dwelling by way of overshadowing, overbearing impact, overlooking or loss of privacy. It is considered that the level of noise and activity likely to be generated from intensifying the use of this existing dwelling, in this location, would be acceptable without causing harm to the neighbouring occupiers.

The Council's Environmental Health Officers have raised concerns over the potential noise impacts of any plant and/or machinery to be installed at the site. However, given that the proposed use is A1 and residential, it is not considered that there would be plant/machinery installed at the premises.

### **Sustainability issues**

Policy SU2 which 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.

No information has been submitted in this regard, however a condition



requiring the submission of details showing how the development would accord with such principles is recommended.

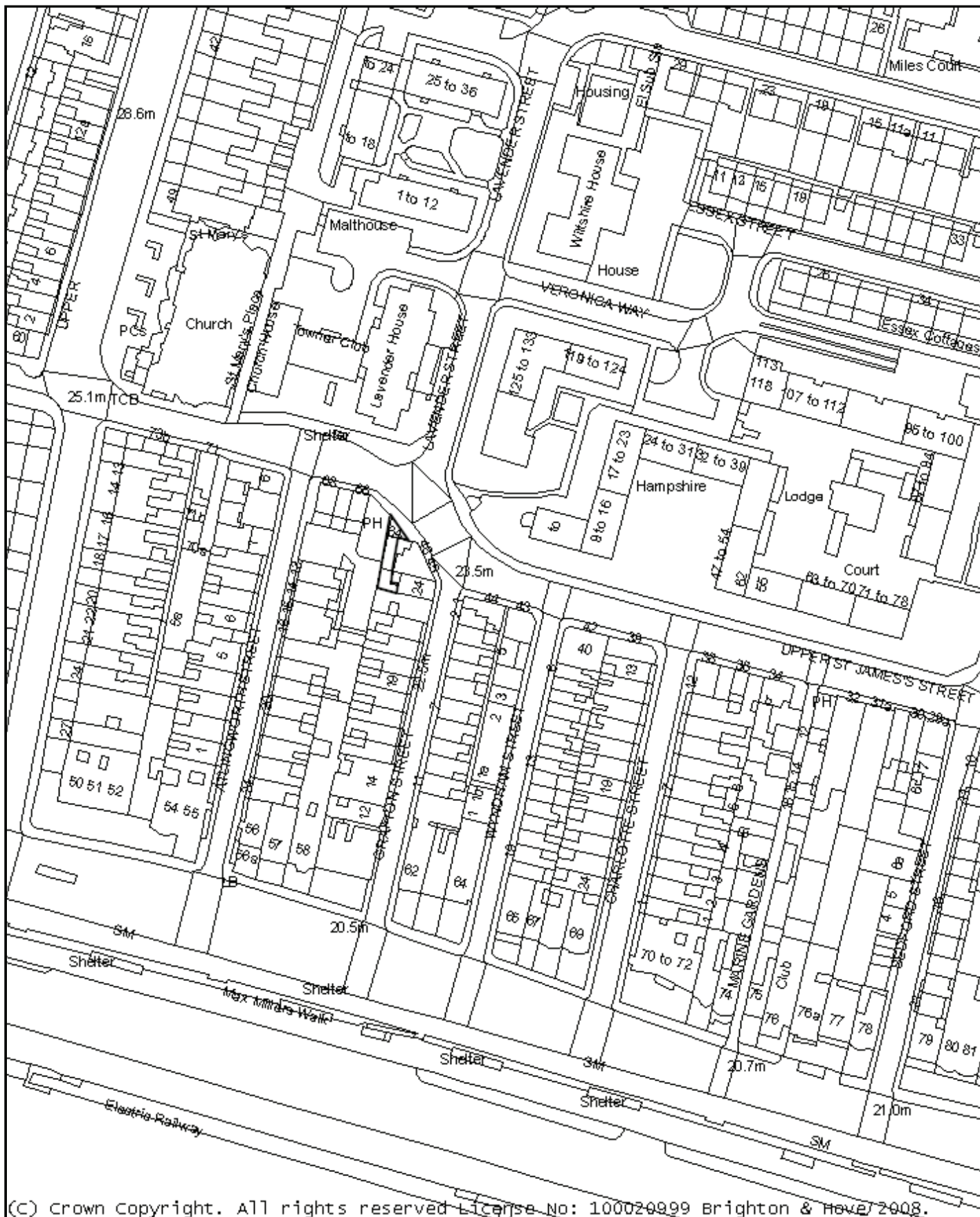
Policy SU13 requires the submission of a site waste management plan for a scheme of this nature, the application has submitted one with the application which addresses the requirements of the policy and thus is be acceptable.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would cause no loss of light, outlook or privacy to adjacent occupiers, would be constructed using appropriate materials and would not cause any harm to the East Cliff Conservation Area. The proposal would not jeopardise highway safety and the standard of accommodation to be provided is acceptable. The proposal is considered to be in accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

The dwelling would be required to comply with the Council's Lifetime Homes policy and the retail unit would need to conform to current building regulations, including ensuring a level access into the site.



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<b>No:</b>	<b>BH2008/03605</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>App Type</b>	<b>Householder Planning Consent</b>		
<b>Address:</b>	<b>43 Chichester Drive West, Saltdean</b>		
<b>Proposal:</b>	<b>First floor extension over existing garage including moving of garage forward (resubmission of BH2008/00750).</b>		
<b>Officer:</b>	Sonia Kanwar, tel: 292359	<b>Received Date:</b>	13 November 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	21 January 2009
<b>Agent:</b>	RSP Architects Ltd, 12 Osborne Villas, Hove		
<b>Applicant:</b>	Mr Stuart Passingham, 43 Chichester Drive West, Saltdean		

## 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 **Minded to Grant** planning permission subject to the receipt of amended plans which show an additional set back at first floor level and the following Conditions and Informatives :

### Conditions:

1. 01.01 Full Planning.
2. 03.02A Materials to match Non-Cons Area (BandH).
3. 02.01A No permitted development (windows) (BandH).
4. 02.02A No permitted development (windows) (BandH).

### Informatives:

1. This decision is based on un-numbered block and site plan and drawings nos. Block Plan 01A, 02A 26 November 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, including Supplementary Planning Guidance

#### Brighton & Hove Local Plan:

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

SU13 Minimisation and re-use of construction industry waste;

QD1 Design – quality of development and design statements;

QD2 Design – key principles for neighbourhoods;

QD14 Extensions and alterations;

QD27 Protection of amenity.

#### Supplementary Planning Guidance/Documents

SPG01 Roof Alterations and Extensions

SPD03 Construction and Demolition Waste, and

(ii) for the following reasons:-

The proposed development would cause no significant loss of light, outlook or privacy to adjacent occupiers and would not adversely impact on the character or appearance of the existing property or the wider area. The proposal is considered to be in accordance with development plan policies.

## 2 THE SITE

The application relates to a two storey detached property on the north western side of Chichester Drive West. There have been several extensions and alterations to the property over the years.

## 3 RELEVANT HISTORY

**BH2008/00750:** First floor extension over existing garage including moving of garage forward. Replacement of existing flat roof to rear with pitched roof. Refused 21/05/2008 on grounds of the design, siting, size and massing forming an incongruous and unsympathetic feature resulting in an overextended appearance to the building.

**92/1230/FP:** Erection of single storey rear addition to enlarge kitchen and side and rear additions to garage. Approved with conditions 09/02/1993.

**BN82/789:** 1<sup>st</sup> floor extension to provide additional bedroom and wc/bathroom. Granted 31/08/1982.

**70.2261:** Proposed study extension. Granted 08/12/1970.

**6239.47.323:** Erection of detached garage. Approved 04/01/1948.

**0629.47.67:** Erection of detached house. Approved 25/03/1947.

## 4 THE APPLICATION

The application seeks permission for a first floor extension over the existing garage including the moving of the garage forward by around 0.5 metres. It is proposed to replace the existing flat roof to the rear with a pitched roof. The scheme has been amended from the previous refused scheme by setting back the first floor extension from the front building line and from the side. The ridge height of the extension has also been reduced.

## 5 CONSULTATIONS

### External

### Neighbours:

Seven objections have been received from the residents of **45 Chichester Drive West (3)**, **79 Northwood Avenue**, **62 Saltdean Rise**, **64 Saltdean Rise**, **66 Saltdean Rise**. Grounds for objection to the proposal include:

- Overshadowing and loss of light;
- Overlooking and loss of privacy;
- Overdevelopment of the property;
- Inappropriate size and appearance within the streetscene.

Other concerns raised include:

- The site location plan not accurately outlining the location and shape of the existing garage extension;

- That a hedge would need to be pruned to allow room for the extension.
- No provision for fencing;
- Concern about digging of trenches/ foundations/ erection of scaffolding;
- No. 45 will not allow access to their property with regards to the development;
- Concern about new roof and guttering overhanging their property;
- Concern regarding access for emergency services and repair and maintenance.

## 6 **PLANNING POLICIES**

### Brighton & Hove Local Plan

- SU2 Efficiency of development in the use of energy, water and materials  
SU13 Minimisation and re-use of construction industry waste  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD14 Extensions and alterations  
QD27 Protection of amenity

### Supplementary Planning Guidance/Documents

- SPG 01 Roof Alterations and Extensions  
SPD03 Construction and Demolition Waste

## 7 **CONSIDERATIONS**

The main issues of consideration relate to the impact of the proposed development on the character and appearance of the building, any effect on the streetscene and wider area, and the effect on the residential amenity of neighbouring properties.

### **Appearance**

The application seeks consent for a first floor extension over the existing garage to create two enlarged bedrooms and an additional bathroom. The existing flat roof to the rear elevation will be replaced with a pitched roof. All materials are proposed to match the existing. The application is a resubmission of a previous application (BH2008/00750) which was refused on the grounds of the development forming an incongruous and unsympathetic feature resulting in an over extended appearance to the building.

The scheme has been altered from the previous refusal with the extension set back from the front elevation and a reduction in the width. The ridge height of the roof has been reduced so that it is now subordinate to the main roof. The extension projects over the existing ground floor to the rear.

It is considered that the side of first floor extension should be set in 1 metre from the ground floor element, in order to prevent a terracing impact within the street. The applicant has been asked to amend the drawings accordingly (currently there is a 0.6 metre set in at the first floor). The applicant has agreed the requested amendment.

It is not considered that the proposed development will look out of character or affect the visual amenities of neighbouring properties, or have a significantly detrimental impact upon the streetscene.

It is considered that the addition of the pitched roof to the rear would be an improvement on the existing flat roof.

### **Amenity**

Policy QD14 of the Local Plan will not permit developments which would result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

The residents of some neighbouring properties have objected to the proposal on the grounds of loss of privacy and loss of light. However there are no windows proposed to the northern elevation of the extension and the rear windows will give views similar to the existing fenestration. Therefore it is not considered that the proposal will lead to any more overlooking or loss of privacy than that which already exists. The development does not project any further to the rear than the existing ground floor. It also does not project any further to the rear than the property to the north, no. 45 Chichester Drive West. Therefore there is not considered to be any further significant loss of light or outlook to no. 45 Chichester Drive.

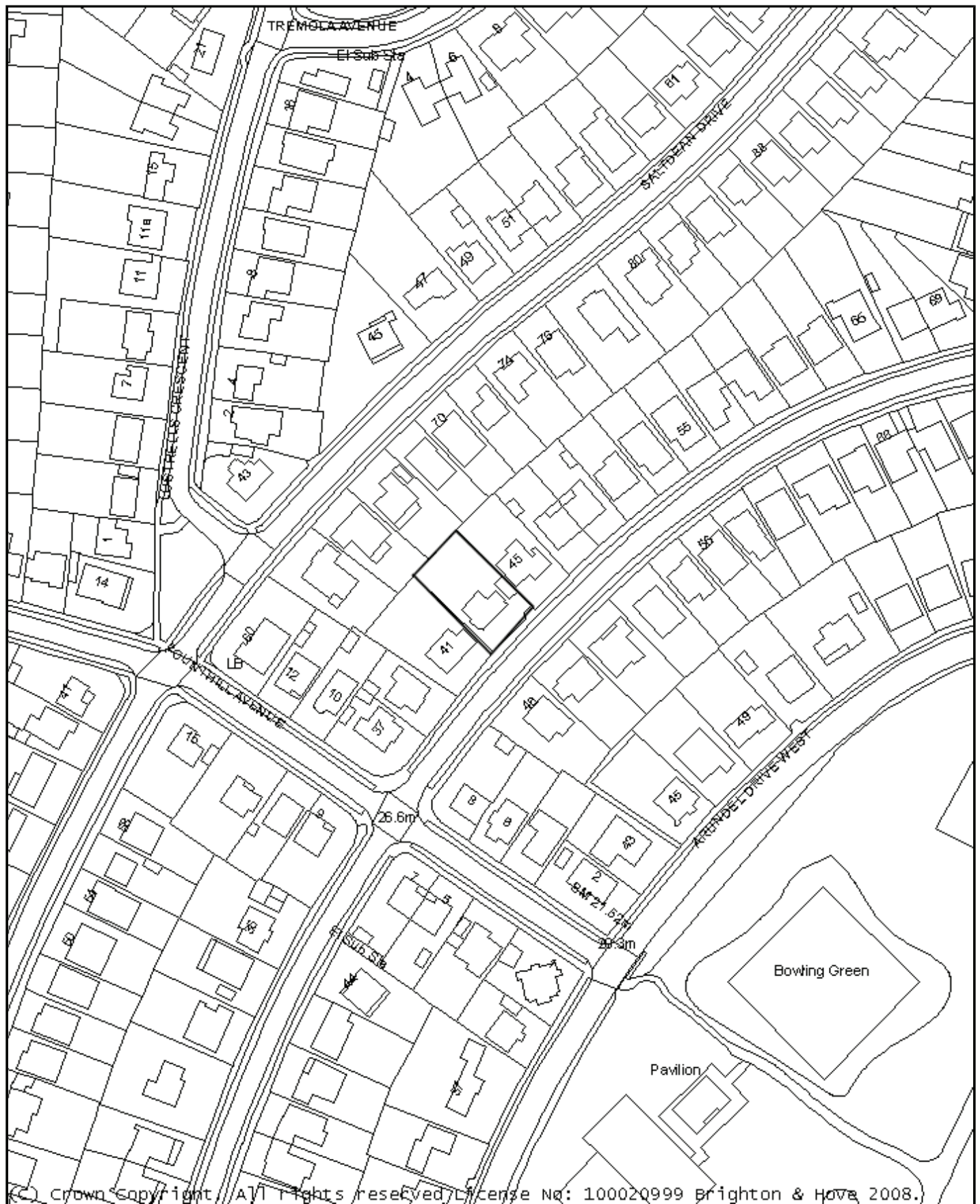
It is considered that the property to the south no. 41 Chichester Drive West is not significantly affected by the proposal. The properties to the front and rear are some distance away and are not considered to be significantly impacted upon.

## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would cause no significant loss of light or privacy to adjacent occupiers and would not adversely impact on the character or appearance of the existing property or the wider area. The proposal is considered to be in accordance with development plan policies.

## **9 EQUALITIES IMPLICATIONS**

None identified.



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<b><u>No:</u></b>	<b>BH2008/02499</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>27 Roedean Crescent</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing house and its replacement with a 6 bedroom house with integral double garage and cycle store.</b>		
<b><u>Officer:</u></b>	Kate Brocklebank, tel: 292175	<b><u>Received Date:</u></b>	25 July 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	16 October 2008
<b><u>Agent:</u></b>	Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<b><u>Applicant:</u></b>	Mr & Mrs Blomfield, 11c Lewes Crescent, Brighton		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **refuse** planning permission for the following reason:

1. The proposal, by reason of its prominent location, design, height, bulk and increased massing would result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on drawing nos. 0805-E01 – 0805-E07 and 0805-P01 – 0805-P12 submitted on 25<sup>th</sup> July 2008.

## 2 THE SITE

The site is a two storey property situated within a predominantly residential suburban location which can be characterised by a mix of designs and scales. The western end of Roedean Crescent is characterised predominantly by mock Tudor style two storey dwellings set in spacious plots, those on the northern side of the road are set further back in the plots than those on the southern side. From number 21 the properties are stepped in closer to the pavements edge but maintain a front garden area, with numbers 27 and 29 the closest to the pavements edge on the northern side of this stretch of the road.

The eastern section of Roedean Crescent is characterised by a more modern two storey properties generally set within slightly smaller plots than those along the western stretch of the road. The land in this area slopes up to the north with the properties on the northern side of the road set on higher land than those on the southern side.

The site is located at one of the highest points along the road and comprises of a two storey five bedroom property with an attached garage and swimming pool. The elevations are smooth rendered and white painted and the roof is



hipped with slate tiles.

### 3 RELEVANT HISTORY

**BH2003/02930/FP:** Single storey front extension with balcony over. Single storey rear extension to form indoor pool room. Approved 04/11/2003.

**BH2004/03558/FP:** Removal of existing second floor pitched roof and replace with second floor flat roof. Refused 17/01/2005.

**BH2005/00822/FP:** Dormer to rear elevation. Approved 21/06/2005.

**BH2008/02304:** Certificate of Lawfulness for existing use of land as a private garden. Approved 10/11/2008.

**BH2008/02427:** Certificate of Lawfulness for existing use of land rear of the property as ancillary residential use. Approved 12/11/2008.

### 4 THE APPLICATION

The proposal seeks planning permission to demolish the existing dwelling and erect a three and half storey 6 bedroom dwelling including the provision of a swimming pool, gymnasium and double garage.

