

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

<u>No:</u>	BH2008/02732	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Falmer Community Stadium Land North of Village Way Falmer Brighton		
<u>Proposal:</u>	<p>a) A community stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food. Revision to stadium permitted under reference BH2001/02418/FP including the following alterations: change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace.</p> <p>b) Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium (as above).</p>		
<u>Officer:</u>	Mick Anson, Tel: 292354	<u>Received Date:</u>	19 August 2008
<u>Con Area:</u>		<u>Expiry Date:</u>	09 February 2009
<u>Agent:</u>	DMH Stallard, 100 Queens Road, Brighton		
<u>Applicant:</u>	Mr Martin Perry, Brighton & Hove Albion Football Club Ltd, North West Suite, Tower Point, 44 North Road, Brighton		

1 SUMMARY

This report considers a revised application for a Community Stadium which comprises two distinct parts. The first part of the application proposes revisions to the approved Community Stadium whilst the second part proposes re-contouring the land south of Village Way using the chalk spoil from the excavations for the stadium.

The proposed revisions to the Stadium comprise modifications to the roof and to the arch on the West and East Stands and elevational amendments. The proposal will increase the floorspace in the Stadium by 9607 sq metres of which 3316 sq metres is useable internal floorspace and the rest concourses. The most significant changes in the occupation of the stadium are that the approved B1 offices will be removed and there will be floorspace in the East Stand for City College. The hospitality/community education floorspace will increase from 1429 to 4418 sq metres. There will be no increase in the capacity of the stadium of 22,500 spectators.

The main considerations are the principle of development, design and visual impact, increase in floorspace and footprint, partial change to the nature of ancillary uses within the stadium, traffic and transport, amenity, sustainability, ecology and nature conservation.

An Environmental Statement (E.S.) has been submitted with the application,

in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The E.S. and the findings contained therein are considered to be complete and identify the environmental impacts from the proposed development. This is subject to compliance with the mitigation measures set out in the E.S., the conditions recommended to be imposed on the grant of consent and the requirements of the S106 agreement.

The report recommends that planning permission be granted subject to majority of the extant conditions (with some amended and additional ones) and the requirements of the existing S106 agreements (with appropriate deeds of variation) that were applied to the Secretary of State's approval. Additional conditions and minor variations to the S106 agreements will be required to take account of the changes in the proposal and changes in policy and guidance since the grant of the extant consent.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation in Section 10 of this report and that it is **Minded to Grant** planning permission subject to a deed of variation of the S.106 obligations dated 13 June 2003 known as Brighton 1 and Brighton 2 to incorporate additional items under the appropriate Head of Term, and the following Conditions and Informatives:

Additional Items:

The applicant shall submit to the City Council further details of sustainability measures to be incorporated into the development including:

1. Measures to achieve 70% in the energy and water section of the bespoke BREEAM assessment with an overall score of excellent or a lower figure to be agreed by BHCC.
2. Details of composting facilities for waste.
3. Details of waste separation and storage on site (site waste management plan for construction and operational phases)
4. Zero net C02 from energy (or a maximum reduction in C02 from energy to be agreed by the Council) to include measures to improve building fabric beyond the requirements of building regulations.
5. Developers to sign up to Considerate Constructors scheme.
6. Feasibility study of rainwater harvesting and grey water recycling for football related activities and/or the accommodation within the stadium as well as provision of areas of green roof/walls.
7. Details of the energy demand of the stadium broken down by energy

demand for space heating, water heating, and electricity for lighting, appliances, cooling and cooking throughout the year and a feasibility study of how this demand will be met by low and zero carbon technologies.

8. A day lighting assessment to ensure artificial lighting is kept to a minimum in all areas of the building throughout the year.
9. An assessment to establish if any overheating occurs over the year in the building and details of passive measures that will be built in to reduce overheating.

The scope and nature of these measures is to be agreed by the council and thereafter implemented in a manner to be agreed by the Council to their written satisfaction, and maintained thereafter.

Conditions

1. The development for which permission is hereby granted must be commenced within 3 years from the date of permission. **Reason:** To ensure that the Local planning Authority retains the right to review unimplemented consents.
2. The Stadium shall not be brought into use until the Transport Interchange as proposed in the application to Lewes District Council ref: LW/02/1595, the development proposed in Applications C & D (ref: BH2003/02499 & LW/03/1618) and other means of access and parking for vehicles and cyclists and pedestrian facilities which form part of this permission have been laid out, constructed and provided, such Interchange, access, parking and other facilities shall be retained as such at all times. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in compliance with policies TR1, TR2, TR4, TR6, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
3. No development shall take place (with the exception of archaeological and other preliminary site investigations) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include hard surfacing, means of lighting to the car parks and all circulation areas including the concourse, pedestrian and cycle ways, means of enclosure, planting of development including a management plan, 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. The scheme shall also include a full specification for the construction of car parking at Falmer High School. **Reason:** To enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan.
4. 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 sooner: and any trees or plants which within 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. **Reason:** To enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan.

5. All hard landscaping, means of lighting and means of enclosure shall be completed before the development is occupied. **Reason:** To ensure high quality of design and in order that activities at the development can be carried out safely for occupiers and visitors in compliance with policies QD1, QD15 and QD25 of the Brighton & Hove Local Plan.
6. The development shall not be commenced until fences for the protection of trees to be retained have been erected to a written specification and in positions to be agreed in writing by the Local Planning Authority. These 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 maintain the existing landscaping in order to enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan .
7. The Stadium shall not be brought into use unless and until a scheme for the integrated provision of suitable secure bicycle parking facilities has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been fully implemented. **Reason:** To ensure that satisfactory facilities are provided for the parking of bicycles and to encourage travel by means other than private motor vehicle in compliance with policy TR14 of the Brighton & Hove Local Plan.
8. The Stadium shall not be brought into use unless and until details of any external lighting, pitch floodlighting, security fencing and CCTV cameras have been submitted to and approved in writing by the Local Planning Authority and the said works have been fully implemented in accordance with the approved details. **Reason:** In order to ensure that the stadium operates in a safe manner and that crime prevention measures are incorporated in compliance with policy QD7 of the Brighton & Hove Local Plan.
9. The pitch floodlighting shall not be used other than for an Outdoor Event and shall be turned off after each Outdoor Event no later than 11.00 pm. **Reason:** In order to minimise light pollution and avoid any harmful impact on the amenity of occupiers of adjoining properties in compliance with policies QD26 and QD27 of the Brighton & Hove Local Plan.
10. No events involving motor vehicles (including static vehicles) shall take place within the Stadium. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in the countryside in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
11. There shall be no laser and/or firework displays at the Stadium. **Reason:**

In order to protect the amenity of adjoining occupiers and to minimise noise pollution in the countryside in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

12. All external lighting, including pitch floodlighting and lighting for the Falmer High School car park, shall be of a nature and design having a zero upward lighting requirement so as to eliminate upward glare. **Reason:** In order to minimise light pollution and avoid any harmful amenity impact on occupiers of adjoining properties in compliance with policies QD26 and QD27 of the Brighton & Hove Local Plan.
13. No development shall be commenced (with the exception of archaeological and other preliminary site investigations) until a scheme for the disposal of foul and surface waters has been submitted and approved in writing by the Local Planning Authority and the Stadium shall not be brought into use until all works have been carried out in accordance with the approved scheme. **Reason:** In order to ensure that there is adequate infrastructure on site to deal with foul and surface water in compliance with policies SU5 and SU15 of the Brighton & Hove Local Plan.
14. Only clean uncontaminated roof water shall discharge direct to soakaway via a sealed drainage system (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway without passing through either trapped gulleys or interceptors, other than that from existing roads and car parks within the application site. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents gauges and sights glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with the plans approved by the Local Planning Authority. **Reason:** In order to avoid polluted substances or liquids entering the water infrastructure or the natural environment in compliance with policies SU3, SU4 and SU9 of the Brighton & Hove Local Plan.
15. No development shall take place until a scheme to deal with any contamination of the site (excluding existing roads and car parks) has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented. Such a scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, buildings and the environment when the site is developed. **Reason:** In order to ensure that contaminated material and substances are dealt with safely and do not enter the ecological system and harm the environment in compliance with condition SU9 of the Brighton & Hove Local Plan.
16. A sample of all materials to be used on the exterior of the development hereby permitted shall be submitted to and approved in writing by the

Local Planning Authority before development commences. **Reason:** To ensure a satisfactory appearance to the development in compliance with policy QD1 of the Brighton & Hove Local Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or amendments or re-enactment thereof) the elevations of the building(s) hereby permitted shall not be painted other than in such colours as shall be agreed in writing by the Local Planning Authority prior to the occupation of the buildings. **Reason:** The Local Planning Authority considers that any changes in the colours of the materials hereby approved could cause harm to the character and amenity of the area and would wish to control future changes in compliance with policies QD1, QD27 and NC6 of the Brighton & Hove Local Plan.
18. A minimum of 14 days notice of the commencement date of the development shall be given in writing to the Local Planning Authority. **Reason:** In order to avoid dispute over the timing of development construction and the subsequent discharging of conditions related to the commencement of development.
19. No use of the Stadium shall take place for Outdoor Events unless and until park and ride facilities with a total minimum capacity of 1300 car parking spaces are available for use by persons attending Outdoor Events at the Stadium and such spaces shall be maintained for such use in accordance with the Travel Management Plan. **Reason:** In order that the park and ride transport arrangements in respect of the use of the Stadium are implemented to meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
20. Amplified sound from outdoor concerts within the Stadium shall be controlled in accordance with the guidance provided by the Code of Practice on Environmental Noise Control at Concerts, The Noise Council 1995, such that noise levels do not exceed 75 dB LAeq 15 min, 1 metre from the façade of any noise sensitive premises, which for the avoidance of doubt shall include all the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
21. At least 28 days prior to any outdoor music concert a detailed feasibility study examining the likely propagation of music noise from the proposed event shall be submitted in writing for the approval of the Local Planning Authority. The study shall have reference to the guidance of The Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995) or any subsequent alternative guidance and shall include, though not necessarily be restricted to, information on timing, programme and duration of the music entertainment and sound checks the proposed maximum music noise levels within the Stadium bowl audience area and at any front of house mixing desks; the likely music noise levels at LAeq

and Leq, 15 min at the 63 Hz and 125 Hz octave bands, 1 metre from the façade of the nearest noise sensitive property, which for the avoidance of doubt shall include all the University of Brighton's academic and residential buildings at the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings; the location, type and directionality of all sound systems associated with the event; the measures and steps that will be in place to manage music noise levels to ensure that the music noise level criterion of 75 dB LAeq, 15 min is unlikely to be exceeded 1 metre from the façade of the nearest noise sensitive property. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

22. All Outdoor Events within the Stadium shall only take place between 9.00 am and 11.00 pm Monday to Saturday, and between 9.00 am and 10.30 pm on Sundays and Bank Holidays. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
23. The total number of Outdoor Events within the Stadium in any period of 12 months shall not exceed 50 of which not more than two shall be music concerts. Any proposed events in addition to these shall be subject to the prior written approval of the Local Planning Authority. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution and disturbance in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
24. All events within indoor bars and indoor function areas shall only take place between 8am and midnight Monday to Saturday and 8am and 11pm on Sundays, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
25. No use of the Stadium for Outdoor Events shall take place unless and until a scheme for the design specification and operation of the Public Address (PA) system (both internally and externally) has been submitted to and approved in writing by the Local Planning Authority and the said scheme shall thereafter be implemented in accordance with the approved scheme. The Rating Level, measured or calculated at 1m from the façade of the nearest noise sensitive property, which for the avoidance of doubt shall include all the University of Brighton's academic and residential buildings at the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings, shall not exceed the existing LA90 background noise level. The Rating Level, including a +5 dB character correction of the PA noise and existing background noise levels shall be determined as per the guidance provided in BS 4142: 1997. The PA system shall not be used (other than for testing and commissioning purposes) until the Local Planning Authority has approved the PA system and its operational noise

levels in writing. This condition shall not preclude the use of a PA system at such level as may be required for ensuring crowd safety during an emergency incident either inside or immediately outside the Stadium.

Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

26. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of noise attenuation measures which will control the break out of noise from the entertainment, banqueting and conferencing facilities and other such enclosed areas within the stadium such that its rating level, measured or calculated at 1m from the façade of the nearest noise sensitive property, shall not exceed the existing LA90 background noise level. The scheme shall thereafter be implemented in accordance with the approved details. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
27. No car park to the west of the stadium shall be used for events finishing after 11.00 pm. **Reason:** In order to protect the amenity of nearby residents and to minimise noise pollution in compliance with policy QD27 of the Brighton & Hove Local Plan.
28. The use of the PA system shall be limited to between 9.00am and 11.00pm Monday to Saturday and 9.00am and 10.30pm Sundays and Bank Holidays, and the use of the external PA system (outside the stadium) shall be restricted to public safety announcements and shall not be used for general crowd entertainment. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
29. Noise associated with plant and machinery used at the development shall be controlled such that the Rating Level , measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed 5 dB (A) below the existing LA90 background noise level. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142: 1997. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
30. Refuse collection and deliveries shall only take place between specified hours, details of which shall be first submitted to and approved in writing by the Local Planning Authority except at those parts of the application site forming part of the campus of the University of Sussex and Falmer School. **Reason:** In order to protect the amenity of adjoining occupiers and to avoid vehicle congestion at peak hours in compliance with policies NC6 and QD27 and TR7 of the Brighton & Hove Local Plan.
31. The Stadium shall not be brought into use unless and until:
 - 1) The Link Road between Stanmer Park Road and the University of Sussex as shown on Plan No. HED/307. VWN.PP.002.REV B has

been constructed in accordance with the said plan and brought into use.

- 2) The Link Road shall thereafter be available at all times to provide vehicular access and egress to the University of Sussex;
- 3) The existing access to the University of Sussex from the A27 to Falmer House Road shall thereafter be closed to all vehicular traffic except emergency vehicles, in the manner detailed at (iv).
- 4) Vehicular access to the development and the University of Brighton from the westbound A27 on slip shall be restricted to emergency vehicles by a locked gate or demountable bollards.
- 5) Prior to the commencement of works on the link road detailed plans/drawings showing the proposed construction details of the proposed link road, closure of Falmer House Road and all associated works including surfacing materials shall be submitted and approved in writing by the Local Planning Authority and the Highways Agency.

Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4 and TR6 of the Brighton & Hove Local Plan.

32. The Stadium shall not be brought into use unless and until the new traffic signal controlled junction (including A27/A270 eastbound flyover) at the access to Falmer High School and Stanmer Park has been laid out, constructed and provided to the satisfaction of the Local Planning Authority and the Highways Agency. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4 and TR19 of the Brighton & Hove Local Plan.
33. Prior to occupation plans shall be submitted to and approved by the Local Planning Authority showing the detailed layout of the taxi/drop off facility adjacent to Falmer High School and the Stadium shall not be brought into use until the taxi/drop off facility has been laid out in accordance with such approved plans, constructed and brought into use. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
34. The stadium shall not be brought into use unless and until the new footbridge across the railway line at Falmer Station, the detailed design (including materials) of which shall have been submitted to and approved in writing by the Local Planning Authority has been laid out, constructed and brought into use. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR14, TR18 of the Brighton & Hove Local Plan.
35. The Stadium shall not be brought into use unless and until the new pedestrian footway/cycleway from Falmer High School (from the new

junction on the A270) to the Stadium, the detailed design (including materials) of which shall have been submitted to and approved in writing by the Local Planning Authority, has been laid out, constructed and brought into use. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR11, TR12, TR14 and TR15 of the Brighton & Hove Local Plan.

36. The Stadium shall not be brought into use unless and until details of the arrangements for car parking for a minimum of 2000 and a maximum of 2200 cars at Sussex University and Falmer High School or at alternative locations within 1.5km of the Stadium have been submitted to and approved by the Local Planning Authority and the said car parking provided. No Outdoor Event for which these parking spaces are required in accordance with the travel Management Plan shall take place unless such parking spaces are available for use by persons attending the said Outdoor Event. The total number of car parking spaces to be provided for Outdoor Event traffic shall not exceed 2350 within 1.5km of the Stadium. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR18 and TR19 of the Brighton & Hove Local Plan.
37. All buildings and trees scheduled for removal or surgery shall be surveyed for bats by a suitably licensed bat ecologist immediately prior to commencement of works and in case of occupancy being identified, removal works suspended and English Nature contacted and its advice followed. Ivy clad trees in any event shall be left for two days before clearing to allow any bats to leave. Details of the design and siting of bat boxes to be installed on mature trees in Westlain Plantation shall be submitted to the local planning Authority for approval and shall be implanted in accordance with the scheme. **Reason:** In the interests of nature conservation and to accord with policy NC2 of the Brighton & Hove Local Plan.
38. At least ten weeks prior to commencement of works, a dust control plan, including details of control particulate levels, shall be submitted to the Local Planning Authority for its written approval. No works shall commence until the control plan has been approved, and the works shall be carried out in accordance with the control plan. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
39. No outdoor event shall take place at the Community Stadium with an attendance in excess of 22,500 people. **Reason:** In the interests of public safety and to avoid excessive noise and disturbance in accordance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
40. The maximum attendance at an indoor event in the conference/banqueting facilities hereby approved shall not exceed 2510. **Reason:** In order to avoid excessive noise and disturbance in accordance

with policies NC6 and QD27 of the Brighton & Hove Local Plan.

41. No part of the Stadium building shall be occupied or used unless and until a Green Travel Plan relating to the occupiers of the accommodation within the Stadium has been submitted to and approved in writing by the Local Planning Authority. All occupiers of the accommodation in the Stadium building shall be required to comply with the requirements of the approved Green Travel Plan. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
42. No development shall be commenced (with the exception of archaeological or other preliminary site investigations) until a Travel Management Group has been established in accordance with the terms of reference submitted to and approved in writing by the Local Planning Authority for the purpose of consultation with interested parties as to arrangements for travel management associated with the use of the Stadium and the preparation of the Travel Management Plan as required by Condition 43.

The parties to be invited to become members of the Travel Management Group shall include:

- The Contractors (during Construction Period)
- The Company
- Brighton and Hove Council
- The University of Brighton
- The University of Sussex
- Sussex Police
- British Transport Police
- East Sussex Fire Service
- East Sussex Ambulance Service
- East Sussex Highway Authority
- The Highways Agency
- Brighton and Hove Bus and Coach Company
- Southern Railway
- Lewes District Council
- Falmer Parish Council

Or any successor body to the said groups, organisations or Councils.

Reason: In order to ensure that there is sufficient consultation with interested parties to ensure that the Travel Management Plan achieves the efficient and effective transportation of users of the Stadium whilst meeting sustainable transportation objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.

43. The Stadium shall not be brought into use unless and until a Travel Management Plan prepared in consultation with the Travel Management Group has been submitted to and approved in writing by the Local Planning Authority. The Travel Management Plan shall include details of:
- 1) Match ticket sales points;

- 2) Provision of Transport Voucher or equivalent and journeys/modes to be covered by the same;
 - 3) Capacity location management and operational arrangements of Park and Ride sites and the Bus and Coach Park;
 - 4) Provision of Signage directing vehicles, pedestrians and cyclists to Stadium and Parking;
 - 5) Public Transport arrangements to be provided including (but not limited to) additional public transport capacity for indoor and outdoor events;
 - 6) A Parking Management Strategy for the Controlled Parking Zone as defined in Condition 48 below;
 - 7) Methodology for assessment of additional traffic impacts;
 - 8) Publicity arrangements in respect of parking restrictions within the Stadium complex and in the vicinity of the Stadium including (but not limited to) restrictions on parking on the Falmer Campus of the University of Brighton in Falmer Village and in the Stanmer Park and the use of non-car travel modes (to include away supporters);
 - 9) Pedestrian routing to and from the Stadium;
 - 10) Management of Pedestrian Routes.
 - 11) An Information Strategy for publicity of travel details and advice of spectator behaviour.
 - 12) Mechanism for monitoring and review of the Travel Management Plan; No indoor or outdoor event(s) (which for the avoidance of doubt will include conferences and banquets) with an anticipated individual or cumulative attendance at any time of 250 or more shall take place at the Stadium other than in accordance with the Travel Management Plan or such separate Travel Management Plan as shall have been submitted to and approved in writing by the Local Planning Authority specific to that Event. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
44. The Stadium shall not be brought into use unless and until a Stewarding Plan (which for the avoidance of doubt shall not apply to the area of the Stadium or adjoining concourse) shall be submitted to and approved in writing by the Local Planning Authority. The Stewarding Plan shall include details of:
- 1) Stewarding arrangements for the Match Day Parking Zone before, during and after Outdoor Events;
 - 2) Stewarding arrangements for the Bus and Coach Park before, during and after Outdoor Events
 - 3) Stewarding arrangements for pedestrian and cycle access routes in the vicinity of the Stadium;
 - 4) Stewarding arrangements for the Park and Ride sites before, during and after Outdoor Events.
 - 5) Stewarding arrangements for train station and routes to Falmer Station before, during and after Outdoor Events.

- 6) The provision of situation response stewards to respond as necessary to local problems arising as a result of Outdoor Events held at the Stadium;
- 7) Stewarding arrangements for preserving Campus security and amenity and free flows of traffic (to include pedestrian, vehicular and cyclists) to and from the Campus before, during and after Outdoor Events (subject to such arrangement as may be agreed for the checking of passes or other authorisation);
- 8) Stewarding arrangements for the supervision of bus queues outside the Bus and Coach Park in the vicinity of the site before, during and after Outdoor Events;
- 9) Post-event litter collection;
- 10) A mechanism for stewards, the University and local people to advise of breaches of the Stewarding Plan, or parking restrictions or of disorderly behaviour;
- 11) Equipment to be supplied to Stewards;
- 12) Arrangements for placement of temporary signs;

No event with an anticipated attendance of 500 or more shall place at the Stadium other than in accordance with the Stewarding Plan or such separate Stewarding Plan as shall have been submitted to and approved in writing by the Local Planning Authority specific to that Event. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.

