

**PLANS LIST  
ITEM B**

**1 Manor Road, Brighton**

**BH2012/03364  
Full planning consent**

**15 MAY 2013**

# BH2012/03364 1 Manor Road, Brighton.



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2012/03364</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Manor Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing chapel, garages and extensions to Villa Maria and St Augustine's buildings. Change of use from convent boarding house (Sui generis) and refurbishment of existing buildings Villa Maria and St Augustine's to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats. A total of 46no. dwellings to be created with associated car and cycle parking, landscaping and other works including ecological enhancements.</b>		
<b><u>Officer:</u></b>	<b>Anthony Foster Tel 294495</b>	<b><u>Valid Date:</u></b>	<b>05/11/2012</b>
<b><u>Con Area:</u></b>	<b>Adj Kemp Town</b>	<b><u>Expiry Date:</u></b>	<b>04/02/2013</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Pollard Thomas Edwards Architects, Diespeker Wharf, 38 Graham Street, London</b>		
<b><u>Applicant:</u></b>	<b>Guinness Developments Ltd, Mr Michael Gray, Second Floor, Beulah Court, Albert Road, Horley</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves it is **MINDED TO GRANT** planning permission subject to the completion of a s106 Agreement and to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is at the corner of Manor Rd, to the west, and Bristol Gardens to the south. The site itself was formerly the St Benedict's Convent site which is an inverted 'L' shaped site that covers an area of approximately 0.492 hectares.
- 2.2 The existing site comprises a number of buildings including two large villas which stand 3-4 storey's in height both of which are identified as locally listed buildings, St Augustine's and Villa Maria. Both building have had unsympathetic modern extensions to provide additional accommodation at the ground floor level. The site has not been in use since 2008 whereby the dwindling convent population moved to premises located on Preston Park Avenue. The site is bounded by circa 4m high brick built wall to the southern, eastern and western boundaries.
- 2.3 Also contained within the site is a chapel which was built in the 1950s and was solely used by the Sisters for private prayer. To the west of the site is Kemp Court, which is a large modern apartment block arranged over four storeys. To the north of the site is Robin Dene, a residential cul-de-sac comprising a terrace of fairly modern properties backing onto the site.

- 2.4 To the south west of the site are a number of single storey mews properties with accommodation within the roof. These properties back directly onto the existing high boundary wall between the two sites. Further to the west of the site are two storey terraced residential properties accessed from Bristol Gardens and Prince Regent's Close.
- 2.5 To the south the site fronting onto Bristol Gardens is a terrace of three storey residential properties.
- 2.6 The site is not located within but adjoins the Kemp Town Conservation Area and also could be seen against the backdrop of Grade I listed properties fronting onto Sussex Square.

### 3 RELEVANT HISTORY

**BH20012/00861:** Demolition of existing chapel, garages and extensions to Villa Maria and St Augustine's buildings. Change of use from convent boarding house (Sui generis) and refurbishment of existing buildings Villa Maria and St Augustine's to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats. A total of 46no. dwellings to be created with associated car and cycle parking, and landscaping works. Withdrawn

**BH1998/00271/FP:** Erection of 1<sup>st</sup> Floor Extension at rear to form dining room. Approved 02/06/1998

**96/0923/FP:** Erection of single storey store building adjoining existing garage at north end of site. Approved 26/11/1996

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing chapel, garages and extensions to Villa Maria and St Augustine's buildings and the change of use of the convent to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats with associated car and cycle parking, landscaping and other works including ecological enhancements.
- 4.2 The scheme would provide for a total of 46 residential units (40%) would be affordable units, including an overall mix of 9 1no bed units, 15no. two bed flats, 11no 2bed dwellings and 11no 3 bed dwellings.
- 4.3 The application proposal can be split into a number of distinct blocks A-E:  
Block A to the north east of the site provides 8no affordable flats (4no 1bed & 4no 2bed, one of which is wheelchair accessible) in the form of a two storey block with accommodation contained within the roof. Block A would sit immediately behind the boundary wall along Manor Road, the block of flats would have an eaves line which would appear to be a maximum of 2.5m in height above the existing boundary wall. The block would be positioned circa 3.5m to the north of St Augustines. The visible street elevation of this block would be finished in facing brick to complement the existing boundary wall and have modern but simply designed dormer windows within the roofspace to help

to breakup the overall massing of that area of roofspace. The dormers would be metal clad dormers whilst the roof would be finished in grey tiles. The proposed courtyard elevation would also be finished in facing brick and powdercoated aluminium windows. Photovoltaic panels are also proposed to the roof within this elevation.