### 5 CONSULTATIONS

#### External:

**Neighbours:** Seven letters of support received from the occupants of **12, 20** (2xletters), **22, 35** (2xletters) **Roedean Crescent** and **14 Roedean Way**, their comments are summarised as follows:

- Similar footprint and overall height, mass and scale to the existing dwelling.
- Better design than existing.
- More efficient modern building than existing.
- In keeping with the area in design and scale.
- Will enhance the neighbourhood.

**Natural England:** No objection – unless the Council or other parties become aware of the presence of protected species on the site. If so a survey must be requested prior determination of the application and appropriate mitigation and protection should be imposed.

**South Downs Joint Committee:** Raise an objection. The site is not within the Sussex Downs AONB, nor is it within the South Downs National Park (Designated but not yet confirmed). However, the original designation boundary for the National Park, along with the Inspector's amended 2007 boundary runs to the north of the rear garden boundaries of the properties on the north side of Roedean Crescent, including the application site.

Views of the rear of the dwelling would be from within the National Park (as currently designated) and the taller building with its zinc roof would be more prominent in any such views.

It is noted that the application is accompanied by a Biodiversity Statement.

Although this Statement comes up with a number of recommendations, no details of these appear to be incorporated within the other application documents, other than the swimming pool being filled in. In particular, it is recommended that removal of all materials relating to the swimming pool and the restoration of the land outside of the formal curtilage, along with other mitigation measures recommended in the Biodiversity Statement, be incorporated into a landscaping plan as part of the proposals.

Given the apparent lack of such a landscape plan, along with my concerns regarding the increased prominence of the building, an objection to the proposals is raised.

**Southern Water:** No objection.

**Brighton and Hove Archaeological Society:** Raise no objection - The site lies within an area of intense archaeological sensitivity and therefore would recommend that the granting of any planning application include a provision for a watching brief while the top soils are removed and the footing trenches are cut. A further inclusion should allow for the recording of any archaeological features and artefacts found.

**Internal:**

**Traffic Manager:** No objection is raised to this application.

**Environmental Health:** No objection providing a condition is imposed regarding submission of a scheme for treatment of plant and machinery.

**Ecology:** No objection. The biodiversity report is very comprehensive and concludes that there are few ecological restraints on the development proposal. The proposal to include a sedum roof on part of the proposed building would address Local Plan policy QD17 and the requirements of the draft Nature Conservation and Development SPD.

## 6 PLANNING POLICIES

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, 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 - full and effective use of sites
QD5	Design - street frontages
QD15	Landscape design

QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH 4: Parking Standards

SPGBH16: Renewable Energy and Energy Efficiency in Developments

## 7 **CONSIDERATIONS**

The main considerations relating to the determination of this application are the affect upon the character of the area, the suitability of the proposed dwelling having regard to the amenity requirements for the occupiers and the impact on neighbouring residential amenity. An assessment will also be made of the issues relating to transport and sustainability.

### **The principle of development**

The proposal seeks planning permission to demolish the existing five bedroom dwelling and erect a six bedroom replacement dwelling including a double integral garage, bike and general store and home office with en-suite on the lower ground floor, and a swimming pool and gymnasium on the ground floor. There are balconies proposed on the front and rear of the house and raised terraced area to the rear of the site.

There is no objection to the principle of a replacement dwelling.

### **Impact on character and appearance of the area**

Local Plan policies QD1, QD2 and QD3 ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

Policy QD1 of the Local Plan requires design aspects such as the scale and height of development, to be taken into account while discouraging pastiche design. Policy QD2 of the Local Plan requires that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics such as height, scale, bulk and design of existing buildings.

The character of the dwellings located along Roedean Crescent do differ in

scale, design and materials as do the plot sizes. However, characteristics of the area include large detached homes generally of suburban design with pitched roofs. The western end of Roedean Crescent is characterised predominantly by mock Tudor style dwellings, those on the northern side of the street have a considerable set back from the pavements edge and those on the southern side less so. From 19 Roedean Crescent the building line becomes more staggered and the set back from the pavement reduces with number 27 forming the most forward property on the northern side within views from the west looking along the street to the east. Numbers 23, 25 and 27 Roedean Crescent are set at the highest part of the street and due to the staggered building line and its proximity to number 27 is prominent in views from the west and views up Roedean Path.

From number 25 leading to the east along Roedean Crescent the character and design of the properties become more modern in design and character, and the use of materials more varied, however each dwelling still maintains a pitched roof of some sort, most of which are quite steep and as such form an integral part of the buildings. It is therefore considered that the site appears to be at a juncture between the identified dwelling styles along the street and can therefore take advantage of this within the design approach. In long views into the site from Roedean Road, the most distinctive characteristic is that of the pitched roofs on the properties.

The proposed replacement dwelling will occupy a very similar footprint to that of the existing dwelling. The floor area occupied by the existing garage to the front of the property is to be re-sited within the rear garden and will form the raised terrace and swimming pool below. The resultant width and depth will also be very similar to the existing property. The overall height, will in relation to AOD and the existing dwelling has not been significantly increased. However, the existing dwelling is sited on raised land with steps leading up to the front entrance of the dwelling. The current scheme results in the excavation of the lower ground floor and the creation of an additional level of accommodation with the resultant dwelling laid out over four levels.

The applicant received pre-application advice on the scheme and the initial plans were of a modern flat roofed design. The applicants were advised that, whilst the principle of a modern design was acceptable, a defining feature of the area is the pitched roofs on the houses. These are visible in long views into the area and officers strongly advised that a pitched roof should be integral to the design of the replacement dwelling.

A pitched roof was subsequently included, but officers continued to have concerns regarding the visual integration and relationship of the pitched roofs with the overall design, which remained largely unaltered with the exception of a shallow pitched roof over the previously flat roofed elements. The pitch, although only shallow results in the dwelling exceeding the highest part of the existing dwelling by approximately 1m over the fourth floor of accommodation. The applicants were advised to reconsider the design and to incorporate a

pitched roof as part of the overall design concept. The opinion of officers was made clear however the architects held strong views regarding the 'floating' roof design and they considered it was in keeping with the modern design of the house and integrated well with the surrounding context. After a number of pre-application discussions and comments the applicants were advised that officers still had reservations about the scheme but that if they wished to continue with the design a formal application should probably be submitted.

The design of the current scheme remains unaltered from the design submitted at the pre-application stage.

The principle of a modern designed dwelling on this site is considered acceptable. However the property must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan. The applicants have attempted to take account of the pitched roofs which have been identified as a local characteristic however it is considered to be poorly integrated with the overall design and significantly shallower than the adjoining neighbouring dwellings.

The overall height and width of the development with three and half storeys including the exposed 'basement' level entrance, in conjunction with a very shallow pitched roof design results in greater massing at a height that would read visually as an overly dominant element in the streetscape. The property rises up at full width (approximately 18m within a plot approximately 22m in width) to the third storey (approximately 8m in height to the lower eaves) with a parapet style element to the terrace access from the 4<sup>th</sup> and 5<sup>th</sup> bedrooms. It is noted that the proposed property is slightly narrower than the existing dwelling however the raised height at this width, which is above the eaves height of number 25 and 29 Roedean Crescent, plus the additional accommodation and shallow pitch above results in the property appearing much bulkier at a higher level than neighbouring dwellings.

An application for a replacement dwelling on the adjacent site, number 25 Roedean Crescent was recently refused for similar reasons. The proposal was considered to pay little regard to the character of the area and the scale would read as a visual departure from the established pattern of development in the area. *'Furthermore, the overall height and width of the development with three and half storeys including the exposed 'basement' level entrance, in conjunction with a very shallow pitched roof design results in a bulk at a height that would read visually as a foreign element in the streetscape. The property reads as a three and half storey property from the front elevation with the exposed entrance to the basement level included. The bulk of the development is maintained at a width of approximately 17.8 (within a plot approximately 23m in width) to a height of approximately 11m from ground level. The overall height does not appear to exceed that of the existing dwelling according to the outline detailed on the plans, however the scheme entails a significant amount of excavation in order to allow the site to*

*accommodate the proposed dwelling. Therefore comparing the heights of the existing and proposed dwellings in isolation is not an adequate assessment of the overall impact of the scheme on the character of the area.'*

Also relevant is the current application at No. 18 Roedean Way which is reported elsewhere on this agenda and is recommended for refusal for similar reasons.

Similarities with respect to design issues can also be drawn from a dismissed appeal for the demolition of the existing house at Linwood House, 12 Roedean Way and redevelopment for 9 flats, (BH2003/03174/FP – appeal ref: APP/Q1445/A/04/1153690), in 2005. The Inspector considered that although the block of flats would have a similar ridge height to the existing property, the Inspector still had concerns over the three storey scale of the development. The Inspector considered that the scale of the proposal would fundamentally alter the character of the scale of development in the area, from two storey family houses set behind Roedean Way to a much more visually intrusive three storey building of flats. As such the Inspector concluded that the scheme was contrary to Policies QD1, QD2, QD3, QD4 and HO4 of the Local Plan (then at its second deposit stage). It is of course noted that this application is for a single dwelling and that the scheme has been amended to include a shallow pitched roof over the half storey element, however the development is considered to be overly bulky for the reasons set out above and is clearly comparable to the appeal at 12 Roedean Way.

It is noted that planning permission has recently been granted for extensions and alterations to number 3 Roedean Crescent BH2008/00598, which involves the removal of the existing pitched roof and the creation of a flat roof. As stated in the officers report the existing property has a relatively shallow pitched roof, it has a significant set back from the road. The report states, *'The inclusion of the curved glass elevations within the proposed side extension, helps to reduce the visual massing to the property and thereby reduces the impact of the proposed development upon the street scene. Furthermore the height of the overall property, as developed has been designed so that it steps down which reduces the mass and bulk of the property at higher levels.'* It was therefore considered that refusal of the application due to the exclusion of a pitched roof alone could not be justified at appeal. The significant difference between number 3 and number 25 Roedean Crescent is the prominence of the dwelling within the streetscene.

The existing front boundary treatment to neighbouring dwellings along Roedean Crescent varies. The majority are largely open with low brick walling and vegetation. There are some examples of higher front boundary treatment and gated entrances, the majority though are largely open. The proposal includes a white rendered front boundary wall and sliding gates to a maximum height of approximately 1.9m. It is not clear from the plans what the gates will be formed from. They appear to be of solid construction which is considered to be out of character with the prevailing character of the area. However, the

existing front boundary is a white rendered front wall at a lower height to that proposed and without gates and as such it is not considered likely that an appeal could be upheld on this basis alone.

The proposal also includes the introduction of four solar panels to the front roofslopes of the property, one on the lower element and three on the main roof slope. There are limited examples of solar panels on the front roof slopes of properties in this location. Whilst solar panels would be welcome in principle, little detail has been provided and officers are concerned that their visual appearance may exacerbate concerns about the roofs.

Overall, the proposed dwelling is considered unsympathetic to the existing neighbouring development and would appear overly dominant and out of scale within the streetscene of Roedean Crescent.

**Amenity for future and existing occupiers**

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 site is situated within an area which is characterised by detached dwellings situated within spacious plots. The proposal site forms one of the larger sites along this section of Roedean Crescent with an additional section of garden area to the north of the site which has recently been approved under a Certificate of Lawfulness as lawfully forming part of the garden curtilage of the site. The footprint of the dwelling is remaining largely unaltered, as such the retained garden land is considered appropriate to the scale and character of the development and is characteristic for the area.

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards. The applicant has submitted a comprehensive Lifetime Homes standards checklist which is adequately demonstrates that the dwelling could fully accord to the policy.

Policies TR14 and SU2 require all new dwellings to provide secure, covered cycle parking and refuse and recycling storage. The development includes provision of a refuse and recycling store externally sited adjacent to the entrance gate and a cycle store to the rear of the garage, sited internally. Both are considered to be of an adequate scale and location to acceptably accord to the policy requirement.

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 proposal includes a large amount of glazing to the front and rear elevations and a number of balconies are also proposed. However the majority of the balconies have been located to the front of the property and owing to the property's relationship to neighbouring dwellings they are not considered to give rise to adverse overlooking above the current level of

overlooking from the street. There is one balcony proposed to the rear of the property accessed off the master bedroom. However, the privacy of the neighbouring dwelling will be protected by the inclusion of walling to a height of approximately 1.8 metres above floor level.

The eastern elevation of the rear element containing the family room and gym has six windows and one additional window is proposed in the east elevation of the main dwelling. All the windows are to be high level and obscured glazed. Any concerns about perceived overlooking could, if the scheme were acceptable, be addressed by a condition requiring details of boundary treatment.

The garden level currently rises up quite steeply to the rear of the site. A terrace is proposed upon this raised area. If the application were to be approved, details of the proposed boundary treatment along the western boundary would be required to ensure the protection of amenity of the neighbouring dwelling number 25 Roedean Crescent.

### **Traffic**

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal and maximises travel by sustainable demands. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in SPG 4 Parking Standards. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

The Council's Traffic Manager has been consulted on the application and has raised no objection to the scheme on highway grounds.

### **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 level 3 of the Code for Sustainable Homes. Policy SU13 relates to minimisation and re-use of construction and demolition waste, the policy requires the submission of details to demonstrate how the development will prevent the unnecessary diversion of construction waste to landfill sites.

The application site is located adjacent to a designated SNCI and backs onto the proposed National Park. The applicant has submitted a full ecology report which has been assessed by the Council's Ecologist who has raised no objection. The Ecologist states that the biodiversity report is very comprehensive and concludes that there are few ecological restraints on the development proposal. The proposal to include a sedum roof on part of the



proposed building would address Local Plan policy QD17 and the requirements of the draft Nature Conservation and Development SPD.

The South Downs Joint Committee were also consulted and raised concerns regarding the application and in particular the area of land which was in question as part of the Certificate of Lawfulness BH2008/02304. It was noted that the application is accompanied by a Biodiversity Statement and although this Statement comes up with a number of recommendations, no details of these appear to be incorporated within the other application documents, other than the swimming pool being filled in. The consultation goes on to state that in particular, it is recommended that removal of all materials relating to the swimming pool and the restoration of the land outside of the formal curtilage, along with other mitigation measures recommended in the Biodiversity Statement, be incorporated into a landscaping plan as part of the proposals. Given the apparent lack of such a landscape plan, together with concerns regarding the increased prominence of the building, an objection to the proposal is raised by the South Downs Joint Committee.

The area of land which forms the main basis of the Joint Committee's concerns, has been the subject of an application for a Certificate of Lawfulness to establish the land as residential curtilage. As such, the Local Planning Authority cannot insist on its reversion as recommended within the Ecology report and by the Joint Committee. If the application were to be approved a landscaping condition would be imposed to control the detail the hard and soft landscaping proposed.

The site address lies within an area of intense archaeological sensitivity. It is considered that policy HE12 can be complied with via a condition being attached to an approval which requires a watching brief to be carried out at the site, with regards to excavation work, as requested by the Brighton and Hove Archaeological Society.

## **8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

Overall, the proposed dwelling is unsympathetic to the existing neighbouring development and would appear overly dominant and out of scale within the streetscene of Roedean Crescent, by reason of prominent location, design, height, bulk and increased massing and would be of detriment to the character and appearance of the street. There would be no significant impact upon neighbours and the traffic implications are acceptable. Other issues could be addressed by condition if the design were acceptable.

## **9 EQUALITIES IMPLICATIONS**

None identified.



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<b><u>No:</u></b>	<b>BH2008/02531</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Meadows, 18 Roedean Way</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing house and erection of new dwelling.</b>		
<b><u>Officer:</u></b>	Steve Lewis, tel: 292321	<b><u>Received Date:</u></b>	25 July 2008
<b><u>Con Area:</u></b>	n/a	<b><u>Expiry Date:</u></b>	14 October 2008
<b><u>Agent:</u></b>	Lewis & Co. Planning South East Limited, Paxton Business Centre		
<b><u>Applicant:</u></b>	Mr & Mrs Golding, The Meadows, 18 Roedean Way.		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves to **Refuse** planning permission, for the following reasons:

1. The proposal, by reason of its prominent location, design, height, bulk and increased massing would result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposal is likely to have an adverse impact upon the amenities of the occupiers of adjoining dwellings by reason of loss of privacy and outlook and an increased sense of dominance. This is contrary to policies QD1 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on Lewis & Co Planning Waste Minimisation Statement, Bio Diversity Checklist, Sustainability Checklist Lifetime Homes Checklist and Planning Supporting Statement and Miles Broe Architects Design and Access Statement and drawing nos. 9146/PL/01 Rev D, 9146/PL/04, 9146/PL/05, 9146/PL/07, 9146/PL/11 & 9146/PL/12 submitted on 25/07/2008 and Mile Broe Drawing nos. 9146/PL/02 Rev E & 9146/PL/03 Rev B submitted on 09/10/2008.

## 2 THE SITE

The application relates to a large detached dwelling on the north side of Roedean Way in East Brighton. The dwelling is typical of the Roedean area which is characterised by large detached two storey dwellings set within generous plots, a regular building line, pitched roofs and varying designs, detailing and features.

The dwelling comprises of many alterations and extensions since the 1950's. There are two forward facing roof details and bay windows, a rear projecting gable. The property benefits from a large two storey flat roof extension which in fills the original 'L' shape and side projecting flat roofed triple garage.

The dwelling is prominent within the area by virtue of its location on Roedean

Way which lies at the southern end of the Roedean area. The house has a sea view and is visible from the A259 coast road.