45. The Stadium shall not be occupied by City College until a Travel Management Plan detailing means of travel for staff and students to the Stadium has been submitted to and been approved in writing by the Local Planning Authority. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
46. The car parking hereby approved within the stadium itself shall only be available for use by occupiers and users of the stadium. **Reason:** In order to prevent increasing the general availability of car parking spaces in the area and to meet sustainable transport objectives in compliance with policies TR1, TR2, TR19 of the Brighton & Hove Local Plan.
47. No use of the Stadium for Outdoor Events shall take place unless and until Outdoor Event day Controlled Parking Zone is brought into operation for the duration of each Outdoor Event and for three hours either side of the start and finish times of each Outdoor Event. The area covered by the Controlled Parking Zone is identified in inquiry documents BHA 251/253 and 252 at Plans 3 and 2 respectively, but for the avoidance of doubt shall include the village of Falmer, The Controlled Parking Zone will in every case operate to prevent visitors to the Outdoor Event from parking their vehicles within the area controlled by the Controlled Parking Zone.

Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.

48. Within 6 months of the first opening of the Stadium, the Artistic Component, details (including the location) of which shall have first been submitted to and approved by the Local Planning Authority, shall be installed in the location so approved. **Reason:** In order to comply with policy QD6 of the Brighton & Hove Local Plan.
49. The Stadium shall not be brought into use until accommodation is made available within the Stadium building for the following:
- 1) A study support centre to be operated jointly with the Learning and Skills Council or with any such other agency or agencies as may be agreed in writing with the Local Planning Authority of not less than 81 square metres.
 - 2) A Skills Training Centre which may be operated in conjunction with such commercial or educational agencies as may wish to participate to provide such range of courses as may be agreed in writing with the Local Planning Authority of not less than 1224 square metres.
 - 3) Such internal space as may be reasonably required and subject to the prior needs of the Company's football and other commercial activities to be provided on a not for profit basis for the agreed periods of use by the local residents and other groups to be agreed in writing by the Local Planning Authority.
- Reason:** In order to ensure the delivery of the community educational benefits by the club which partly enabled the tests to be met for allowing an exception to policy to be made under PPS7.
50. The chalk reprofiling proposed shall be carried out in strict accordance with the Soil Handling and Agricultural Land Restoration Method Statement set out in Appendix 7.3 of the Environmental Statement (including after care measures contained therein) unless any variation is agreed in writing by the Local Planning Authority. **Reason:** In order to ensure the satisfactory handling of soils and restoration of agricultural land in accordance with PPS7 and policies NC6 and NC7 of the Brighton & Hove Local Plan.
51. The chalk reprofiling and soil restoration shall be completed to the written satisfaction of the Local Planning Authority no later than two months from the date of the first use or occupation of the Stadium. The 5 year aftercare programme set out in the Agricultural Method Statement shall begin on the date 2 months following the first use or occupation of the stadium, unless any variation is agreed in writing by the Local Planning Authority. **Reason:** In order to ensure the satisfactory handling of soils and restoration of agricultural land in accordance with PPS7 and policies NC6 and NC7 of the Brighton & Hove Local Plan.
52. Prior to the commencement of development, details of the proposed water infrastructure plans shall be submitted to the Local Planning Authority for approval in consultation with Southern Water. **Reason:** In order to ensure

that there is an adequate water supply to the site and that the development does not have a harmful impact on existing supplies.

53. No development shall take place until the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority. **Reason:** In order to ensure that any items or sites of archaeological and historic value are preserved or retained in situ in accordance with policy HE12 of the Brighton and Hove Local Plan.

iii) Informatives:

1. This decision is based on drawing nos. 05099-100A; 101D; 103D; 104A; 108; 110F; 111F; 112E; 113E; 114E; 115E; 116E; 119C; 150G; 151G; 159G; 204H; 214G; 215F; 300I; 301H; 303E; 304H; 305H; 306H; 307H; HED.307.100.001 Rev A; 005. Rev E; 009 Rev C; 021 Rev B. submitted on 20/10/08
2. This decision to grant Planning Permission has been taken 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 Supplementary Planning Guidance and Supplementary planning Documents and Government Guidance as set out below:

Planning Policy Statements

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS6 – Planning for Town Centres

PPS7 – Sustainable Development in Rural Areas

PPS9 - Biodiversity and geological conservation

PPS10 – Planning for Sustainable Waste Management

PPS22 - Renewable energy

PPS23 – Planning and Pollution control

PPS25 – Development and flood risk

Planning Policy Guidance Notes

PPG4 – Industrial and Commercial Development and Small Firms;

PPG13 – Transport;

PPG15 – Planning and the Historic Environment;

PPG16 – Archaeology and Planning;

PPG17 – Planning for Open Space, Sport and Recreation;

PPG24 – Planning and Noise

Regional Planning Guidance for the South East

RPG9 – Regional Planning Guidance for the South East 2001

Q1 – Urban areas – prime focus for new development;

Q6 – Health, education and other social considerations and infrastructure requirements

Q7 – Multi purpose countryside

E1 – Nature Conservation, Landscape Quality and Cultural Importance

E2 – Biodiversity
E5 – Woodland habitats
E7 – Pollution control and air pollution;
RE1 – Regional Economy
RE2 – Job Opportunities
RE4 – Business and Sustainable Development
RE5 – Employment land resources;
RE7 – Support for PAERs (Priority Areas for Economic Regeneration) of which is Brighton and Hove;
RE11 – Tourism, Arts and Culture
H4 – Dwelling types and sizes and affordable housing;
H5 – Increasing housing development in urban areas;
T1 – Minimising the distance people need to travel;
T2 – Travel awareness and travel plans;
T3 – Parking standards;
T4 – Walking and cycling;
T5 – Public Transport
INF1 – Flood risk
INF4 – Energy conservation and renewable energy.

Draft South East Plan Core Document

CC1 – Sustainable Development
CC2 – Climate Change
CC3 – Resource Use
CC4 – Sustainable Construction
CC12 – Character of the Environment and Quality of Life
RE1 – Supporting Regionally Important Sectors and Clusters
C1b – The South Downs
C2 – Areas of Outstanding Natural Beauty
TSR3 – Regionally Significant Sports Facilities

East Sussex and Brighton and Hove Structure Plan 1991-2011

S1 – Twenty One Criteria for the 21st Century.
S5 – Definition of development boundaries
E14 – Academic Corridor
TR1 – Integrated Transport and Environment Strategy
TR3 – Accessibility TR16 – Parking standards for development.
SH5 – Outside Urban Areas
EN1 – Environment General
EN2 – AONB
EN3 – AONB
EN28 – Renewable Energy Generation.
LT1 – Leisure and Tourism
LT2 – Leisure and Tourism
LT11 – Sports Facilities and Activities
LT14 – Major Sporting Venues

Brighton and Hove Local Plan

- TR1 – Development and the demand for travel
- TR2 - Public transport accessibility and parking
- TR4 – Travel Plans
- TR5 – Sustainable transport corridors and bus priority measures
- 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
- SU3 – Water resources and their quality
- SU4 – Surface water run-off and flood risk
- SU5 – Surface water and foul sewage disposal infrastructure
- SU8 – Unstable land
- SU9 – Pollution and nuisance control
- SU10- Noise nuisance
- SU13 – Minimisation and re-use of construction industry waste.
- SU14 – Waste management
- SU15 – Infrastructure
- SU16 – Production of renewable energy
- QD1 – Design – quality of development and design statements
- QD2 – Design – key principles for neighbourhoods.
- QD4 – Design – strategic impact.
- 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
- QD19 – Greenways
- QD25 – External lighting
- QD26- Floodlighting
- QD27 – Protection of amenity
- QD28 – Planning obligations
- HO8 – Retaining housing
- HO19 – New community facilities
- EM2 – Sites identified for high-tech and office uses
- EM18 – University of Brighton
- EM19 – University of Sussex
- SR2 – New retail development beyond the edge of existing established shopping centres.
- SR16 – Major sporting and recreational facilities
- SR23 – Community Stadium
- NC4 – Sites of Nature Conservation Importance and Regionally Important Geological Sites.
- NC5 – Urban fringe
- NC6 – Development in the countryside/downland
- NC7 – Sussex Downs Area of Outstanding Natural Beauty

HE3 – Development affecting the setting of a listed building.

HE6 – Development within or affecting the setting of conservation areas.

HE11 – Historic parks and gardens

HE12– Scheduled ancient monuments and other important archaeological sites.

Supplementary Planning Documents

SPD 03 – Construction and Demolition Waste

SPD 06 - Trees and Development Sites

SPD 08 – Sustainable Building Design

SPD 09 – Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes

SPG BH4 – Parking Standards

3. A formal application to Southern Water for connection to the public water supply is required in order to service this development.
4. If bat surveys of existing buildings reveal that further surveys are needed, then a European Protected Species licence will be needed before buildings can be demolished.
5. This decision to grant Planning Permission has been taken for the following reasons:

The proposal complies with policy SR23 of the adopted local plan which proposes a Community Stadium. The Secretary of State granted permission for a similar stadium in 2007 together with car parking on site, as well as at Sussex University, Falmer High School and a new link road from Stanmer Park and Sussex University as well as junction improvements to the A27 and Falmer Station. The current application site is confined to the stadium itself as well as land south of Village Way. It is considered that the revised stadium will still deliver a much needed major sporting facility for the City and will also deliver economic, regeneration and educational benefits in close proximity to a deprived Ward which the Secretary of State considered to be in the national interest and therefore met the tests set out in PPS7 for permitting development in the AONB.

The modifications to the design of the stadium are not considered to make a significant difference in the quality of the design when considering the stadium as a whole and would meet the requirements of policies QD1 and QD4.

It will still be possible to ensure that the non-match day activities within the stadium without generating significant volumes of traffic and parking with appropriate use of conditions requiring Travel Management Plan and a Green Travel Plan in accordance with policy TR1 and PPG13.

Re-contouring land south of Village Way offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project. The benefits of reduction in vehicle movements and improvement in soil quality outweigh any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and S106. The impact on the landscape character of the Downs is minimised by the limited views of this field and the variety in character of the Downland landscape. This part of the proposal is therefore in accordance with PPS7 (Sustainable Development in Rural Areas) Structure Plan Policies EN2 and EN3 and Local Plan Policies QD4, QD15, NC3 and NC5, NC6 and NC7.

3 THE SITE

The application site as defined by the red line boundary comprises agricultural land north and south of Village Way extending east to the City boundary with Lewes District Council. The site also includes University of Brighton buildings namely Uckfield, Alfriston and Telscombe Houses and the Gymnasium which are located on the eastern edge of the campus. The western boundary of the site is formed by the remainder of the University of Brighton campus and the Westlain Plantation, an area of woodland which borders the field south of Village Way. The northern boundary of the site is formed by the north edge of the field adjacent to the Brighton – Lewes railway line on its northern edge. The A27 Trunk Road runs parallel on the north side of the railway. Village Way is the access road divides the site and runs east-west into the University of Brighton from the B2173 (The Drove). The land immediately east of the application site is part of the same farming field. On the north side of Village Way, part of the field within Lewes District has consent for a Transport Interchange to serve the Stadium.

Further to the west of the site is the remainder of the Brighton University campus, the Brighton Health and Racket Club and Falmer High School. Beyond the B2123 to the east is the village of Falmer, a designated Conservation Area; and to the south is open downland which falls within the Sussex Downs Area Of Outstanding Natural Beauty and the proposed South Downs National Park. The land north of Village Way has been excluded from the proposed National Park. To the north of the A27 is the Sussex University campus, containing one Grade I and eleven Grade II* listed buildings.

Stanmer Park, to the west of Sussex University, itself is a Historic Park of Grade II listed status. It contains the Grade I listed Stanmer House and several other listed (Grade II* and II) listed buildings, including the Grade II Lower Lodges at the entrance to the Park, and is within the Stanmer Conservation Area and proposed Local Nature Reserve.

The current application site, as described above, has an area of approximately 14.26ha.

The current application site does not include other land which formed part of the approved Stadium consent such as the Transport Interchange, part of Falmer High School (car parking), Sussex University (car parking areas), the junction of the A27/A270 at the eastern end of Woollards Field (road improvements) and land immediately to the north of the stadium site (players' etc car parking, emergency vehicle access), the new footbridge over the railway line and at the southern end of Stanmer Park (new access road to car parks at Sussex University). All of these infrastructure works have consent and do not form part of the considerations of this application. However if this application is approved, then all of the aforementioned works would be implemented as part of the new stadium.

4 RELEVANT HISTORY

Full planning consent was granted in July 2007 by the Secretary of State for Communities and Local Government for a Community Stadium together with junction alterations to the A27/A270, a link road between Stanmer Park and the University of Sussex, parking at Falmer School and improvements to Falmer Station (Application A; Ref: BH2001/02418/FP)). Planning consent was also granted for a transport interchange on the land south of Village Way which falls under Lewes District Council (Application B Ref: LW/02/1595). Two further approvals (Applications C & D) were granted for the widening of Village Way itself and junction improvements with the A270 Droveaway (Ref: BH2003/02449/FP & LW/03/1618). These two applications straddled both authorities. Works to widen Village Way have commenced. Appendix B attached to this report illustrates the extent of these consents on a location plan. The applications were the subject of three S.106 obligations between the Local Planning Authority, the football club, the stadium company and the Universities of Brighton and Sussex. These agreements covered the following:

- Transport arrangements including ticketing, park and ride, car parks and a Stewarding Plan. Traffic monitoring. Travel management Plan. Green Transport Plan.
- Construction of the Stanmer Park Link Road, A27 junction improvements,
- Management of the construction
- Public art,
- Liaison with interested parties,
- Provision of study support centre,
- Sustainability benefits.
- Campus Management Plan
- Submission of a Business Plan

5 THE APPLICATION

This revised application comprises two distinct parts (See Appendix A). The first part of the application proposes revisions to the approved Community Stadium whilst the second element proposes re-contouring the land south of Village Way using the chalk spoil from the excavations for the stadium.

Revisions to the stadium have become necessary for a number of reasons. Firstly, since the stadium was first designed in 1998, a series of new legislation and guidance governing stadium design, security and safety has been brought into effect. It has become necessary therefore to provide wider concourses for the circulation of spectators, improved facilities for control rooms and improved facilities for spectators with disabilities. There will be no increase in the capacity of the stadium which will still hold 22,500 spectators.

Secondly, due to the exceptional world wide increase in the cost of building materials and in particular steel, construction costs have risen significantly and it has proven necessary to consider design modifications to the roof and to the external materials of the stadium. These alterations are considered to be a material alteration which warranted a revised planning application to be made.

The third aspect of the changes relate to uses within stadium. The approved stadium included a sports hall and sports science facilities which were to be used by the University of Brighton. The University now has plans to provide these facilities within its own campus so they are no longer needed in the stadium. Another significant change is that the approved Class B1 office floorspace within the stadium is now proposed to be occupied by Brighton College of Technology (BCT) for education purposes. There would still be 1100 sq m of offices in the revised scheme which would be occupied by the club for its administration purposes. The College will take up 2000 sq m of floorspace in the East Stand. The College also has aspirations to build further accommodation in a separate building opposite the East Stand known as the “bund building” but this would need to be subject of a separate planning application.

The revised plans also propose an increase in the amount of conferencing and hospitality facilities from 1400 sq m to 4400 sq m provided within 6 function rooms of varying size. These rooms will also be used to provide the club’s community education programmes on non-match days. Finally the proposed crèche under the approved scheme will not be provided as it has not been possible to provide the required external play space.

Overall, there would be an increase in floorspace within the stadium of 3316 sq m. This does not include the larger concourses. Including the increase in concourse areas, there would be an increase of over 9000 sq m so that the revised stadium would have 27000 sq m.

Modifications to the Stadium Design.

Floor level

North of Village Way the site slopes down hill towards the railway and to the east. The highest point of the site is in the south west corner where Village Way enters the University itself. Datum levels are 92.0m at their highest falling to 74.0m adjacent to the railway.

The proposed playing pitch level and the concourse outside the West Stand

would be at 76.0m. The West Stand would be adjacent to Village Way at the entrance to the University currently at 92.0m thus the excavation would reduce the lowest ground level to some 16m lower than the top of the field at its highest point.

In comparison to the approved scheme, the pitch level would be 1.4m lower and the lower ground floor level in the West Stand would be excavated to 2m lower than as approved. The East Stand perimeter concourse and ground floor will be at the same level as approved at 78.4m. The North Stand internal concourse will be 1.3m lower than approved whilst the bund which previously screened the stand will now house the Energy centre and offices with a ground floor at 73.6m. The South Stand which also was screened by a bund which will be replaced by a concourse at 81.2m

Roof

The roof of the approved scheme had a 1.5m diameter tubular steel arch on top which curved around the front edges of the West and East stands. In order to reduce steel costs associated with the development by 50%, this arch will now be a trussed arch of 500mm diameter, set well back from the edge of these roofs and will curve around the front edge of the roof nearer the pitch.

The set back is 32m on the West Stand and 20m on the East Stand. The pitch of the roof would also be amended from 5 degrees to 4 degrees. This has been done to reduce the depth of the concourse to improve wheelchair access and will also reduce the excavation required. The top of the proposed arch on the West Stand will be the same height as before at datum level 119m. The top of the arch on the East Stand will be 4m higher than that approved at datum level 109.4m thus still 10m lower than the West Stand. The front edge of the roof of the West Stand itself will be the same height as that approved at datum level 110.5m whilst that of the East Stand will be 3 metres higher than that approved at 97.9m.

The North and South Stands under the proposed scheme were concealed by bunds faced with chalk gabions and grass roofs. The most significant changes affect the roofs with the grass being replaced with metallic roofs. The North Stand will have a monopitch roof at datum level 97m at its highest and 82.1m at eaves height. The approved bund was at 93m at its highest. The South Stand will at datum level 96.3m at its highest and 87.1m at eaves level. This would be 4m higher than the top of the bund as approved.

West Stand

The external concourse will be excavated down from datum level 82.3m to 80.2m whilst the parapet of the stand will be lowered from 102.8m to 101.75m. The amount of floorspace in the stand will increase from 11,568 to 14,556 sq metres. This increase is mainly due to the expansion in hospitality areas as well as players facilities and larger concourses. Hospitality areas will increase from 1429 sq m to 4418 sq m which will increase their capacity from 1040 to 2846 persons notwithstanding fire regulations.

East Stand

The commercial B1 office space will be omitted and space at first floor level

for City College provided instead. The overall amount of floorspace will increase from 3550 to 5280sq m mainly due to change from 1200 sq m of commercial offices to 2000 sq m of College space.

North Stand

The size of the proposed Energy Centre would be increased from the approved scheme from 292 sq m to 1200 sq m. This is required in order to comply with condition 42 of the existing consent requiring the applicants to implement CO2 reduction measures. The energy centre will take the place of the chalk bund under the approved scheme. The club shop will also be relocated to the North Stand as this is the most convenient location for fans arriving by train and the club offices will also relocate here to be near the shop. The area of the shop will increase from 200 to 370 sq m. Overall there would be an increase from 1531 sq m to 5582 sq m. This is again mainly due to larger concourses, the larger Energy Store and an increase in the area for the club's offices.

South Stand

The concourse level will be raised from datum level of 77.5m to 81.2m which will reduce the amount of excavated material by 4350 cu. metres. The chalk bund which was under the stand will now be omitted and the concourse which was under the stand re-sited above and behind the stand with a roof over. The amount of floorspace would be increased from 1,540 to 2,378 sq m. Most of this relates to the need to increase the concourses together with additional storage areas.

Elevations

West Stand

One of the main changes is that the two large pedestrian bridges across to the concourses at first floor level have been omitted although there will still be a small footbridge serving as a players entrance at second floor level. In addition due to the need to provide a better acoustic performance, the fabric sails which screened views of the pitch have been omitted and replaced with a colour coated acoustic screen at the edges of the stand. The central area of glass curtain wall has been reduced and the area of aluminium curtain walling increased. There will though be an increase in the areas of glazing compared with the approved scheme serving the hospitality areas on the first, second and third floors.

East Stand

The ground floor which will serve as the entrance to the College will have double glazed curtain wall and the area of blockwork at ground level will reduce compared to the approved scheme. The area of aluminium curtain walling to the upper floors will be increased as proposed. As with the West Stand, the fabric sails will be replaced with aluminium acoustic screens.

North Stand

The walls of the stand as approved were chalk faced gabions which contained

spoil from the excavation works. The walls of the stand will now be faced with a rustic blockwork cladding. The walls will now be punctuated with glazing and aluminium windows for the club shop and coated aluminium louvres and masonry wall for the Energy Centre.

South Stand

The elevation of this stand will have a similar appearance to the North Stand with blockwork cladding. The only punctuations in the elevation will be at ground floor with small doorways and shutters to access the turnstiles and some storage rooms. This elevation will be screened by the embankment rising up to the transport interchange. The top of the embankment would be at the same level as the eaves level of the house.

Re-contouring of Village Way South

The applicants propose to deposit inert chalk spoil from the excavation of the stadium site onto the land to the south of Village Way. This would partially fill an existing dry valley in the field, reducing the maximum depth of the valley from 15m to 10m. Following the deposition of spoil the field would be restored to agricultural use. Under the approved scheme this chalk spoil would have been transported off site to Beddingham.

The land that would be subject to chalk re-profiling sits immediately to the south of Village Way and is currently an open field in agricultural use. The land slopes down from south to north and there is a dry valley running through the site which runs roughly north to south. The sides of the valley are gently sloping and typical of the topography of the South Downs. The lowest part of the site is in the middle of the northern boundary with Village Way. The part of the application site that is proposed to be re-contoured is outside of the Boundary of the Built up Area as defined in the BHL P Adopted Proposals Map and is within the South Downs AONB. It is also within the Proposed South Downs National Park. The entire site is within Brighton and Hove but is immediately adjacent to the boundary with Lewes District which lies to the east and north east of the site. The Local Nature Reserve of Westlain Plantation lies immediately to the west of the site but would remain unaffected by the re-profiling proposal.

Re-contouring operation methodology

The re-contouring of the farm land to the south of Village Way would consist of stripping and stockpiling the topsoil from the affected area, partially filling the dry valley which runs south/north across the site with excavated spoil (from the stadium excavation) and then re-spreading the original topsoil plus the topsoil taken from the stadium site.

The application plans and Environmental Statement (app.7.3) submitted includes contour plans and sections of the existing and proposed levels across the field.

The maximum depth of fill would raise the ground level by 5m in the centre of

the dry valley, this depth of fill tapers out towards the edges of the area to be raised. The end result of this process will be to retain the dry valley within the field, but to a shallower depth than it is at present. The applicant calculates that a total of 158,500 cubic metres of spoil will be used in the re-contouring operation. This includes a contingency allowance of 15%.