- 4.4 Block B adjacent to Villa Maria provides 2no 3bed affordable wheelchair accessible units, in the form of a part single part two storey dwellings. Block B comprising units B1-B2, would sit adjacent to Villa Maria and would appear as a single storey side extension to the villa. This block would be of a simple design and finished in facing brick to contrast with the pebble dash appearance of Villa Maria. Block B would appear as a two storey structure to the rear given the change I levels which takes place across the site. The building would be built directly adjacent to the boundary wall with Robin Dene, and would appear 2.5m above the existing boundary wall, with the resultant flank wall elevation being located circa 8m from the rear elevations of the properties on Robin Dene.
- 4.5 Block C the conversion of Villa Maria, provides 3no 1bed units and 5no 2bed units. All of which are affordable units.
- 4.6 Block D the conversion of St Augustine's, provides 2no 1 bed units and 6no 2 bed units
- 4.7 Block E to the south of St Augustine's provides 4no 2 bed units and 6no 3 bed units in the form of two rows of two storey with rooms in the roof terrace dwellings. To the east of St Augustines 3no 2bed and 3no 3 bed in the form of two storey dwellings, and to the east of Villa Maria 4no 2 bed dwellings which are single storey in height with rooms in the roof.
- 4.8 Block E comprising units E1-E10, located to the south of the site would form two rows of 5 terrace properties facing into the central courtyard. The larger properties within the site would be finished in render whilst the two end of terrace properties located adjacent to Bristol Gardens would be finished in facing brick.
- 4.9 Block E comprising units E11-E16, located to the east of St Augustine's, would form a row of a terrace of 6 dwellings finished in facing brick with an asymmetric roof form which slopes away from the properties on Bristol Mews. Given the shallow pitch of this roof the roof is proposed to be finished in a standing seam metal roof. The boundary wall in this location is between 4m – 5.5m in height. The properties would be set off the boundary with Bristol Mews by circa 3.5m. Due to the height of the existing boundary wall only the roof and a maximum of 0.8m would be visible above.
- 4.10 Block E comprising units E17-E20, located within the northeast corner of the site would form a row of a terrace of 4 dwellings be finished in facing brick with an asymmetric roof form which slopes away from the properties on Robin Dene. Given the shallow pitch of this roof the roof is proposed to be finished in a standing seam metal roof. The proposed projecting bay windows to the rear elevation are to be obscurely glazed and finished in render.

- 4.11 Also included as part of the application are 36 car parking spaces and a total of 62 cycle parking spaces are also provided, along with landscaping within communal areas, greenwalls where appropriate and additional ecological enhancements including a pond, hedgerows and bird and bat boxes.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Forty-nine (49)** letters of representation have been received from **Flat 2 Bristol Mansions, 7, 10, 11 (x2) Robin Dene, 8 Maresfield Road, 23, 24 Church Place, 2a (x3), 4, 4a, 5, 6a, 7 (x2), 9, 30 Bristol Gardens, 53 Ely Road, 4, 8, 11, 21, 22, 25, 36 Prince Regents Close, 7 Rugby Court, Bristol Ward Residents Group, 3, 17, 30, 36, 38, 51, 64 Bennett Road, 1, 2 Bristol Mews, Flat 2 13, Flat 3 13, Flat 5 13 (x2), Flat 1 16, Flat 5 16, 23a, Basement Flat 49A Sussex Square, 12, 14, 19, 23, 49, 49A Princes Terrace, 19 Lewes Crescent, Bristol Nurseries Residents Association** and 2 undisclosed objecting to the application for the following reasons:

- The history of the site should be retained and not lost as part of a development
- Increased risk of flooding poor level of drainage within the area
- Reduction in daylight and sunlight
- Loss of the chapel
- Too dense a development
- Overlooking into habitable rooms
- Increase in traffic will have a detrimental impact upon highway and pedestrian safety which is already quite poor in this location
- Poor quality of design not in keeping with the area
- Parking within the area is under considerable pressure
- The boundary wall should be retained
- Loss of Trees within the site
- Noise and disturbance resulting from the additional residents
- Impact upon the listed buildings within the area
- The design is bulky and unsympathetic
- Overdevelopment of the site
- The development would result in a poor level of amenity for future and existing occupiers
- Concerns over the level of existing infrastructure within the area
- Cumulatively there are too many development within this area
- The existing wall would probably be damaged as part of the works

- 5.2 **Cllr Mitchell** has objected to the scheme the letter is attached as an appendix to this report.

- 5.3 **One (1)** letter of representation have been received from **23 Rugby Place** supporting the application for the following reasons:

- The development is a balance of preserving the old whilst providing much need affordable housing

- 5.4 **Kempton Society:** Object to the scheme on the following grounds

- The number of dwellings is too high and inappropriate for the area
  - The design of the dwellings is not in keeping with the adjoining conservation area or locally listed buildings
  - The historic wall should be fully retained
  - The loss of a significant number of trees on the site
- 5.5 **County Archaeologist: Comment.** In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a *programme of archaeological works*, to be secured via a condition.
- 5.6 **Environment Agency: Comment.** Due to the level of risk posed by this development we are unable to provide a detailed response to this consultation and therefore have no comments to make.
- 5.7 **Sussex Police: Comment.** I was very pleased to see that my previous concerns and recommendation within my correspondence in response to BH2012/00861 have been addressed.
- 5.8 **Southern Water: Comment.** Should the application be approved an informative should be added to seek that the applicant contact Southern Water to ensure that the necessary sewerage infrastructure is in place to service the development. Also a condition requiring full details of foul and surface water disposal should be included.
- Internal:**
- 5.9 **Heritage: Support.** The proposed development is generally considered to be a good quality scheme which retains the historic Edwardian villas in an appropriate setting that enables the visual primacy and architectural design of the villas to dominate, whilst making effective and efficient use of the site. The scheme also wholly retains the historic boundary walls. In design terms the new dwellings would be clearly contemporary but would make use of building forms and materials traditional to the area so that they would appear appropriate in their context. The design is restrained in detailing and materials, in order to defer to the Edwardian villas, but with sufficient variety and subtlety of detailing across the blocks so as avoid monotony. A street frontage would be recreated on Bristol Road. The development would preserve the setting of the adjacent Kemp Town conservation area and the setting of the nearby listed buildings.
- 5.10 **Ecology: Comment.** This application includes a Bat Survey Report dated August 2012 which summarises the findings of a specialist bat survey. The report concludes that whilst there are unlikely to be any bats using the site for roosting, there is an established foraging route along the northern site boundary and that a sympathetic lighting scheme should be incorporated into the design in order to minimise disruption to it.
- 5.11 Policy QD17 requires developments to include measures to enhance biodiversity, irrespective of the current nature conservation value of the development site. Annex 6 of SPD 11 includes a method for calculating the

amount of new biodiversity developments are expected to provide. This is supported by paragraph 117 of the NPPF, which states:

- 5.12 117. To minimise impacts on biodiversity and geodiversity, planning policies should... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations... ‘
- 5.13 Some attempt has been made to tabulate the points scored by the scheme however a condition requiring full details of the proposed measures should be added
- 5.14 **Environmental Health:** Comment. A full contaminated land condition is recommended for this development. Additionally, due to the size of the development and that it is in a residential area, it is recommended that a suitable and sufficient CEMP is provided as part of this application.
- 5.15 **Education:** Comment. If this application were to proceed I would be seeking a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this instance I would be seeking a contribution in respect of primary and secondary education
- 5.16 **Arboriculturist:** No objection. There are 21 trees on this site, the majority of which will be lost to facilitate the development. They are mostly structurally defective, diseased, or of poor form and therefore are unworthy of Preservation Order.
- 5.17 The Arboricultural Section has no objection to the proposals in this application, however, suitable conditions should be attached to any consent granted to protect any trees that are to remain on site, those that are off site but in close proximity to the development, and a replacement planting scheme for replacements for those that are to be lost.
- 5.18 **Housing:** Support. The proposal is for change of use from a convent boarding house and refurbishment of the existing buildings Villa Maria and St Augustines to provide 16 flats and 30 new build houses and flats. 18 homes will be affordable (39% of the total).
- 5.19 We currently have over 12,000 people on the Housing Register waiting for affordable rented housing and 676 people waiting for low cost home ownership and therefore we have a pressing need for affordable housing in the city.
- 5.20 **Planning Policy:** Support. This revised proposal is similar in policy terms to the withdrawn application BH2012/00861. It is considered that in principle a change of use to residential is suitable for this site, and that the application is acceptable in terms of policy HO2, HO3 and HO4.
- 5.21 **Sustainable Transport:** Comment. From a transport planning point of view the site is effectively split into 3 sections, the southern section has shared access off Bristol Gardens, the centre section has pedestrian and cyclist access



off Manor Road at approximately the middle of the site along Manor Road and the northern section has shared access off Manor Road at the northern end of the site.

- 5.22 Pedestrians and cyclists can move between all three sections and access points but vehicles are restricted to the southern and northern sections and access points.
- 5.23 Vehicular movement around the site is based on shared surfaces similar to a super store-car park with similar 'tight' dimensions that will have a natural traffic calming effect.
- 5.24 Emergency fire and rescue vehicles can enter, turn around and exit the northern section of the site or supply fire fighting materials to the southern section of the site by dry risers with the middle section of the site being dealt with from the northern and southern sections and Manor Road.
- 5.25 The applicant proposes that the servicing of waste management will be carried out solely from Manor Road and this is acceptable to the Highway Authority. Small and medium sized delivery and servicing vehicles should be able to slowly negotiate the sites access roads and large delivery and servicing vehicles will probably not be able to negotiate the sites access roads and will have to load and unload from Manor Road. However, the applicant will need to re-examine the layout and design of the southern access road to ensure that vehicles that enter the site can safely turn around and exit the site. This might be possible by removing some of the proposed planters and trees and relocating some of the proposed bin storage along the southern access road or by removing two of the proposed car parking spaces.
- 5.26 Sufficient resident and visitor cycle parking is provided on-site but in the northern section some of it is located at the furthest part of the site from the access points and in back gardens which is not ideal.

#### Vehicle parking provision

- 5.27 Proposed vehicle parking provision is below SPGBH04 maximums and at least at SPGBH04 minimums where appropriate (for cycle and disabled parking) and is therefore deemed acceptable to the Highway Authority.

#### Accesses onto the Public Highway

- 5.28 The applicant has requested to reconfigure on-street public highway car parking to allow accesses to be built and the applicant should also be asked to pay for car club bay on Manor Road located immediately north of the Bristol Gardens bus stop outside the pedestrian entrance into the site to help reduce the need for parking on-site and in the surrounding neighbourhood. In principle, there is not an objection to reconfiguring on-street public highway parking arrangements to accommodate this development however the applicant will still have to agree the details and funding with the Council's Parking Infrastructure Team.

Trip Generation and Impacts on the Highway Network

- 5.29 The applicant's forecasted trip generation is not expected to overwhelm this relatively low trafficked part of the highway network and being on a 'T' shaped priority junction and having accesses on two arms of the 'T' is quickly expected to dissipate across the network so the proposed trip generation and highway impact is deemed acceptable to the Highway Authority.

Travel Plan

- 5.30 A travel plan has been submitted by the applicant and Rob Dickin, the Council's Travel Plan Officer has deemed the travel plan acceptable in principle and has provided the planning case officer with comments that the applicant needs to apply to his travel plan to make it acceptable to the Highway Authority.