### 3 RELEVANT HISTORY

Multiple applications and approvals for extensions and alterations from 1959 – 1982. No planning history since 1982. Property formerly known as Bassett's.

### 4 THE APPLICATION

The application seeks planning permission for the demolition of the existing two storey dwelling and the reconstruction of a 3 storey replacement dwelling.

The proposed dwelling is of contemporary design, making use of a first and second floor balconies and roof terraces. The design includes a rear atrium the full height of the building upon the rear and a lobby area to the front that projects beyond the front building line of the existing property.

### 5 CONSULTATIONS

**External:**

**Neighbours:**

**48 Roedean Crescent, Comment**

- The works will lead to additional noise and dust that will impact upon the use of the garden of 48 Roedean Crescent; they would like to agree that no works are undertaken of a weekend.
- They would object if the building was of such a size and height that it overlooked or significantly changed the fell/nature of the area.

**46 Roedean Crescent, object on the following grounds:**

- The proposal will result in the loss of an example of traditional style of housing
- The proposal will be significantly higher than the existing house upon the site, leading to a loss of outlook and privacy.
- The house is not in need of demolition, if this were applied across the town many of the period styles would be lost.
- The development will not fit the general character and appearance of the area.

Five letters of support have been received from **Flat 4, 60 Brunswick Place, Flat 3, 10 Cliff Road, 34 Southdown Avenue (Cooke Design Associates), 165 Carden Avenue (James Hull Associates), 3 Beachwood Close**. The following points have been raised:

- The proposal exhibits a high standard of architecture and will be an improvement upon the existing dwelling.
- The proposal will be in keeping with the remainder of Roedean Way and will improve the appearance of the street scene.

**County Archaeologist:**

The application site falls within an archaeological sensitive area defining an area of Prehistoric and Romano-British activity. Neolithic/Bronze age inhumation burials were discovered in Roedean Way during the digging of

sewers in 1931 and 1937, and a Romano-British remains have come to light, showing this area was occupied and famed during these periods.

For these reasons it is recommended that a watching brief take place on the site and that a planning condition is attached to any planning permission to grant rights of regular access to the County Planning Authority to prepare archaeological records and three weeks written notice be given prior to commencement of the development start date.

**Brighton & Hove Archaeological Society:**

It is recommended that the granting of planning permission should include provision by condition for a watching brief be placed upon the site while top soils and footing trenches are cut. A further inclusion should allow for the recording of any archaeological feature or artefacts found.

**Internal:**

**Traffic Manager:**

No objection on traffic grounds as there are no material changes to the transport impact.

**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 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 statement
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of land
QD4	Design – strategic impact
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
HO3	Dwelling type and sizes
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO8	Retaining housing
HO13	Lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Documents

SPD03 Construction and demolition waste

**7 CONSIDERATIONS**

The main considerations in this case are the impact of the replacement dwelling upon the character and appearance of the area and the residential amenity of adjacent occupiers. Other issues such as sustainability, transport and waste minimisation must also be considered.

The proposal seeks the demolition of the existing dwelling and its replacement with a contemporarily designed dwelling.

**Principle of development**

There is no objection to the replacement of the existing single dwelling with another single dwelling. The housing policies of the Local Plan do not prevent direct replacements of dwellings; however any proposed replacement must be considered acceptable in line with other policies of the Local Plan and other material considerations.

Any new dwelling should be of acceptable design and impact upon character of the area and the amenity of nearby residential occupiers. The new development should demonstrate compliance with Lifetime Homes and Sustainability criteria even if the present dwelling does not currently meet these standards.

**Impact on character and appearance of the area**

Local Plan policies QD1, QD2 and QD3 seeks to ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to immediate neighbouring buildings but the townscape and landscape of the wider locality.

Policy QD1 of the Local Plan requires design aspects such as the scale and height of development, to be taken into account while discouraging pastiche design. Policy QD2 of the Local Plan requires that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics such as height, scale, bulk and design of existing buildings.

The character of the dwellings located in Roedean is varied in scale, design and materials. However, characteristics of the area include large detached homes generally of suburban design with pitched roofs. This is the prevailing character of Roedean Way where most of the dwellings are two storeys with a simple roof pitched design and the front elevations have raised extensions, balconies and roof terraces, some of which are covered to take advantage of the sea views.

The character of properties of Roedean Way follow a similar characteristic to the properties elsewhere in the Roedean area in that they are mostly of pitched roof construction, of brick or render facing materials and two storeys, but have greater variation in design detailing.

The topography of the area slopes gently down from west to east and from north to south. Consequently the houses to the north in Roedean Crescent are set at a level above Roedean Way to also take advantage of sea views, however due to the immediate scale and plot depth are not appreciatively dominant in views from the immediate street scene.

The principle of a modern designed dwelling on this site is considered acceptable. However the design must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood. It should take into account the local characteristics of the area and street scene as outlined in order to accord to design policies in the Local Plan.

The proposal is considered to pay little regard to the character of the area and its scale and design would read as a stark visual departure from the established pattern of development in the area. The use of three storeys with a flat roof results in additional height and bulk at higher levels that would form an alien and prominent feature within the street scene.

Some similarities with respect to design issues can be drawn from a dismissed appeal for the demolition of the existing house at Linwood House, 12 Roedean Way and redevelopment for 9 flats, (BH2003/03174/FP – appeal ref: APP/Q1445/A/04/1153690), in 2005. An Inspector considered that although the block of flats would have a similar ridge height to the existing property, the Inspector still had concerns over the three storey scale of the development. The Inspector considered that the scale of the proposal would fundamentally alter the character of the scale of development in the area, from two storey family houses set behind Roedean Way to a much more visually intrusive three storey building. As such the Inspector concluded that the scheme was contrary to Policies QD1, QD2, QD3, QD4 and HO4 of the Local Plan (then at its second deposit stage). It is of course noted that this application is for a single dwelling; however the proposed development is comparable to the appeal at 12 Roedean Way in the respect of the additional bulk and use of a flat roof.

It is noted that a replacement dwelling on the site at number 25 Roedean Crescent was also recently refused by the Planning Committee for similar reasons to those outlined in this report. The proposal was considered to pay little regard to the character of the area and the scale would read as a visual departure from the established pattern of development in the area. Also relevant is the current application at No. 27 Roedean Crescent which is reported elsewhere on this agenda and is recommended for refusal for similar

reasons.

The use of a flat roof and three storeys is not typical of the Roedean area. It would result in additional bulk and massing on the plot which would dominate the site. The scale of the dwelling together with the striking appearance of the large areas of glazing and rain screen cladding would sharply contrast with general background character of the area and street scene.

A comparison between the existing ridge height and can be seen from the submitted plans. It is shown that there is an increase of up to 1.2m in height; and an increase in the width of the main body of the dwelling by approximately 4m, there is also some additional height upon the garage section of the building. The additional bulk is exacerbated by the use of a flat roof which offers less visual relief than that of the existing sloping roof.

The central front elevation architectural feature has large areas of glazing and projects forward of the existing building line by up to a metre. The feature is the highest part of the proposal, encompasses three storeys and is bulkier than the existing lobby area by reason of its height and width. Each floor is then set behind this central area on an approximate building line to match that of the main elevation of the current dwelling, with some slight softening from the curvature of the design.

In this case the replacement dwelling is considered by reason of its prominent location, design, height, bulk and massing to result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene.

### **Residential amenity**

The design is complex when considering the residential amenity impacts. The proposed development has roof terraces, balconies, sloping topography and there are side facing windows within neighbouring properties. Some concerns were raised with the applicants with respect to the potential impact upon the occupiers of neighbouring properties. Amended designs were submitted in an attempt to overcome these impacts although, due to the printing quality of these amended drawings and the expression of detailing, impact is difficult to assess. These changes relate to screening (east elevation) and deletion of a terraced area (west elevation). It is not considered that the applicant has clearly demonstrated that there would be no adverse impact upon the amenity enjoyed by the occupiers of neighbouring properties.

The front and rear facing aspects of the building, despite the introduction of balconies and roof terraces, are considered to have an acceptable impact upon neighbouring properties. The plot size of site is generous and negates the potential for impact upon dwellings situated to the rear. The rear facing elevation is spaced over 50 metres from that of the nearest property in Roedean Crescent (at the rear), additionally the land slopes gently up towards the north (rear) and some screening exists. The front elevation faces onto



public open space beyond the curtilage and is not considered to harm the amenity of other near occupiers.

The side elevations require more careful consideration. At present the side elevations of both properties to the side of The Meadows, Throwley House (to the west) and Polano (to the east), are closely located to the joint boundaries of the site with differing development characteristics.

The dwelling to west benefits from a side extension, which appears to be an annexe style of residential accommodation given its sideward projection and ground floor garaging. This extension appears occupied and has an uncomfortable relationship with The Meadows. It overlooks the land adjacent to the side boundary and the side elevation of The Meadows. The current relationship with the dwelling to the east is more comfortable. There is a short gap between the boundary and the side elevation of Polano; the closest 10 metres is occupied by a single storey triple garage.

The proposed redevelopment of the dwelling should not result in a harmful loss of outlook from the property to the east and the relationship of Polano and the proposed dwelling could remain acceptable. The proposed building would step down towards the boundary with Polano, although would be slightly higher than the existing building. Officers do have some concerns about the second floor terrace and pool area and the first floor office on the eastern side of the building. These appear to offer some potential for overlooking to the side and rear of Polano.

It is considered that the location of the outdoor pool at second floor level and the side facing windows of the first floor office would increase the impression of overlooking to the occupiers of the neighbouring property. Although balustrade design and screen planting upon the east facing elevation could help in this regard and some sightlines are shown on the drawings, it is considered that the applicant has failed to demonstrate that overlooking would not occur.

The present relationship between the western elevation of the proposal and Throwley House is uncomfortable. Given the topographical variation, set down level of the dwelling, its footprint and the reduction of the gap between the side elevation of the proposal and joint boundary; the development is likely to have an unacceptable impact upon that of the neighbours to the west. It is considered that the side facing balconies would result in a sense of overlooking and a loss of privacy. The siting of the building closer to the joint boundary and the additional height and bulk is considered to exacerbate the present uncomfortable relationship with Throwley House and lead to a loss of outlook.

#### **Traffic issues**

There are no objections to the development on traffic grounds. The development will replace the existing dwelling with another and there is not

perceived to be any substantial increase in trips generated by the proposal.

The development will provide sufficient on-site vehicular parking and there will be no change to the current access arrangements.

The development provides sufficient space for cycle parking and the large garage facility can comfortably provide the required cycle parking spaces to meet the present parking standards. The plans show a total of four cycle parking spaces and if granted a planning condition could be imposed to ensure that these facilities are provided and retained.

### **Sustainability**

The planning supporting statement submitted with the application contends that the development will meet level 3 of the Code for Sustainable Homes. This is considered an acceptable and minimal standard for a new development of this type.

The statement also proposed the use of photovoltaic cells on the flat roof of the building to contribute towards micro-regeneration of electricity. A ground source heat pump will assist in heating the roof top swimming pool. Additionally the pool will be fitted with a cover to minimise heat loss and maximise solar gain.

On the basis of conditions being placed to ensure that the development meets level 3 of the Code for Sustainable Homes and to secure the photovoltaic cells and ground source heat pump, the development would be considered to attain an acceptable standard of sustainability.

### **Living standards**

The development will be able to meet all of the 16 Lifetime Homes Standards and as such it is considered that a planning condition to ensure this should be imposed if planning permission were granted. As such the development would have suitable disabled access and opportunity for adaptation if required.

The development will provide a high standard of living for the occupants of the building. It is generous in floor space and amenity space. The site benefits from large front and rear gardens and the roof terraces within the building.

### **Archaeology**

It has been advised that the site lies within an archaeological sensitive area defining an area of Prehistoric and Romano-British activity. Neolithic/Bronze age inhumation burials were discovered in Roedean Way during the digging of sewers in 1931 and 1937, and a Romano-British remains have also been found.

The County Archaeologist recommends that a watching brief be placed upon the site and access be granted for regular access by the County Planning Authority to prepare archaeological records to be prepared. At least three

weeks notice of commencement should be given.

On this basis it is considered that a planning condition can be placed upon the development for an Archaeological Watching Brief to take place.

**Waste minimisation.**

The development has been accompanied by an acceptable waste minimisation strategy. The submitted waste minimisation statement covers in sufficient detail the opportunity to recycle new and old construction materials, excavation material, minimise waste materials and use of a licensed waste contractor. If granted permission a planning condition could be placed to ensure that the strategy is carried out.

**8 EQUALITIES IMPLICATIONS**

The development should meet Lifetime Homes Standards in accordance with policy HO13 of the Brighton & Hove Local Plan and meet Part M of the Building Regulations.



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<b><u>No:</u></b>	<b>BH2007/03943</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>30-33 Bath Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>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).</b>		
<b><u>Officer:</u></b>	Kate Brocklebank, tel: 292175	<b><u>Received Date:</u></b>	23 October 2007
<b><u>Con Area:</u></b>	West Hill	<b><u>Expiry Date:</u></b>	18 December 2007
<b><u>Agent:</u></b>	Turner Associates, 19a Wilbury Avenue, Hove		
<b><u>Applicant:</u></b>	Mr S Theobald, c/o Turner Associates, 19a Wilbury Avenue, Hove		

This application was deferred at the last Committee meeting on 3rd December 2008 in order for members to visit the site.

## 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 & 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 & 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 & 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 & 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 & 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 7<sup>th</sup> 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 & Hove Structure Plan and 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 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; and

(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 341m<sup>2</sup> (3,671ft<sup>2</sup>) with 221m<sup>2</sup> (2,379ft<sup>2</sup>) 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.

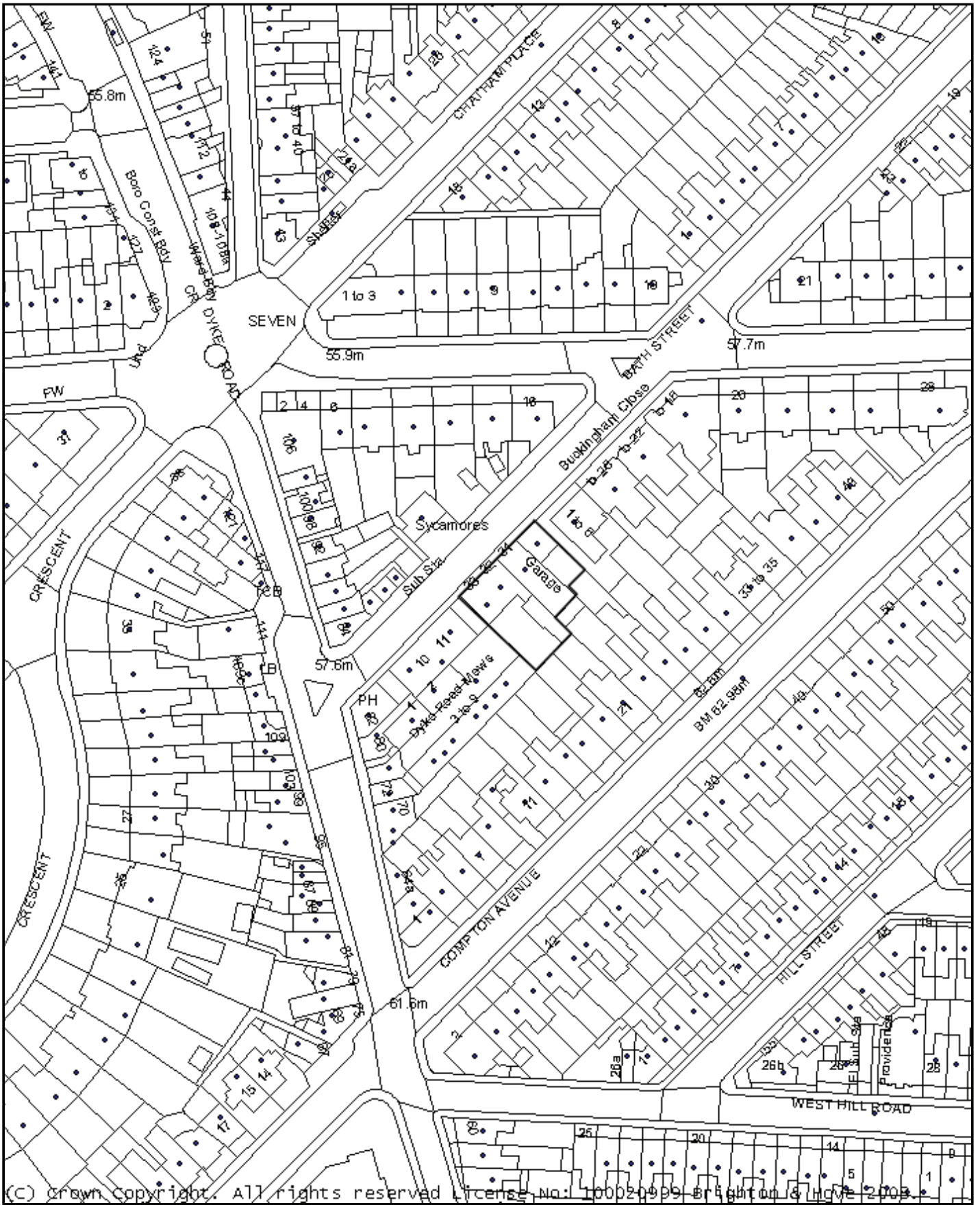
A neighbour has raised concern regarding the potential impact on a family of foxes who live on the site; foxes are not protected under nature conservation legislation, they are protected from various forms of killing by animal welfare legislation however in planning terms, no specific action is normally 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.