Following the re-contouring operation the field would be returned to agricultural use. A detailed Soil Handling and Agricultural Land Restoration method statement has been submitted as appendix 7.3 of the Environmental Statement.

Environmental Statement

An Environmental Statement (E.S.) has been submitted with the application in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A formal scoping opinion on the content of the ES was issued by the LPA in July 2008.

The ES provides a description of the scheme and alternatives, and an assessment of the likely environmental impacts of the development. A Non Technical Summary was also submitted as required by the regulations.

6 CONSULTATIONS

External:

Neighbours: See Appendix C for list of addresses.

799 letters of support received.

Summary of comments:

- The original application was considered very carefully at two Public Inquiries and the Government came to the conclusion that the stadium should be permitted.
- The key principles permitted by the Secretary of State included:
 - The iconic design
 - The siting, location and orientation of the stadium
 - Agreed capacity of the Stadium (22,500)
 - Agreed roof height at the main roof level and the top of the arch
 - The sustainable transport strategy
 - Acceptable environmental impactNone of these principles have been changed in the new application.
- The proposals to place the chalk on the adjoining field eliminates 22,000 lorry movements on the local road network
- Placing the chalk on the adjoining field recycles this material rather than transporting it to landfill
- The reduction in lorry movements substantially reduces the carbon emissions from the proposed development (saving over 1,000 tonnes)
- The agricultural grading and value of the adjoining field will be increased when the chalk re-profiling is completed

- The introduction of the Educational use under the East Stand in place of Commercial Office development increases the social and economic benefits that the stadium will deliver including creating greater opportunities for education, skills training and job creation.
- The revised bowl design has been reconfigured to improve the access for disabled supporters and gives them more comfortable and much better viewing positions
- The stadium development is very important because it is not just a new home for Brighton & Hove Albion. The Secretary of State in her letter when she gave consent for the development, said that “there is a considerable local need for the proposed development and that it would bring significant regeneration and socio- economic benefits to one of the most deprived areas of the country, which she found to be in the national interest”.
- The changes to the stadium design have been made necessary by the large amount of new legislation that has been enacted since the original plans were submitted but in themselves do not change the overall principles of the development.

Request that the Planning Committee approve these changes.

14 letters of objection received.

Summary of comments:

- Football club’s financial constraints are not a valid reason for downgrading the design of the stadium and despoiling the land south of Village Way.
- Accommodation within the bunding is enabling development which was agreed would never be part of this development.
- Application should be called in.
- The Disability Act was on the statute books in 1997 but was not law until 2004 so there is no excuse for not allowing for it. Consequence is losing the green bund at the south stand.
- Proposed loss of bund at north end is appalling. Materials look ghastly. Will not blend into the surrounding Downs area. Massive departure from grassed topped bunding.
- Accommodating the College is for monetary gain only.
- Proposed dumping of soil is not acceptable. Will prevent agricultural use for at least 5 years and is a surreptitious way of attaining further building land. The excuse of reducing CO2 is not acceptable. The Secretary of State had already accepted the transporting of spoil off site. This is just to save money.
- Will make the stadium far larger than submitted to the Inquiry.
- Dumping of chalk create more dust and CO2 emissions in the local area. Hazard to human health. Disposal of spoil takes advantage of their permission and would not have been allowed at the Inquiry. It will make the field virtually flat.
- Secretary of State allowed stadium as its design moderated the harm to the AONB. This is no longer the case.

- The club are trying to take advantage of the situation and avoid their obligations and promises to make the stadium blend in. A belt of deciduous trees on the north side will be bare for 6 months of the year.
- The new hospitality lounges would increase from two to eight. The number of diners would increase from 750 to 1905 people. A 150% increase. No mention of how people will travel to the stadium for hospitality events. There are only 150 car parking spaces on site. The current transport plan is activated for outdoor events of 500 and more but in midweek the off site car parks at Sussex University and Falmer School would not be available and there would be no Park and Ride. It is feasible that all of the hospitality rooms could all be occupied at once.
- Metallic roofing in place of bunds will be far more visible from nearby.
- Club committed at the Inquiry to take the spoil off site and would leave Village Way South untouched. More of the South Downs landscape will have been destroyed.
- The natural high escarpment of Village Way South was probably created in the last retreating ice age. It is in the AONB and the National Park. Man made unnatural contouring would be an obscenity and destroy the natural contouring of Village Way South.
- Would have a destructive effect on the water shed and water table below.
- Need to know if taxpayers are funding this stadium. If so it should be 'sport for all'.
- Will increase the carbon footprint. More rubbish
- Harm to wildlife

Lewes District Council: Raises no objection to the changes however City Council are requested to ensure that potential use of the increased number of hospitality areas, particularly when used on non-match days are governed by the Travel Plan to limit car travel to the site. Also seek to ensure that roofing with non-glare finish is used over North and South Stands. Proposal for spreading chalk spoil is preferable in principle to disposal off site. City Council are requested to ensure that controls are in place regulating a) hours of operation, b) phasing of work across the land, c) appropriate restoration (including a properly designed programme of compaction of the deposited chalk to reduce its permeability) and after use of the land with contours to reflect the Downland location, d) adequate land drainage, e) implementation of a dust and operational management plan.

Highways Agency : No objection

EDF Energy : No objection

Southern Water: Currently inadequate capacity in the local network to provide foul sewage disposal. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the developer can request that the appropriate infrastructure be provided. Should the application receive approval please include an informative that the developer should enter a formal agreement with Southern Water to this effect.

“Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.”

There are no public surface water sewers in the area to serve this development. Request condition as follows:

“Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to and approved by the local planning authority in consultation with Southern Water.”

Request an informative that:

“A formal application for connection to the public water supply is required in order to service this development.”

Further conditions requested requesting the applicant to advise the local authority of measures to be undertaken to protect existing public sewers and public water supply mains, prior to the commencement of development.

Revised comments

Further to previous letter dated 6/11/08, confirm that there is currently inadequate capacity in the local network to provide a water supply to the proposed development. Additional off-site mains or improvements to existing mains will be required. Request an informative regarding requisitioning of additional water supplies. Also request a condition requesting details of proposed water infrastructure plans shall be submitted to the Local Planning Authority.

Environment Agency: We have no objection, in principle, to the proposal as submitted provided the following Planning Conditions are imposed on any planning permission granted:

1. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Roads and car park drainage shall only go to sewer. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
The scheme shall also include details of how the scheme shall be maintained and managed after completion. **Reason:** To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.
2. Details of the proposed construction phase (Construction Environmental Management Plan as discussed in Ch. 16 of the Environmental Statement) of the development shall be submitted to and approved by the Local Planning Authority. **Reason:** The site lies within groundwater protection zone 1(inner) for the Falmer Public Water Supply. Potable supplies are therefore at risk from activities at the site and all precautions

should be taken to avoid discharges and spillages to the ground both during construction and subsequent operation. The surface water created during the development phase needs to be controlled so that is minimal risk to the groundwater environment.

This site lies on Upper Chalk classified as a Major Aquifer under our "Policy and Practice for the Protection of Groundwater" and also lies within a Source Protection Zone 1(inner) & 2(outer) for Falmer Public Water Supply. Therefore the site is particularly sensitive with respect to groundwater issues and this groundwater resource must be protected from pollution. Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. Only clean uncontaminated roof water shall discharge direct to soakaway via a sealed drainage system (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gulleys or interceptors. Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority. I can confirm that this application will not constitute a waste application. As long as chalk or other clean soils from the reprofiling operations are re-used within the application site boundary (red line), any waste related regulations are not applicable.

Natural England: No objections. Enhancement opportunities could be gained by extending the woodland feature into the new tree lined buffer along Village Way. If bat surveys of existing buildings reveals further surveys are needed, then a European Protected Species licence will be needed before building scan be demolished.

CABE: Unable to respond. Responded by letter to previous scheme (27/02/02).

Fire Safety Officer: No further observations or recommendations at this stage.

SEEDA: Support. Regional Economic Strategy (RES) identifies Brighton and Hove as a Diamond for Growth with potential to become an economic catalyst for the Region. The application will deliver 3 key regeneration benefits to the deprived area of East Brighton. Provision of major flagship development of

economic and community benefit. Provision of significant educational and training facilities linking with other educational establishments. Improved transport links between universities and Brighton City Centre. Application is well aligned to the RES by raising educational attainment and aspirations and improving access to workplace learning for low-skilled, low paid, low status workers and to work with employers to bring the economically inactive back into work and training. SEEDA therefore supports the application.

Council for Protection of Rural England (Sussex) – Object as part of the application lies in within the area of the proposed new National Park. New plans will increase the size of the site, will increase traffic problems due to almost daily use of the college buildings, hospitality and office buildings. The arguments put forward previously that the stadium will not intrude into local views will now be completely obsolete and no longer applicable. Request to be heard at Planning Committee.

South Downs Joint Committee – Object: Remains of the view that this development will cause severe harm to the Sussex Downs AONB. Acknowledges the Secretary of State's decision as a material consideration. Proposed arch whilst saving CO2 as a result of reduced steel, would be less elegant and less indicative of the downland contours than that approved. The changes to the West Stand elevation and the removal of the chalk bunds will detract from the approved scheme. Opposed to the proposed use of blocks for the facades of the North and South Stands instead of locally distinctive material. Supports the principle of extending the Energy Centre and the use of the East Stand for the College instead of offices. Also supports the screening of Village Way (*This does not form part of this application*). The Committee notes that the re-contouring of the land South of Village Way will save over 12,500 lorry movements and whilst not normally supportive of the disposal of waste by land raising, in this instance this solution is considered to be preferable. Overall however, the Committee objects to the application and in the event of approval requests that all of the conditions attached to the extant consent and additional conditions relating to restoration of the land following the re-contouring.

South Downs Society – Maintains the view that the development would constitute major damage to the AONB and designated National Park. Recognises the Secretary of State's decision and would comment on the amendments to the scheme. Society has an interest in the visual impact on the Downs landscape. No objections to changes related to health and safety and disability access nor for the increase in the size of the Energy Centre. Question how the change from offices to education will impact on the economic benefits identified by the Secretary of State. The development of a major new conference centre must be weighed against the major environmental and neighbour issues identified at the Inquiry. The authority must balance the need for such facilities with the unsustainable travel issues and the likely effects on existing facilities at the Universities. New travel plan as part of the S.106 agreement will need to include transport arrangements

for indoor and outdoor events on both match days and non-match days. Any increased use of facilities is likely to lead to increased disturbance for local people, increased light and noise pollution. The reduced impact on the environment from chalk spreading must be countered against the increase in vehicle movements from the additional activities at the stadium.

Proposed new arch has an unfortunate “angular” appearance compared with the approved scheme which would have blended better with the rolling Downs landscape. The Society objects to this aspect. Concern about the replacement of grass topped bunds with metal roofs. The Secretary of State considered that the bunding mitigated the adverse landscape impact however, it is accepted that the bunding might constitute isolated areas of green in a hard landscape. It may be possible to achieve mitigation through substantial and a well maintained planting scheme. The proposed planting and mounding on the north side of Village Way is welcomed as it reduces the impact of the stadium. Urge that landscaping includes mass planting of whips as well as mature specimens for immediate effect. Replacement of the vertical retaining wall with a sloped planted structure is also welcomed. Concern about the re-contouring and the long term effect on the landscape but are re-assured by the applicants commitment to full restoration of the agricultural land which should be stringently required through conditions and monitoring. Society does not object in principle to the disposal of chalk on the land South of Village Way.

Sussex Police: At this stage no specifications related to physical security are detailed however counter terrorist measures should be considered at the application stage. Request a condition that measures are agreed with the Sussex Police Counter Terrorism Adviser before construction is commenced. Sussex Police will be making an application for planning gain in respect of police resources.

Revised comments

Refer to previous comments seeking a condition that the applicants should agree measures with Sussex Police on counter terrorism. Following a meeting between Sussex Police and the Club, Sussex Police are now satisfied that the club will instigate measures on vehicle access on match day, CCTV, use of laminated glazing, luggage storage and access control systems to restricted areas. Sussex Police now withdraw their request for a planning condition on Counter Terrorism.

Falmer Parish Council: Objects to the following changes:

Removal of the bunds no longer moderates the setting and the stadium will appear more visible from circulated viewpoints. Planting of the belt of trees on Village Way will not mitigate this (*This does not form part of this application*). The metallised roofs useable buildings of the North and South stands are a complete departure from grass topped bunding. Block walls instead of chalk faced gabions will not be as attractive. Stadium’s appearance will be dramatically altered. New roof arch replacing the butterfly arch is much less graceful and will look like a series of triangular blocks. Object to proposed

dumping of chalk in the AONB which is far too sensitive a setting. The transport plan for taking spoil off site was accepted by the Secretary of State. The Sussex Downland is naturally sculpted not flat and the farmland will be damaged by the disturbance and will become more permeable and prone to leaching. The amount of run off water will increase and will affect Village Way North and the railway. Removing the spoil off site will create less dust than spreading it on Village Way South. We have no concerns about the few extra vehicles which will be a minimal addition to the traffic currently on Village Way. Reduction in CO2 is a poor argument compared to the CO2 that will be generated by the Stadium in years to come. Objects to the loss of employment opportunities that were part of the original application. The approved scheme provided 750 dining covers in the hospitality lounges. The new scheme provides 1905 covers or 2510 buffet style. This is a huge increase and alters the nature of the stadium. One of the conditions of the approval was no event with an anticipated attendance of over 500 shall take place other than in accordance with the Travel Management Plan. Would this be triggered by a series of conferences? Would Sussex University and Falmer School be available for parking if it was midweek? How will parking be controlled? People attending functions will not wish to use public transport but there is only 150 car parking spaces at the stadium alongside the A27.

The Regency Society: Objects that the resulting stadium would be more intrusive in the landscape and more disruptive to the local area than the permissions granted. The approved arches were designed to mirror the curves of the Downs. In contrast the proposed arches lack any grace and look like an engineer's interpretation of the original scheme that would cut costs. Grass bunds in the approved scheme would camouflage the stadium from many viewpoints thus mitigating the urbanising effect of the stadium. More redesign work is needed to create the grass bunds. It is not satisfactory to omit the green bunds having strongly advocated at the inquiry that they were a practical solution. The development now proposes a major conference facility. Design and Access statement does not address the large conference facility. Conference facilities would contravene local plan policy and would not be sustainable. A sustainable travel arrangements management plan is essential covering all indoor activities within the stadium. Such a plan must be in place before permission is granted. There is no obvious sustainable travel management that could be invoked.

Council for Protection of Rural England (Brighton and Hove): Queries whether any new consent will be subject to the same conditions as the original application. The changes of use in the stadium will increase the number of cars parked and traffic along Village Way. This is contrary to the stipulations about parking at the site. The changes to the bunding at the ends of the stadium will make the appearance much less attractive in an area that is predominantly green countryside. The building would be much more intrusive on the landscape and would increase the impact of the stadium. The additional area of the site lies within the proposed National Park. Highly unlikely that the Secretary of State would agree to this. The Business Plan is

still awaited for which approval must be given before work can be started. The plan must be subject of the most rigorous scrutiny.

Internal:

Head of Transport Strategy and Projects: The Highway Authority has no objection to the principle of the amended football stadium proposal. As noted in the Transport Assessment, (TA August 2008) there is an extant permission in place and provided all of the relevant conditions that relate to that extant permission are applied to this new Application the Highway Authority would not have an objection. The reason the extant conditions should be applied to this new proposal is to ensure that all the interests of the affected parties are implemented if this new application is approved.

One area of concern relates to the use of the hospitality areas as conferencing facilities. The data presented in table 6.2 of the TA August 2008 suggest that only 23% (162/700) delegates would drive to the site during the traditional morning week day peak hour. When securing the extant permission the Applicant used the same data. However, this figure does seem relatively low given the location of the site and the potential catchment area for delegates. Experience would suggest that as the conference facilities at the stadium would not be close to (or on) a mainline rail route, but would be adjacent to the A27(T), the demand for car use would be much higher than that suggested.

No mention is made in the TA August 2008 of how the potential car parking demand of the delegates is to be managed. The Village Way/B2123 access and the road network in the immediate vicinity of the stadium are not under the control of this Council so it is unlikely there would be a materially detrimental effect in terms of on-street parking demand that could lead to a negative response from this Authority. It is expected that this parking demand generated by the conference facilities will be managed as part of the Movement and Parking Strategy. It is the understanding of the Highway Authority that this matter has been clarified by the Applicants agent.

Evidence presented in the TA in support of the original planning application for the stadium development noted that the junctions and roads in the immediate vicinity of the site could accommodate the additional traffic that any conference events would create.

However, this new application represents an opportunity to ensure that this proposal complies more fully with the core objective of PPG13, which is to reduce the need to travel especially by car. Furthermore it is considered that it also represents an opportunity to enhance the amenity for local residents and visitors to the University. This can be achieved by including all of the conditions attached to the previous permission with the added benefit of reducing the threshold that triggers the Travel Management Plan to 250 delegates (from 500 as per condition 46 of BH2001/02418) for non-match day events.

Travel Plan

There is only limited information contained within the proposed Travel Plan. The general direction of the content is appropriate and the management strategy is inline with what would be expected for this scale of development. There is a condition attached to the extant permission that requires a Travel Plan to be submitted, and an appropriately worded schedule (no. 2) in the signed s106 agreement dated 13th June 2003. Provided that the new permission and s106 contain similar obligations we would be satisfied that the transport implications of the stadium and associated uses will be appropriately addressed.

Economic Development: Supports both elements of the application. Major change is the loss of B1 office space compared to previously approved application however the reasoning is fully justified to provide additional educational floorspace which promotes educational attainment and skills training that will increase employment opportunities in the future. This is supported by the economic development team as being a more appropriate use for the space in the building. The reduced office floorspace will be replaced by significant increases in hospitality/duel use teaching space together with additional teaching space with a total increase in floorspace of 9607 sq m. This additional educational provision will meet the needs of the City and is fully supported. The development will create 217 new jobs once completed including an increase in staff for the football club, the stadium company and commercial contractors working at the stadium. The construction phase will create 300 new jobs and there will be 217 jobs indirectly created in the area.

The information provided is detailed and is considered to be more than adequate to justify the case and the employment figures quoted are considered to be robust both in direct employment and indirect employment benefits coming forward from the development.

Public Art Team: The current application has increased the internal floorspace by 50%. The extant consent requires a contribution to art of £50K as part of the S.106. The public art element should be increased by 50% i.e. £25K to reflect the increase in price.

Conservation & Design Manager: I have assessed the impact of the stadium, as modified, on the wider Downland AONB landscape setting and on the Stanmer Park Conservation Area and Sussex University campus, and assessed the effect of the design changes on the visual quality of the stadium. I found the Environmental Statement both helpful and robust and generally agree its content.

The stadium rises with the natural landform from the north east to the south west, such that its highest part is beside the Falmer campus, but cut deep within the hill slope. The football pitch is set on a north west/ south east alignment but I will follow convention and refer to the north west stand, i.e. the

stand nearest the Falmer Station as the north stand and the southwest stand i.e. the stand backing on Brighton University's Falmer campus as the west stand etc.

Amendments.

Whilst the overall height of the west stand and arch remains unchanged, the east stand (and its arch) has increased in both height (some 3- 4m) and depth. Other significant external changes to the approved scheme comprise a change in the design and positioning of the steel framed arches, the extension and redesign of the north and south stands, and other changes in elevational design.

Taking these in turn:

Commentary.

(i) East Stand. The alterations to this stand will be most apparent from Village Way North and the A27. The effect of the changes will be to increase the size and visibility of this stand and its arch. The visual impact will be slight, particularly in the summer months, should the dense on site tree planting proposed on and beside the adjacent chalk bund be implemented. I agree that this amendment to the approved scheme will not significantly alter the impact of the development on distant Downland views or the setting of the Sussex University campus. However when comparing the 'approved ' and 'proposed' photomontages of the stadium from the Stanmer Park view point (P5), the modified roof of the stadium does appear to be seen in its entirety in the amended scheme where before it was partially screened by foreground tree canopies. Whilst the stadium roofs remain below the skyline, the impact must therefore be considered slightly adverse relative to the approved scheme, and one justifying additional replacement tree planting.

(ii) The detailed design of the arches will not be readily apparent in middle to long distance downland views, including from within Stanmer Park. The overall shape and design of the stadium will be most apparent from the elevated position of Village Way North; and from here the arches as amended should provide an acceptable silhouette. That said, the previous design of the arches, from which the stand roofs are suspended, does appear a more satisfying architectural solution, in the way the arches respond to the sweep of the roofs and fit within the overall integrity of the roof design.

(iii) The north and south stands as approved were backed by chalk bunds finished with green roofs and stone gabions; the intention being for the stadium to sweep down and merge with the surrounding ground form. It is now proposed to replace these bunds with built extensions beside the stands; these extensions to be clad in white 'rustic' blockwork with a colour coated profiled pitched metal roof. The metal roofs should not impact on distant views of the stadium, neither will the shallow pitched roofs be prominent features from the various approaches to the stadium. From elevated ground nearby the metal roofs will read harmoniously with the stadium roofs generally. However from Stanmer Park (viewpoint P5) the impression from the

photomontage is that the roof to the north stand, as amended, will be more prominent. The assertion in the E.S that ‘there is very little to distinguish between the illustrations’ (para 7.5.71) or that the omission of the green roofs will be ‘barely perceptible’ (para 7.7.5) is not agreed. Very careful attention should therefore be paid to the colour and finishes of the roofs and walls. Compensatory green cover would similarly be appropriate elsewhere in the development.

(iv) The overall height of the west stand has not changed but its 23m façade now has less articulation and may consequently be judged an unrelieved and bulkier building. I have not as yet seen samples of the proposed cladding materials, but greater articulation would be beneficial.

Conclusion

The impact of the amendments on the distant downland landscape will remain unchanged. Further mitigation in the form of additional landscaping and careful selection of materials is however required to address concerns over the impact of the amended scheme on the setting of Stanmer Park. As the application stands, I share the view expressed in the E.S (para 7.5.45) that the change from the green roofs to metal roofs will have a minor adverse effect because of the stadium’s apparent greater visibility within the landscape.

Planning Policy: *Background*

The application site and surrounding land currently lie within the Sussex Downs Area of Outstanding Natural Beauty (AONB). The proposed stadium site is located partly within and partly outside the built-up area boundary as identified in the adopted Brighton and Hove Local Plan 2005.