Level of Contribution

- 5.31 The applicant has calculated the level of contribution to be about £56,000 using a formula similar to the council's formula that for the purposes of this application the Highway Authority deems acceptable. If the applicant's level of contribution proves to be acceptable to Committee then please see attached suggested list of footway and public transport improvements with cost estimates not exceeding £56,000 in total for the purpose of negotiating a S106 Agreement with the applicant, the public transport element of which was requested by the applicant.

- 5.32 **Economic Development:** Comment. Request a contribution through a S106 agreement for the payment of £23,000 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

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

**6 MATERIAL CONSIDERATIONS**

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

- 6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR15	Cycle Network
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 sewerage disposal infrastructure
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste Management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

CP20 Affordable Housing

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations relating to the determination of this application are as follow:

- i) Principle of development
- ii) Housing type, size, mix and quality
- iii) Design, Character and appearance
- iv) Amenity for adjoining residents
- v) Trees and biodiversity
- vi) Transport
- vii) Sustainability

### **Principle of development**

8.2 The application proposes the demolition of the existing chapel, garages and extensions to Villa Maria and St Augustine's buildings and the change of use of Villa Maria and St Augustine's to provide 16no. flats. The Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats with associated car and cycle parking, landscaping and other works including ecological enhancements.

8.3 The original convent building was built around 1900 to serve the Sisters of St Augustine's Lady. Prior to this the site was a garden nursery, and the high boundary walls which surrounded it still remain. The site was then occupied by Grace and Compassion Benedictine Sisters who have since relocated to a convent based in Preston Park Avenue. There are no policies within the Local Plan which seek to protect convents within the city, and as such the principle of the change of use is considered to be acceptable.

8.4 Local Plan policy HO20 seeks the retention of community facilities, and confirms that planning permission will not be granted for development proposals, including changes of use that involve the loss of community facilities. The existing chapel on the site, located adjacent to the corner of Manor Road and Bristol Gardens, was for the sole use of the Sisters and its use was ancillary to the main use of the site as a convent. As such in this instance it is considered that policy HO20 is not relevant.

**Housing type, size, mix and quality**

Affordable Housing

- 8.5 The application proposes a total of 46 residential units on the site. Policy HO3 of the Local Plan seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove’s housing needs. Local Plan Policy HO2 and policy CP20 of the emerging City Plan, seek 40% affordable housing provision. The table below provides details of the mix of dwelling types and sizes proposed:

	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>	<b>Total</b>
Market	2	17	9	28 (60.8%)
Affordable	4	4	2	10 (21.8%)
Shared Ownership	3	5	0	8 (17.4%)
<b>Total</b>	9 (19.5%)	26 (56.5%)	11 (23.9%)	

- 8.6 Of the 18 affordable units proposed, 8 would be available for shared ownership and 10 as social rented accommodation. The mix of affordable dwelling types breaks down to a ratio split of 39/50/11 1-bed, 2-bed and 3-bed units whilst for the market housing the ratio is 7/61/32 1-bed, 2-bed and 3-bed units.
- 8.7 The application proposes 3 wheelchair accessible units, all of which are allocated as affordable housing. On this basis the proposal is considered to comply with the overall aims of policy HO3. Both the proportion of affordable housing proposed, the mix of tenure types and the mix of dwelling sizes, are considered acceptable and both reflect and respond to the city’s housing needs. In these respects the proposal is welcomed by the council’s Housing Commissioning team and the application meets the requirements of policies HO2 and HO3 of the Local Plan.

Lifetime Homes

- 8.8 Policy HO13 requires new residential dwellings be built to lifetime home standards. The Design and Access Statement advises that all units have been designed to meet lifetime home standards. The Councils Accessibility Officer has reviewed the information and whilst the majority of the scheme is in accordance with Lifetime Homes Standards there are some minor details which could be altered to ensure full compliance. This can be controlled by a suitably worded condition, which has been suggested.

Private Amenity Space

- 8.9 Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account. Each of the terraced properties would benefit from an area of private amenity space to the rear of the dwellings which equates to circa 13.5sqm – 32sqm (including roof terraces).

This level of private amenity space is considered acceptable within the context and character of the surrounding dwellings.

- 8.10 No private amenity space has been identified for the occupiers of the two converted villas. There is however areas of shared space which the future occupants would have use of. These areas have been identified as being located around the main entrances of the properties and adjacent to the proposed location of cycle stores. Given that the proposed conversion is of two large villas whereby the provision of private amenity space could not easily be formalised, in this instance and the presence of a large area of public amenity space within circa 75m to the north of the site, the proposed shared amenity space is considered acceptable.

#### Outdoor Recreation Space

- 8.11 Policy HO6 requires the provision of suitable outdoor recreation space split between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities. The policy also states that where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable.
- 8.12 The application does not propose equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. A contribution of £144,500 would be secured through a s106 agreement.
- 8.13 The development would provide a satisfactory standard of accommodation for future occupants and complies with policies HO5 and HO6, and QD27 which seeks to protect residential amenity. The size and mix of housing responds to local housing needs and complies with the aims of policies HO3 and HO4.