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<b>No:</b>	<b>BH2007/03942</b>	<b>Ward:</b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b>App Type:</b>	<b>Conservation Area Consent</b>		
<b>Address:</b>	<b>30-33 Bath Street Brighton</b>		
<b>Proposal:</b>	<b>Demolition of existing buildings.</b>		
<b>Officer:</b>	Kate Brocklebank, tel: 292175	<b>Received Date:</b>	23 October 2007
<b>Con Area:</b>	West Hill	<b>Expiry Date:</b>	18 December 2007
<b>Agent:</b>	Turner Associates, 19a Wilbury Avenue, Hove		
<b>Applicant:</b>	Mr S Theobald, c/o Turner Associates, 19a Wilbury Avenue, Hove		

This application was deferred at the last Committee meeting on 3<sup>rd</sup> December 2008 in order for members to visit the site.

## 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; and
  - (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.

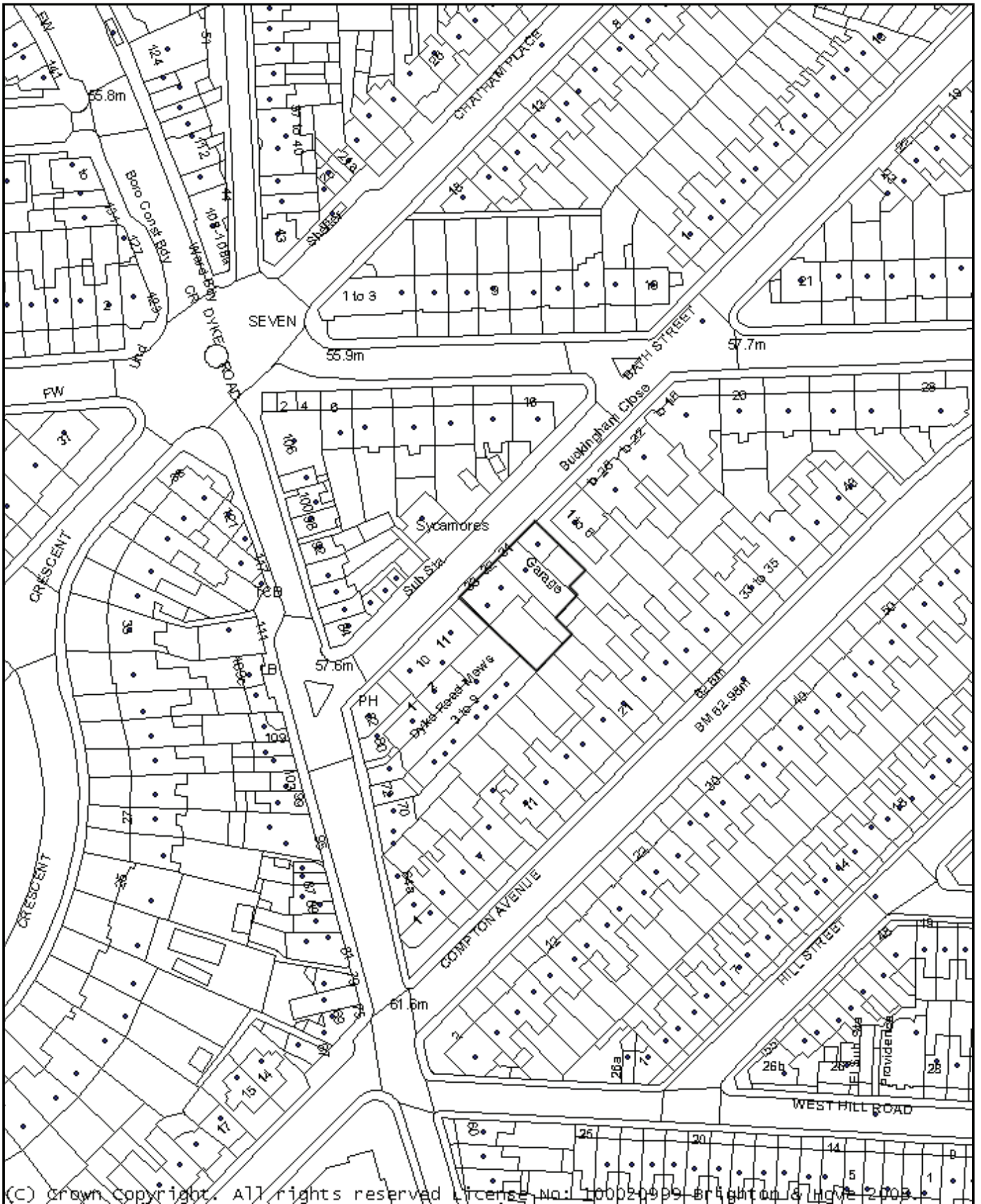
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

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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<b>No:</b>	<b>BH2008/02190</b>	<b>Ward:</b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b>App Type</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Queensberry House, 103-109 Queens Road, Brighton</b>		
<b>Proposal:</b>	<b>Single storey roof top office extension and alterations to existing rear elevation.</b>		
<b>Officer:</b>	Ray Hill, tel: 293990	<b>Received Date:</b>	25 June 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	17 September 2008
<b>Agent:</b>	Enplan, 10 Upper Grosvenor Road, Tunbridge Wells, Kent		
<b>Applicant:</b>	IPS Pension Builder: Acumen, Orchard House, Strawberry How Road, Cockermouth		

## 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. Access to the flat roof over the extension hereby approved and access to that part of the flat roof to the original building immediately to the north of the extension adjoining No.102 Queens Road (The Ocean Building) shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise and disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. 03.01A Sample of Materials Non-Cons Areas.
4. 05.01AA BREEAM.
5. Unless otherwise agreed in writing with the Local Planning Authority, the measures for the recovery and re-use of demolition and construction waste shall be implemented in strict accordance with the Site Waste Management Plan submitted on the 25 June 2008.  
**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 & Demolition Waste.
6. 06.02A Cycle Parking Details to be Submitted.
7. No development shall take place until details of a scheme to provide sustainable infrastructure to support the demand for travel created by the development 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 provides for the proposed travel demands that it creates and to comply with policies TR1, SU15 and QD28 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Photomontage Sheet No.s 1 & 2, Design & Access Statement, Tall Buildings Statement, Green Statement, Site Waste Management Plan and Sustainability Checklist submitted on 25 June 2008 and drawing nos. PL/25, EX/02- 06, PL/13.1C, PL14.1C, PL15.1B, PL/16.1B & PL/17.1B submitted on 10 July 2008 and drawing no. PL/21A and Biodiversity Statement submitted on 23 July 2008 and drawing no. C-0821(21)04 submitted on 7 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 & Hove Structure Plan and Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan Policies

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-full and effective use of sites
QD4	Design-strategic impact
QD5	Design-street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
SR4	Regional shopping centre
HE6	Development within or effecting the setting of conservation areas

East Sussex and Brighton & Hove Structure Plan 1991 – 2011

WLP11 Construction Industry Waste

Supplementary Planning Guidance

SPG Note 4: Parking Standards

SPG Note 15: Tall Buildings

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

Regional Planning Guidance for the South East (RPG9)

T12 Parking; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the street scene and the setting of the nearby Conservation Areas. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. Sustainability measures are acceptable subject to further details to be sought by condition and transport generation will be off-set by a financial contribution.

3. IN.07A

4. To address the requirements of Condition No.7 the Applicant is requested to contact the Local Planning Authority with regard to completing a Unilateral Undertaking or Obligation under S106 of the Town & Country Planning Act 1990 involving a financial contribution of the sum of £4600 towards improving sustainable modes of transport.

## **2 THE SITE**

Queensberry House is a substantial circa 1960's concrete and brick clad building located on the eastern side of Queens Road some 20m to the north of its junction with North Road. The building is six storeys in height fronting Queens's road and, due to a marked change in ground levels, 7 storeys in height to the rear. It comprises shopping area uses on the ground floor fronting Queens Road with vacant offices occupying the upper floors (Class B1). There is a car park at basement level with vehicular access from Frederick Street.

The building has a 3.5m to 5m deep forecourt on the Queens Road frontage the boundary of which is delineated by a row of bollards.

The surrounding area is mixed in character, comprising both residential and commercial uses. Adjoining the site to the north, No.102 Queens Road (The Ocean Building), is a six storey office building which has been converted into flats and to the south is an attractive pair of 19<sup>th</sup> century red brick commercial buildings. To the west of the site, the opposite side of Queens Road is characterised by 3-4 storey stucco fronted Victorian terraces, comprising ground floor shopping area uses with a mixture of residential and office uses on the upper floors.

Immediately to the rear of the site, No.s 5 & 6 Frederick Street is a 2-3 storey residential terrace, the former site of No's 7 & 8 is a car park, No.12 is a 2-3 storey end terrace property which is in use as offices and in the ownership of the Applicants and No.s 13 to 15 is a two storey residential terrace.

The site is flanked by the North Laine Conservation Area to the east and the

West Hill Conservation Area to the west. The site is located within the Central Brighton Regional Shopping Area as designated in the Brighton & Hove Local Plan.

### 3 RELEVANT HISTORY

**BH2008/02193:** Erection of three storey building at 10-11 Frederick Street for offices at first and second floor level and alterations to existing office building at No.12 Frederick Street. This planning application is still under consideration.

**BH2007/04654:** Erection of an additional two storeys to Queensberry House for office use, change of use of No.12 Frederick Street from office to residential (2 maisonettes) and amendments to BH2006/00465/FP to propose 2 maisonettes at No.s 10-11 Frederick Street together with elevational alterations to Queensberry House. Refused 12/3/08.

**BH2007/01967:** Internal and external disability access alterations, new shop fronts and façade alterations. Granted 11/7/07.

**BH2006/00465/FP:** The construction of a three level gatehouse apartment to Frederick Street frontage, including new security gates and cycle storage. Granted 31/3/06.

**BH2006/00344/FP:** Formation of 8 flats (5 two bedroom and 3 three bedroom units) within three additional floors. Remodeling of service tower to rear, new shop fronts, new landscaping and boundary wall to frontage, new entrance lobby and new service outlets to rear elevation. Refused 24/4/06. A subsequent appeal against the Council's refusal of planning permission was dismissed in January 2007.

### 4 THE APPLICATION

The application seeks full planning permission for the demolition of the existing roof level caretakers residence and the erection of a replacement single storey rooftop office extension and alterations to the existing rear elevation of the building.

The proposed rooftop extension would have a width of 34m, a depth of 8.6m and a height of 3m. It would be set in 2m from the front elevation of the building, 2.6m from the rear, 3.5m from the northern side elevation and 3.9m from the southern. It would provide 260 sqm of additional office floorspace. It would be finished in cream painted render with blue tinted glazing set within grey powder coated aluminum frames.

The proposal also includes the modification of the existing roof level element of the rear facing service core/ stair tower involving a reduction in its height by 1m and a reduction in its depth by 2.8m. The remodeled structure would be clad in cream colored zinc panels.

Apart from a change to the colour scheme of the cladding from copper green to cream, the proposed changes to the rear elevation of the building which involve the recladding of the service tower, rendering the existing brick elevation and the installation of new windows, are identical to those previously

approved in July 2007 (BH2007/01967).

The Applicant's Design & Access Statement indicates that the income from the proposed development will contribute to the approved disability access improvements and external refurbishment of the building.

A Tall Buildings Statement was submitted as part of the submission and an additional drawing (No.C-0821(21)04) has been submitted during the course of the application, showing the impact of the proposal on daylight/ sunlight received by the residential properties immediately to the rear of the site on Frederick Street.

## 5 CONSULTATIONS

### External

**Neighbours:** Seven letters of objections have been received from the residents of **6, 15 (x3), 23, 44 Frederick Street and 24 Sudeley Place** (on behalf of parents who are resident at 15 Frederick Street). The following grounds for objection were raised:

- loss of sunlight and daylight;
- overdevelopment;
- out of character with Frederick Street and North Laine Conservation Area:
- unsightly form of development;
- disturbance and access restrictions during construction;
- additional noise;
- no measures to prevent change of use to residential in future;
- no information as to future occupiers of the offices;
- loss of privacy;
- roof perimeter would be obtrusive;
- design and materials out of character; and,
- increased pedestrian and vehicular traffic using the Frederick Street access.

An objection has been received from the **North Laine Community Association** as they consider the proposal is still overdevelopment and will very adversely affect the adjoining road in North Laine, Frederick Street and be of detriment to the Conservation Area.

### Internal

**Design & Conservation:** No objections subject to conditions requiring the submission and approval of details of the proposed external facing materials and window treatment.

**Traffic Manager:** No objections in principle subject to conditions to secure the provision of cycle parking facilities and a financial contribution of £4680 towards sustainable transport improvements.

## 6 PLANNING POLICIES



Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-full and effective use of sites
QD4	Design-strategic impact
QD5	Design-street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
SR4	Regional shopping centre
HE6	Development within or effecting the setting of conservation areas

East Sussex and Brighton & Hove Structure Plan 1991 – 2011

WLP11	Construction Industry Waste
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Supplementary Planning Guidance

SPG Note 4:	Parking Standards
SPG Note 15:	Tall Buildings
SPG Note 16:	Energy Efficiency & Renewable Energy
SPG Note 21:	Brighton & Hove Sustainability Checklist

Supplementary Planning Documents

SPD03:	Construction and Demolition Waste
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Regional Planning Guidance for the South East (RPG9)

T12	Parking
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**7 CONSIDERATIONS**

The main considerations in the determination of this application are:

- The principle of the proposed use;
- Design and visual impact on the streetscene and conservation areas;
- The effect on the amenities of neighbouring properties;
- Highways and parking; and
- Sustainability.

**The principle of the proposed use**

In land use terms there are no policy objections in principle to the provision of additional office floorspace in this central Brighton location.

**Design and visual impact on the street scene and Conservation Areas**

It is considered that the proposed roof extension would be in keeping with the architectural character of the existing building and would have no adverse effects on the streetscene of Queens Road and Frederick Street or on the visual amenity of either the West Cliff or North Laine Conservation Areas.

The height, scale and bulk of the roof extension currently proposed has been significantly reduced compared to the two and three storey additions previously refused by the Local Planning Authority (ref: BH2006/00344/FP and BH2007/04654). In its modified form, the extension would not be readily visible in the immediate vicinity of the application site. It would be set well back from the main facades of the building and would not exceed the height of the existing rooftop plant room or The Ocean Building immediately to the north. Although it would be visible in oblique long views along Queens Road from the north and south, and from North Road within the North Laine Conservation Area, it would not materially add to the visual bulk of the building. Furthermore, the proposed reduction in the height of the rear facing stair tower/ service core would contribute to an overall reduction in the bulk of the building.

In terms of longer views, the additional storey would not appear prominent when viewed from the higher ground to the east on Ashton Rise or from West Hill looking east and as such, the proposal would accord with policy QD4 which seeks to protect Brighton's strategic views and vistas.

The design of the proposed roof extension is of high quality and would complement the existing building. Furthermore, the proposed amendments to the cladding colour for the rear facing service tower from copper green, as previously approved (BH2007/01967), to cream, would satisfactorily integrate the proposed extension into the extant elevational refurbishment scheme for the building.

A number of ground floor front access improvements and landscaping works have been approved previously under permission BH2007/01967.

It is considered that the proposed development would significantly improve the appearance of the building and result in an overall enhancement of the setting of the North Laine Conservation Area in accordance with policies QD1, QD2, QD4, QD14 and HE6 of the Local Plan.

**The effect on the amenities of adjoining and nearby occupiers**

Policy QD27 of the Local Plan seeks to ensure that new development does not adversely effect the amenities of adjoining and nearby occupiers.

It is not considered that that the increased office accommodation (260 sqm) would result in an unacceptable increase in noise, activity and disturbance given that Queensberry House has a long established office usage and is located on a busy main road characterized by a mix of residential and commercial uses.

The proposed extension would have no adverse effects on the amenities of neighbouring residential occupiers in terms of light, outlook and privacy. Although there are habitable room windows in the upper floor of the south facing side elevation of The Ocean Building, the proposed roof extension has been reduced to a single storey in height; would be set back 3.5 m from the edge of the roof parapet and would be in excess of 6m from nearest window. It is considered that such a spatial relationship is not inconsistent with a high density urban location such as this and would be sufficient to ensure that the light and outlook from these windows would not be unduly prejudiced. Given the absence of windows in the north facing flank elevation of the extension and that access to the section of roof terrace abutting The Ocean Building is for emergency escape purposes and access to it can be restricted by the imposition of an appropriate planning condition, the privacy of the occupiers would not be adversely effected.

The concerns raised by neighboring residential occupiers in Frederick Street regarding loss of light, outlook and privacy have been noted. However, in view of the proximity of the houses on Frederick Street, the height of Queensberry House and the fact that the extension would be set back some 2.6m from its main rear elevation, the proposal would not exacerbate the existing situation in terms of light, outlook or privacy. The potential impact on sunlight and outlook is illustrated in drawing no. C-0821 (21)04).

### **Highways and parking**

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their development proposals create and maximize the use of public transport, walking and cycling.

A condition requiring a financial contribution of £4600 towards sustainable transport infrastructure improvements to off-set the increase in demand for public transport services arising from the development is proposed. In the submitted Design & Access Statement, the Applicant's have indicated their willingness to enter into such an agreement.