The Designation Order for the proposed South Downs National Park (pSDNP) recommended that the land north of Village Way within the Brighton & Hove boundary should be excluded from the pSDNP but that the land within Lewes District Council should be included within the pSDNP. The SDNP Inspector recommended that the land north of Village Way should be all deleted from the pSDNP i.e. in the Lewes DC’s area as well as the land in Brighton & Hove. The Secretary of State (DEFRA) is currently considering the Inspector’s further report from the 2008 reopened Inquiry and a decision is expected in May 2009.

At no time has land south of Village Way ever been excluded from the proposed SDNP. The decision of the Secretary of State on the Designation Order boundary is awaited.

Land north of Village Way

Policy SR23 applies. The policy is much more restrictive than the consent granted by the Secretary of State in the types of ancillary/enabling development permitted. The planning application for a stadium is acceptable in terms of policy SR23 of the Brighton & Hove Local Plan 2005.

However the policy is more prescriptive in the types of enabling/ancillary development to be permitted than the S of S's decision on the first application. For example:

- the education element was specified in the policy as a 'sports science / sports medical facility linked to the universities' rather than an 'educational facility' linked to another institution i.e. City College. The Secretary of State did not specify that the Universities alone could use the site but inserted the more general 'education' it means that as long as the Secretary of State's consent is still valid, the planning permission would allow an alternative institution to use the site but the Local Plan policy would not.

TR1/TR4 In planning terms (and depending on what educational activities are actually proposed) whether the facility is operated by one institute or another should have little impact, apart from a parking/travel impact because City College i.e. not already in the locality. Policy TR1 and TR4 applies. Given the improvements being proposed to the road layout, the transport team should advise as to whether there is a significant increase likely to arise from the revised proposal and the parking impacts.

- Local plan policies SR23 and EM2 provide for B1 business related to research and development in the event the site proves to be unsuitable for the stadium. It would also be important to ensure that if the business use is enabling development, unless it is for a business use related to the universities or its planning permission would cease with the stadium – so that if for some reason the Community Stadium did not proceed or was closed down the site could not become a general B1 site because there is other industrial land in the City better suited for general B1 uses, not related to the Universities.

General business use, unrelated to the Universities and the stadium would be problematic if it were likely to cause additional traffic flows through the junction.

Policies NC7 and NC8 (Setting of the Sussex Downs AONB) applies re the impact of the revised design proposals on the Sussex Downs AONB/proposed South Downs National Park (pSDNP) applies.

TR1/TR4 The transport assessment may need to be revisited to determine the greater travel needs of younger students at City College who are not resident on site together with the travel needs of the lecturers/instructors and other staff.

Policies QD1 and QD4 apply re the roof configuration and the extra bulk in the elevations of the stadium. Other relevant policies include SU2 and SPD 08 Sustainable Building Design; SU4 re control and reuse of water; SU10 re noise and SU13 and SU14 re control of waste both from the construction processes and the running of the stadium. The SU13 and SU14 waste

streams should all be segregated prior to collection. The applicant needs to demonstrate how waste will be diverted from landfill and a Site Waste Management Plan could be an acceptable means of demonstrating compliance with policy.

Land south of Village Way

The change proposed to re-contour land south of Village Way, unaffected by the original application (as modified before the Inquiry) does raise policy issues. This site has not been allocated for any development in the adopted Local Plan nor formed any part of the Secretary of State's considerations. See paragraph 7 of the Secretary of State's decision letter, below:

"7. At the start of the first part of the inquiry, the applicant requested that certain modifications to the originally submitted proposals be taken into account. The most significant modification is the deletion of the bus and coach park from Application A so that land south of Village Way no longer forms any part of the formal application site area (IRa1.9). For the reasons given in paragraphs IRa1.9 and IRa1.10, the Secretary of State agrees with the Inspector that there is no reason why any party should be prejudiced as a result of the proposed modifications and no reason why they should not be taken formally into consideration. The Secretary of State has therefore proceeded on this basis."

The key issues are therefore whether the revised proposal accords with policy for the urban fringe, Countryside and the AONB/proposed South Downs National Park; and whether the measures to be taken for waste disposal over this land are acceptable in terms of AONB policy and the Waste Local Plan.

Sussex Downs AONB

Policy NC7 applies (plus NC6) – it only permits development where the proposal

- conserves and enhances the visual and landscape quality and character of the AONB
- complies with policy NC6
- is in the national interest and
- there are no alternative sites available elsewhere.

To address bullet point one, the opportunity of ground disturbance should be taken to implement, and augment the planting of hedging and tall specimen trees along the south side of Village Way to break up views of the Community Stadium and to compensate for the landscaping works. It will be crucial in addressing NC7 and QD15 that the landscape is sympathetically reshaped reflecting the classical convex chalk downland form by the chalk waste and enhancement will also be required, see NC7 iv, and x.

The 'Urban Fringe Landscape Study' undertaken by the former Sussex Downs Conservation Board made recommendations for improving this area by substantial tree planting to screen the universities from views from the

AONB to ‘reduce the visibility of the variety of Urban fringe buildings’ which included substantial tree planting, both along Village Way, north and south of the road and in the valley and along its flanks. Such planting could also address NC7 vi, and NC viii re the need to integrate conservation features. NC7 (x) - the opportunity to reinstate the natural beauty and distinctive character of the area could for example, be addressed by reinstating the field to downland chalk grassland rather than returning it to cultivation.

Policy NC6 only permits development outside the built up area boundary where there will be no adverse impact on the countryside/ downland and one of the four exceptions applies. NC6(b) would need to be addressed.

Waste Planning Policy: Current guidance from the Environment Agency¹ establishes that where materials leave a site then they will be classified as waste unless there is evidence to the contrary indicating that the material will be directly used elsewhere. Waste regulatory controls would then apply.

The proposed re-contouring of Village Way however would mean that the excavated chalk and soil would be reused on the development site and as such will cease to be considered as waste or subject to waste regulatory controls provided that the aims and objectives of the Waste Framework Directive are not undermined and that its use will not harm human health or the environment.

This position is established in the Environment Agency voluntary Code of Practice (Definition of Waste: Development Industry Code of Practice) which sets out that excavated material used on site where it was produced will not be considered as waste provided that: it is used in appropriate amounts; it is suitable for that use without further treatment; and its use will not cause harm to human health or the environment.

In Chapter 10 of the Environmental Statement, a desktop study carried out by the applicant indicates that there is no significant potential impacts of contamination on the site (Table 10.5). It is therefore assumed that the material will be suitable for use without further treatment, which would satisfy the requirements described above. If however subsequent tests during construction indicate that the material is contaminated or requires treatment before it is suitable for use then it should be classified as waste. The applicant refers to the need to seek an exemption (from the waste permitting regulations) from the Environment Agency, should this be the case that any of the material is found to be contaminated. However it should be noted that in that circumstance then a further planning permission may also be required for the handling of waste materials.

Provided that the applicant acts in compliance with the Code of Practice then the proposal to use the material onsite is welcomed for reducing both the

generation of construction waste, and the HGV movements of excavated material to offsite/fill material to onsite.

Sustainability Team: The overall requirements of SPD08 have not been met by this scheme:

- There is no indication that there is zero annual net CO2 emissions from energy use.
- The bespoke BREAAAM assessment scores very good overall and SPD08 asks for an overall score of Excellent.
- The energy section of the BREEAM assessment scores 61.1% where SPD08 asks for 70%.
- The water section of the BREEAM assessments scores 62.5% where SPD08 asks for 70%.
- No feasibility study has been submitted on rainwater harvesting and grey water recycling as requested by SPD08. It is indicated that due to the irregular demand for water for pitch irrigation and toilet flushing the site is not suitable. There has been no assessment of using rainwater for plant watering.

The requirements of SU2 that have not been met:

- Measures to seek to reduce fuel use and green house gas emissions –No indication has been given that the building fabric will be improved beyond building regulations to improve the energy efficiency of the building.
- The incorporation of renewable energy resources – PV has been discounted as a potential energy resource. There is no indication whether other renewable energy sources have been considered. These if incorporated may effect the design of the scheme. Measures to use grey-water and rainwater have been discounted and no feasibility study has been submitted.
- 37.5% is scored in the Materials and Waste section of the BREAAAM report which is low and could be improved.
- SU2 asks for space within each unit for refuse, waste recycling and composting. SU2 asks for consideration to be given to landscaping. Only 20% is scored in the BREAAAM assessment in the Land use and ecology section which is low.

Energy demand of site:

No mention of energy demand has been presented as requested for the entire site demand for energy for heat and power. There has also been no assessment as to how any energy demand will be met by renewable technologies.

Summary:

There has been no demonstration of high standards of efficiency in the use of energy, water and materials as requested in planning policy SU2 and the recommendations of SPD08 have not been met.

Environmental Health: It is understood that the conditions applied to

BH2001/02418/FP will be reviewed and where appropriate carried over to this application. It is critical that all noise related conditions are carried over and these are as follows: Condition 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34.

It is understood that condition 42 of permission 2001/02418 is the only condition relating to the construction phase. Information has been submitted to the Council in order to assess whether this condition can be discharged. It is understood that since the 2001 permission was granted, chalk spoil will remain on site and not be taken elsewhere. It is therefore critical that any dust management programme addresses the dust control and dust mitigation measures of the spoil that is remaining on the site. This should include any crushing operation/s.

Advised that the section 106 agreement (one) relating to permission 2001/02418/FP has sections requiring the production and implementation of a construction method statement, see section 5.1 of the agreement. It is understood that sections 5.5 and 5.6 of the s106 agreement (one) requires the submission of a S.61 prior consent under the control of pollution act 1974. This construction method statement required under s106 is a critical tool for managing dust and noise relating to the construction phase.

Any construction method statement or construction environmental management plan should include the following:

- Comprehensive dust management scheme including proposed dust mitigation measures such as damping down and wheel washing and any proposed dust monitoring programme.
- A comprehensive noise management programme having regard to “best practical means” (BPM), proposed hours of operation, noise monitoring programme. This will include the s61 prior consent.
- Dust and noise complaint management programme and proposals for keeping local residents and businesses advised of the construction phases.

Need assurances that a construction method statement or Construction Environmental Management Plan is to be required and implemented under a S.106 agreement or whether such a statement is imposed as a planning condition under the 2008 application.

It is understood that an energy centre is to be provided. The application has not assessed the air quality and noise impact of this part of the development. Any biomass or other energy sources will need full air quality and acoustic assessments. I also note that the operational phase of this development will expand the conference/hospitality facilities. There is insufficient information relating to the noise impact of this expanded facility. Further information on numbers, proposed frequency/days of the week and the hours need to be submitted.

My provisional assessment relating to contaminated land suggest that the site

is clean, however, I still need to assess the contaminated land information submitted with the 2008 application.

Having examined the report contained within Part 10 of the Environmental Statement entitled geology, soils and contamination. It is unknown who wrote the report or when, although I note that a site walkover was carried out on 7th March 2008. I consider that the report is robust and considers the various issues. I also consider that two very relevant points are raised in the following sections and should be considered further when determining the application.

“10.7.8 It will be necessary to have protocols in place should unexpected areas of contamination be identified. Monitoring during the construction phase will be required to ensure the effectiveness of any mitigation measures.

10.7.13. In the event of an accidental chemical or fuel spill/release during the construction works, response measures will be required to recover spilt products and remove contaminated materials as quickly and efficiently as possible.”

The report suggests that no further investigations or intrusive site works are necessary and this is consistent with the conceptual site model.

Recommendation: Insufficient information at present on which to fully comment

Revised comments:

With reference to air quality and the air quality impact of the proposed Energy Centre, officers are now satisfied that there is no need for additional information and no air quality conditions need to be applied since there is no on site energy production. There are no further comments on this issue.

With reference to the noise impact from the proposed Energy Centre and the information provided I am satisfied that condition 33 on planning permission BH2001/02418 will address the noise associated with the plant and machinery proposed.

The noise impact of the expanded conference and hospitality facilities is covered by the existing noise conditions (Condition 26 of extant consent) and that potential public nuisance would be covered by the Licensing Act 2003 should a premises licence be applied for.

Education: The proposal to make modification to East Stand fits in with the wider picture of post 16 and adult education in the city and therefore CYPT is supportive of the development.

The re-siting of some adult/community provision to the East stand is totally in keeping with the desire to increasing the number of adults with a full Level 2 qualification is a priority area and will help close the gap between the

advantaged and disadvantaged households.

Other facilities could be developed to support the larger proposal for City College at the Stadium if that were to be accepted.

The education case for City College at the Stadium is persuasive. The College identifies local and national priorities and describes how new buildings will address these. The current buildings cannot meet current demand for vocational provision and this will increase both at pre and post 16.

Having first class facilities will encourage more young people to remain in education and training to gain higher level of skill. This will also have the effect of reducing the number of young people who are not in education, employment or training (NEET) which is a priority for Brighton & Hove.

The current facilities do not meet the needs of many young people with learning difficulties and disabilities and new buildings will be fit for purpose and provide accommodation which is accessible and will help vulnerable young people to feel secure in order that can achieve the best that they can.

The College already works in partnership with other Colleges and with schools across the city. The education case identifies gaps in provision in the City as a whole and seeks to fill these. The education case links closely with the 14-19 Strategic Plan and it is clear that all young people will benefit from the proposals.

The stadium site will be attractive to young people and will also attract adults with low skill levels ,using the "power of football" to engage the harder to reach which has been demonstrated successfully by the training undertaken by Brighton and Hove Albion

Ecologist: The ES is generally thorough and comprehensive. It includes a summary of relevant nature conservation policy and legislation which I will not attempt to reproduce here. Instead my comments below concentrate on potential weaknesses of the application and the ES with respect to ecology.

Bund

This new application introduces a vegetated bund along the length of Village Way, to screen the proposed stadium from views to the south. The existing vegetation here is a verge of rank grassland and patchy scrub/young trees which, according to the ES, supports a small population of reptiles. The ES recognises that disturbance to reptiles will occur but states that this will be an indirect, temporary and short-term adverse effect. However in my view the introduction of bunding along the southern side of Village Way, with planted trees along its length, is very likely to directly alter or destroy the habitat and (due to increased tree shading) render it unviable as a reptile habitat

indefinitely.

The ES briefly describes a mitigation strategy which involves the translocation of reptiles from the Village Way verge to other field boundaries within the development site and the enhancement of these for reptiles so that they can support a larger reptile population. However there is a potential contradiction here between the main body of the ES and its Appendix D, which states that the development may result in the loss of all available reptile habitat (see 5.1 and 5.2).

In summary the ES appears to underestimate the effects of the proposals on reptiles and to be somewhat self contradictory in its reptile mitigation strategy. In accordance with Paragraph 99 of ODPM Circular 06/2005 I therefore recommend that a condition is attached to any planning permission requiring the submission of a detailed mitigation strategy, to include the identification of a suitable receptor site and suitable aftercare, to be submitted and agreed by the council prior to commencement of works.

Chalk Mounds

The previous stadium application included the creation of chalk mounds, vegetated with species-rich chalk grassland, to the north and south of the stadium to create a 'green roof'. This feature is deleted from the latest application (see Design and Access Statement section 5.4) which is regrettable and represents a reduction in the biodiversity value of the development.

The explanation given for the loss of the green roof is not convincing. In particular, the degree of roof strengthening needed to support the weight of soil depends entirely on the depth and type of substrate used (lighter options than soil are available). As far as I am aware, irrigation is not necessary for a green roof, nor is it necessary to inspect the roof and cut it annually if the substrate nutrients are low. Indeed, over the life of a roof maintenance costs may well be less than a conventional roof. A green roof on this high profile building would help to promote the city's sustainable development objectives and should not be lost unless a clear case can be made. I therefore recommend that an independent report is required to substantiate the change before the loss of the green roof is accepted.

Westlain Plantation

Westlain Plantation, adjacent to the western boundary of the site, is an ancient semi-natural woodland and a designated Site of Nature Conservation Importance. It is therefore protected from loss or deterioration under paragraph 10 of PPS 9 and Local Plan policy NC4.

The application is not entirely clear about its effects on the woodland. It is clear that no ingress into the wood would result from the land raising and drawing no. HED.307.100.005 appears to show that the land raising will stop about 10 metres away from the woodland edge. However Appendix D of the

Ecological ES seems to imply that all the grassland suitable for reptiles along the eastern boundary of the wood (which is considerably closer than 10m away) could be lost and paragraph 12.5.31 of the ES states that the recontouring will require works within 14m of the nearest badger sett entrance within Westlain Plantation.

The ES also refers to Appendix B in mentioning correspondence with Natural England concerning the need for a badger license for the land raising works, concluding that no license is needed. However the version of Appendix B supplied to me contained no information.

To ensure the land raising causes no damaging effects to the woodland ecology I recommend that a condition is attached to any planning application requiring a secure fence to be erected no less than 15 metres away from the boundary of the woodland before works commence and that this should be maintained in situ for the duration of the works. The details of the fence construction should be agreed with the local planning authority. The distance of 15 metres accords with previous Planning Inquiry decisions about minimum buffer distances between development and ancient woodland. Potentially this may also create a suitable receptor area for the reptile translocation.

Other planning conditions are stated or implied in the ES. These include the need:

- For a bat mitigation statement to include additional monitoring surveys of bat roosts at Westlain Plantation immediately prior to works to determine if a bat licence is needed and during construction to ensure disturbance is avoided.
- To ensure topsoil stripping occurs outside the skylark breeding season (to ensure compliance with the Wildlife and Countryside Act 1981).
- To ensure a Biodiversity Management Plan is prepared (see ES para. 12.7.16)
- To define the number and type of bat boxes to be erected in Westlain Plantation.

Head of Sport and Leisure: Further to the invitation for comments on the above application which is a revision to the stadium permitted under ref BH2001/02418/FP, I would confirm the continued support from the Sport & Leisure Division of the proposals for a Community Stadium. The Community Stadium will provide a valuable resource not only with regard to elite sporting provision but also a range of other facilities which will be of great benefit to the wider community.

7 **PLANNING POLICIES**

Planning Policy Statements

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS6 – Planning for Town Centres

PPS7 – Sustainable Development in Rural Areas

PPS9 - Biodiversity and geological conservation
PPS10 – Planning for Sustainable Waste Management
PPS22 - Renewable energy
PPS23 – Planning and Pollution control
PPS25 – Development and flood risk

Planning Policy Guidance Notes

PPG4 – Industrial and Commercial Development and Small Firms;
PPG13 – Transport;
PPG15 – Planning and the Historic Environment;
PPG16 – Archaeology and Planning;
PPG17 – Planning for Open Space, Sport and Recreation;
PPG24 – Planning and Noise

Regional Planning Guidance for the South East

RPG9 – Regional Planning Guidance for the South East 2001
Q1 – Urban areas – prime focus for new development;
Q6 – Health, education and other social considerations and infrastructure requirements
Q7 – Multi purpose countryside
E1 – Nature Conservation, Landscape Quality and Cultural Importance
E2 – Biodiversity
E5 – Woodland habitats
E7 – Pollution control and air pollution;
RE1 – Regional Economy
RE2 – Job Opportunities
RE4 – Business and Sustainable Development
RE5 – Employment land resources;
RE7 – Support for PAERs (Priority Areas for Economic Regeneration) of which is Brighton and Hove;
RE11 – Tourism, Arts and Culture
H4 – Dwelling types and sizes and affordable housing;
H5 – Increasing housing development in urban areas;
T1 – Minimising the distance people need to travel;
T2 – Travel awareness and travel plans;
T3 – Parking standards;
T4 – Walking and cycling;
T5 – Public Transport
INF1 – Flood risk
INF4 – Energy conservation and renewable energy.

Draft South East Plan Core Document

CC1 – Sustainable Development
CC2 – Climate Change
CC3 – Resource Use
CC4 – Sustainable Construction
CC12 – Character of the Environment and Quality of Life
RE1 – Supporting Regionally Important Sectors and Clusters

C1b – The South Downs
C2 – Areas of Outstanding Natural Beauty
TSR3 – Regionally Significant Sports Facilities

East Sussex and Brighton and Hove Structure Plan 1991-2011

S1 – Twenty One Criteria for the 21st Century.
S5 – Definition of development boundaries
E14 – Academic Corridor
TR1 – Integrated Transport and Environment Strategy
TR3 – Accessibility TR16 – Parking standards for development.
SH5 – Outside Urban Areas
EN1 – Environment General
EN2 – AONB
EN3 – AONB
EN28 – Renewable Energy Generation.
LT1 – Leisure and Tourism
LT2 – Leisure and Tourism
LT11 – Sports Facilities and Activities
LT14 – Major Sporting Venues

Brighton and Hove Local Plan

TR1 – Development and the demand for travel
TR2 - Public transport accessibility and parking
TR4 – Travel Plans
TR5 – Sustainable transport corridors and bus priority measures
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
SU3 – Water resources and their quality
SU4 – Surface water run-off and flood risk
SU5 – Surface water and foul sewage disposal infrastructure
SU8 – Unstable land
SU9 – Pollution and nuisance control
SU10- Noise nuisance
SU13 – Minimisation and re-use of construction industry waste.
SU14 – Waste management
SU15 – Infrastructure
SU16 – Production of renewable energy
QD1 – Design – quality of development and design statements
QD2 – Design – key principles for neighbourhoods.
QD4 – Design – strategic impact.
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
QD19 – Greenways
QD25 – External lighting
QD26- Floodlighting
QD27 – Protection of amenity
QD28 – Planning obligations
HO8 – Retaining housing
HO19 – New community facilities
EM2 – Sites identified for high-tech and office uses
EM18 – University of Brighton
EM19 – University of Sussex
SR2 – New retail development beyond the edge of existing established shopping centres.
SR16 – Major sporting and recreational facilities
SR23 – Community Stadium
NC4 – Sites of Nature Conservation Importance and Regionally Important Geological Sites.
NC5 – Urban fringe
NC6 – Development in the countryside/downland
NC7 – Sussex Downs Area of Outstanding Natural Beauty
HE3 – Development affecting the setting of a listed building.
HE6 – Development within or affecting the setting of conservation areas.
HE11 – Historic parks and gardens
HE12– Scheduled ancient monuments and other important archaeological sites.