#### **Design, Character and Appearance**

- 8.14 The site, is currently quite distinctive within the local neighbourhood given its high boundary walls and distinctive Edwardian villas. The site is adjacent to, and forms part of the setting of, the Kemp Town conservation area. It also forms part of the setting of the grade I listed buildings of Sussex Square.
- 8.15 The two Edwardian villa buildings on the site are locally listed and again have considerable townscape and historic interest. St Augustine's was originally known as The Lees and was built in 1906 to the designs of Edward Goldie of the Goldie family practice, which specialised in Catholic church buildings and who has listed buildings to his name.
- 8.16 The Villa Maria was built some time shortly afterwards as a private house and is believed to have become part of the convent in the 1930s. They are now linked by a two storey flat roofed structure dating from the 1970s and of no interest. Stylistically the two are similar and are typical of the period but St Augustine's has greater architectural detailing.

- 8.17 The chapel building on the south west of the site dates from the late 1950s, when the 19<sup>th</sup> century buildings on this corner were demolished, and whilst it sits comfortably in its context it is architecturally modest and not considered to contribute to the significance of the site.
- 8.18 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.
- 8.19 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.20 As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.
- 8.21 Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area.
- 8.22 Policy HE10 states that, whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these buildings should be of a high standard compatible with the character of the building.
- 8.23 In terms of the impact of the proposals upon the locally listed buildings the demolition of what are considered to be unattractive extensions is welcomed as this enables the original elevations of the villas to be restored. Alterations are proposed at roof level in the form of additional dormer windows, in this instance it is acknowledged that the viable retention of the Villas requires flexibility and that the potential harm resulting from the roof additions must be balanced against the wider restoration of the building.
- 8.24 In design terms the new dwellings would be clearly contemporary but make use of building forms, traditional pitched roofs and materials, such as facing brick and render which are traditional to the area. The overall design is simple in its detailing, in order not to detract or overwhelm the Edwardian villas, but with sufficient variety and subtlety of detailing across the blocks so as avoid monotony.
- 8.25 The layout, form and scale of the new residential dwellings is considered appropriate in preserving the open setting and visual primacy of the Edwardian villas, whilst making full and effective use of the site. The application seeks the retention of the historic boundary walls which is welcomed, as this is characteristic of the site. The proposed Bristol Gardens frontage seeks to

extend the hard boundary treatment, as with the historic wall, with two modest two storey buildings, whilst retaining the original section of brick boundary wall adjacent to Bristol Mews.

- 8.26 The gap which is created by these two buildings allows views through to the southern elevation of St Augustine's and the layout of these twin terraces, creates the form of a mews development that is entirely appropriate to the historic character of the area. It is therefore considered that the proposed form and scale in relation to the of Bristol Gardens frontage and would preserve the setting of the conservation area and the setting of the listed buildings of Sussex Square.
- 8.27 Given the above it is therefore considered that the overall design approach taken for the site including the scale, massing and form of the proposals is considered to be in accordance with local plan policies QD1, QD2, QD3 HE6 and HE10

**Amenity for adjoining residents**

- 8.28 Policy QD27 seeks to ensure that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to existing and adjacent residents or where it is liable to be detrimental to human health. Neighbours can be affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook.
- 8.29 The main issues in relation to impact on amenity for the adjoining occupiers are likely to be loss of light, overshadowing, loss of privacy and additional noise and disturbance. A number of objections have been received in relation to the impact that the proposed development would have upon the amenities of the neighbouring occupiers.
- 8.30 In relation to the potential loss of privacy the properties that are most likely to be impacted are the properties which are located in Robin Dene, the properties in Bristol Mews and Bristol Gardens. The proposed Block E to the north of the site is located adjacent to the properties in Robin Dene, the dwellings are proposed to be two storeys in height, a contemporary bay window feature is proposed at first floor level, which are to be obscurely glazed. Rooflights are proposed above the bay features.
- 8.31 The properties fronting onto Robin Dene are three stories in height with living rooms located on the first floor. At this point the boundary wall is circa 2m in height, and the properties in this location have clearly been designed with the adjoining occupiers in mind. It is considered that in terms of overlooking from the proposed occupiers given the existing boundary wall and the measure in place such as obscurely glazed windows that there would be limited impact on the occupiers of Robin Dene in terms of overlooking and loss of privacy.
- 8.32 There is the potential for an increase in perceived overlooking and interlooking into the properties located within Bristol Mews, from the proposed units which are directly adjacent to Bristol Mews. The properties located in Bristol Mews are Dormer Bungalows with rooflights within the front and rear roofslopes. These



properties are positioned directly behind the existing 4m high boundary wall. The proposed windows at first floor level to the eastern (rear) elevation of block E unit 1-6 serve a bedroom and a bathroom, these windows are located 4m from the wall. The proposed bedroom windows are full height Juliette balconies which would provide views across the roofs of the properties in Bristol Mews, this has the potential for interlocking into the velux windows of the Bristol mews properties albeit at an oblique angle. No. 5 Bristol Gardens benefits from a first floor roof terrace, which provides similar views across the fronts of the properties in Bristol Mews.