For office development, the Council's car parking standards require a maximum provision of 1 space per 30 sqm equating to a total of 8 spaces for the additional floorspace proposed. However, owing to the limited size of the basement car park, the Applicant has indicated that there is no scope to add to the existing provision of five spaces. Policy T12 of the Regional Planning Guidance 9 prescribes a standard of one parking space for every 30 sqm. to 100 sqm of floor space. In view of this, and as the site is well served by public transport and has numerous car parks within easy walking distance and the that the Applicant is willing to make a financial contribution towards sustainable transport improvements, it is considered that the levels of car parking are acceptable.

The Council's cycle parking standards would require the provision of 2 spaces to serve the additional floorspace proposed. The Design & Access Statement

indicates that currently there is no dedicated cycle parking on-site and that it is the Applicant's intention to provide 20 dedicated secure parking spaces to serve both the existing and proposed office floorspace. Although this additional provision is welcomed, no details have been submitted as to its location within the site and therefore it is recommended that an appropriate planning condition be imposed to secure its provision in the event of planning permission being granted.

### **Sustainability**

Policy SU2 of the Local Plan requires development proposals to demonstrate a high standard of efficiency in the use of energy, water and materials and policies SU13 and SU14 require consideration to be given to the reduction and re-use of construction waste.

The Applicant has submitted a Sustainability Checklist and a Green/Sustainability Statement indicating that the proposal would meet BREEAM standards incorporating energy efficiency measures with regard to lighting, insulation and, water consumption reduction measures by means of low flush WCs. However, further details on the sustainability benefits are sought through condition to ensure compliance with policy SU2.

A satisfactory Site Waste Management Plan has been submitted in accordance with policy SU13 and SPD03. Notwithstanding this, it is recommended that in the event of planning permission being granted, a condition should be imposed to ensure that the development is carried out in accordance with this plan.

## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the street scene and the setting of the nearby Conservation Areas. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. Sustainability measures are acceptable subject to further details to be sought by condition and transport generation will be off-set by a financial contribution.

## **9 EQUALITIES IMPLICATIONS**

Access into and around the premises for people with disabilities would be dealt with under Part M of the Building Regulations.

# BH2008/02190 Queensberry House, 103-109 Queens Road



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<b>No:</b>	<b>BH2008/03688</b>	<b>Ward:</b>	<b>HANGLETON &amp; KNOLL</b>
<b>App Type</b>	<b>Telecommunication Apparatus</b>		
<b>Address:</b>	<b>Mill View Hospital, Nevill Avenue, Hove</b>		
<b>Proposal:</b>	<b>The proposed installation comprises a tri-sector antenna pole attached to the existing building giving an overall height of 13.19 metres, along with equipment cabinets on a flat roof section of the building approximately 15 metres to the North-West of the antenna pole.</b>		
<b>Officer:</b>	Clare Simpson, tel: 292454	<b>Received Date:</b>	24 November 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	16 January 2009
<b>Agent:</b>	TEI UK Ltd, Heriot House, Heriot Road, Chertsey, Surrey		
<b>Applicant:</b>	Vodafone Ltd, Vodafone House, The Connection, Newbury, Berkshire		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that **Prior Approval is not required** for the proposed development.

### Informatives:

1. This decision is based on drawings nos. P/41065A/GEN/050 & P/41465A/GEN/051 and the supporting information received on the 24<sup>th</sup> November 2008, and drawing number 103 received on the 12<sup>th</sup> December 2008.
2. This decision to determine that Prior Approval is not required has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 

Brighton & Hove Local Plan:  
 QD23 Telecommunications apparatus (general)  
 QD27 Protection of amenity  
 TR7 Safe development

Planning Policy Guidance notes:  
 PPG8 – Telecommunications; and
  - ii) for the following reasons:-  
 The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area and would result in an improved level of coverage for the hospital. The application is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines.

## 2 THE SITE

Mill View Hospital is located off the south of Nevill Avenue. Residential properties boarder the hospital campus site. On the campus itself are hospital buildings, a poly-clinic for minor treatments, and an education centre. In the northeast corner of the campus is a crèche, approximately 75 metres from the proposed mast installation. The nearest residential premises are in Moyne Close approximately 30 metres from the proposed monopole.

### **3 RELEVANT HISTORY**

This application follows a previous submission for the works received in October 2008. Following a site visit, it was established that the plans were inaccurate, the application could not be determined in the statutory time period and had to be withdrawn. (ref: **BH2008/03283**)

The current application is essentially are submission of the previous scheme.

At the last meeting of the Committee, Members were minded to grant permission for a three storey extension to existing education centre to create a 1688 sq.m office building for the NHS Trust (ref: **BH2008/03220**).

### **4 THE APPLICATION**

The application seeks prior approval under the Town & Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 24) (as amended) for the installation of a tri-sector antenna pole attached to the existing hospital building. The overall height of the antenna is 13.19 metres, to be located on the southern gable of the two-storey hospital building. Equipment cabinets would be located on a flat roof section of the building approximately 15 metres to the North-West of the antenna pole.

### **5 CONSULTATIONS**

**External:**

**Neighbours: The consultation period for this application expires on the 23<sup>rd</sup> December 2008.**

**178 Nevill Avenue** object to the application for the following reasons:

- The application is similar to the previous proposal
- It has been resubmitted in the hope that residents do not comment on it as they assume that they have already made representation on the old application.

**Internal:**

**Traffic Manager:** No objections.

**Environmental Health:** There is current public concern about the possible health effects from base stations, which are the radio transmitters and receivers, which form an essential link in mobile phone communications. I summarise current available information that has been obtained on base stations.

With regard to concerns about health and safety, the Government's advisers,

the National Radiological Protection Board, (NRPB) Radiation Protection Division of the Health Protection Agency (HPA RPD) have issued guidelines on maximum levels of recommends that exposure to radio frequency (RF) radiation emitted from base stations does not exceed the guidelines specified by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below ICNIRP guidelines do not cause adverse health effects on the general population.

Telecommunications operators also have a duty under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1992 1996 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the NRPB ICNIRP guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

A report has been submitted to Government by the Independent Expert Group on Mobile Phones, which has made recommendations to adopt a precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below international guidelines, is totally without potential adverse health effects. The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognizes that there can be indirect adverse effects on the well-being of people in some cases.

**Recommendations:**

Given the current available information on mobile phone technology, there is no objection to the planning application on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

Brighton & Hove Local Plan:

QD23 Telecommunications apparatus (general)

QD27 Protection of amenity

TR7 Safe development

Planning Policy Guidance notes:



PPG8 Telecommunications

## 7 CONSIDERATIONS

The main considerations in this case are the siting and design of the proposed development, and its impact upon the locality and neighbouring amenity. Health concerns can be a material consideration and are referred to below. Local Plan policy QD23 also seeks a technical and operation justification for use of individual sites, demonstration that existing masts, nearby buildings or structures cannot be used for the purpose.

### **Design and visual amenity**

The design and siting of the mast is considered acceptable in this case. The mast is well sited and designed in relation to the existing buildings on the site.

The antenna would be fixed to the southern gable end of the main hospital building. Its position towards the centre of the site, means it is located away from neighbouring residential buildings. The boundary to the closest residential units is over 30 metres way in Moyne Close, and the Polyclinic on the same campus is a similar distance way. Given these distances, it is contended that the visual impact of the monopole is very minor. It would extend approximately 4 metres beyond the ridge height of the existing roof. The slimline profile of the antenna is noted, and this together with the modest height of the proposal, results in the installation having an acceptable design and a minimal impact on visual amenity.

By utilising the ridge of the building, it negates the need for a free-standing monopole. Drawing number 003/C and 103 depict the associated equipment positioning. It would be positioned on an area of flat roof adjacent to the antenna. Again the location of this feature is broadly acceptable. The equipment has a height of 1.58 metres and would be viewed above the parapet wall of the roof, but in the context of other hospital plant apparatus on the flat roof.

The mast would be a galvanised steel pole. This would give neutral colour and therefore is considered acceptable.

### **Technical justification and alternative siting**

The applicant has provided a technical justification for a mast in this location. This includes maps showing current levels of signal coverage for the Vodafone 3G network and the expected coverage improvements after installation.

In justifying the proposal, the applicant claims that the site is specially required by the Hospital Trust to provide upgraded coverage to staff and visitors. Sussex Partnership NHS Foundation Trust are a Vodafone corporate customer and require the installation in order to provide specific coverage to Mill View Hospital for their employees.

The current coverage plan shows a lower level of coverage in the area around

Mill View Hospital, and the immediate surrounding area to the north west. The hospital site itself only has 3G coverage corresponding with outdoors or in-car signal levels. The perceived network coverage plan shows total dense urban coverage could be achieved for this area, and shows improvements to the coverage in the surrounding area to the north west.

Section 6 of the accompanying statement considers the site selection process. A map of existing Vodaphone installations has been supplied with the application. There are no masts in the surrounding area. As such the applicant undertook a search of the area to assess whether there were any existing installations which could be utilised, via sitefinder, the operators site databases and the council telecommunications register. These searches revealed that there were no suitable existing sites in order to provide the required coverage for the hospital.

It is therefore considered that there is a sufficient technical justification for the proposed new mast, given the current signal deficiency experienced by the hospital site, and the specific requirements of the site. It is also considered that the applicant has adequately addressed and discounted other potential sites in the area.

#### **Health Concerns.**

Although this application can only take into account the siting and appearance of the proposed alterations, the High Court has ruled that health arguments fall within the question of the siting of the mast. Health concerns are therefore a material consideration in this application. Many of the general concerns raised by members of the public regarding telecommunications apparatus have focused on the impact on health and the unknown effect of telecommunication equipment. The Stewart Report recommends a precautionary approach to the siting of telecommunication equipment and recommends the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines are adopted for use in the UK. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection guidelines. Planning Policy Guidance Note 8 states that if telecommunication equipment meets the International Commission for Non-Ionising Radiation Protection guidelines for public exposure it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. The Environmental Health Team has not objected to the application. It is therefore considered that the application is acceptable.

#### **Conclusion**

For the reasons outlined in this report it is considered that the proposal is acceptable in terms of design and siting and will not have a detrimental impact on the character and appearance of the surrounding area.

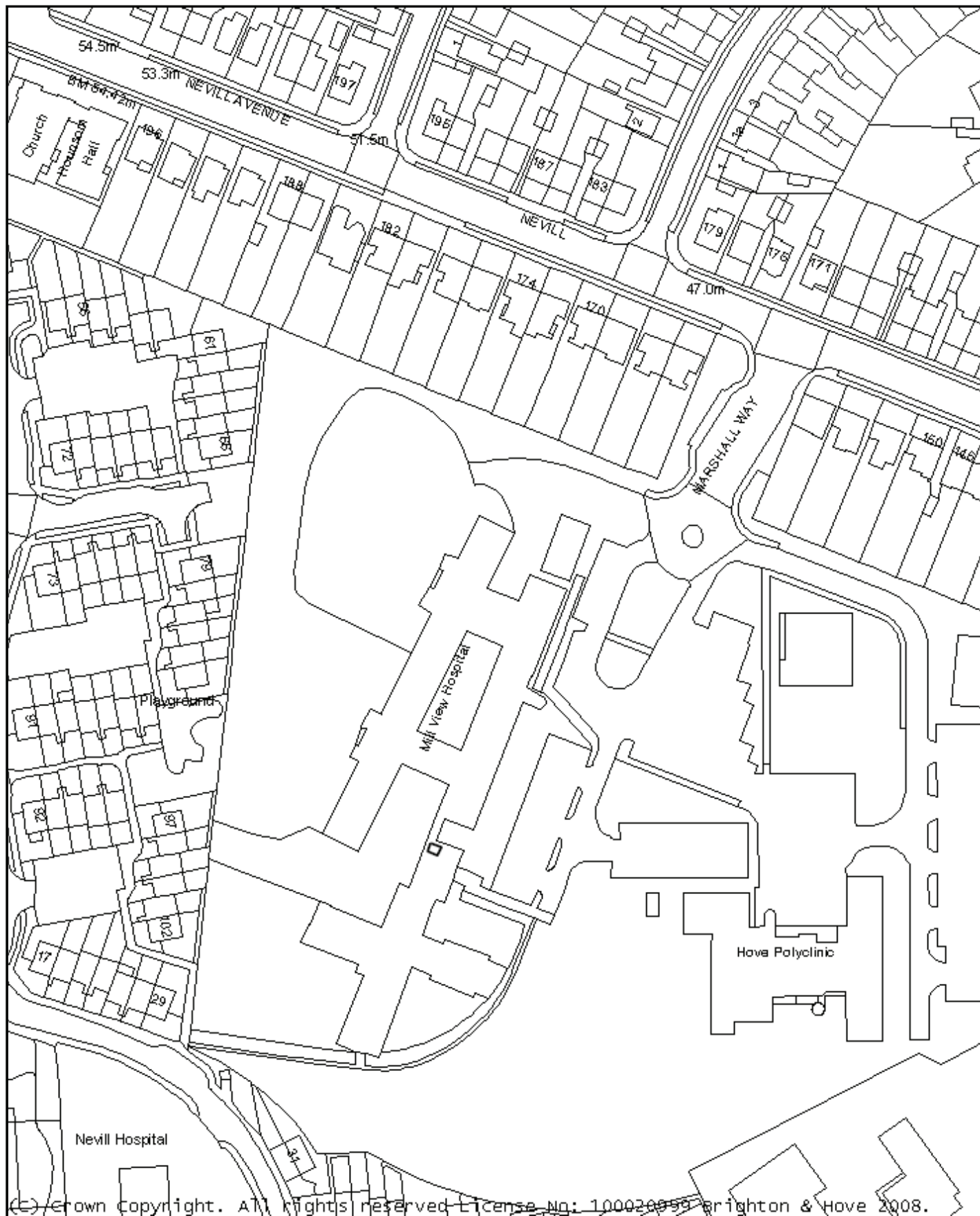
## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area and would result in an improved level of coverage for the hospital. The application is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2008/03688 Mill View Hospital



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<b>No:</b>	<b>BH2008/02761</b>	<b>Ward:</b>	<b>STANFORD</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>49 Hill Drive, Hove</b>		
<b>Proposal:</b>	<b>Addition of second storey to form 4 bedrooms including formation of balcony to rear elevation. (Resubmission of BH2008/01385).</b>		
<b>Officer:</b>	Clare Simpson, tel: 292454	<b>Received Date:</b>	18 August 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	29 October 2008
<b>Agent:</b>	Mel Humphrey MRICS MBEEng, 39 Northease Drive, Hove		
<b>Applicant:</b>	Mr Rob Star, 49 Hill Drive, Hove BN3 6QL		

Councillor Vanessa Brown has requested the application be determined by Planning Committee

### 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 reason:

1. The proposed additional storey, by virtue of its bulk, form and massing, would give the house an over-extended appearance. The relationship between the extension and the existing features of the property is incongruous and the development would give the building a top-heavy appearance to the detriment of the appearance of the property. Furthermore, when viewed in the context of neighbouring houses the property would appear overextended, to the detriment of the street-scene. The proposal is contrary to policy QD1, QD14 and Supplementary Planning Guidance Note 1 on Roof Alterations and Extensions.

#### Informatives:

- I. This decision is based on un-numbered drawings received on the 18<sup>th</sup> August 2008.

### 2 THE SITE

This area is characterised by detached single dwelling houses set in good-sized plots. The built form of the houses varies and roof lines appear to be staggered with land levels falling to south. The existing building is predominantly arranged on the ground floor.

Levels slope down to the south and the gardens slope up to the rear.

### 3 RELEVANT HISTORY

**BH1999/01184:** Conversion of garage into living accommodation and extension over – approved 2/7/1999.

**BH2001/00918:** Replacement garage at the front of the property with

extension over, conversion with three dormer windows – approved 18/06/2001.

**BH2002/00377:** Erection of new front wall, railings and gate – approved 07/06/2002.

**BH2008/01385:** Additional storey to form 4 bedrooms Refused on the 17 July 2008 for the following reason:

The proposed roof extension, by virtue of its bulk, form and massing, gives the house an over-extended appearance. The relationship between the extension and the existing features of the property is incongruous and the development would give the building a top-heavy appearance to the detriment of the street-scene. The proposal is contrary to policy QD1, QD14 and Supplementary Planning Guidance Note 1 on Roof Alterations and Extensions.

#### **4 THE APPLICATION**

Planning permission is sought for roof extensions to the existing house to create additional rooms in the roof. The ridge line would be raised by 2 metres. A balcony would be formed on the rear of the property enclosed by 1.8 metre screen.

The application was the subject of pre-application advice and has been submitted in an attempt to respond to the reasons for refusal on the previous scheme.

#### **5 CONSULTATIONS**

##### **External**

**Neighbours:** None received.

##### **Internal**

**Councillor Vanessa Brown** has expressed her support for the application.

#### **6 PLANNING POLICIES**

##### Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of Amenity
SU13	Minimising and reuse of construction industry waste

##### Supplementary Planning Document

SPD 03 Construction and Demolition Waste

##### Supplementary Planning Guidance

SPG BH1 Roof Alterations and Extensions

#### **7 CONSIDERATIONS**

The determining issues relate to the design and appearance of the proposed roof extension including the impact on the street scene and the impact of the extensions on the residential amenity of neighbouring properties must also be

assessed.