Supplementary Planning Documents

SPD 03 – Construction and Demolition Waste
SPD 06 - Trees and Development Sites
SPD 08 – Sustainable Building Design
SPD 09 – Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes

SPG BH4 – Parking Standards

8 CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states "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". In consideration of this application, the Secretary of State's decision in 2007 is a material consideration. The main considerations in this application are as follows:

- Principle of development
- Design and visual impact
- Increase in floorspace and footprint
- Partial change to the nature of ancillary uses within the stadium

- Traffic and transport
- Amenity
- Sustainability
- Ecology and Nature Conservation
- Other Issues

Principle of development

Policy SR23 of the adopted Local Plan proposes a new community stadium and sports hall on land adjoining Village Way North, together with sports science/sports medicine facilities linked to the University of Brighton. The Secretary of State granted permission for a new stadium seating 22,500 spectators in July 2007 (Application A) and therefore the principle of a stadium on this site has been established and accords with the adopted local plan. That consent is still extant. The land north of Village Way is outside the defined built up area boundary and is also excluded from the proposed South Downs National Park. The land south of Village Way is proposed to be in within the National Park. However the whole site is also within the Sussex Downs Area of Outstanding Natural Beauty which is subject of PPS7 and Policy NC7. The objective of these policies is to conserve and enhance the visual and landscape quality of the AONB. Development in the AONB should be demonstrated to be in the national interest for an exception to be made.

The Secretary of State's decision turned on the conclusion that there was considerable local need for the proposed development and that it would bring significant regeneration and economic benefits to one of the most deprived areas in the country, which she found to be in the national interest. The Secretary of State also concluded that there were no viable alternative sites for the proposed development which were acceptable in planning terms. She also took account of the mitigation measures proposed to minimise the harm caused to the Area of Outstanding Natural Beauty (AONB). These considerations amounted to exceptional circumstances for allowing a major development in a nationally designated area of countryside such as an AONB to meet the tests in Paragraph 22 of PPS7 (Sustainable Development in Rural Areas). Policy NC7 of the Local Plan has similar tests for allowing exceptions to policy as PPS7. All of the letters of support refer to the Secretary of State's permission as establishing the principle of a stadium in this location. None of the objections seek to resist the stadium on a matter of principle.

The Secretary of State re-opened the Public Inquiry into the previous stadium scheme to further examine alternative stadium sites. The outcome of this was the Secretary of State's decision that Falmer was the preferred site for the Community Stadium as there was no acceptable alternative. No review of alternative sites for the stadium is considered necessary as the proposed development only seeks visual alterations to the consented stadium development. The review of alternative sites was fully explored in the consideration of the extant permission and therefore not applicable to the revised proposal. No review of alternative sites for the land re-contouring is considered necessary as no other site can provide for the deposition of

arisings from the stadium excavation. The formal scoping opinions given by BHCC and LDC only required an assessment of alternative sites for the City College Bund Building (to be subject of a separate application).

Members are now being asked to consider a planning application which is confined to consideration of a revised design to the Community Stadium which the applicants refer to as a 'housekeeping application' together with proposals for the re-contouring of the land South of Village Way by infilling with chalk spoil from the excavations for the stadium. All of the off site infrastructure works described in the Site Description above have been granted consent and should be taken into account as part of the considerations of this application. Those works are intended to be implemented as approved together with this proposed revised Stadium if consent is granted. The provision of a Transport Interchange (Application B) adjacent to the Stadium would also be implemented. Works to widen Village Way granted consent by Applications C and D commenced in December 2008.

Like the approved scheme, the application has been accompanied by an Environmental Impact Assessment and a Transport Assessment which were requirements of Policy SR23. The EIA submitted with the current application updates the previous EIA but has considered the impact of the changes to the stadium from the approved scheme. The applicants have also submitted a Design and Access Statement which provides comparative plans and photo montages of the approved scheme and the revised application. A further requirement of policy SR23 was the submission of a business plan. This has been submitted to the Local Planning Authority but for reasons of commercial confidentiality, this will not be placed on the planning register.

Design and Visual Impact

The main changes to the design and appearance of the stadium affect the roof, the elevations and the north and south stands.

Policy QD1 requires new buildings to demonstrate a high standard of design and account should be taken of the scale and height of the development, architectural detailing, quality of materials, visual interest at street level and landscaping. Policy QD4 requires developments to take account of strategic views which include views across the Downs, into and out of conservation areas, the setting of listed buildings. In considering development proposals in the AONB, policy NC7 requires developments exceptionally allowed (i.e. in the national interest) to minimise the adverse effects on the AONB and to take account of the following: siting, scale, design, landscaping, colour and type of materials, screening, avoidance of noise and light pollution, integration of nature conservation features, improvement of public access, opportunities to reinstate or enhance the natural beauty of the area and wider landscape.

The applicants describe the stand facing the railway station as the North Stand with the South Stand facing Falmer Village, the West Stand facing the

University of Brighton and the East Stand facing the A27.

The height of the building will increase by 4m in the **South Stand** compared with the highest point of the bund that screened this stand. However the eaves level of the proposed roof will be similar in height to the face of the approved chalk bund at its lowest level which is 6 metres above ground level. In the context of the scale of the development, there is a marginal increase in the overall height of the stadium at this end. The elevation of the South Stand will be screened by the embankment opposite, the top of which is level with the eaves. It is considered therefore that in terms of the height and bulk of this stand, the changes will not have no additional impact in visual terms or on the nearest properties. The nearest dwellings to the South Stand in Falmer Village are some 240 metres away and the top of the stand would not be visible from the village. The South Stand would only become visible from the eastern end of Village Way however the elevation would be partially screened by the embankment and proposed tree planting. Therefore views to or from the Falmer Village conservation area are not affected. It should be noted that Lewes District Council has not objected to the changes to the design of the Stadium. The elevated view of the stadium from the south near Woodingdean would be affected by the proposed land raising due to the chalk raising. The effect would be to reduce the prominence of the stadium compared to the approved scheme hence the increase in height of the South Stand would be negligible.

The appearance of the South and North Stands would also be altered by the introduction of a metallic roof compared with the approved grass roof. The chalk bunds previously approved will be replaced with a white coloured rustic blockwork. This alteration has been highlighted by objectors as one of the main reasons for opposing the application. Planning Officers have viewed samples of the materials to replace the chalk gabions. The blockwork has a very rough texture and uneven profile and from medium and long distance views there would be little discernible difference in the appearance of the elevations between the proposed blockwork and the chalk faced gabions of the approved scheme. From close up the blockwork would have a natural appearance and is not considered to be detrimental to the appearance of the building or the vicinity and compares satisfactorily with the approved scheme.

The metallic roofs of the North and South Stands are much less dominant than the East and West Stands, being shallower and will blend harmoniously with the main roofs when viewed from medium and long distance views. The highest part of the roof to the **North Stand** will be 3 metres higher than the highest part of the previously approved bund. The elevation will be 14 metres above the concourse level. From close up at ground level, the metallic roofs will be unobtrusive due to their more modest height and shallow profile. The North Stand faces the railway and the A27 and would have no impact on any buildings, the nearest being dwellings adjacent to Falmer Railway Station a hundred metres away. There are no University buildings facing the North Stand. The Conservation and Design Manager does not consider that the

proposed metal roofs will impact on distant views of the stadium.

The **East Stand** will increase in height with the top of the arch 4 metres higher at datum level 109.4 metres and the eaves level of the roof would be 3 metres higher at datum level 97.9 metres. The increase in the height of the arch will be off set by the set back of almost 20 metres from the eaves. As with the approved scheme this stand will be screened by an embankment with landscaping above which will be 12 metres above the concourse level almost level with the top floor of the City College accommodation. This stand is mainly viewed from the A27 but the effect of the embankment will be that views of the roof and arch will be seen which is similar to the approved scheme.

The **West Stand** arch will not increase in height and would still be at datum level 119 metres but again the set back of the arch from the eaves, in this case 32 metres, would reduce its impact compared with the approved scheme. This may have a marginal benefit for the nearest University buildings although from close up the arch would have been viewed obliquely. The nearest University building is the reception/security building which has limited windows which do not face directly onto the West Stand. The nearest teaching building is Bevendean House which would be 40 metres away. The eaves level of the roof is also unchanged as is the height of the elevation of the accommodation under the stand although the upper floors are not set back as previously but there will be no difference in the impact on Bevendean House from the approved scheme. It should be noted that no comments or objections have been received from the University of Brighton to the revised design of the stadium. The additional accommodation within the West Stand has been achieved without increasing the height of the stand or the roof by excavating a further 2 metres down compared with the approved scheme.

The elevations of the East and West Stands will be modified in appearance. Although the proposed materials of metal cladding and glazed curtain walling will not be changed from the approved scheme, there will be a reduction in the main central glazing element. In order to improve the acoustic performance of the stadium and reduce the noise heard outside, it has also been necessary to replace the 'sails' which screened views of the pitch and replace them with grey blockwork in the corners of the stands.

It is considered that the proposed materials are of sufficient quality and are appropriate for a modern stadium design. Objectors including the South Downs Joint Committee and the South Downs Society have raised concerns about the loss of the grass bunds. The applicants have submitted a document which seeks to justify and explain the removal of the bunds which has come about due to the fact that behind the North and South Stands. These would be functioning buildings whereas under the approved scheme, the roof of the stands merged into the grass bunds and into the surrounding landscape. The elevations now feature windows and entrances and a grass roof would not achieve the same visual effect of merging the stands into the landscape. The

grass roofs might appear as isolated features which would not sit comfortably with the modern design and modern materials. It is considered that the modifications have been carried out in a manner that attempts to minimise their impact, takes account of their surroundings, together with the proposed landscaping and use of good quality materials would comply with policy QD1.

The Environmental Assessment considers the potential significant landscape and visual effects of the revised stadium proposal. The study area for the assessment was approximately 2 km based upon locations from where the stadium would be visible. The assessment assumes that the permitted stadium has been built and considers the impact of the changes. The Public Inquiry into the approved scheme considered 10 viewing points. This has been reduced to 4 medium to close viewing points for this assessment since the changes would not be significant from long distance views. Three additional viewing points were considered to take account of the re-contouring south of Village Way. The 4 established views are from Stanmer Park, the north side of the A27, the east end of Village Way and the public footpath on Falmer Hill to the south. The additional views were from the public footpath at the southern and northern ends of Westlain Plantation and the field north of Village Way looking south. The Conservation and Design Manager has found the ES to be helpful and robust and he generally agrees with its content. The letters of support all refer to the iconic design of the stadium which they consider to have been retained in the revised design.

The changes to the stadium within the context of the wider landscape would not be significant since there is only a modest increase in the footprint and modest increases in the overall height of the East Stand and the changes to the North and South stands. The Conservation and Design Manager has recommended that additional planting be carried out as the photomontages appear to illustrate that the North Stand would appear to more visible in longer views than under the approved scheme. This should be taken into account as part of the landscaping scheme that will be required as a condition of any consent. In terms of the topography and impact on the skyline, when viewed from the previously agreed medium and long distance viewing points from Stanmer Park and the Downs the changes would not make a significant difference in the overall impact on the visual landscape as to raise concerns. The grass bunds which have been removed from the scheme were lower than the main roof of the North and South Stands and would not have been as conspicuous in long views as the roofs of the stands. The Stadium will be seen from elevated positions in Stanmer Park in the context of both University campuses on either side of the A27, including a large new building currently under construction now at the University of Brighton and the large student accommodation building built alongside the A27 since the Inquiry. Seen in this context, the amendments to the design are not considered to be significant nor would they have a harmful impact on the landscape setting or the setting of Stanmer Park thus according with policy HE11`. The overall maximum height of the stadium (to the West Stand) will not change. The elevation of the North Stand would not be visible from road level in Stanmer Park due to the

treeline hence only the roof and the arch would impact on the landscape. The arch will however be smaller and set back thus reducing its impact on the landscape. Viewed from Falmer Hill, only the West Stand will be visible and changes will also reduce its impact again due to the less prominent arch and the elevations will be screened more as a result of the re-contouring with chalk spoil. The belt of trees and bushes planted on the south side of Village Way approved as part of the widening of the road will also provide additional screening for the stadium as viewed from Falmer Hill. Thus the loss of the grass bunds would only be apparent from short distance views at the eastern entrance to Village Way and approaching on foot from Falmer Station. It is considered therefore that in comparison to the approved scheme, the revisions will maintain an acceptable quality of design that will preserve the strategic views considered to be important in accordance with policy QD4.

As with the approved scheme, the revised proposal would clearly impact on the AONB and its setting, it is considered that overall the changes would not in comparison to the approved scheme have any further harmful impact on the setting of the AONB and would accord with relevant policies. The changes in the height of the stands are not significant in proportion to the overall height of the stands and in the context of the wider landscape would not be discernable. Similarly, the changes in materials will only be apparent from medium and long views under the most careful scrutiny. The applicants have sought to minimise the impact of the changes in accordance with policy NC7 and PPS7 by careful consideration of materials, profiles of the roofs to the North and South Stands as well additional bunding and profiling of land around the stands particularly the East Stand. The chalk spreading on Village Way South and the landscaping along Village Way will also minimise the impact of the stadium on longer views.

The land to be re-contoured is part of the open downland setting to the south of the Universities and Falmer Village. Views of the affected land are available from the public footpath running east to west approximately 600m to the south of the land to be re-contoured and a footpath that runs north to south along the west side of the field at its boundary with the Westlain Plantation. The east side of the field is adjacent to Drove Road (Falmer-Woodingdean Road) although the land contouring will not extend as far as the road. Views from the road are partially blocked by the mature hedgerow running alongside the road. Village Way lies directly to the north of the land to be re-contoured and provides by far the clearest views of the site.

Longer views of the site are available predominantly from the north from Sussex University and the beyond with a partial view of the site being available from Stanmer Park. Views of the field from the north and Stanmer Park are to a large degree obscured by the existing university buildings and existing trees. While some of these trees will be removed as part of the stadium development, the erection of the stadium will provide substantial screening of this part of the site when viewed from the north.

Long views of the land from the south are not available as Falmer Hill blocks any views. From the west, Westlaine and University of Brighton buildings block long views and from the east the field boundary and local topography limit long views considerably. No views of the land to be reprofiled are available from the centre of Falmer Village adjacent to the pond.

The proposed reprofiling is to be carried out in the lowest part of the field and would therefore cause the minimum of visual impact to the surrounding downland. The proposed landform is sympathetic to the natural contours of the South Downs that surround the site and the final landform would not have an “artificial” appearance once the restoration is complete.

The short term visual effects would be significant as the stripping of topsoil, filling of material and creation of 3m high stockpiles of material would be clearly visible from outside of the site including long views from the AONB. This short term visual intrusion would however, be viewed as part of the wider stadium works and would also be set against the partially urbanised backdrop/foreground of the University campuses and the A27 Trunk Road.

While the short term visual impacts will be prominent when viewed from the surrounding AONB, this will be temporary and will be set against the backdrop of the overall stadium development. In the long term, the visual impact will be negligible and the gently rolling contours of the surrounding South Downs will be maintained by the finished scheme.

For the reasons above, the visual impact of the re-contouring is considered to be acceptable and would not be unduly prominent or harmful to the views in or out of the AONB.

The E.S. found that there will be no significant cumulative effects from the proposed developments and other notable developments in the Brighton and Hove area which are currently under consideration for development. At operational year 15 it is anticipated that there will be no significant residual adverse effects to any of the landscape or visual receptors as a result of the proposed developments through sensitive design and appropriate landscaping measures.

Increase in floorspace and footprint of the stadium

The increase in the footprint of the stadium over the approved scheme is from 29,000 to 30,750 sq m. This represents an increase of 6%. The effect of this marginal increase in the footprint would not impact on adjoining buildings or the environment as identified previously in this report.

Club Shop

The club shop will increase in size from 200 to 370 sq m. Policy SR2 requires that retail proposals outside existing shopping centres should meet the requirements of policy SR1 as well as that the site should be allocated in the local plan for retail. The site is not allocated in the local plan and therefore the

applicant should demonstrate the need for the development under Policy SR2. The size of the retail unit is modest however and given the specialist nature of the retail sales and the ancillary nature of the retail unit, the proposal does not raise any policy issues and would have no impact on existing retail centres since most visits to the shop would be linked to match day journeys. This was a view also taken by the Secretary of State in 2007. There is a need for the shop as it would be the only specialist outlet for sales of the club's merchandise and would be an important part of the club's income generation and the viability of the club.

Club Offices

The club offices will increase from 200sqm to 936 sqm compared to the approved scheme but still constitutes an ancillary part of the proposal. This would seem to be a reasonable quantity of office space required to support all of the club's administration including its education programme. There are no policy issues raised by the increase in floorspace and no comments have been received from consultees on this aspect of the proposal.

Hospitality Suites

The floor area of the hospitality suites in the West Stand will increase significantly in the revised proposal from 1429 to 4418 sq m. There are no policy concerns relating to the principle of additional hospitality floorspace. The plans indicate that this will increase the capacity of the hospitality areas to 2846 people from 1040. The Transport Assessment submitted to the inquiry stated that the main function suites could accommodate 620 people so there is an inconsistency in information. This would not have any significant impact on match days as the overall capacity of the stadium remains at 22,500 people. There would however be implications mainly for transport on non-match days and evenings which are addressed later in the transport section. The hospitality suites will also be capable of serving a dual function as teaching facilities for the club's community work. Policy HO19 permits community facilities that are accessible to all members of the community including demonstrable benefits to people from socially excluded groups and the provision of suitable childcare and toilet facilities. There should be no unacceptable impact on residential amenities or the surrounding area and the location should be accessible by all means of transport and include adequate parking. There are no concerns about amenity issues in the daytime. This is a busy location with University activities taking place including ancillary conferences. Concerns about evening noise and disturbance from events would be controlled by condition limiting late night events to end at midnight (Mon – Sat) and 11pm (Sundays) as was the case with the extant consent. There is also a condition related to sound attenuation in respect of the conference and function suites to ensure that noise is not audible at the nearest properties.

Partial change to the nature of ancillary uses within the stadium

City College

The approved scheme would have provided 3087 sq m of B1 office space

(including club offices) and 1029 sq m of teaching space for the club's community education programme. The proposed scheme now entails City College taking 2000 sq m of floorspace within the Stadium which exceeds the amount of B1 floorspace removed from the proposal. This would be separate from the club's educational programme.

City College wish to use the East Stand to deliver a number of courses including, key skills, leisure, travel and tourism, sport and sport development, information and communication technology, preparation for life and work and arts, media and journalism. The college facility will enable more courses to be delivered and will result in more qualifications awarded. During the construction stage, an agreement with the contractor will ensure that Work Based Learning opportunities for Trainees and Apprentices in the construction industry will be available for two years.

The College would be capable of accommodating 130 students together with 28 members of staff within the East Stand. Policy SR23 does not actually require any B1 business floorspace to be provided on the site although the Local Plan has a fall back position that if the stadium did not get built, the site could be allocated for high tech University related employment use. Nonetheless a consideration of the loss of potential employment space should take place. Policy EM3 seeks to retain employment floorspace or land allocated for such use in the Local Plan. The policy states that preference will be given to alternative business uses followed by uses that meet the Council's key priorities as set out in the local plan. One of the key objectives of the Local Plan is 'supporting the local economy and getting people into work'. One of the aims of the plan is to ensure that a workforce capable of doing the jobs is created and to achieve this aim, one of the objectives is to improve the skills level of the local workforce. There is therefore a critical link between education and improving the employment opportunities for the population thus improving the competitiveness of the local economy. The proposed change of use to City College is also supported by policy HO19 which permits community uses including schools where the design is accessible to all members of the community and benefits socially excluded groups and there is no unacceptable impact on residential amenities or surrounding areas. The location should be readily accessible by walking, cycling and public transport. And there should be adequate car and cycle parking. It is considered that the proposal meets all of these criteria. The site and building will be fully accessible and its location close to the built up part of Moulsecoomb and Bevendean ward (which suffers from high levels of social and economic deprivation) will improve accessibility to education for their populations. It is considered therefore that the introduction of education use within the stadium would be in the national interest and would probably be more likely to benefit the population of Moulsecoomb and Bevendean than general B1 offices by providing greater opportunities for further education and enhanced employment opportunities. The application is supported by the Council's Economic Development Officer for these reasons and it is notable that SEEDA supports this revised application and refers to one of the Regional

Economic Strategy's priorities of "*raising of educational attainment and aspirations including improving access to higher and further education*".

Therefore, it is still considered that the proposal would deliver a development which was in the national interest thus meeting the exception tests in PPS7 as outlined at the beginning of the considerations in this report.

The findings of the E.S. were that the proposed developments are considered to be well placed to provide a regenerative benefit in the deprived ward of Moulescoomb and Bevendean. The improvements that will result from the Proposed Developments will have a positive beneficial effect on the local population and community, the effects of these will be permanent during the operation of the Proposed Development.

No mitigation measures will be necessary as a result of the Proposed Developments, as all effects will be positive and beneficial as confirmed by the Economic Development Manager and the support of SEEDA.

Sports Facilities

The approved scheme would have provided indoor sports facilities which would have been for the University. However, the University has now included in its development strategy the provision of a purpose built 4 court sports hall on its campus. A planning application for this development has been submitted and is under consideration. The new sports hall would be an improved specification to what could practically have been provided within the stadium.

The crèche that was proposed under the approved scheme cannot be provided as there was a requirement to provide outdoor recreation space which was found to be impractical for a development of this type. The sports science facilities were intended for the benefit of the University of Brighton but are no longer required as they have been provided at their Eastbourne campus.

Traffic and transport

The objectives of PPG13 and policy TR1 seek to reduce reliance on the car and promote more sustainable forms of transport. The main concern with the increase in the floorspace and capacity of the hospitality suites would be the potential for the increase in car journeys and the demand for parking on site. The approved scheme provided a 150 space car park for staff and players and the Planning Statement says in para 5.38 that "No further car parking is proposed in this amended scheme to the 150 spaces approved under the extant consent." However para 2.3.7 of the Transport Assessment now indicates that "at non-event day times, restricted parking will be provided for users of the principal stadium building on the concourse surrounding the stadium." This would include conferences. The Council's Head of Transport Strategy and Projects has queried the estimated proportion of delegates who would travel by car (23%) and considers that this figure is relatively low.

It is not inconceivable that the club would allow some parking around the concourse for evening events in the hospitality suites although the Transport Assessment submitted to the Inquiry stated that the concourse would be used during in-house skills or training courses “and will not result in any dedicated traffic attractions”. The Traffic Attractions predicted as evidence were that there would be 81 arrivals and 3 departures in the weekday morning peak and 44 arrivals and 72 departures in the afternoon peak. The Secretary of State may have considered this to be acceptable and did not apply any conditions relating to parking for conferences and did not seek to restrict parking on the concourse. Objectors amongst them, Falmer Parish Council, have raised the issue of the significant increase in conference facilities.