- 8.33 Due to the 4m high wall adjacent to Bristol Mews, the location of the proposed windows and the existing relationship with neighbouring properties it is considered that the proposed development would not result in undue overlooking issues arising over and above those which are currently experienced on the site.
- 8.34 The scheme also has the potential to result in loss of light, resulting from the additional built form along the boundaries which are adjacent to Bristol Mews, Robin Dene and Regents Close. The scheme has been designed to take advantage of the existing boundary treatment which is to be retained. The eaves levels of the proposed Block E (units 11-16) located to the north of Bristol Mews would not protrude above the existing height of the wall, and only the sloping roof form would be visible. To the North the eaves height of the proposed block E (units 17-20) would appear circa 2m above the height of the existing boundary wall, the building itself is set between 4.5 - 5m from the boundary wall. This additional built form in this location is not considered to have a detrimental impact upon the occupiers of Robin Dene in terms of increased sense of enclosure or loss of light.
- 8.35 The proposed Block B extension to Villa Marina would appear as a single storey extension when viewed from the west and north, however due to the change in levels across the site the rear elevation would appear as a two storey extension. As existing there are a number of single storey garages located within this part of the site, however these are set off the boundary by circa 3m. The proposed extension would directly abut the boundary wall and appear circa 2.5m above the existing boundary wall. At this point the properties on to Robin Dene are located circa 7.5m from the boundary. As detailed previously the properties onto Robin Dene have their living accommodation at first floor level.
- 8.36 It is considered that there is the potential for the additional built form to have a slight impact upon the neighbouring occupiers in-terms of sense of enclosure however it is not considered sufficient to warrant refusal in this case as similar flank to rear elevation relationships can be found within the local area.
- 8.37 To the rear of Block B a raised terrace area is proposed, with steps down to the garden level below. Unit B2 faces onto a blank flank elevation whilst B1 has the potential for views across the rear of proposed units E17 – E20 and the rear of the properties on Robin Dene. A screen is proposed between the two units and also to the northern end of the terrace to unit B1 to limit the potential for

overlooking. It is considered necessary to secure the screens by condition to ensure that the potential for overlooking is greatly reduced.

- 8.38 Overall subject to appropriate conditioning it is considered that the proposed development would not result in a demonstrable impact upon the amenity of the adjoining occupiers and s in general accordance with local plan policy QD27.

**Sustainable Transport:**

- 8.39 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car parking:

- 8.40 The application proposes 36 spaces which equates to 78% provision. 4 disabled parking spaces have been provided. The submitted Transport Assessment (TA) indicates that some residents would not be expected to own cars. The level of provision is considered acceptable by the Councils Highways officer and is in accordance with SPG04.

- 8.41 The application site is well served by sustainable transport modes and through the use of a green travel plan use of such sustainable modes would be expected to rise. The site is located in a controlled parking zone, and on this basis the proposed provision of on-site parking is not expected to cause problems of displaced parking for existing residents.

Cycle Parking:

- 8.42 Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. The application proposes a total of 62 cycle spaces for the development. The number of spaces is in accordance with the requirements as detailed within SPG04 and subject to the submission of full details is considered to be acceptable.

Traffic impact:

- 8.43 The submitted TA demonstrates that there are no local design related accident problems which may be worsened by the additional traffic which would result from the development. Analysis of the proposed junction suggests that the proposed new access on Bristol Gardnes would work without causing undue congestion or increasing issues of highways/pedestrian safety.

As noted by the Sustainable Transport Officer, the application site is in close proximity to sustainable modes of transport. The required contribution towards improving the existing sustainable modes of transport within the vicinity of the development equates to £56,000. In addition the implementation of a travel plan is recommended and can be secured by condition.

## **Trees/Biodiversity**

### Trees

- 8.44 The application has been accompanied by a comprehensive Arboricultural Report which identifies a total of 21 trees on this site, 16 of which would be lost to facilitate the development. The trees which are to be lost are mainly fruit trees, 7 of the identified trees require removal on health and safety grounds. The remainder of the trees have been indicated as category 'C' trees which are of low value and quality.
- 8.45 The Councils Arboriculturalist agrees with the findings of the report and raises no objection to the loss of these trees to facilitate development. As indicated the indicative landscape scheme proposes a total of 19 replacement trees. The Councils Arboriculturalist would require full details of these replacement trees to be provided as part of a comprehensive landscape plan, to ensure that they are appropriate. A condition has been suggested to this regard and a further condition has been suggested to ensure that the remaining trees on the site are afforded sufficient protection during construction.
- 8.46 The Arboricultural Section has no objection to the proposals in this application, however, suitable conditions should be attached to any consent granted to protect any trees that are to remain on site, those that are off site but in close proximity to the development, and a replacement planting scheme for replacements for those that are to be lost.

### Biodiversity

- 8.47 Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection, features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated. The Ecologist has considered the ecological report ('Extended Phase 1 Ecological Assessment') submitted in support of the application and agrees with the overall assessment.
- 8.48 The reports conclude that the potential impact on protected species and risks of adverse impacts are generally assessed to be negligible. Nevertheless an informative is recommended to remind the applicant of their obligations to protect of reptiles and bats during demolition / building works, and specifically that if these species are found then works should stop immediately and advice sought from Natural England.
- 8.49 The application also proposes a number of ecological enhancements to the site including the provision of a pond, green walls where appropriate, hedgerows, bat and bird boxes. The applicant has also considered other enhancements such as green roofs however as the new dwelling would be privately owned management and maintenance of these roofs could not be guaranteed, and as such have been discounted. As such the application is considered to be acceptable in terms of its impact on ecology and biodiversity. However, further information is required as to the full detail of the enhancements proposed to ensure that they are satisfactory.