### **Design and Appearance**

The previous application was refused on the grounds of design and appearance including the impact on streetscene. A bulky roof formation was proposed which extended the ridge by 3.5 metres and gave the property a top-heavy appearance. The current submission would extend the ridge by 2 metres, thereby still representing a substantial roof extension.

The plot is approximately 20 metres in width, which is generally wider than the others in street; 15 metres is more typical for this side of the street. Presently the shallow ridge of the roof, makes the existing house have a relatively low profile in the street. Nevertheless this property is set forward in the building line which means that any addition in the bulk and form of this property will very prominent in the streetscene. However, the principal roof ridge aligns broadly with the ridges of adjoining properties. Projecting forward are the two front gable projections which currently rise to meet the ridge line of the main building. As existing, this property has an appropriately proportioned front elevation, with the building itself having a horizontal emphasis which is appropriate for the plot. The additional storey would add significant bulk to the top half of the property. Whilst the bulk would be set back from the front gable projections, it would nevertheless appear excessive.

The application is accompanied by a streetscene showing the property in the context the surrounding houses. The drawing confirms that the mass of the extension would have an un-acceptable dominance and would give the property an overextended appearance. This would in turn harm the appearance of the surrounding area.

It is acknowledged that the neighbouring property to the north is located on significantly higher ground and the neighbouring property to the south is under reconstruction. The contextual drawings demonstrate that despite the raising of the ridge, no.49 would still have a higher ridge level than no.47 to the south and lower than no.51 to the north therefore the staggering of the rooflines down the street will remain in place.

### **Impact on amenity**

With regard to the impact of the neighbouring properties, the most impact would be on the property to the south west, 47 Hill Drive. This property, previously a bungalow, is currently under construction and when completed it would be arranged as a 2 storey house. The application would result in a significant increase in bulk which would cause some enclosure to this property, but which is not considered to be so significant to warrant refusal of the application. In addition, the side windows which are proposed to be inserted at first floor level would serve the bathrooms and en-suite and therefore could be obscurely glazed to prevent overlooking.

The space between 49 Hill Drive and 51 Hill Drive, to the north, together with

the change in land levels is considered to sufficient to ensure that the extension would not have a detrimental impact on this property. There is a window in the southern elevation of this property which may be affected by increased enclosure, but not to a significant degree. Loss of privacy is not a significant impact in this instance.

Of concern is the balcony to the first floor rear elevation which would provide elevated private amenity space which would in turn give rise to potential noise and disturbance and overlooking. A 1.8 metre screen would prevent views back in to the neighbouring properties. Whilst the potential for noise and disturbance would remain, the distance to the boundaries of neighbouring properties (over 4.5 metres) would prevent this feature being significantly un-neighbourly and causing a loss of privacy.

### **Conclusion**

In conclusion, the proposed extension would give the property an overly prominent appearance in the street scene and the horizontal emphasis of the building, which is appropriate for the wide plot, would be lost. Refusal is therefore recommended.

## **9 EQUALITIES IMPLICATIONS**

None identified.





Date: 16/12/2008 05:05:10

Scale 1:1787



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<b><u>No:</u></b>	<b>BH2008/02641</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Balfour Junior School, Balfour Road</b>		
<b><u>Proposal:</u></b>	<b>Demolition of 3 existing single storey classrooms and replacement with a new 2 storey extension comprising 4 classrooms, ICT room, group room and administration areas. Extension to existing school hall and new single storey staff room/kitchen facilities. Adaptations to existing entrance footpaths. Conversion of existing lower ground floor store room into classroom with new windows and door. Formation of new disabled access ramp and external door from school to sports field on north elevation. New solar panels to existing school roof.</b>		
<b><u>Officer:</u></b>	<b>Chris Wright, tel: 292097</b>	<b><u>Received Date:</u></b>	<b>05 August 2008</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>07 November 2008</b>
<b><u>Agent:</u></b>	<b>Nigel McCutcheon, Brighton &amp; Hove City Council, Kings House, Grand Avenue, Hove</b>		
<b><u>Applicant:</u></b>	<b>Ms Gillian Churchill, Head of Capital Strategy and Development Planning, Childrens' and Young People's Trust, Brighton &amp; Hove City Council, Kings House, Grand Avenue, Hove</b>		

## 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. 02.02A Obscured Glass
3. 03.01A Samples of materials.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include at least one replacement tree for any lost as a result of the development, hard surfacing, means of enclosure, indications of all planting of the development (including siting and species) and method of maintenance. All hard surfacing shall be porous to air and water. All planting and seeding comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion of the development, and any plants which within a period of 5 years from the completion of the development become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

of the visual amenities of the area and promote natural drainage to reduce potential flooding and surface run-off and to comply with policies SU2, SU4, QD15 and QD17 of the Brighton & Hove Local Plan.

5. No development shall take place until a written statement consisting of a Site Waste Management Plan, 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 SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03: 'Construction and Demolition Waste'.

6. The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with policy SU2 of the Brighton & Hove Local Plan.

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

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

8. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

**Reason:** To ensure that satisfactory facilities for the car parking on site and to comply with policy TR1 of the Brighton & Hove Local Plan.

9. The applicant shall submit a travel plan in consultation with the council's Schools Travel Plans team, indicating the measures to be applied to assure the council of the applicant's sustainable travel proposals, for both staff and pupils, within 6 months of the bringing into use and occupation of the development hereby approved. The travel plan should include a travel survey of staff and parents and details of staggered pick up and drop off times. The travel plan as approved shall be adhered to thereafter and submitted to the council for review at 12 month intervals

subsequently.

**Reason:** To ensure that traffic generation is adequately managed and reliance on private motor vehicles reduced by making travel to and from the school safer and by encouraging walking, cycling and use of public transport, in compliance with policies TR1, TR2, TR4, TR7 and TR14 of the Brighton & Hove Local Plan.

10. The temporary classrooms hereby permitted shall be permanently removed from the site within two years of the date of this decision, and the land reinstated to its former condition and use, or a condition which is acceptable to the Local Planning Authority and agreed in writing.

**Reason:** In order to allow the council to review the need for the structures and their impact on the local environment following the commencement of the development hereby permitted.

Informatives:

1. This decision is based on the design and access statement; outline site waste management plan; sustainability checklist; biodiversity first impressions list; arboricultural report; and BREEAM assessment submitted on the 5<sup>th</sup> of August 2008; the bird, bat and stag beetle assessment submitted on the 12<sup>th</sup> of September 2008; drawing nos. ED203-003, ED203-004, ED203-007, ED203-008, ED203-010, ED203-013, ED203-014 and ED203-015 submitted on the 5<sup>th</sup> of August 2008; drawing no. ED203-005 Revision A submitted on the 14<sup>th</sup> of October 2008; and drawing nos. ED203-002 Revision C, ED203-006 Revision A, ED203-009 Revision C, ED203-011 Revision C, ED203-012 Revision C, ED203-025, ED203-026 and ED203-027 submitted on the 28<sup>th</sup> of October 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 & Hove Structure Plan/Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste

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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO19	New community facilities

East Sussex and Brighton & Hove Waste Plan

WLP11 Reduction, re-use and recycling during demolition and design, and construction of new developments.

Supplementary Planning Guidance

SPGBH4: Parking Standards

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD06: Tree and Development Sites

Planning Advice Notes:

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

ii. for the following reasons:

The extensions and alterations provide for the local community in terms of increasing the capacity of the Balfour Junior School in accommodating incoming pupils progressing from the adjoining Balfour Infants School whilst improving the standard and layout of accommodation both internally and externally. The extensions and alterations would not be detrimental to the residential amenity of neighbouring properties by way of loss of light, loss of privacy or noise and disturbance and, though modern and striking, the design exemplifies a high standard and is appropriate in scale, external finishes and sustainable design and would not unduly detract from the appearance of the older and more traditional existing school buildings. The precise details of the Travel Plan, landscaping scheme and site waste management will be secured by condition. In view of the above the proposal accords with the development plan.

## **2 THE SITE**

The application relates to Balfour Junior School, a predominantly inter-war single storey arrangement of school buildings forming a ‘t’ shape and connected linearly, centred on the larger hall and sports hall buildings which have tall pitched roofs. The school has a traditional appearance and a predominance of pitched and hipped roofs with flat additions to some of the

periphery. Owing the east-west slope of the land there is a lower ground floor level beneath the west wing of the school and the school is situated at lower level than the neighbouring streets of Loder Road and Balfour Road across the southern and eastern boundaries of the site respectively. Both vehicular access and the main pedestrian entrance to the school are from Balfour Road. The school is open between 8am and 5pm.

The school is situated on the edge of the wider Surrenden Fields campus which comprises Balfour Infants School, Dorothy Stringer School, Varndean School (northeast corner above Stringer Way) and Varndean College off Surrenden Road (northwest corner). Loder Road, Balfour Road – Varndean School also accessed off Balfour Road. The campus comprises an island of education establishments having substantial playing fields and a designated Greenway (policy QD19) running across the land broadly following Stringer Way, and which is surrounded on all sides by residential suburbs of mostly two storey housing.

### **3 RELEVANT HISTORY**

Consent has been granted for two applications for replacing timber and steel windows with PVCu replacements (refs. **BH2007/01577** and **BH2000/01333/FP**) and the council did not object to the County Council's proposal to extend the west playground in 1995 (**95/0694/CC/FP**).

The city council raised no objection to three other county council proposals under Regulation 3: for a new single storey hall, ancillary offices and store in the east playground together with alterations and additions (ref. **95/0692/CC/FP**); the erection of a temporary single storey building to be used as a canteen (retrospective)(ref. **94/0605/CC/FP**); and for the filling in of an existing covered way to form an enclosed corridor on the south side of the existing building (ref. **92/0735/CC/FP**).

On 1<sup>st</sup> April 1986 consent was granted for the erection of an extension to the school hall and construction of a replacement playground area (ref. **86/203/CC** and **961/CC**).

Between 1965 and 1971 extensions including a new infant department and new cloakrooms and toilets were approved (refs. **67/879** and **68/2373**).

### **4 THE APPLICATION**

The application seeks planning permission for enlargements and alterations to the school which will help it achieve modern day standards and provide four extra classrooms which will enable each form from the adjoining infant school to enrol each academic year. Presently there is insufficient capacity for all pupils at the infant school to directly move up to the junior school.

Alterations and additions include:

- Removal of an existing flat roof single storey section of building on the front elevation measuring 22m meters in length and projecting 9.6m in

front of the older pitched roof school buildings behind.

- Replacement of the above with a modern two storey extension measuring 32.55m in length and sitting 550mm forward of the existing building to be removed and having a recessed ground floor walkway with 2.5m first floor overhang above, supported by round columns and punctuated with a series of four no. pointed architectural features designed to create afternoon shade whilst also maximising morning sunshine and heat.
- The extension would assail the eastern flank of the existing school building by 5.2m and closer towards Balfour Road.
- A mono pitch roof design with short step at the back, finished with single membrane colour indicated to match the older tiled roofs of existing buildings, and having seven square stacks for natural ventilation and cooling.
- Relocation of the main school entrance to the front of the building as part of the modern extension.
- Lengthening the existing school hall and inserting two new windows in matching style and copying the existing roof shape.
- Erecting a single storey infill extension between the hall and staff offices to form a new staffroom, with eaves to align with the existing offices and window styles and detailing, such as soldier courses, to be replicated.
- Stair and ramp access to all school buildings, with steel balustrades and providing pedestrian access from Balfour Road segregated from motor vehicle access and staff parking. A gated ramp arrangement between the lower level of the car park and the school buildings.
- Renewed staff parking area behind Loder Road, incorporating planting and a landscape screen between the neighbouring houses.
- A new bin store at the Balfour Road end of the parking area and secure and covered cycle storage facilities at the playing field end of the parking area.
- Areas of new hard surfacing and landscaping, although existing playground and play facilities will largely remain in situ.
- Six new windows at lower ground floor level in south wing.
- Solar panels to the southern roof slope of the extended hall building, the western pitch of the school building behind the proposed front extension, and solar panels in front of the south wing of the school on the playing field side.

External materials and finishes would comprise face brick to match existing buildings at ground floor level with grey and green colour fibre cement panels cladding the first floor. New windows and doors in the modern front extension would be of coloured powder coated aluminium. External finishes to the hall extension and new staffroom would match the existing school buildings.

On the ground floor, the internal layout would be modified to incorporate: improvements to food store and kitchen; enlarged hall; new staff accommodation; new Deputy Head officer, medical room and admin office (modern windows); group room (required per 4 classrooms); ICT suite; and

plant room. In the southern wing of the school on the far side of the playground, classrooms would be remodelled and a new group room created.

The first floor of the modern front extension would accommodate four new classrooms – each of 61.5 square meters – and corridor.

For the duration of the construction, two temporary classrooms are proposed to the southern part of the site west of the existing parking area, to accommodate the displaced pupils.

The applicant, the council's Head of Capital Strategy and Development Planning for the Children and Young People's Trust, has made the following submission in support of the proposal:-

The need to expand Balfour Junior School by one form of entry has existed for some time owing to an historical anomaly. There are two primary phase schools immediately adjacent to each other, Balfour Infant School and Balfour Junior School. The two schools operate as separate institutions each with its own Head teacher, staff and governing body. Children remain at the infant school until the age of 7 and are then able to transfer to the junior school in accordance with the city's admissions criteria.

Unfortunately the infant school is a four form entry school with a yearly intake of 120 pupils but the junior school is currently a three form entry school with a yearly intake of 90. This means that some children who wish to transfer to the junior school are unable to do so. At least one in four pupils who attend the infant school will not obtain a place at the junior school. This is disruptive for the children and can be unsettling as they will have to move to a different school and lose friendship and peer groups they have formed in the infant stage. It can also be difficult logistically for parents and carers who may well have children in both infant and junior stages. If their children are unsuccessful in obtaining a place in the junior school, they may well then have to travel some distance between schools to drop their children.

Increasing the size of the junior school will make it more likely that more families will be able to access their local primary schools which will assist the local authority in its ambition that schools become centres of community learning. It will also assist in reducing car journeys at rush hour as parents and carers will not have to take children to different parts of the city.

The plan submitted for planning consent has been developed in conjunction with the staff and governing body of the school and represents the best solution to the accommodation needs of the school. The school staff and governing body fully support the expansion of the school and are excited by the proposed extension to



the school. The works proposed by this planning application provide four new classrooms, an extended dining hall, improved staff accommodation and a much improved entrance to the school. Externally, work is being proposed that will separate pedestrian access from vehicular access and there will be separation of car parking and playground space which at the present time are not physically separated.

These improvements will not only assist access to the school during the school day but will provide enhanced facilities for use by the community outside of the school day and during the holidays.

## 5 CONSULTATIONS

### External:

**Neighbours:** Four written representations have been submitted by **158 Balfour Road (x 2), 144 Balfour Road (x 2), and 153 Loder Road** objecting to the proposal for the following reasons:-

- The proposed structure is out of keeping with the surrounding buildings, in particular with those of the existing school.
- The previous two hall extensions were carefully designed to reflect and enhance the original design, each having pitched, tiled roofs and a traditional construction giving a distinctive “cottage hospital” type of warm feel to the school.
- The proposed building is a flat roofed, two storey grey shoe box, not dissimilar to a stack of transport containers at a dockside, which totally dominates the existing single storey red brick buildings behind.
- To break up the monotonous façade it appears that fancy green triangular protuberances occur, which are totally out of character and out of place.
- There has been a lack of consultation with this application and it is only by sheer luck that the site notice was spotted on a lamppost.
- Whilst no objection is raised to the extension of the school to resolve the long running mismatch of pupil numbers coming from the Infant School, the proposed design of the new extension is quite out of keeping with the existing building and will be very obtrusive in Balfour Road and quite out of keeping with the style of houses in the road.
- Excessive traffic.
- Excessive noise.
- Over development of the area.
- The proposal will result in approximately 120 extra pupils travelling to and from the school daily, not including any parents accompanying them. The existing road layout cannot sustain such activity, particularly as 300 more places have recently been approved at Varndean School and could result in up to 420 more people using Balfour Road, twice daily.
- The application should be accompanied by a Travel Plan in accordance with Local Plan policy TR4.
- These schools are now in use seven days a week, causing disruption in the evenings and at weekends.

- The school is putting assessment of stag beetles before highway matters which affect the community.
- The Varndean College application will also increase traffic in the area.
- The inter departmental relationship between the Education and Planning departments leaves something to be desired.
- The Local Government Ombudsman may be called upon to adjudicate the adequacy of this relationship.
- Limited consultation was undertaken by the planning department, in spite of the undeniably major impact of the scheme on residents throughout Balfour Road.
- It appears council applications and schools applications do not experience the same difficulties encountered by householders seeking to carry out minor development.
- No further development of the Varndean campus should be allowed to take place until a comprehensive traffic survey and proposals to address the existing chaos already created by the council have been drawn up.
- The extended school will overlook gardens in Loder Road resulting in loss of privacy.
- The proposed structure is out of character with the surrounding school buildings and the area in which neighbouring residents live.
- The green protuberances do nothing to improve an already poor design.

Copies of email correspondence between the occupier of **146 Balfour Road** and the council's Children and Young People's Trust department have been submitted and it is understood the occupier of **146 Balfour Road** is not satisfied with the school's pre planning application consultation on the design and appearance of the extension and alterations with neighbouring residents and the local community. However, no objection to the planning application has been received from the occupier of this address.