Condition 46 of the extant consent requires a Travel Management Plan to be submitted and approved by the Council which comes into effect but only when there is an *event* with more than 500 people attending. The useable area of the concourse would be 10,450 sq metres which could accommodate many parked cars. The applicants have been asked in writing to confirm how many cars could be parked on it and have estimated about 520 cars. PPG13 Annex D states that the maximum parking standards for conference facilities is 1 parking space per 5 seats. The applicants have been requested twice in writing to clarify and confirm how many delegates could be accommodated in the conference and banqueting facilities. The Design and Access Statement refers to 2846 persons whilst the plans indicate 2510 can be accommodated buffet style and 1905 dining for functions. In written replies, they have not confirmed the delegate capacity but did refer to the Inquiry evidence outlined above and have also referred to Condition 46 which would control parking in their opinion. The assumption must be that the plans are accurate. The applicants have agreed to amend extant Condition 46 so that it applies to non-event days such as conferences or banquets as well as amending extant Condition 44 which requires a Green Travel Plan. The amendment would ensure that the Green Travel Plan applied to *users* of the stadium and not just the occupiers.

However, there is a potential for a significantly greater number of people to attend functions and conferences in motor vehicles than was ever envisaged or indeed predicted by the applicants in their own evidence. Condition 46 means that events of 499 people and less would be uncontrolled and there would be no requirement to implement the Travel Management Plan. There is a further concern raised by the possibility of over 500 cars arriving and departing the stadium for an evening event that they could cause noise and disturbance (particularly late at night) to nearby residents of Falmer at the junction of Village Way and the B2123 (The Drove). This was not considered specifically by the Inquiry but the Inquiry did consider the principle of avoiding noise and disturbance and loss of amenity to the residents of Falmer caused by the arrival of large crowds and traffic generation. It was for these reasons that large amounts of parking on site (including on the University of Brighton Falmer campus) were avoided and car parks at Sussex University and Falmer High School would be used instead.

In view of the concerns and limited controls under the extant permission, it is considered to be necessary to amend Condition 46 (now No.43) so that the Travel Management Plan applied to an event or events of 250 or more. This would enable the Local Planning Authority to exert greater control than before over sizeable events and would be even more consistent with PPG13 and policy TR1 by seeking to minimise car journeys and would minimise noise and disturbance to nearby residents and occupiers of other buildings in conformity with policy QD27. This approach is supported by the Council's Transport Manager.

It is considered that the vast majority of the City College students would travel to the stadium by public transport, walking and cycling. A survey of existing City College students revealed that only 5% travelled by car but this figure may be influenced by the town centre locations of the College's buildings.

It has been made clear by the applicants that staff and students will not be permitted to travel to the College by car since there will be no parking available except for blue and orange badge holders. This will be enforced by a rigorous travel management plan according to the applicants Transport Assessment in support of the application. This will need to be incorporated into the Travel Management Plan which should include measures to prevent car parking in and around the vicinity of the stadium. Condition 46 will also need to be amended to take account of College related parking.

Other findings of the E.S relating to transport are that the main advantage of depositing the spoil onto the field and the re-contouring of the land, is the reduction in HGV mileage and vehicle movements through Falmer which would result. It was estimated that for the approved stadium development, removing the spoil from the construction site to a disposal site some 30km away (as was forecast), would generate 12,500 HGV movements travelling over 807,000 km. The depositing of spoil on the land to the south of Village Way would result in a net reduction of 960 off-site HGV movements per week for the 26 week extraction period (Source: Savell Bird Axon Transport Assessment). This accords with the "proximity principle" for waste minimisation which is identified as one of the key principles for waste planning in the East Sussex and Brighton & Hove Waste Local Plan.

While the reduction in vehicle movements would have significant benefits to the environment and amenity of Falmer Village and the wider Highway network, it is acknowledged that the chalk re-profiling operation would have some potential for noise and dust generation that will need to be controlled and monitored through the CEMP that is a requirement of the S106.

Re-contouring offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project.

Amenity

During the operation of the Proposed Developments, effects from vehicle movements are anticipated to have little or no material impact (as noted in the Transport Assessment, Ref 4.1). In addition, the materials being installed in the four corners of the Community Stadium and along the underside of the roof on the east and west elevations will result in an improvement in the overall sound insulation of the Community Stadium. Therefore there will be no adverse effects in terms of noise and vibration.

The main contractor will approach BHCC and LDC with a view to making an application for prior consent under Section 61 of the Control of Pollution Act, and this will form part of the CEMP. If this can be agreed, it provides a clear framework of limits which usually includes terms of working hours, maximum noise and vibration levels.

A Construction Environmental Management Plan (CEMP) will also be prepared to cover all Section 61 and other noise issues along with measures designed to minimise other potential environmental effects from noise and vibration. For example, a requirement that all operating plant and equipment will be provided with effective silencers and operated according to the manufacturer's recommendation, so as to avoid causing excessive noise of exhaust emission.

Residual effects during construction of the Proposed Developments will result in noise levels lower than the recommended noise limits and therefore, the residual effects will be of low adverse effect.

Machinery will operate on the site during the re-contouring process. This will not be an especially noisy process, particularly when considered against the background noise levels of the Stadium construction, existing noise generators such as the A27, railway and university campuses. The Construction Environment Management Plan (CEMP) required by the legal agreement (S106) will include restrictions on the re-contouring operation to ensure that the hours of working and machinery used are acceptable in terms of noise generation.

Depending on the local weather conditions, there may be some dust arising from the re-contouring operation. Measures to suppress and control dust will be agreed in advance through the CEMP and will be monitored accordingly.

Consideration has been given to the extant consent for removal of spoil and chalk by road via Village Way which, in itself, could potentially have dust and noise implications on Falmer Village. The removal of this potential source of dust and noise is welcomed.

The mitigation of any negative impacts can be minimised through controls on the hours of operation, measures to ensure dust control (such as damping down of dry materials) and other good practice by the contractors. In order to ensure that these mitigation measures are carried out to an acceptable level,

it is recommended that the Construction Environment Management Plan (CEMP) required by the S106 sets out sufficient measures to mitigate against noise, dust and vibration that can be enforced and monitored by the City Council.

Subject to this CEMP, it is considered that the impacts of the development phase of the re-contouring proposal would be acceptable. The benefits of reduction in vehicle movements and improvement in soil quality outweighs any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and the S106 obligation.

The impacts of noise and dust can be controlled through the CEMP and will not have an unacceptable impact on the living conditions of the occupiers of residential properties in the locality.

A condition is recommended to secure compliance with the submitted Soil Handling and Agricultural Land Restoration method statement to secure future soil quality and protect views across the site.

Sustainability

Central Government guidance contained in PPS1 states that sustainability is at the heart of planning, and Local Plan Policy (SU2) encourages developments to be sustainable and to demonstrate a high standard of efficiency in the use of energy, water and materials.

Applications for planning permission should include information to demonstrate that this has been satisfactorily considered. Due regard must be had to the Council's Supplementary Planning Document "Sustainable Building Design" SPD08, which lists specific topics and areas that should be addressed by applicants and makes recommendations for the sustainability measures that should be incorporated in developments.

The application is accompanied by a bespoke Building Research Establishment Environmental Assessment Method (BREEAM) assessment which demonstrates that the proposed stadium would achieve a score of "very good" overall.

The BREEAM assessment scores 61.1% for energy use and 62.5% for water use. The Building Research Establishment has confirmed that no other stadium has achieved such a high rating. Notwithstanding this, the recommendations of SPD08 are that 70% should be achieved in the two categories mentioned above and that an overall score of "excellent" should be sought.

In addition to the recommended BREEAM scores above, SPD08 also requires that applications of this nature (Non-residential major schemes on greenfield sites) should:

- achieve zero net CO2 from energy use
- minimise the “urban heat island effect” through the provision of green walls, roofs or via a contribution towards off site tree planting
- developers should sign up to the Considerate Constructors Scheme
- a feasibility study on rainwater harvesting and greywater recycling should be submitted with the application.

The application does not reach the recommended standards for sustainability as set out in SPD08. The applicants have not provided detailed information which investigates why the recommended standards cannot be achieved.

There has been one objection to the development based upon its impact on CO2 production but supporters have referred to the benefits of the reduction in lorry journeys by the deposition of chalk spoil on site.

This gap in information is in part a result of the SPD being adopted for development control purposes very shortly before the submission of the application and therefore not being the subject of any pre-application discussions with the Council.

Policy SU2 sets out criteria against which development will be assessed. In addressing these criteria the club has provided some information as follows:

a. measures that seek to reduce fuel use and CO2 emissions. The applicant has specified a number of features such as high efficiency boilers for space heating and domestic hot water generation and a centralised building energy management system. No indication has been given that the building’s fabric will be improved beyond current building regulations standards to improve the efficiency of the building.

b. the incorporation / use or the facilitation of the use, of renewable energy resources. It is suggested by the applicant that the major ventilation systems will have heat recovery systems as recommended by the Carbon Trust. Photovoltaics have been discounted as a potential energy resource and no consideration has been given to other renewable energy resources such as CHP, biomass, ground source heat pumps, wind or solar water heating.

c. measures that seek to reduce water consumption. The stadium will benefit from a major leak detection system as well as automatic shutoffs for groups of toilets and local water meters with a pulsed output. This is considered satisfactory.

d. measures that enable the development to use greywater and rainwater; The applicants state that rainwater harvesting for pitch watering and toilet flushing is not appropriate due to the irregular high demands for water and storage problems. It is considered that a feasibility study should be prepared for rainwater harvesting and grey water recycling to cover the whole site including the offices, hospitality and education areas.

e. the use of materials and methods to minimise overall energy and / or raw material inputs. The revised design of the stadium would save 16,000 kg of steel compared to the extant scheme. The depositing of chalk spoil on land to the south of Village Way would reduce HGV movements by 22,000 and would represent significant savings in terms of fuel and resources. However the scheme only scores 37.5% in the Materials and Waste section of the BREEAM assessment.

The application makes no provision to separate waste and compostable materials and does not show where composting of material would take place on site. Nor does the application demonstrate how natural light and ventilation will be maximised to the substantial internal areas, or make any assessment of the overall energy demand for heat and power for the stadium or how this could be met or partially met by renewable technologies.

Summary of Sustainability Considerations

The type of building proposed by this development is unusual and in many respects unique, for this reason it is accepted to a certain degree that it may be more difficult to “design in” sustainability features into a stadium than it would be for a residential or office block development. It is also noteworthy that the proposed development, when compared to other stadia, demonstrates a high level of sustainability as measured by BREEAM.

Notwithstanding this, the advice received from the Sustainability Team indicates that the sustainability of the development could be improved in some areas. For this reason the recommendation is that the Local Planning Authority continue to work with the applicant to test where improvements can be made to overall performance in this respect. This can be achieved through securing additional requirements in the amendments to the S106.

It is therefore recommended that it is a requirement of the revised S106 that further feasibility studies and details of sustainability measures are submitted to and agreed with the council and implemented thereafter.

Ecology and Nature Conservation

It is anticipated that there will be no significant operational effects on designated sites within the surrounding area as a result of the Proposed Developments. Although there is the potential for a small increase in disturbance, damage to vegetation and littering in Westlain Plantation/Hog Plantation SNCI, it should be noted that this woodland is already well-used by University of Brighton students and/or staff, that there is evidence of fires and litter in places, and, therefore, any additional effect is considered not significant. It is considered that there will be no additional effects to reptiles, birds, badgers and habitats during the operation of the Proposed Developments as there will be no further work and habitats temporarily disturbed during construction will have returned to their original use. It is unlikely that there will be any additional effects to bats, as these effects have already been considered in the Community Stadium 2001 ES. Investigations

will be carried out into the presence of bats prior to demolition of existing buildings and Natural England have confirmed the need for a European Protected Species licence before buildings can be demolished.

It is anticipated that there will be no significant residual adverse effects on any of the ecological receptors as a result of the Proposed Developments. However, mitigation and compensation measures may increase the potential of biodiversity within land surrounding the Application Sites. The provision of a Biodiversity Management Plan will ensure that habitats within the Application Sites will be managed to benefit nature conservation in the longer-term and that the effectiveness of the mitigation is monitored. Such measures may result in positive effects.

Other Issues

Air Quality

The findings of the E.S.were that the primary source of air pollution resulting from the operation of the Proposed Developments will arise from exhaust emissions of road traffic associated with the operational activities and events. However, it is not considered that that there will be any significant changes from the operational activities of the Proposed Developments as assessed in the Community Stadium ES (2001) for the extant planning permission subject to the implementation of a Travel Management Plan subject of a condition of this consent. Consequently it is considered that the Proposed Developments will have a negligible significant effect on local quality.

Due to the extant planning permission for the Community Stadium, a dust control plan will be required and submitted to the Local Planning Authority (LPA) prior to the commencement of works. It is recommended that this dust control plan incorporate the Proposed Developments. A code of construction practice should be produced in line with the Considerate Contractor's Scheme (CCS) and 'best practice' measures should also be implemented. A nominated member of the construction team (e.g. Site Manager) will also act as a point of contact for residents who may be concerned about elevated deposition of dust.

Effects on receptors within 200m of the Application Sites and along the surrounding road network can be eliminated through the implementation of mitigation measures as outlined above and therefore residual effects from construction on local dust levels will not be significant.

Archaeology

The objectives of PPG16 and policy HE12 are to ensure that a staged approach to the consideration of archaeological remains is carried out in order to preserve features of historic significance. The extant consent required an investigation to be carried out prior to the commencement of development. At the timing of writing this report, on site investigations are currently being carried out as required by conditions of the extant scheme under the supervision of the County Archaeologist and are almost complete. It is

anticipated by the applicant that the archaeological investigations will be complete in January 2009. The County Archaeologist has been satisfied with the extent of the investigations and it is anticipated that the works and final reports will be signed off by him. County Archeologist has raised no concerns about the ES.

Water Quality

The findings of the E.S. are that there will be no additional effects from the operation of the Stadium Changes element of the application, as outlined in the Community Stadium ES 2001. The Proposed Re-contouring will also have no additional effects on the water environment during the operational phase.

No objection to findings of the ES has been received from Southern Water, Environment Agency or Environmental Health. This section of the E.S. is therefore considered to be robust.

A CEMP will be prepared for the Proposed Developments to ensure best practice is adhered to during the construction phase. Mitigation cannot prevent accidental spillages during the construction works, but measures will be included in the CEMP to minimise their effect and therefore the potential impact remains low.

Soil, Geology and contamination

The effect of the re-contouring would be to lessen the gradient of the steepest parts of the field and to increase the depth (and therefore quality) of the topsoil. This reduction in gradient would improve the agricultural land grading by reducing the angle of slope to 7 degrees or less across the field. It would also reduce the natural rate of run off thereby improving water retention in the soil and reducing the potential for flash flooding in extreme rainfall. The increased topsoil depth would improve the quality and productivity of the soil in this part of the field.

The benefits of reduction in vehicle movements and improvement in soil quality outweigh any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and the S106 obligation.

This part of the proposal is therefore in accordance with PPS7 (Sustainable Development in Rural Areas) Structure Plan Policies EN2 and EN3 and Local Plan Policies QD4, QD15, NC3 and NC5, NC6 and NC7.

The proposed land re-contouring is in accordance with national and local planning policies and there are no material considerations which indicate that planning permission should not be granted for this part of the scheme.

The findings of the E.S. were that there will be no cumulative effects on groundwater or source protection zones from other developments to the Proposed Developments. Due to the potential for unknown contaminants to

be present at the Application Sites, measures should be implemented to manage construction activities to minimise the release of contaminants which may be found during construction. The measures will be implemented through a CEMP. The CEMP will provide a management framework for construction activities to reduce the risk of adverse effects of construction on sensitive environmental resources and minimise disturbance to local residents. Environmental Health have confirmed that E.S. findings are sound in respect of soil, geology and contamination.

The implementation of management controls and a CEMP will further reduce the potential for contamination and therefore it is considered that there are no residual significant effects.

Waste Minimisation

PPS10, The Waste Local Plan and policies SU13 and SU14 of the Local Plan have the objective of seeking to minimise waste production and reduce the amount of waste disposed of to land.

The findings of the E.S. are that the effects arising during the operation of the proposed developments are considered to be associated with waste generated from visitors to the Proposed Developments; this considers match days and non-match days. A report was released in May 2008 outlining mechanisms for waste segregation, introducing a closed loop recycling system at the Application Sites and using packaging materials made from recycled and reused materials. This was commissioned in order to reduce the amount of waste transferred to landfill, and minimise waste disposal costs and its carbon footprint. Therefore, there will be no increase in the waste streams originally assessed for the Community Stadium in the 2001 ES. One objection was received concerned with additional waste from the revised proposal. The Planning Strategy team has confirmed that the content in terms of waste is acceptable however. On non-match days, waste will be similar to those outlined in the extant planning permission, except for small changes associated with the Stadium Changes element of the application. These are likely to include general domestic type wastes from general classroom areas, public areas and canteen; bricks, sand, cement, plumbing materials, wood, electrical and metal waste used in educational courses.

There is a legislative requirement to prepare a Site Waste Management Plan (SWMP), which intends to minimise deposit of construction and demolition waste. It will also be used to identify opportunities to reuse arisings rather than sending them to landfill.

A CEMP will also be required for the construction of the Proposed Developments; measures detailed within this plan will include the instigation of good site working practices, reduction of spoiling construction materials and the risks from waste generation, storage and handling. In addition, a number of good practice bench marking indicators should be used to ensure good practice of construction waste and its management.

Potential effects as a result of the Proposed Developments, in the majority of cases, are of low adverse significance. However, the use of spoil in the Proposed Re-contouring is considered of beneficial significance, as the volume of material originally proposed for disposal at an off site location will no longer be required and therefore this waste stream is cut. Management procedures will not lessen the volume of waste procedures (this may be achieved through the SWMP) but will manage the further potential risks occurring as a result of the Proposed Developments.

Public Art

Policy QD6 seeks the provision of public art in major development schemes or a contribution towards art. The extant consent secured a contribution of £50,000 by the S.106 obligation. The Public Art officer has sought an increase in this amount commensurate with the increase in floorspace over the extant scheme. The applicants have agreed to contribute £75,000 which will be secured by a deed of variation to the S.106 obligation. This is considered to be acceptable and complied with policy.

9 CONCLUSIONS

The Secretary of State granted permission for a new stadium seating 22,500 spectators in July 2007 and therefore the principle of a stadium on this site has been established and accords with the adopted local plan. That consent is still extant. Policy SR23 of the adopted Local Plan proposes a new community stadium and sports hall on land adjoining Village Way North, together with sports science/sports medicine facilities linked to the University of Brighton.

The modifications to the stadium and the proposal to re-contour Village Way south with chalk spoil have been considered against the development plan as well as national and regional planning guidance. The modifications to the design are considered to be acceptable and in some aspects improve the spectating and accessibility of the stadium. The changes to some of the materials particularly the removal of the grass bunds are not considered to cause significant harm to the overall design of the stadium and in long views would not have a harmful impact on the landscape of the AONB in comparison with the approved scheme thus according with policies QD1 and QD4. The changes to the height of some of the stands will not have a significant impact on the overall appearance of the stadium nor its impact on the landscape. The changes in the design of the arch whilst altering the appearance of the stadium will make less of an architectural statement however the more slender steel tubes and the set back from the West and East Stands will reduce their impact on the landscape in medium to long views. The modifications to the design are therefore considered to be acceptable and accord with policies QD1 and QD4.

The changes in the use of some of the internal floorspace have been considered against relevant policies. The most significant change from B1 offices to education for City College is considered to be consistent with the

objectives of increasing both opportunities for further education and qualifications which will enhance the employment opportunities and skills of the City's population. The presence of City College close to one of the most deprived wards in the City arguably creates more opportunities for its population than general B1 offices in which job opportunities may have been limited. The other main significant change will be the increase in conferencing and banqueting facilities. Whilst this will enhance the role of the stadium as a community facility, enhancing the City's conference and banqueting facilities and contribute towards it being a 7 day a week operation, there are concerns about traffic generation and parking. It is considered however that the existing conditions with some amendments will ensure that the non-match day activities are conducted without generating unsustainable transport movements in accordance with policy TR1 and PPG13.

Re-contouring land south of Village Way offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project. The proposed re-profiling is to be carried out in the lowest part of the field and would therefore cause the minimum of visual impact to the surrounding downland. The proposed landform is sympathetic to the variety of natural contours of the South Downs that surround the site and the final landform would not have an "artificial" appearance once the restoration is complete.

The Environmental Statement (ES) has been submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The E.S. and the findings contained therein are considered to be sound and there are no unacceptable environmental impacts from the proposed development identified. This is subject to compliance with the mitigation measures set out in the E.S., the conditions recommended to be imposed on the grant of consent and the requirements of the S106 agreement.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal complies with policy SR23 of the adopted local plan which proposes a Community Stadium. The Secretary of State granted permission for a similar stadium in 2007 together with car parking on site, as well as at Sussex University, Falmer High School and a new link road from Stanmer Park and Sussex University as well as junction improvements to the A27 and Falmer Station. The current application site is confined to the stadium itself as well as land south of Village Way. It is considered that the revised stadium will still deliver a much needed major sporting facility for the City and will also deliver economic, regeneration and educational benefits in close proximity to a deprived Ward which the Secretary of State considered to be in the national interest and therefore met the tests set out in PPS7 for permitting development in the AONB.