**Sustainability:**

- 8.50 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.
- 8.51 The application is accompanied by a Code for sustainable Homes pre-assessment which demonstrates that the scheme would achieve Code Level 4. As a major scheme, on a mix of previously developed land and part greenfield land it is considered that the scheme should achieve Code Level 4 as set out in SPD08. The submitted pre-assessment confirms that these will be achieved, through a mixture of high quality building materials and solar panels to appropriate roof slopes.

**Other Considerations:**

Environmental Health

- 8.52 A preliminary contamination risk assessment was undertaken which concluded that there was a very low risk of there being a significant contaminant linkage at this site. The Councils Environmental Health team are in broad agreement with the finding of the report, however it is recommended that a full contaminated land condition is applied to this application.

Public Art

- 8.53 The applicant states that there is significant potential for the inclusion of public art in the proposals as the exact detail of the features in the public realm are yet to be identified and it is envisaged that during the detailed design process an element of public art can be incorporated to comply with the requirements of Policy QD6. A contribution of £17,400 would be sought in this case towards the provision of public art. The applicant considers that this may be intrinsic to the overall design of the development. It is therefore considered appropriate to secure public art to the equivalent of the required contribution to be incorporated into the scheme.

Education

- 8.54 A contribution towards the provision of education infrastructure in the City has been requested. This is in recognition that there is no capacity for additional pupils at existing primary and secondary facilities both in the vicinity of the site and within a 2km radius. A development of this scale has potential to increase the demand for school places and it is therefore considered necessary and appropriate to request a contribution towards primary and secondary education.

**9 CONCLUSION**

- 9.1 The application proposes a total of 46 residential units and provides 18 affordable units, the design seeks to respect the existing locally listed buildings and is of a scale and form which is in keeping with the site context yet featuring modern design details, and with siting that follows the pattern and layout of adjoining residential development, is considered acceptable and would not have a detrimental impact on visual amenity. The orientation and design of the

property is such that the impact on neighbours in terms of amenity would not be significant.

- 9.2 The proposal seeks to achieve a high level of sustainability, achieving Level 4 of the Code for Sustainable Homes, and the development would not have an adverse impact on the highway.

## 10 EQUALITIES

- 10.1 A condition is recommended requiring the new dwellings to be constructed to Lifetime Homes standards

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Section 106 Agreement - Heads of Terms

- 40% affordable housing
- £144,500 Sport, Recreation and open space contribution for off site improvement works.
- £23,000 - contribution towards Local Employment scheme.
- Training and Employment Strategy using 20% local labour during the construction phase.
- £107,743 towards improvements to education infrastructure in the City.
- Requirement for details in relation to the provision of an artistic component within the site with an equivalent value of £17,400
- Contribution of £56,000 for improvements for sustainable transport
- S278 Agreement to secure the highway works to Bristol Gardens
- Construction Environmental Management Plan (CEMP)

### 11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	EX_001		26/10/2012
Existing Site Plan	EX_002		26/10/2012
Existing Floor Plans Basement Floor Plan	EX_003	A	26/10/2012
Existing Floor Plans Ground Floor Plan	EX_004	A	26/10/2012
Existing Floor Plans First Floor Plan	EX_005	A	26/10/2012
Existing Floor Plans Second Floor Plan	EX_006	A	26/10/2012

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Existing Floor Plans Third Floor Plan	EX_007	A	26/10/2012
Existing Floor Plans Roof Plan	EX_008	A	26/10/2012
Existing Elevations St Augustines – Block D	EX_009	A	26/10/2012
Existing Elevations Villa Maria – Block C	EX_010	A	26/10/2012
Existing Elevation Site Elevations	EX_011		26/10/2012
Geotech Survey	1 of 1		26/10/2012
Site Plan Roof Plan	PL_001	A	26/10/2012
Site Plan Ground Floor Layout	PL_002	C	26/10/2012
Block A Floor Plans	PL_003	A	26/10/2012
Blocks B & C Floor Plans	PL_004	B	26/10/2012
Blocks D & E1-10 Floor Plans	PL_005	B	26/10/2012
Blocks D & E1-10 Floor Plans	PL_006	A	26/10/2012
Blocks D & E1-10 Floor Plans	PL_007		26/10/2012
Block E Units E11-E20 Floor Plans	PL_008	A	26/10/2012
Block E Units E11-E20 Floor Plans	PL_009	A	26/10/2012
Block A Elevations	PL_010	A	26/10/2012
Blocks B & C Elevations	PL_011	A	26/10/2012
Block D Elevations	PL_012	A	26/10/2012
Block E Elevations (E1-E5)	PL_013	A	26/10/2012
Block E Elevations (E6-E10)	PL_014	A	26/10/2012
Block E Elevations (E11-E16)	PL_015	A	26/10/2012
Block E Elevations (E17-E20)	PL_016	A	26/10/2012
Site Elevations	PL_017	A	26/10/2012
Site Sections	PL_018	B	26/10/2012

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no alteration or replacement of any window, door or roof on any elevation, nor the addition of a front porch, nor any change to front boundaries, nor the demolition or alteration of any chimney other than that expressly authorised by this permission shall be carried out.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
- 4) The new dwellings shall be constructed to Lifetime Homes standards.  
**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.
- 5) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in

the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

- 6) No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

- 7) All replacement windows to Villa Maria and St Augustines shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

**Reason:** In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

#### 11.3 Pre-Commencement Conditions:

- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including windows and sills, 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.