**Preston & Old Patcham Society: Objection.**

Public consultation was badly handled with this significant application and this has given rise to much ill-feeling. Giving people information late into the 'consultation' process is giving 'information', not engaging in 'consultation'. Very little account in the design of the new buildings has been taken of the existing buildings, both the school and the domestic buildings in the vicinity. The society requests that the process starts again with a true consultation. The planning authority has published a 'statement of community involvement' which should be taken into account.

A letter in support of the application has been received from the **Head Teacher** and **Chair of Governors** who comment as follows:

*For many years parents and governors of Balfour Junior School have expressed concern that the current accommodation of the school does not meet the need for junior school places in the community served by the school. This is evidenced by the number of applications for places annually exceeding current provision, and by the many appeals for places made by parents after their initial application for a place for their child has been refused. The*

*proposal for expansion of the school accommodation addresses this issue and leads to a match in forms of entry (from three up to four) with our partner infant school, Balfour Infant School. The governing body has been extensively consulted over the proposed design of the planned construction and considers the design to be thoughtful and appropriate in terms of looks and function. Care has been taken to not extensively exceed the current 'building footprint' of the school, to address environmental issues, to provide a building that genuinely aids present and future generations of children and to provide a clear and secure frontage (something seriously lacking in terms of the existing building).*

**Internal:**

**Traffic Manager:** No objection.

The Traffic Manager raises no highway objection subject to the submission of a Travel Plan to be implemented six months prior to occupation.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO19	New community facilities

East Sussex and Brighton & Hove Waste Plan

WLP11	Reduction, re-use and recycling during demolition and design, and construction of new developments.
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Supplementary Planning Guidance

SPGBH4: Parking Standards

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD06: Tree and Development Sites

Planning Advice Notes:

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

**7 CONSIDERATIONS**

The determining issues relate to the principle of development; design, siting, appearance and visual impact of the proposal; landscaping and ecological impact; effect upon neighbouring occupiers; traffic generation and parking; and sustainability.

**Principle**

In terms of accepting the extensions and alterations in principle, this is covered by policy HO19 of the Brighton & Hove Local Plan, which states that permission will be granted for community facilities, which include schools, where certain criteria can be met. The development must, however ensure the design and use of the facility is accessible to all members of the community; there is no unacceptable impact on residents or the surrounding area; the location is readily accessible by walking, cycling and public transport; and that adequate car, disabled and cycle parking is provided.

The extensions and modifications would result in the school having sufficient capacity to accommodate all four class forms coming from the neighbouring infant school and would bring the facilities up to date.

Neighbouring residents have raised concerns, particularly over the manner in which the school has involved the local community in the preparation of the scheme prior to submitting the planning application. Being a four year school taking on an additional class each year, the development would facilitate a third increase in pupil numbers (a rise of 120).

Views have been expressed that the school did not involve the local community sufficiently in arriving at the final design for the scheme but the planning authority has carried out the required neighbour notification and consultation expected of it.

**Design, form and appearance**

Policy QD1 of the Brighton & Hove Local Plan states that unless a development proposal is within an area featuring a distinctive historic style of architecture, the replication of existing styles and pastiche designs will be discouraged. Policy QD2 requires development to take into consideration local characteristics including the height, scale, bulk and design of existing buildings; patterns of movement in the neighbourhood and the layout of

streets and spaces. Policy QD3 is favourable towards proposals which make more effective use of sites and address the needs of the community.

Though the application site does not lie within a conservation area, the surrounding residential streets have a strong character of pre-war two storey terrace and semi-detached houses interspersed with a small number of flats and community buildings. Schools are located to serve their local catchment area and by the nature of their usage and the activities taking place within, along with the numbers of pupils to be accommodated usually mean the form, design and scale of school buildings stands apart from the character and appearance of family dwellings and historic terraces.

As such there is not a presumption against a contemporary extension as long as it is sympathetically designed and is not unduly obtrusive.

In relation to the size of the existing school the scale of the modern extension is considered appropriate although the siting near to Balfour Road will partially obscure more public views of the older school buildings and will give the extension a prominent position as the school's main façade and entrance, although excluding the natural ventilation stacks, the maximum height of the extension will be 1.6m below the pitched roof of the sports hall behind.

The modern extension clearly will have a contrasting appearance with the older school buildings and as such will have the presence of a distinct and separate wing of the school. The extensions to the existing hall and creation of a flat roof staff room building would be largely hidden from public view due to their enclosure in the centre of the site, but in terms of design, form and external materials and finishes these will seek to match the existing school buildings and architectural details such as soldier course and window styles will be replicated as appropriate.

The design and layout of ramps and hard surfacing is satisfactory, connecting with the existing accesses off Balfour Road while retaining open green space in front of the contemporary extension. The ramp arrangement is designed to encroach minimally on the existing playground and to provide gated safe access to the new car parking area.

The temporary classrooms proposed are not likely to be required for more than two years and a condition can be imposed to ensure they are removed and the land restored when they are no longer required. The temporary classrooms should be orientated such that no windows or other openings are on the southern side opposite the houses in Loder Road, in the interests of protecting residential amenity.

#### **Neighbouring residents' amenity**

Policy QD27 of the Local Plan states permission will only be granted for development which does not cause material nuisance and loss of amenity to existing or adjacent residents or where it is liable to be detrimental to human

health.

Local residents are likely to be accustomed to large numbers of children arriving and departing the schools within the Surrenden Fields campus and as every child attending the infants school will be able to move up to the junior school the development will reduce the superfluous travelling necessitated for those who are unable to register with the junior school because of insufficient classroom capacity.

The neighbours most likely to be affected include those in Loder Road and a group of houses in Balfour Road opposite the main entrance to the school.

In terms of overlooking and loss of privacy the development retains a separation distance of at least 21m with all adjoining residential properties and being of two storey height situated on lower ground level and orientated north of neighbouring houses, would not result in undue overshadowing or loss of light.

The temporary classrooms should be orientated such that no windows or other openings are on the southern side opposite the houses in Loder Road, in the interests of protecting residential amenity and precluding overlooking.

The temporary classrooms would be located in a position which would not give rise to significant noise and disturbance to occupiers of adjoining properties. As such the scheme complies with policies SU10 and QD27 of the Local Plan.

### **Parking and transport**

Policies TR1 and TR19 require development to provide for the transport demand it generates and make provision for cycle and car parking in accordance with the levels set out in SPGBH4: parking standards. For the school this equates to provision of 1 car parking space per teaching staff member plus 1 car space per 3 other staff members and 2 spaces for visitors. These are the maximum parking standards. Furthermore, Policy TR4 requires the submission of a Travel Plan for expanded education proposals and these should seek to minimise private car use and provide facilities and incentives for alternative modes such as walking, cycling and public transport.

Presently there are 30 full time staff and 10 parking spaces. The existing parking is satisfactory in terms of numbers, but provides no spaces for visitors. The proposal would see the employment of 6 additional full time staff but the number of parking spaces will not change, although one space will be designed for disabled use.

Whilst this falls within the maximum threshold set out in SPGBH4, it is essential the school submits a Travel Plan to ensure that the extra staff, along with the dropping off and collecting of 120 extra pupils on a daily basis, does not lead to congestion or over flow parking in the surrounding residential

streets.

In compliance with policy TR14: Cycle access and parking, the proposal incorporates covered and secure cycle storage for up to 24 bicycles. Subject to a Travel Plan the Traffic Manager raises no highway objection and there would be no conflict with policy TR7, which requires that developments do not increase the danger to users of adjacent pavements, cycle routes and roads.

### **Landscaping and ecology**

Policy QD15 requires landscaping details to be submitted as part of development proposals, showing that adequate consideration has been given to landscape design, including the spaces between and around buildings.

A small group of trees next to the existing southern extension to be demolished, and a Midland Thorn next to the playground, described as rotten and a health and safety hazard (shown as G8 and T6 of drawing no. RG-NDJ-BHBJ 001 Tree Layout accompanying the Arboricultural Report), would be removed as part of the development.

However, the proposal does not incorporate replacement trees. In view of this it is recommended a condition be imposed to secure replacement tree planting, one for each that is lost. The applicant proposes planted beds and shrubs in the new car parking area, next to the two storey south extension and against the retaining walls of the ramp access. The precise landscaping details will be sought through planning condition.

The applicant has submitted an ecologist's Bird, Bat and Stag Beetle assessment report which concludes site clearance and demolition should occur outside bird breeding season and that works will have to cease if bats or bat roosts are found on site. A suitable habitat for Stag Beetles was not found on the site. Accordingly the development will not significantly impact on biodiversity and there is unlikely to be any conflict with policies QD17 (nature conservation features) and QD18 (species protection) or with policy QD19 (Greenways). There is limited biodiversity on the land, and the Greenway running through the campus along the path of Stringer Way (but not the red-lined site) would not be affected by this proposal due to the siting of the works.

### **Sustainability and waste management**

A sustainability checklist has been submitted in accordance with SPG21 (which was superseded during the life of the application with SPD08: Sustainable Building Design) and of the twenty-two criteria, six were not relevant being related to housing, nature conservation, work and the economy. The remaining sixteen criteria are fully or partly met, equating to 73 per cent.

Sustainable design features proposed include:-

- Re-use of existing brickwork.

- Natural ventilation and extraction.
- South facing windows.
- Solar panels to provide some hot water energy.
- Possibility of ground source heat pumps.
- Insulation levels well above current building regulations.
- Solar control glass to the west and south elevations.

The applicant has confirmed by way of a qualified pre-assessment that the new school extension would achieve a BREEAM rating of 'Very Good'.

It has been noted however, that some of the documents submitted refer to tarmac or grasscrete hard surfacing, neither of which would be acceptable, particularly over the root protection areas of trees to be retained. A condition can be imposed for agreement of the hard surfacing materials, which should be porous by air and water.

In summary, subject to conditions, the development complies with Local Plan policy SU2 which requires efficiency in the use of energy, water and materials in new development.

Policies SU13 and SU14 require minimisation and re-use of construction industry waste and waste management plans respectively, with the latter concerned with developments that attract a large number of people whereby they are required to provide appropriately designed facilities for the recycling or re-use of the waste that they, their visitors and staff generate.

The Outline Site Waste Management Plan submitted shows a commitment to reducing and reusing construction and demolition waste and will need to be controlled by condition. Site specific information as to the designated areas for storage of materials and waste must be submitted along with reports of the materials uncovered during demolition and construction, their quantities and identification of their destination, e.g. named recycling contractors.

#### **Consultation and Publicity at pre-application stage**

The Preston and Old Patcham Society and some objectors have raised concerns as they do not believe the consultation process prior to the submission of the application carried out by the applicant was adequate or in accordance with the City Planning Statement of Community Involvement. The "The Statement of Community Involvement" is advisory. It relates in particular to large scale or controversial applications. In this instance the scheme does not fall into any of the categories which would suggest a need for a wide scale pre-app consultation exercise by an applicant.

It is confirmed that the application has been advertised in accordance with the appropriate statutory requirement.

### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

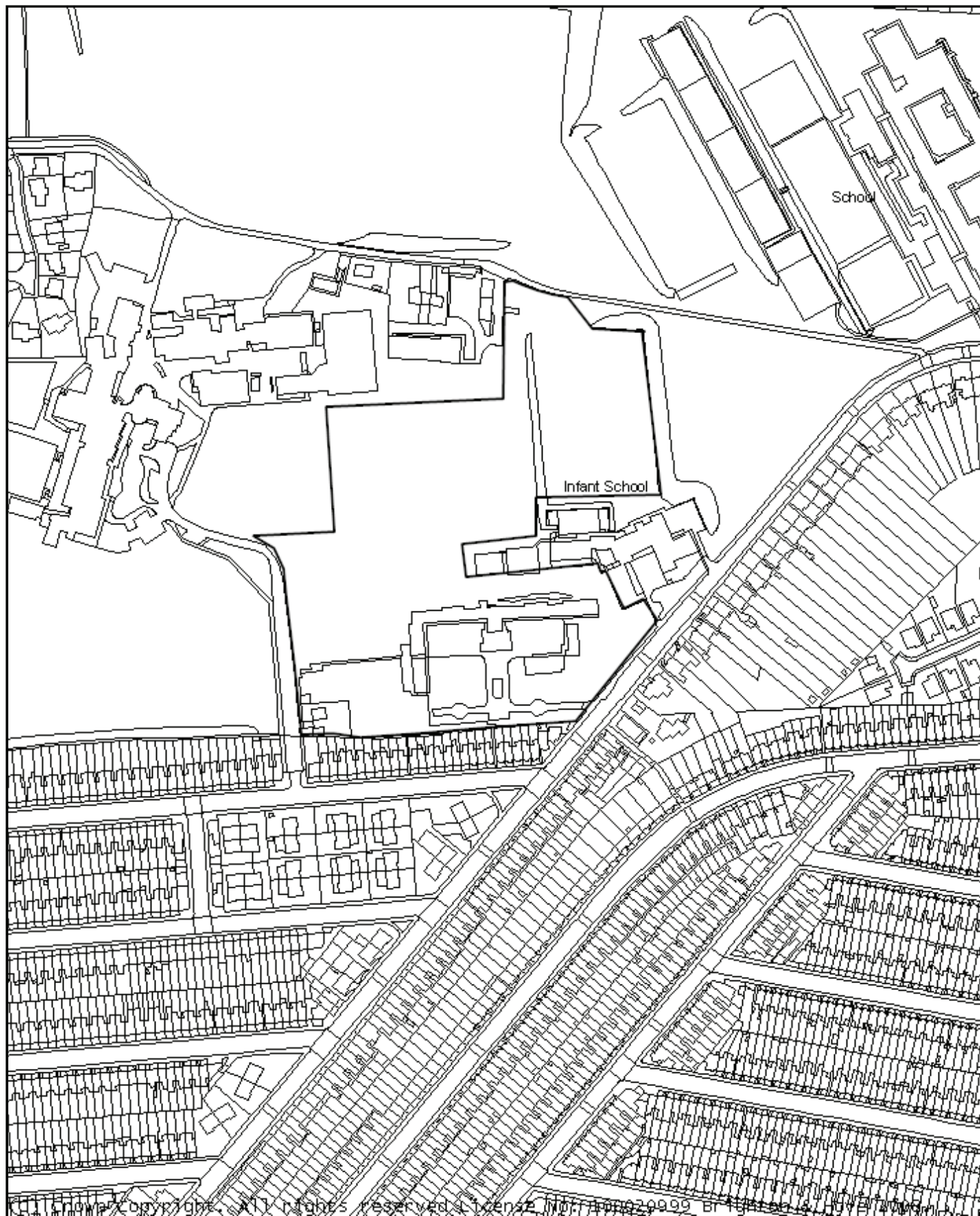
The extensions and alterations provide for the local community in terms of increasing the capacity of the Balfour Junior School in accommodating



incoming pupils progressing from the adjoining Balfour Infants School whilst improving the standard and layout of accommodation both internally and externally. The extensions and alterations would not be detrimental to the residential amenity of neighbouring properties by way of loss of light, loss of privacy or noise and disturbance and, though modern and striking, the design exemplifies a high standard and is appropriate in scale, external finishes and sustainable design and would not unduly detract from the appearance of the older and more traditional existing school buildings. The precise details of the Travel Plan, landscaping scheme and site waste management will be secured by condition. In view of the above the proposal accords with the development plan.

**9 EQUALITIES IMPLICATIONS**

The development should comply with Part M of the Building Regulations in being fully accessible for those with disabilities and mobility difficulties.



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<b>No:</b>	<b>BH2008/03236</b>	<b>Ward:</b>	<b>WITHDEAN</b>
<b>App Type:</b>	<b>Householder Planning Consent</b>		
<b>Address:</b>	<b>29 Surrenden Road</b>		
<b>Proposal:</b>	<b>Removal of existing roof, entrance porch and rear conservatory. Extension to create a two storey dwelling with rooms in the roof including solar panels, rooflights and construction of a new entrance porch.</b>		
<b>Officer:</b>	Chris Wright, tel: 292097	<b>Received Date:</b>	02 October 2008
<b>Con Area:</b>	Preston Park	<b>Expiry Date:</b>	16 December 2008
<b>Agent:</b>	N/A		
<b>Applicant:</b>	Mr Chie Nwawudu, 29 Surrenden Road, Brighton		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and is minded to **refuse** planning permission for the following reasons:

1. The design, massing, finishing and siting of the proposed development would be discordant and incongruous with the prevailing formality and scale of neighbouring residential development, would have a cramped appearance and would neither be sympathetic nor harmonious with the character of adjoining housing. The development would not meet the standard of design reasonably expected by the local planning authority, to the detriment of visual amenity and the preservation of the historic character and appearance of the Preston Park Conservation Area. The proposal therefore conflicts with policies QD1, QD2, QD5, QD14 and HE6 of the Brighton & Hove Local Plan.
2. Policy QD27 of the Brighton & Hove Local Plan seeks to ensure new development does not result in loss of amenity for both neighbouring occupiers and the future inhabitants of new development. The massing, scale, height and close proximity of the proposed building to joint boundaries with adjoining houses would give rise to an overbearing impact and an intrusive and unduly bulky presence and create mutual overlooking between existing houses, resulting in loss of privacy. The proposal would be detrimental to residential amenity as such and conflicts with the objectives of the above policy.

### Informatives:

This decision is based on the Design and Access Statement; Waste Minimisation Statement; and drawing nos. 2008/004/03 Rev P1, 2008/004/04 Rev P1, 2008/004/05 Rev P1, 2008/004/06 Rev P1 and 2008/004/07 Rev P1 submitted on 2<sup>nd</sup> October 2008; and drawing nos. 08/004/01 Rev P1, 2008/004/02 Rev P1 and 2008/004/08 Rev P1 submitted on 21<sup>st</sup> October 2008.