The modifications to the design of the stadium are not considered to make a significant difference in the quality of the design when considering the stadium

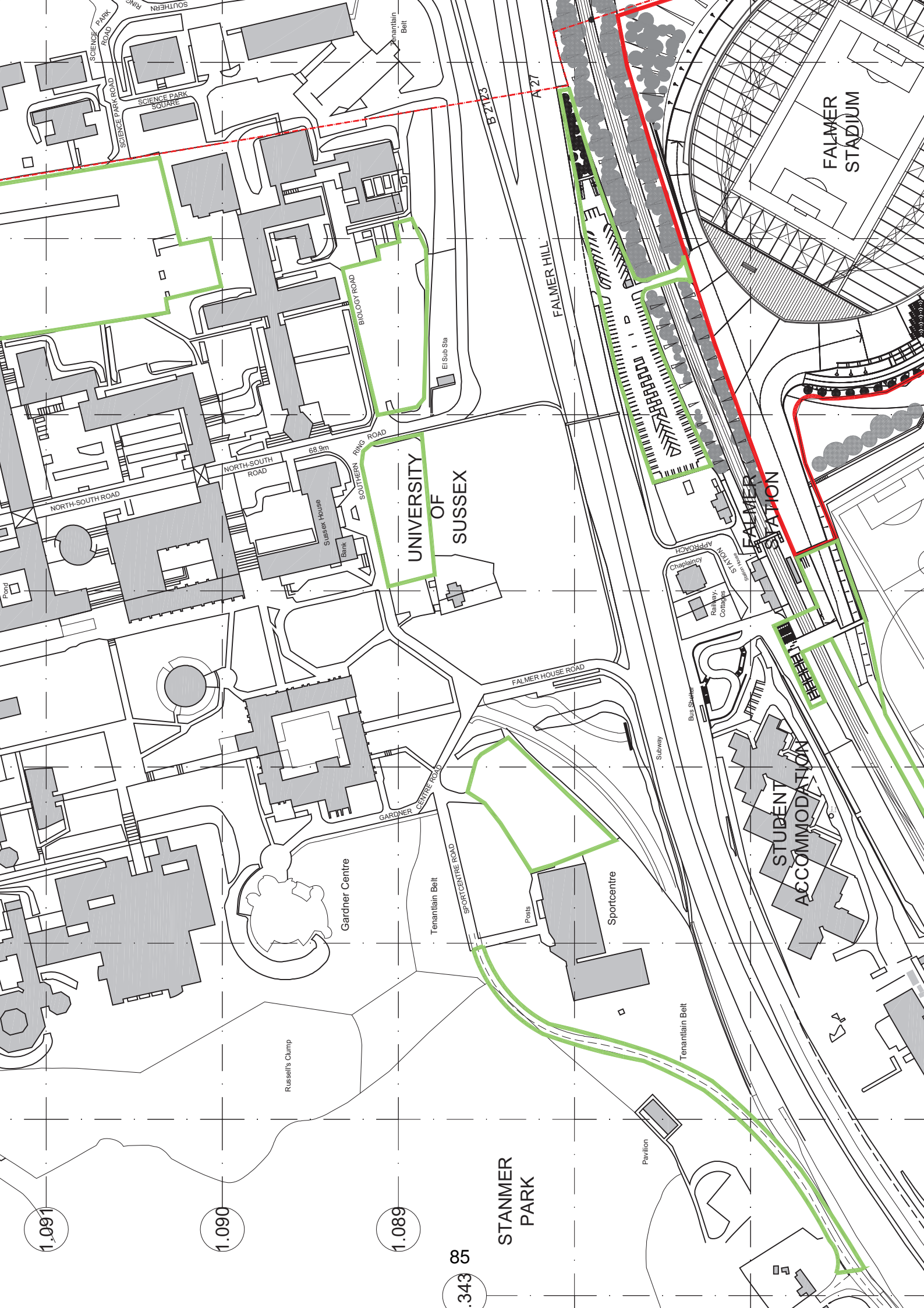
as a whole and would meet the requirements of policies QD1 and QD4.

It will still be possible to ensure that the non-match day activities within the stadium without generating significant volumes of traffic and parking with appropriate use of conditions requiring Travel Management Plan and a Green Travel Plan in accordance with policy TR1 and PPG13.

Re-contouring land south of Village Way offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project. The benefits of reduction in vehicle movements and improvement in soil quality outweigh any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and S106. The impact on the landscape character of the Downs is minimised by the limited views of this field and the variety in character of the Downland landscape. This part of the proposal is therefore in accordance with PPS7 (Sustainable Development in Rural Areas) Structure Plan Policies EN2 and EN3 and Local Plan Policies QD4, QD15, NC3 and NC5, NC6 and NC7.

11 EQUALITIES IMPLICATIONS

The amendments to the design of the stadium will significantly improve access for spectators with disabilities. Concourses will be designed at the same level as the lower viewing platforms inside the stadium whilst the upper platforms will be accessible by lift. The positions of the platforms are improved and provide better vantage points. The platforms will be raised higher so that when other spectators stand up in front, a wheelchair users view is not impeded. Outside the stadium, there is full accessibility with ramps for spectators arriving either by car, train or bus or coach.



FALMER STADIUM

UNIVERSITY OF SUSSEX

STUDENT ACCOMMODATION

Sportcentre

Gardher Centre

STANMER PARK

154

85

343

1.091

1.090

1.089

SCIENCE PARK ROAD

SCIENCE PARK ROAD

SCIENCE PARK SQUARE

BIOLOGY ROAD

NORTH-SOUTH ROAD

NORTH-SOUTH ROAD

SOUTHERN RING ROAD

68.9m

GARDNER CENTRE ROAD

SPORTCENTRE ROAD

FALMER HOUSE ROAD

FALMER HILL

B2123

A27

FALMER STATION

APPROACH

Chaplaincy

Railway Cottages

Bus Shelter

Subway

Tenants Belt

Tenants Belt

Russell's Clump

Pests

Pavilion

Pond

Tenants Belt

PLANS LIST – 4TH FEBRUARY 2009

APPENDIX B

PLAN TO BE SHOWN AT COMMITTEE

PLANS LIST – 4TH FEBRUARY 2009
APPENDIX C – LIST OF ADDRESSES

House-Flat Name-Number/Other	House/Flat Number	Street	City	Post Code
	60	Abbey Close	Peacehaven	BN10 7SD
	3	Abbots Field,	Kent	ME16 8QQ
	80	Addison Rd	Hove	BN3 1TR
	94	Addison Rd	Hove	BN3 1TR
	50	Ainsty Road	Wetherby	LS22 7QS
	23	Aintree Close	Milton Keynes	MK3 5LP
	23	Alderbrook Close	Crowborough	TN6 3DL
	40	Aldersleigh Drive, Wildwood	Stafford	ST17 4RY
Crawley Court		Aldrington Close	Hove	BN3 5VA
3	18	Aldwick Avenue	Bognor Regis	PO21 3AQ
F3, 'Eversley	3	Alexandra Court, 14 St Peters Close	Hove	BN3 7RF
	53	Alexandra Road	Uckfield	TN22 5BD
	17	Alpha Road	Croydon	CR0 6TH
	28	Amblesine Avenue	Telscombe Cliffs	BN10 7LS
	1	Annes Path	Lewes	BN7 1NF
	15	Applesham Avenue	Hove	BN3 8JF
		Ardingly	W. Sussex	RH17 6SW
Yumpsters	3	Ash close	Worthing	BN14 0UW
	26	Ash Close	Eastbourne	BN22 0UR
	9	Ash Walk	Newhaven	BN9 9XH
	10	Ashburnham Drive	Brighton	BN1 9AX
	47	Ashburnham Grove	London	SE10 8UJ
Viridian Court		Ashford Road	Feltham	TW13 4SD
2	11	Ashmore Close	Peacehaven	BN10 8AQ
	30	Atfield Walk	Eastbourne	BN22 9LE
	8	Audax Lower Stand	London	NW9 6QU
Muirford		Aurum Close	Surrey	RH6 9DW
4	2	Austins Lane	Uxbridge	UB10 8RH
	23	Avalon Way	Worthing	BN13 2TP
	7	Avenida de Belgea	Spain	3502
Viviendas Jardini Piso 12b	3	Baden Rd, St. George	Bristol	BS5 9QE
	58	Balcombe Avenue	Worthing	BN14 7RS
	6	Bale Close	Bexhill-on-Sea	TN39 4JT
	6	Bannisters Field	Newick	BN3 4JS
	5	Baranscraig Avenue	Patcham, Brighton	BN1 8RF
	54	Barfield Park	Lancing	BN15 9DF
		Barnes High Street		SW13 9LW
20a	7	Barnett Way	Uckfield	TN22 1XH
	15	Barnett Way	Uckfield	TN22 1XH
	7	Barnetts Field	Chichester	PO20 3UD
Wyken		Barnfield	Plumpton Green, Lewes	BN7 3ED
	63	Batemans Road	Woodingdean, Brighton	BN2 6RD
	19	Baxter Street	Brighton	BN2 9XP
	46	Bayham Road	Hailsham	BN27 2NH
2	136	Beaconsfield Villas	Brighton	BN1 6HB
1	91	Beatty Avenue	Coldean	BN1 9EP
	30	Becksbourne Close	Peneden Heath,	ME14 2ED

PLANS LIST – 4TH FEBRUARY 2009

			Maidstone,Kent	
2	10	Bedford Square	Brighton	BN1 2PN
2	12	Beeches Avenue	Worthing	BN14 9JF
	13	Beechwood Close	Brighton	BN1 8EP
	2	Bell View Close	Windsor, Berks	SL4 4EX
	36	Bellwood Street	Glasgow	G41 3ES
	3	Belmer Court	Worthing	BN11 5BS
Marbella Club, Golf Resort 8.6		Benahavis 29679	Malaga	Spain
	11	Berkely Gardens	Lowescroft, Suffolk	NR32 4UF
	35	Berrall Way		RH14 9PQ
	37	Berriedale Avenue	Hove	BN3 4JG
	152	Bexhill Road	Brighton	BN2 6QA
	6	Birch Tree Gardens	East Grinstead, Surrey	RH19 2BJ
	14	Birdham Road	Brighton	BN2 4RF
	1	Bishops Close	Hurstpierpoint	BN6 9XU
The Old Railway Station		Bishopsbourne	Canterbury	CT4 5JD
	40	Bishopstone Drive	Saltdean, Brighton	BN2 8FF
Sunnyside		Blackness Road	Crowborough	TN16 2LD
	3	Blackpatch Grove, Shoreham-by-sea		BN43 5GT
Birkfield		Blacksmith Lane	Chilworth	GU4 8NF
	139	Blakes Farm Road	Southwater	RH13 9GU
	438	Blandford Road	Beckenham	BR3 4NN
		Bluebell Cottage	Plumpton	BN7 3OQ
Jeremys Lane		Bolney	Haywards Heath	RH17 5QE
North Lodge,	27	Bonny Wood Rd	Hassocks	BN6 8HP
	7	Borrowking Close	Brighton	BN2 4BW
	8	Bowes Close	Horsham	RH13 5SZ
	33	Bowood Avenue	Eastbourne	BN22 8SN
	12	Boxes Lane	Horsted Keynes	RH17 7EJ
	12	Boxes Lane	Horsted Keynes	RH17 7EJ
	62	Brading Road	Brighton	BN2 3PD
	39	Bramber Avenue	Peacehaven	BN10 8HR
	41	Bramber Road	Seaford	BN9 4RG
	9	Brambles	Hassocks	BN6 8EQ
	40	Brassland Drive	Portslade	BN41 2PN
	64	Brendon Rd	Worthing	BN13 2PT
	108	Brentwood Road	Brighton	BN1 7ES
5	67	Brick Farm Close		TW9 4EG
	2	Brighton Road	Hurstpierpoint	N6 9TR
	83	Brighton Road	Lancing	BN15 8RB
Old Bank House		Brighton Road		BN5 9DD
The Flat	14	Broad Rig Avenue	Hove	BN3 8EW
	41	Broad Road	Eastbourne	BN20 9QT
East Court		Broadwater St East	Worthing	BN14 9AH
1	245	Brodrick Road	Eastbourne	BN22 0DW
12 Hazel Bank		Bromley Road	Brighton	BN2 3GA
7 The Cedars		Bromley Road	Brighton	BN2 3RU
	66	Brunswick Place	Hove	BN3 1NB
	14	Brunswick Terrace	Ghove	BN3 1HL

PLANS LIST – 4TH FEBRUARY 2009

5	43	Buckingham Place	Brighton	BN1 3PQ
3	88	Bulverhythe Road	St Leonards on Sea	PO38 8AE
	5	Bunting Close	Horsham	RH13 5PA
	11	Burlington Road	Worthing	BN12 6DB
	23	Burne-jones Drive	Sandhurst	GU47 0FS
	18	Burrell Court	Crawley	RH11 8JR
	21	By Sunte	Haywards Heath	RH16 2DL
	20	Caburn Crescent	Lewes	BN7 1NR
		Cadney Lane	Shropshire	SY14 2LP
The Willows	44	Cambridge Road	London	SW11 4RR
Flat 5, Cambridge Mill		Cambridge Street	Manchester	M1 5GF
	3	Cambus Close	Middlesex	UB4 9SY
	3	Canada Close	Telscombe Cliffs	BN10 7JH
	20	Canada Road	Arundel	BN18 9HY
	11	Canberra Road		MK42 0UZ
	25	Canterbury Close	Burgess Hill	RH15 0LR
	59	Capel Road	Brighton	BN10 8HD
	6	Capri Court	Victoria BC, Canada	Australia
	16	Castle Drive	Surrey	RH6 9DB
	114	Cazenove Rd	London	N16 6AD
	1	Cedar Close	Burgess Hill	RH15 8EJ
	26	Cedars Farm Close, Billingshurst	W. Sussex	RH14 9NH
	34	Chadborn Close	Brighton	BN2 5DH
	43	Chadborn Street	Brighton	BN2 5DH
	53	Chalkland Rise	Brighton	BN2 6RJ
	26	Challoners	Horsted Keynes	RH17 7DT
	57	Channel View Road	Brighton	BN2 6DR
	53	Chantonbury Drive	Shoreham	BN43 5FR
Ms Fearn	7	Charlock Way	Southwater	RH13 9GS
Gavin Philps	38	Chatfield Rd	Cuckfield	
Covers		Chatsfield Yard	Cooksbridge	BN8 4TJ
	44	Chatsworth Avenue	Telscombe Cliffs	BN10 7EA
	24	Chelwood Avenue	Goring-by-sea, W.Sussex	BN12 4QP
	24	Cherry Cottage	Uckfield	TN22 3SY
	24	Chester Terrace	Brighton	BN1 6GB
	6	Chestnut Grove	Hurstpierpoint	BN6 9SS
	39A	Chingford Mount Rd	Chingford	E4 8LU
	221	Chipperfield Road	Kent	BR5 2PZ
	3	Church Hill	Newhaven	BN9 9LN
	30	Church Lane	Southwick	BN42 4GB
	37	Clare Walk	Brighton	
	48	Clarendon Road	Hove	BN3 3WQ
	44	Clay Lane, Bushey Heath	Herts	WD23 1NW
	37	Clayton Avenue	Hassocks	BN6 8HD
	34	Clayton Road	Brighton	BN2 92P
	3	Clayton Walk, Durrington	Worthing	BN13 2QW
	11	Clayton Way	Hove	BN3 8GE
	9	Cleve Close	Framfield	TN22 5PQ
	27	Clifton Hill	Brighton	BN1 3HQ
1	38	Cobden Road	Brighton	BN2 9TJ
	35	Cobetts Mead	Haywards Heath	RH16 3TQ

PLANS LIST – 4TH FEBRUARY 2009

	112	Cokeham Lane	Sompting,Lancing	BN15 9SQ
	43	Coldean Lane	Brighton	BN1 9GE
	29	College Gardens	Worthing	BN11 4QE
	131	College Lane	Hassocks	BN6 9AF
	30	Commercial Road	Burgess Hill	RH15 8QL
The Bungalow	10b	Commercial Road	Burgess Hill	RH15 8QL
	12	Cooksbridge Road	Brighton	BN2 5HH
Pelham Court		Coombe Road	Brighton	BN2 4FL
6	8	Coppice Gardens	Crowthorne, Berkshire	RG45 6EE
	56	Corinthian Road	Chandlers Ford	SO53 2AZ
	9	Cornford Close	Brighton	BN41 2JE
	12	Court Crescent	East Grinstead	RH19 3YJ
	3	Cowden Close	Hove	BN3
	4	Cowden Road	Brighton	BN2 8DD
	2	Cowfold Rd	Brighton	BN2 5EN
	245	Cowley Drive	Brightn	BN2 6TG
	20	Crabbet Road	Crawley	RH10 1NE
	160	Crabtree Lane	Lancing	BN15 9NW
	37	Crawley Rd	Horsham	RH12 4DS
	14	Crayford Rd	Brighton	BN2 4DQ
	59	Cresent Drive,(2)	Woodingdean, Brighton	BN2 6RA
	29	Cricketers Drive	Meopham, Kent	DA13 0AX
	274	Crofton Road	Orrington	BR6 8EY
	7	Cromwell Road	Chesterfield	S40 4TH
	26	Cromwell Road	Burgess Hill	RH15 8QH
Goodwood Court		Cromwell Road	Hove	BN3 3DX
	301	Cromwell Tower	London - Barbican	EC2Y 8NB
29, Cedar Chase		Cross Lane	Findon	BN14 0US
Flat 2	47	Cross Road	Southwick	BN42 4HG
	33	Crown Road	Shoreham-by Sea	BN43 6GD
	5	Crundens Corner	Rustington	BN16 3BX
	5	Dale View Gardens	Hove	BN3 8LU
	33	Dale View Gardens	Hove	BN3 8LA
	8	D'Aubigny Rd	Brighton	BN2 3FT
	74	Davey Drive	Brighton	BN1 7BJ
	13	Dean Court Road	Brighton	BN2 7DH
	74	Dean Way	Storrington	RH20 4QS
	23	Dene Vale	Brighton	BN1 5ED
	1	Devon Road	Wolverhampton, West Midlands	WV1 4BE
	114a	Ditchling Rise	Brighton	BN1 4QR
	42	Donald Hall Road	Brighton	BN2 5DE
	32	Douglas Avenue	Whitstable	CT5 1RT
	23	Douglas Close, Middleton on sea	Bognor Regis	PO22 7UE
	41	Downland Avenue	Southwick	BN42 4RL
	26a	Downland Drive	Hove	BN3 8GT
	37	Downland Road	Brighton	BN2 6DL
	34	Downside	Shoreham by sea	BN43 6HG
	114	Downside	Shoreham by sea	BN13 6HB
	7	Downsview Crescent	Uckfield	TN22 1TX
	2	Downview Avenue	Ferring	BN12 6QN
	79	Dudley Road	Brighton	BN1 7GL

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	2	Dunster Way	Wallington, Surrey	SM6 7DA
	285	Dyke Road	Hove	BN3 6PD
2	225	Ealing Rd	Northolt	UB5 5HS
	2	Earlswood Close, Roffey	Horsham	RH13 6DB
Holly Lodge, Middletown lane		East Budleigh	Devon	EX9 7EQ
	28	East Drive	Brighton	BN2 0BQ
	27	East View Fields	Plumpton Green, Lewes	BN7 3EF
	3	Eastbrook Way	Southwick	BN41 1PS
A	6	Eastern Terrace	Brighton	BN2 1DJ
A	4	Eastwick Close	Brighton	BN1 8SF
	14a	Eaton Grove	Hove	BN3 3PH
Ashdown		Eaton Road	Hove	BN3 3AQ
12b	15	Edburton Gardens	Shoreham by sea	BN43 5GR
	15	Edgehill Way, Mile Oak	Portslade	BN41 2PU
	3	Edinburgh Road	Brighton	BN2 3HY
	49	Eley Drive	Rottingdean	BN2 7FG
	7	Elgin Gardens		GU1 1UB
	62	Elm Grove	Brighton	BN2 3DD
	25	Elmpark Gdns	Selsdon	CR2 8RW
Allington		Englands Lane, Queen Camel	Yeovil, Somerset	BA22 7NN
Allington		Enterprise Learning Ltd	Haywards Heath	RH16 9DG
	13	Eton Avenue		KT4 5AY
	3	Eversfield Rd	Horsham	RH13 5JS
	23	Fabians Way	Henfield	
	28	Fairford Close	Haywards Heath	RH16 3EF
	54	Fairlawn Drive	East Grinstead	RH19 1NT
	59	Farm Close	East Grinstead	RH19 3QQ
	26	Farm Hill	Woodingdean, Brighton	BN2 6BH
	21	Farmway Close	Hove	BN3 8AE
	10	Ferndale Walk,	Angmering	BN16 4DB
	58	Fernhurst Crescent	Brighton	
	77	Fernhurst Crescent	Brighton	BN1 8FA
Ayem House		Findon	Worthing	BN14 0YA
Thropston Rd		Finedon,	Northants	NN9 5HW
The Old Stables	89	Finsbury Park Road	London	N4 2JY
	14	First Avenue	Hove	BN3 2FE
3	34	Fordwich Road	Welwyn Garden City, Herts	AL8 6EY
	43	Forest Rise	Crowborough	TN6 2EP
	24	Forge Rise	Uckfield	TN22 5BU
	26	Forum Way, Kingsnorth	Ashford, Kent	TN23 3RJ
	12	Foxhill	Peacehaven	BN10 7SE
	26	Framelle Mount	Framfield	TN22 5PT
	25	Franklin Road	Brighton	
	Southern FM	Franklin Road	Brighton	BN41 1AF
	8	Frant Road	Tumbridge Wells, Kent	TN25SE
3	5	Frobisher Close	Eastbourne	BN23 6BT
	31	Frobisher Close	Worthing	BN12 6EX
	4	Frogmore Close	Slough, Berks	SL19(BW