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

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

- 10) No development shall commence until details of a mitigation strategy to ensure nesting birds and roosting bats are not disturbed during the demolition and construction phases of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

**Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

- 11) Unless otherwise agreed in writing by the Local Planning Authority, the development shall not commence until:

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- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 12) No development shall commence until full details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

- 15) Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing the measures to improve ecological biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include green wall details, the number and type of bat boxes, and bird boxes. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

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



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- 16) No development shall take place until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in strict accordance with the approved details and timetable agreed.  
**Reason:** To prevent the increased risk of flooding and to prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove City Plan.
- 17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the intended boundary wall and doors and gates (none should open out across the public highway).  
**Reason:** In the interest of highway safety and to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies TR7, QD2 and QD15 of the Brighton & Hove Local Plan.
- 18) Prior to the commencement of development on site, detailed drawings, including levels, sections, clearances, gradients, radius's, vehicle swept-path analysis and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting are to be provided to the Planning Authority and be subject to its approval. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption are constructed to standards at, or at least close to, adoptable standards.  
**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) A Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The plan shall also include measures to minimise the impact deliveries and servicing have on the transport network. All deliveries and servicing shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the vehicles that service and deliver to the development are of a suitable size and to ensure the safe operation of the highway network, and thus the protection of the amenity of nearby residents, in accordance with policies QD27, SU10, and TR7 of the Brighton & Hove Local Plan.
- 20) No works shall take place until a Method Statement and Specification of Works for the retention, protection and repair of all boundary walls during construction works (except those hereby approved to be demolished) have been submitted to and agreed in writing by the Local Planning Authority  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan.
- 21) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;  
and, unless otherwise agreed in writing by the Local Planning Authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
  - a) as built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress; and
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 22) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 23) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

- 24) Notwithstanding the submitted drawings, the development hereby approved shall not be occupied until full details of the terraces to the first floor roof level, and ground floor balconies have been submitted to and approved in writing by the Local Planning Authority, these details are to include screening, extent of usable area, and balustrade. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

**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.

11.4 Pre-Occupation Conditions:

- 25) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 26) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel:
- (iii) Increase awareness of and improve road safety and personal security:
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (v) Identify targets focussed on reductions in the level car use:
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- (vii) Following the annual survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (viii) Identify someone to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

**Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The application proposes a total of 46 residential units and provides 18 affordable units, the design seeks to respect the existing locally listed buildings and is of a scale and form which is in keeping with the site context yet featuring modern design details, and with siting that follows the pattern and layout of adjoining residential development, is considered acceptable and would not have a detrimental impact on visual amenity. The orientation and design of the property is such that neighbours would not be overshadowed or overlooked.

The proposal seeks to achieve a high level of sustainability, achieving Level 4 of the Code for Sustainable Homes, and the development would not have an adverse impact on the highway.
3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team.

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The applicant should contact the Network Co-ordination Team (01273 293366).

6. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
7. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).



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**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

Anthony Foster  
Planning Department  
Brighton & Hove City Council

9<sup>th</sup> January 2013

Dear Anthony,

**Re: Planning Application BH2012/03364. Benedictine Convent site, 1, Manor Road.**

I would request that this letter be placed on the agenda of the relevant Planning Committee meeting.

On behalf of local residents living in the vicinity of this site I am writing to object to the proposed development for the following reasons;

**Adverse effect on the residential amenity of neighbours** by reason of overlooking, significant loss of privacy and overshadowing. This will cause particular detriment to 1 – 3 Bristol Mews where overlooking will occur directly into the bedrooms and bathrooms of these Mews bungalows via their Velux type roof windows from the large windows in the proposed new 3 storey buildings built alongside. Overlooking will also significantly impact on the adjacent properties in Robin Dene, Prince Regent's Close and Bristol Gardens. The proposed new development will have an overbearing impact on the surrounding homes and gardens.

**Unacceptably high density.** In order to accommodate the planned 46 new dwellings, the proposal pushes the new homes right up to the perimeter of the site with a very small amount of open space provided in the centre of the development. This design increases the loss of amenity to neighbours bordering the site.

**Highway Safety.** This proposal should be considered in conjunction with other recently developed sites, including one with planning approval awaiting development, all in Bristol Gardens. If this proposal were to go ahead this would mean a total of 68 new dwellings in this small area where there are already concerns about the dangerous junction of Church Road / Bristol Gardens. The proposed entrance / exit onto Bristol Gardens is sited very near to this junction and will add to road safety concerns.

**The visual impact** of the site is poor, particularly in respect of the 3 storey buildings on the corner of Church Place and Bristol Gardens. The design of these buildings is not in keeping with the heritage aspects of the area or the nearby listed buildings and has a detrimental impact on the character of the area.

**Loss of trees on site.** This is to be regretted, particularly the mature Cyprus trees planted possibly as early as the 1830s. It is proposed to remove trees that currently provide valuable screening for the Prince Regent's Close properties thus rendering them exposed to overlooking from the new buildings.



**Brighton & Hove  
City Council**

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COUNCILLOR REPRESENTATION

Concerns also relate to potential damage and future maintenance of the **historic walls** around the site.

Having taken the above points into consideration I hope that the Committee will refuse this application.

Yours sincerely,

Councillor Gill Mitchell