## 2 THE SITE

The application relates to a detached bungalow dwelling situated on a narrow plot on the west side of Surrenden Road adjacent to 60 Harrington Road. The site measures 12.5m in width and occupies 300 square metres. The bungalow constitutes 1950s' infill development, added much later than neighbouring houses which are Edwardian and Victorian, and has a traditional footprint with hipped roof and front projection and a garage to the north flank. The dwelling and garage occupy some 42% of the plot area.

Due to the difference in ground levels only the roof of the bungalow is properly visible from street level in Surrenden Road.

## 3 RELEVANT HISTORY

The garage was granted consent to be extended in 1964. Conditional consent was granted for the bungalow and garage in 1958 (**15.58.1255 refers**).

## 4 THE APPLICATION

The application seeks consent for the removal of the bungalow roof and the addition of two extra storeys above, creating a pitched roof dwellinghouse with gable walls and staggered pitched roof. The form and character of the building would depart from 1950s' traditional bungalow and aspires to a contemporary development utilising modern materials and finishes and incorporating sustainable design features.

## 5 CONSULTATIONS

### External:

**Neighbours:** Six letters of representation have been received from **5 Cornwall Gardens; 36 Edburton Avenue; 54, 58 and 60 Harrington Road; and Flat 1, 206 Preston Road** objecting to the proposal for the following reasons:-

- Overbearing and bulky.
- Roofline will be taller than 25 Surrenden Road despite sloping ground level.
- No sun and shadow drawings have been submitted to indicate the impact on 60 Harrington Road. The application should be withdrawn.
- Overshadowing and loss of privacy.
- Loss of amenity.
- Not in keeping with character of Conservation Area.
- Conservation Area slowly being eroded by modern flats and new buildings.
- Excessive size with third floor creating 4-bed, 3-bathroom and 5-reception room house.
- Over development.
- More occupants will lead to parking problems.
- Overlooking gardens.

- Bungalow was added later and kept deliberately low.
- Proposal contrary to policies QD1, QD2, QD14, QD27 and HE6 of Brighton & Hove Local Plan.
- Gable is to replace existing hipped roof. Shallow pitch to roof. Will lead to enclosure of rear garden to 60 Harrington Road, which is their only private outdoor area.
- Being south of 60 Harrington Road the impact will be exacerbated.
- West facing windows will overlook 60 Harrington Road.

Six letters have been submitted by **11 Bristol Street; 14 Cobden Road; 32 Hollingbury Road; 21 Loder Road; 5 Southdown Avenue; and 27 Surrenden Road**, in support of the proposal for the following reasons:-

- Will enhance general aspect of Surrenden Road.
- Eco friendly and consistent with council policy on sustainability.
- Current bungalow not attractive and out of place among large houses.
- Proposal will fill gap in street scene.
- Will provide better screening to hide ugly houses in Harrington Road.
- Interesting frontage contrasting with Edwardian neighbours.
- Protected willow tree helps screen rear area from 27 Surrenden Road and gives pleasing aspect from the street.
- Family needs more accommodation and does not wish to leave area.
- The design is not a pastiche and will weather well.
- Eventually the new building will blend into its surroundings.

**Preston and Old Patcham Society: Objection.**

The appearance and size of the development does not meet the objectives of policy HE6 of the Local Plan. The restricted plot size is too small to accommodate a building of this height and keep a fair sense of proportion. The development has an unappealing appearance.

**Internal:**

**Conservation Team: Objection.**

The context of the site, and the appearance of this part of the conservation area, is generally of large two storey late-Victorian and early 20<sup>th</sup> century houses, semi-detached or terraced, with hipped roofs and/or gables. Some have converted roofspace. There are also some 1960s/1970s blocks of flats of up to five storeys with flat roofs. The predominant materials are brick with tiled roofs and limited areas of painted render. The existing bungalow is an incongruous building with no intrinsic architectural merit but which is nevertheless fairly unobtrusive in the street scene due to the topography and its low height, including the fact that it is slightly sunken into the ground, with its roof being the most obvious element.

The proposal is in effect to replace this bungalow with a 3 storey house of contemporary design, on the existing footprint and using the existing construction as a base. Because the existing bungalow is slightly sunken its

height from the street would appear as 2<sup>1</sup>/<sub>2</sub> storeys. In principle a house on the site is appropriate and has the potential to enhance the appearance and character of the conservation area. The proposed overall height of the house is considered to be acceptable as the ridge level would step down the slope between 60 Harrington Road and 25/27 Surrenden Road and there is no objection to a contemporary design.

The proposal fails to respect the prevailing proportions and the typical formality of elevation in the area. The massing would appear rather 'boxy' from Surrenden Road, with a variable but generally high eaves line and a roof slope that takes up a comparatively small proportion of the street frontage. The design is resolutely asymmetrical and informal with a complex roof form and series of planes together with a highly informal mix of materials which are not typical of the area. The north elevation would also be particularly prominent in the street scene and would be largely blank render. The combined effect of all these elements is a house that would be unduly prominent in the area and would not integrate well with its historic context.

**Traffic Manager:** No highway comments.

**Council Arboriculturalist:** No objection.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD5	Design – street frontages
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance Notes:

SPGBH 1:	Roof alterations & extensions
SPGBH 4:	Parking Standards

### Supplementary Planning Documents:

SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites

### Planning Advice Notes:

PAN03:	Accessible housing & lifetime homes
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## 7 CONSIDERATIONS

In essence the proposal is to replace the traditional bungalow with a 3 storey house of contemporary form and design, using the existing footprint as a template and using the existing construction as a base. The key considerations in the determination of the application are: design and scale of the house, how it relates to existing buildings, the character of the wider conservation area; the impact on residential amenity; parking and access issues; and sustainability and energy efficiency.

### **Design, scale and impact on conservation area**

The existing bungalow is incongruous with its surroundings and is a later infill development added in the 1950s on a plot of land between neighbouring Edwardian semi-detached houses and the backs of houses in Harrington Road as they terminate at the junction with Surrenden Road. The dwelling has a low profile and is situated on lower ground level than the street meaning only the pitched and hip roof arrangement is clearly visible in context with adjoining houses. The bungalow is not in keeping with the prevailing historic character and appearance of Edwardian and Victorian dwellings in the locality and is purposely diminutive in proportions to lessen its impact on the street scene (and adjoining occupiers' amenity).

The outline of the existing bungalow would no longer be discernible should the proposal go ahead. It would be replaced by a modern 3-storey house with tall flank walls and a shallow pitched roof.

Policy HE6 of the Brighton & Hove Local Plan requires development in conservation areas to achieve a high standard of design and detailing reflecting the scale and character of development in the area and not to have a harmful impact on the townscape and roofscape. Policies QD1, QD2 and QD5 also require development to respect the scale and height of existing buildings along with the bulk and design of these buildings and a mandate for them to present an attractive frontage. Policy QD14 is considered less relevant because it relates primarily to alterations and extensions to existing buildings and the proposal is truthfully for a new house whereby the bungalow would no longer be recognisable.

Apart from the five storey 1960s'/1970s' flats further south of the application site – which are a wholly different typology of building to family dwellings - one of the key characteristics in the form of neighbouring dwellings is the pitched and hipped roofs. The existing bungalow has a pyramid style roof with very short ridge, greatly reducing its apparent height and massing. In contrast the new dwelling would have gable ends and necessitate tall flank walls, adding bulk and massing to the structure and giving it a square appearance in comparison with the older adjoining houses. This view is echoed by the Conservation and Design Team which advises the house would not respect the prevailing proportions and typical formality of elevation in the area, having instead a variable but high set eaves line and a roof slope that takes up an

unusually small proportion of the façade. The actual difference in eaves height between the existing bungalow and new house would be 4.8m on the south side and 5.2m on the north side behind 60 Harrington Road and the tallest part of the roof would peak 3.4m higher than the ridge of the existing bungalow.

Furthermore, the detailing of the building is considered below the standard reasonably expected of the local planning authority and not worthy of the conservation area. Particularly the standard size, shape and opening configuration of the windows weakens the integrity of the contemporary design overall and would give the building a character and architecture more in keeping with 1970s housing dressed with timber cladding and zinc cladding than modern day architecture. The dissonant mix of materials has been belaboured by the Conservation and Design Team and the large expanse and deficiency of points of visual interest in the northern flank elevation would neither have a positive effect on the street scene or the character of the conservation area.

The dwelling would have a cramped appearance also - due to the limited spacing between the house and the site boundary, particularly at the rear where the ground level slopes downwards and the 3-storey house would benefit from a rear garden but 4m long.

Whilst a contemporary form of dwelling would be acceptable in principle, providing the standard of design is sufficiently high, it should be well composed architecturally and make efforts to create a cohesive street scene and assimilate with key aspects of its context. The building proposed would not integrate well with its neighbours due to the height, scale, massing and form and as such would not enhance the character and appearance of the conservation area. The proposal therefore conflicts with policies QD1, QD2, QD5, QD14 and HE6 of the Brighton & Hove Local Plan.

#### **Impact on residential amenity**

Policy QD27 of the Local Plan opposes development that would be detrimental to human health or harmful to the amenity of neighbouring users and occupiers - both present and future.

Particular concerns are expressed in the letter received from 60 Harrington Road, although the southerly neighbour of 27 Surrenden Road writes in support of the application.

The northern flank wall of the new house would be situated 12m from the back wall of 60 Harrington Gardens and 2.5m from the joint boundary. Being so near to the boundary with a neighbour's back garden means that the development would have an overbearing impact, particularly due to its height and the sheer verticality of the wall going up into a gable end. No windows are proposed in the northern wall of the new house (see design analysis above) except for first floor bedroom and hallway windows at the front, 6.5m



back for the common boundary, and from which a direct line of site to the neighbour would not be possible owing to the stepped frontage and forward building line of the development.

A greater number of windows are proposed on the south flank elevation, including clear glazed landing windows and obscure glazed bathroom and dressing room windows. A privacy screen is proposed to the southern edge of the first floor terrace. A letter of support for the development has been received from 27 Surrenden Road and the proposal will not have a harmful impact on the living conditions or amenity of its occupiers.

The third neighbour likely to be affected by the development is 58 Harrington Road. The full 3-storeys will be prominently apparent to this neighbour owing to the lower ground level and downward slope on which the property is built. The rear elevation of the new dwelling would be 4m away from the joint boundary and would enable future inhabitants to overlook the bottom of the rear garden to 58 Harrington Road. This level of overlooking is likely to make residents of 58 Harrington Road less likely to use and enjoy their back garden and as such the proposal would be harmful to residential amenity (it should be noted that the existing building - being a bungalow - precludes overlooking of this nature). In addition, notwithstanding the acute angle of view, the distance from the top floor bedroom window of the new dwelling to the rear elevation of 58 Harrington Road would be 16m. At such close quarters overlooking and consequent loss of privacy is very likely.

The back garden of the extended dwelling would be decked according to the plans submitted, but it is not clear the coverage of the decking or its height. Care would need to be taken to ensure that it will not enable overlooking of the private rear gardens of 27 Surrenden Road and 58 and 60 Harrington Road.

Finally, the living conditions of future occupiers of the proposed dwelling should not be neglected from consideration. The small back garden of the property would be overlooked by the three storey facades of houses in Harrington Road. Moreover, for a house of 4-bedrooms the provision of a 48 square metre decking and 8 square metre terrace is neither commensurate nor appropriate to the scale and intensity of the development, providing little play space for families for example. In this regard the proposal is at odds with the requirement of policy HO5 of the Brighton & Hove Local Plan but it is not considered that the standard is so poor as to warrant refusal on this ground.

#### **Parking and transport**

The application site is not within a controlled parking zone. SPGBH4: Parking standards, stipulates a maximum of one off-street car parking space should be permitted for dwellings with up to 3-beds but is silent on dwellings with 4 or more beds. The proposal incorporates an integral single garage and 10.5m driveway which is sufficient to park two cars, possibly three. As such the proposal complies with policies TR1 and TR19 of the Brighton & Hove Local

Plan.

Secure and covered cycle storage is proposed in a shed according to the design and access statement, but a shed has not been indicated on the drawings submitted. The scheme has clear potential to comply with policy TR14: Cycle access and parking, but the sentiment is not echoed by the drawings.

### **Sustainability**

In the absence of a landscaping scheme or schedule of planting the only information provided is contained in the design and access statement. Existing trees and planting are to be retained and the trees protected, with the exception of the rear garden area. This is because the applicant proposes timber decking across the whole rear garden. This facet of the proposal does little to promote biodiversity, facilitate natural drainage and surface run-off reduction or to soften the appearance and environment of the development. More positively the applicant is keen to achieve Level 4 of the Code for Sustainable Homes which is laudable. A pre-assessment by a qualified assessor does not accompany the application and hence it is difficult to project the likelihood of Level 4 being achieved. Nevertheless, a condition can be used to ensure the development if approved does achieve at least Level 3. This level of energy conservation and efficiency in the use of energy, water and materials is sufficient to accord with policy SU2 of the Local Plan.

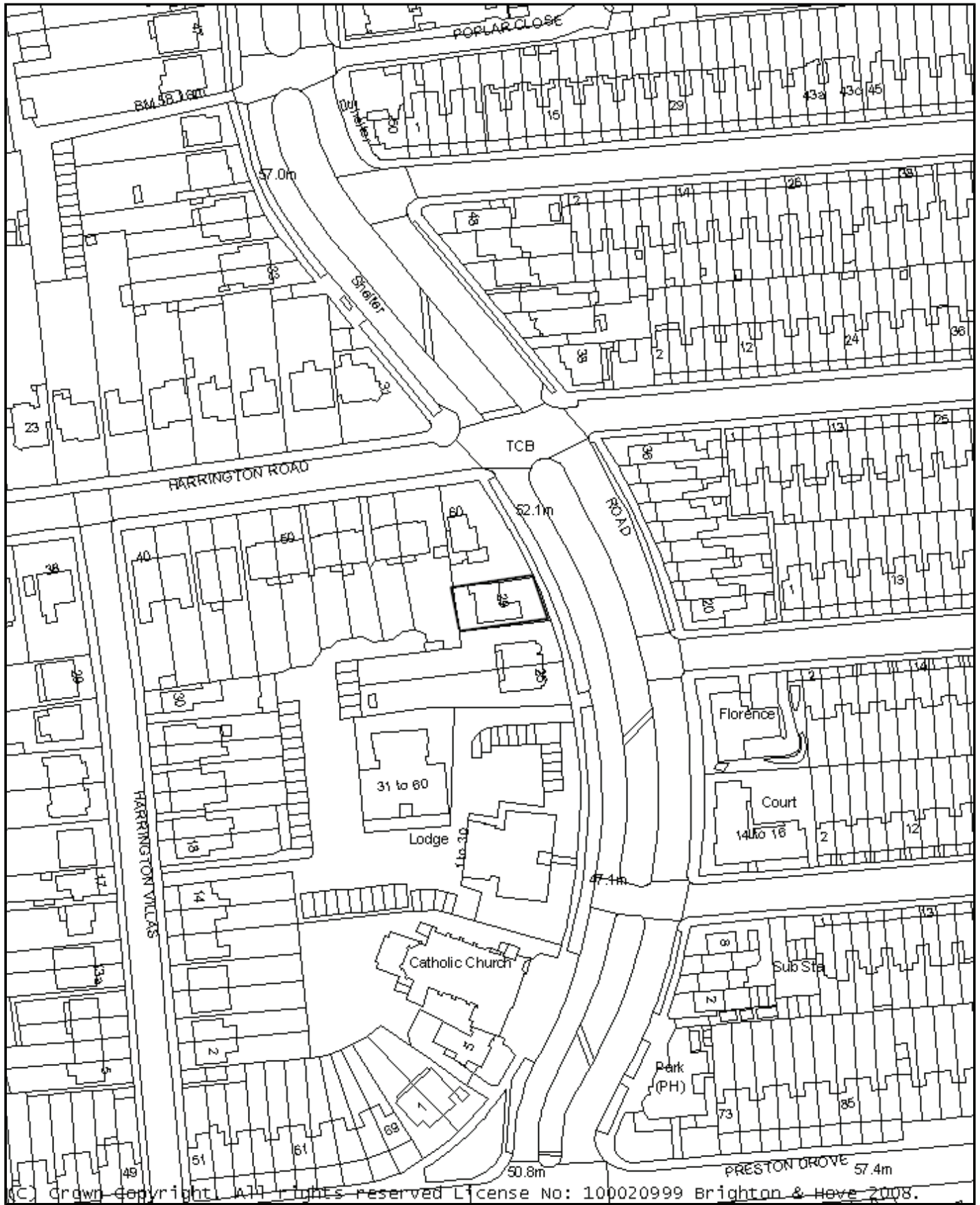
A waste minimisation statement has been submitted with the application in accordance with the requirements of policy SU13 of the Local Plan and SPD03: Construction and Demolition Waste. Though detailed the statement does not identify contractors or project quantities. In the event permission is granted for the scheme a condition should be imposed requiring further details of the waste minimisation, re-use and recycling strategy: which should be implemented and made enforceable.

### **Conclusion**

Although an extension of the dwelling is acceptable in principle, the scheme to be determined is inappropriate in this setting and would be harmful to residential amenity.

## **8 EQUALITIES IMPLICATIONS**

The development should comply with Part M of the Building Regulations and be built to Lifetime Homes' standard.



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