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	88	Gainsford Street	London	SE1 2NB
	10	Garden Close	Shoreham by sea	BN43 6BR
	11	Garden Close	Shoreham by sea	BN43 6BR
	12	Garden Close	Shoreham by sea	BN43 6BR
	13	Garden Close	Shoreham by sea	BN43 6BR
	30	Garden Close	Shoreham by sea	BN43 6BR
	52	Garden Close	Northolt	UB5 5ND
	18	Gardner Road,	Fishersgate	BN41 1PL
	21	Garfield Road	Devon	TQ4 6AX
	21	Gaskyns Close	Rudgewick	RH12 3HE
	4	George Stanley Mews		BN20 9HD
	11	George Street	Hailsham	BN27 1AA
1	15	Gerald Road	Worthing	BN11 5QG
	22	Glebe Close	Southwick	BN42 4TF
	42	Glebe Villas	Hove	BN3 5SN
	11	Glebelands	Pulborough	RH20 2BY
	20	Glebeside Close	Worthing	BN14 7NU
	22	Glenfield Road	Betchworth	RH3 7HP
	3	Golden Hill	Burgess Hill	RH15 0TS
	39	Goldsmith Road	Worthing	BN14 8E
	101	Goldstone Crescent	Hove	BN3 6LS
	78	Goldstone Villas	Hove	BN3 3RU
	187	GoldstoneCrescent	Hove	BN3 6BD
	13	Goran Avenue	Stony Stratford, MK	MK11 1HQ
	5	Gordon Road	Brighton	BN1 6PE
	34	Gordon Road	Brighton	BN1 6PD
	23	Gorham Way	Telscombe Cliffs	BN10 7BA
	4	Graffham Close	Brighton	BN2 5HP
	13	Grafton Rd	Selsey	PO20 0LH
	22	Graham Crescent	Portslade	BN41 2YB
	62	Grand Avenue	Hassocks, W.Sussex	BN6 8DE
Pavillion Court		Grand Parade	Brighton	BN2 9RU
43	66	Grassmere Avenue	Telscombe Cliffs	BN10 7BY
	47	Greenland Drive	Littlehampton	BN16 4JW
37 Normanhurst		Grove Hill	Brighton	BN2 9NJ
Tanfield Court		Guildford Road	Horsham	RH12 1TR
7	24	Hailsham Avenue	Saltdean	BN2 8QH
	4	Haklech Close	Worthing	BN13 3QS
	42	Halley Park	Hailsham	BN27 2NW
	2	Hamble Way	Durrington	BN13 3NJ
	4	Hammonds Ridge	Burgess Hill	RH15 9QQ
	25	Hammy Lane	Shoreham by sea	BN43 6GL
	37	Hampton Place	Brighton	BN1 3DA
	65	Hangleton	Valley Drive	BN3 8ED
	37	Hangleton Close	Hove	BN3 8LT
	333	Hangleton Road	Hove	BN3 7LQ
	110	Hangleton Valley Drive	Hove	BN3 8EJ
	37	Harcourt Close	Uckfield	TN22 5DT
	9	Hardy Close	Shoreham by sea	BN43 5SA
	118	Harebeating Drive	Hailsham	BN27 1JW
	66	Harefield Avenue	Worthing	BN13 1DR
Radnor House		Harlands Road	Haywards Heath	RH16 1LN
12	44	Hartfield Avenue	Brighton	BN1 8AE
	12	Hartwood	North Holmwood	RH5 4JJ

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	22	Hawthorn Gardens	Worthing	BN14 9LS
	16	Haybourne Road	Brighton	BN2 5QR
	9	Hayling Gardens	Worthing	BN13 3AJ
	69	Haywards Road	Haywards Heath	RH16 4HX
	87	Hazel Way		RH10 4EU
	104	Hazelwood Avenue	Eastbourne	BN22 0UX
Hereford Court		Hereford St	Brighton	BN2 1LF
56	14	Hermitage Way	Shropshire	TF7 5SZ
	2	Heston Avenue	Brighton	BN1 8UP
	17	High Street	Rode, Somerset	BA116NZ
	38	High Street	Worthing	BN14 0SZ
	72	High Street	Billingshurst	RH14 9QS
Windon Lodge		High Street	Brighton	BN2 1RP
8 Fair Oak Court		High Street	Worthing	BN14 7NT
The Maisonette		High Street, number 52	Hurstpierpoint	BN6 9RG
11	356	Highbrook Close	Brighton	BN2 4HL
	2	Highfield Avenue, Driffield	East Yorkshire	YO25 5EP
Manderley		Highfield Lane	Maidenhead, Berks	SL6 3PF
	80	Hill Farm Way	Southwick	BN42 4YG
	49	Hills Road	Steyning	BN44 3QG
	9	Hogs Edge	Bevendean	BN2 4NG
	86	Holders Close	Billingshurst	RH14 9HL
	5	Holdsworth Street	Plymouth, Devon	PL4 6NN
	70	Hollingbury Road	Brighton	BN1 7SA
	81	Hollingbury Road	Brighton	BN1 7PB
	80	Hollingbury Road	Brighton	BN1 7JA
	8	Hollingdean Terrace	Brighton	BN1 7HA
	20	Hollingdean Terrace	Brighton	BN1 7HA
	41	Hollingdean Terrace	Brighton	BN1 7HB
	83	Hollingdean Terrace	Brighton	BN1 7HB
	103	Hollingdean Terrace	Brighton	BN1 7HB
	111	Hollingdean Terrace	Brighton	BN1 7HB
	18a	Hollingdean Terrace	Brighton	BN1 7HA
	43	Holme Lacey Road	London	SE12 0HP
	95	Holmes Avenue	Hove	BN3 7LE
	37	Holmesdale Road	Burgess Hill	RH15 9JP
	74	Holmesdale Road	Surrey	RH2 0BX
3 Church Farm House		Homington Road	Coombe Bissett	SP5 4LR
	92	Horley road	Surrey	RH1 5AA
	30	Hornby Road	Brighton	BN2 4GL
Little commons		Horsham	W. Sussex	RH13 5UZ
10 Wessex cottage		Horsham Road	Handcross	RH17 6DT
		Hova Villas	Brighton	BN3 3DH
37b	20	Howard Road	Lancing	BN15 0LW
	28	Huckeberry Close	Milton Keynes	MK7 7ER
	27	Hudson close	Worthing	BN13 2SJ
The White House		Huncu Hill	Coolham	RH17 8QE
	184	Hythe Crescent	Brighton	BN25 3HA
	26	Iden Hurst, Hurstpierpoint	Hassocks	BN6 9XZ
F5 Coolham		Ifield	Haywards Heath	

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Court				
	8A	Islington St	Brighton	BN2 9UR
	3	Jamaica Way	Eastbourne	BN23 5UA
Grafton Court		James Street	Selsey	PO20 0JF
12	3	Jefferies	Horsted Keynes	RH17 7DR
	47	Jevington Drive	Brighton	BN2 4DG
	2	Jib Close	Littlehampton	BN17 6TD
	1	Juniper Close	Allington, Maidstone	ME16 0XP
Sunningdale Court		Jupps Lane	Worthing	BN12 4TU
29	41-43	Kents Rd	Haywards Heath	RH16 4HQ
F1 Kernick House		Kernick Park	Cornwall	TR10 9DG
Holmwood Court		Keymer Road	Hassocks	BN6 8AS
17	1	Kilmore Close	Findon Village	BN14 0RU
	7	Kiln Close	Uckfield	TN22 5SW
	105	Kimberley Road	Brighton	BN2 4EN
	46	Kings Mede	Horndean, Hampshire	PO8 9TN
		Kings Road	Lancing	N15 8DX
124a	60	Kings Road	Caversham, reading	RG4 8DT
	277	Kingsway	Hove	BN3 4LJ
	251-255	Kingsway	Hove	BN3 4HD
29 Berriedale House	251-255	Kingsway	Hove	BN3 4HD
12	3	Kirby Drive	Telscombe Cliffs	BN10 7DY
	9	Kithurst Close	Worthing	BN12 6AN
	51	Ladies Mile Road	Brighton	BN1 8TA
Ash Hill Cottage		Lakes Lane	Newport Pagnell	MK16 8EE
	23	Lancaster Avenue	Guildford	GU1 3RJ
	6	Lancelot Close	Crawley	RH11 0PG
	36	Lancing Close	Lancing	BN15 9NJ
	3	Lankaster Close	Kent	BR2 0QF
	2	Larnach Close	Uckfield	TN22 1TH
	80	Lashbrooks Road	Uckfield	TN22 2AZ
	7	Leeward Road	Littlehampton	BN17 6PG
	44	Leeward Road	Littlehampton	BN17 6PQ
	34	Lenham Avenue	Saltdean	BN2 8AG
	84	Lewes Road	Ditchling, Hassocks	BN6 8TY
	132-135	Lewes Road	Brighton	BN2 3LG
8		Lewes Road	Brighton	
	8A	Lewes Road-Ditchling	Hassocks	BN6 8TY
	6	Lilac Close	Worthing	BN13 3PZ
	84	Limbrick Lane	Goring by Sea	BN12 6AE
	40	Limburg Road	London	SW11 1HB
First Floor Flat	39	Linden Avenue	Surrey	CR7 7DW
	77	Link Rd	Wallington, Surrey	SM6 9DM
	42	Livingstone Road	Hove	BN3 3WP
	76	Llanelli	West Wales	SA15 5RT
	19	Lockfields View	Liverpool	L3 6LW
	65	Lodge Lane		BN6 8LX
74 The Priory		London Road	Brighton	BN1 8QT

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The Plough		London Road	Pyecombe	BN45 7FN
	44	Long Mead	Yate, Bristol	BS37 7YT
	22	Longdon Drive, Sutton coldfield	West Midlands	B74 4RF
	91b	Lorna Rd	Hove	BN3 3EL
	72	Low Rd	Worlaby, Brigg	DN20 0NA
The Grange	14	Lowther Road	Brighton	BN1 6LF
	21	Lugham Close	Telscombe Cliffs	BN10 7BG
	11	Luxford Close	Uckfield	TN22 1JY
Maggie Ducker---// Haydown	Foyley Corner	Lydeaway, Devizes	Wiltshire	SN10 3PY
Tim Ducker----/ Haydown	38	Lyminster Avenue	Brighton	BN1 8JN
	25	Lyndhurst Road		BN3 6FB
	15 (3)	Lyndhurst Road	Reigate, Surrey	RH2 8JW
	28	Lynton Street	Brighton	BN2 9XR
	14	Lyon Court	Horsham	RH13 5RN
	78c	Mackie Avenue	Brighton	BN1 8RB
	12	Maldon Road	Brighton	BN1 5BE
	22	Mallard Close	Eastbourne	BN22 9NA
	36	Manor Avenue	Hassocks	BN6 8NQ
		Manor Avenue, Penworhtam	Preston	PR1 0XE
	5	Manor Close	Charwelton, Northamptonshire	NN11 3YQ
	55	Manor Rd	Brighton	BN2 5EE
	31	Manor Way	Uckfield	TN22 1DF
	20	Manvers Road	Eastbourne	BN20 8HJ
	88	Maple Drive		RH15 8DJ
	27b	Mardal Rd	Worthing	BN9 9XH
	29	Margery Road	Hove	BN3 7GQ
	4	Marlborough Close		BN23 8AN
	42	Marlborough Drive	Burgess Hill	TH15 0EX
	26	Marlborough drive	Burgess Hill	RH15 0EU
	11	Marlow Drive	Haywards Heath	RH16 3SR
	3	Martha Gunn Road	Brighton	BN2 4BX
Silverdale		Marton Road	Warwickshire	CV47 9PY
	4	May Avenue	Seaford	BN25 4NZ
	79	Maytree Avenue	Findon Valley, Worthing	BN14 0HP
	20	Meadow Lane	Lindfield	RH16 2RT
	49	Meadow Lane	Lindfield	RH 16 2RL
	4	Meadow Rise	Tiffield, Towchester, Northants	NN12 8AP
	35	Meadowlands Avenue	Eastbourne	BN22 0DU
	23	Meadway Court, The Boulevard	Worthing	BN13 1PN
	41	Meaford Road	Stoke on Trent	ST12 9EE
	1	Mealla Close	Lewes	BN7 2EU
	38d	Medway	Crowborough	TN6 2DL
	16	Meeting House Lane	Brighton	BN1 1HB
White House Farm		Mellis	Suffolk	IP23 8EB
	6	Mendip Crescent	Worthing	BN13 2LT
	9	Merchants Close	Hurstpierpoint	BN6 9XB
	91	Merlin Drive	Gloucester	GL2 4NJ

PLANS LIST – 4TH FEBRUARY 2009

	113	Merryfield Drive	Horsham	RH12 2AU
	149	Middle Road	Shoreham by sea	BN43 6LG
	10	Midholm Road	Surrey	CR0 8AN
	182	Mile Oak Road	Brighton	BN41 2PL
	9	Mill Drive	Henfield	BN5 9RY
	98	Mill Lane	Portslade	BN41 2FH
	64	Mill Rise		BN1 5GH
	20	Mindmill Court	Crawley	RH10 8NA
	29	Minstrel Way	Churchdown	GL3 1N3
Oaklands		Montargis Way	Crowborough	TN6 2XL
5	33	Montgomery Close	Bedfordshire	LU7 3FH
	104	Montgomery Street	Hove	BN3 5BD
2	27	Moreicombe Road	Brighton	BN1 8TL
	59	Morris Drive	Billingshurst	RH14 9SJ
	22	Mortimer Road	Hove	BN3 3BQ
Afon House	117A	Mortlake High Street, Mortlake	London	SW14 8HQ
	1019	Moss Street	Victoria BC, Canada	BN25 3RH
	8	Mulberry Close	Shoreham by sea	BN43 6TF
	55a	Nevill Road	Uckfield	TN22 1NX
	108	New Church Rd	Hove	BN3 4JB
	64	New Town	Uckfield	TN22 5DE
	35	Newbridge Close	Broadbridge Heath, Horsham	RH 12 3TN
Palmers Farm		Newdigate Rd	Dorking	RH5 4QD
	57	Newlands Avenue		SO15 5EQ
	39	Newton Rd	Haywards Heath	RH16 2 NB
	39	Noah's Ark Lane	Linfield	RH16 2LU
Braemar House		Norfolk Road	Brighton	BN1 3AR
18	18	North Court	Hassocks	BN6 8JS
	59	North Lane	Portslade	
Little Cobwebs		North Lane	West Hoathly	RH19 4QG
	50	North St	Brighton	BN1 1RH
	64	Northeast Drive	Hove	BN3 8PP
	46	Northeast Drive	Hove	BN3 8PP
	140	Northumberland Street	Norwich, Norfolk	NR2 4EH
	64	Norwich Drive	Brighton	BN2 4LE
	41	Nursery Close	Shoreham by sea	BN43 6GJ
	40	Nursery Close	Shoreham by sea	BN43 6GJ
	7	Nursery Lane	Essex	CM3 4PB
	26	Nutley Avenue	Brighton	BN2 8EB
Oak Cottage		Oak Bank, number 3	Linfield	RH16 1RR
	7	Oak Grove	Barrow Upon Humber, Lincs,	DN19 7SH
	15	Oak Ridge	Dorking	RH4 2NG
	60	Offington Drive	Worthing	BN14 9PS
	30	Old Millmeads	Horsham	RH12 2LZ
	18	Old Salts Farm Road	Lancing	BN15 8JF
	22	Old Shoreham Road	Portslade	BN41 1SQ
	55	Old Shoreham Road	Hove	BN3 7BE
		Old Spotted Cow Lane	Buxted	
	10	Oldfield Mews	London	N6 5XA
	16	Oldfield Road	Eastourne	BN20 9QD
	35	Onslow Drive	Ferring	BN12 5RS
	27	Ontario Close	Worthing	BN13 2TE

PLANS LIST – 4TH FEBRUARY 2009

	16	Orchard Rd		RH 13 5NF
	52	Orchard Way	Bicester	OX26 2EJ
	4	Osbourne Close, Sompting	Lancing	BN15 9UZ
Tony Cottage		Oulton, Wigton	Cumbria	CA7 0NG
	54	Overhill Drive	Patcham, Brighton	BN1 8WJ
River Valley Close		Pacific Mansions	Singapore	
16	29	Palmeira Square	Hove	BN3 2JP
6	1	Park Court/Road	Crowborough	TN6 2SZ
	10	Park Crescent	Worthing	BN11 4AH
	10 14	Park Crescent Place	Brighton	BN2 3HF
22 Marlow Court	31	Park Lane	Eastbourne	BN21 2UY
	24	Park Rise		BN3 8PG
	29	Park Road	Brighton	BN1 9AA
	7	Parkview Terrace	Brighton	BN1 5PW
3	8	Patcham Grange		BN1 8UR
	14	Pavan close	Eastbourne	BN23 8DW
	90(3)	Peacock Lane	Brighton	BN1 6WA
	6	Pelham Crescent	Hailsham	BN27 2DH
	13	Pembroke Avenue	Hove	BN3 5DA
	31	Pendragon Court, Arthur Street	Hove	BN3 5EZ
4	119	Petersfield Rd. Staines	Middlesex	TW18 1DQ
	29	Pickers Green	Lindfield	RH16 2BT
	93	Pickfords Green	Slough, Berks	SL1 3LQ
	10	Pine Court, Wood of Doune	Perthshire	FK16 6JE
	1	Pinetree Close	Newhaven	BN9 9HU
	38	Pinetrees Close	Copthorne	RH10 3NX
		Pinewoods	Bexhill-on-Sea	TN39 3UD
35a	28	Plaistow Close	Brighton	BN2 5HK
The Plough Inn		Plumpton Green	Lewes	BN7 3DF
	34	Poplar Avenue		BN3 8PX
Carmel		Poplar Grove	Woking	GU22 7SD
	28	Poppy Rd, Swathling	Southampton	SO16 3J2
	7	Port Hall Avenue	Brighton	BN1 5PL
	37	Port Hall Place		BN1 5PN
	81	Portland Place	Brighton	BN2 1DG
2	9	Portland Terrace	Newhaven	BN9 0HH
	24	Powell Gardens	Newhaven	BN9 0PS
Powell Court		Powell Gardens	Newhaven	BN9 0PS
87	45a	Primrose Gardens, Belsize Park	London	NW3 4UL
	3	Prince Regents Close	Brighton	BN2 5JP
	33	Princes Terrace	Brighton	BN2 5JS
Cartef Melys		Pump Lane	Axton, Holywell, Flintshire	CH8 9DJ
	24	Quarry Lane	Brighton	BN25 3BJ
	12	Queen Alexandra Avenue	Hove	BN3 6XH
	11	Queens Road	Haywards Heath	RH16 1EH
	14	Ramsey Close		CM9 4YZ
	213a	Rectory Road	Grays	RM17 5SJ
	2	Redoaks Cotts	Tan Yards, Henfield	BN5 9PF

PLANS LIST – 4TH FEBRUARY 2009

	9	Regency Close	Uckfield	TN22 1DS
	93	Rhodrons Avenue	Chessington, Surrey	KT9 1AY
	30	Ridgeside Avenue	Brighton	BN1 8WB
	9	Ridgway Rd	Redhill	RH1 6PG
	24	Rigden Road	Hove	BN3 6NP
	54	Riley Road	Brighton	BN2 4AH
	61	Ringmer Drive	Brighton	BN1 9HW
	2	Riverside Cottage	Upper Beeding	BN44 3HW
	6	Robertson Road	Brighton	BN1 5NL
	111	Rodmell Avenue	Saltdean	BN2 8PH
	108	Roedale Road	Brighton	BN1 7GD
	20	Roedean Crescent	Brighton	BN2 5RH
	30	Roedean Road	Brighton	BN2 5RT
Roedean Court		Roman Crescent	Southwick	BN42 4TY
Pendennis(2)	27	Roman Way	Southwick	BN42 4TN
(two People)	23	Roseveare Close		PL9 8JJ
	12b	Roundhill Crescent	Brighton	BN2 3FR
	134	Rowe Avenue North	Peachaven	BN10 7QR
	46	Royal Sovereign View	Eastbourne	BN23 6EQ
	27	Rufus Isaacs	Caversham, reading	RG4 6DD
	19	Ruskin Road	Worthing	BN14 8DY
	4	Rutherford Gate	Milton Keynes	MK5 7DQ
Ivy House	80	Ryland Road	Welton	LN2 3LZ
	32	Sackville Road	Hove	BN3 3FB
	16	Saddleback Road	Shaw	SN5 5RL
	4	Salisbury Avenue	Sutton,surrey	SM1 2DQ
	14	Salisbury Rd	Hove	BN3 3AD
Garden flat	16	Sandgate Road	Brighton	BN1 6JQ
	2	Sandringham Close	Hove	BN3 6XE
	15	Sandringham Close	Hove	BN3 6XE
Edenvale		Sandycroft Road	Churchdown	GL3 1JQ
	47	Sangers Drive	Horley	RH6 8AN
	8	Saxon Close	Stockbridge	SO20 8GG
	7	Saxons	Shoreham by sea	BN43 5JE
	15	Scarletts Close	Uckfield	TN22 2BA
		Scayngs Hill Rd	Walstead, W. Sussex	RH16 2QQ
		School Hill	Burwash	TN19 7DZ
Pilbeams	6	Second Avenue	Hove	BN3 2LH
	16	Selwyn Avenue	Chingford,London	E4 9LR
8	12	Seville Street	Brighton	BN2 3AR
	87	Shaftesbury Road	Brighton	BN1 4NG
		Shakespeare Road	Brixton, London	SE24 0QD
307a	7	Shawdys Close	Horsham	RH12 1TY
	89	Shelley Drive	Horsham	RH12 3NH
61 Arundel Lodge		Shelley Road, number 2	Worthing	BN11 1XN
1 Arundel Lodge		Shelley Road, number 3	Worthing	BN11 1XN
	30	Sheppeys	Haywards Heath	RH16 4NZ
	42	Sherbourne Close	Brighton	BN3 8BE
	7	Sheridan Terrace	Hove	BN3 5AE
	34	Silver Lane	Billingshurst	R114 9RJ
	38	Slindon Avenue	Newhaven	

PLANS LIST – 4TH FEBRUARY 2009

4 Rookhurst Cottages		Slugwash Lane	Wivelsfield Green	RH17 7RQ
	45	Solway	Hailsham	BN27 3HB
Lasata	3	Somerhill Drive	Lindfield	RH16 2AR
Lasata	29	Somers Rd, Reigate	Surrey	RH2 9EA
6 Milney court	26	South Avenue	Brighton	
The Cottage		South Avenue	Hurstpierpoint	BN6 9QB
	137	South Avenue North	Peacehaven	BN10 7QJ
Fair Place		South Rd	Wivelsfield Green	RH17 7QR
3	36a	South St.	Worthing	BN14 7LH
	77	South Street		BN15 8AP
	25	South Street	East Hoathly	BN8 6DS
	2	South Street Cottages	Crowborough	TN6 1PF
	1	South Street Cottages	Crowborough	TN6 1PF
	44a	Southdown Avenue	Peacehaven	BN10 8RX
	11	Southdown Road	Portslade	BN41 2HL
14 Assisi Heights		Southdowns Park	Haywards Heath	RH16 4TG
	1	Southfields Road		BN17 6AF
6 Fairholme		Southover High Street	Lewes	BN7 1JB
6	88	Southover Street		BN2 9UE
	2	Southview Drive	Worthing	BN11 5HU
Ashlands Farm		Southwick	Fareham	PO17 6BJ
The Bungalow	44	Spencer Rise	London	NW5 1AP
	9	Spinney Close	Horsham	RH12 4PL
	42	Springfield Road	Crawley	RH11 8AH
	34	Springwood Drive	Ashford	TN23 3LQ
Pemberley		Spy Lane	Billingshurst	RH14 0SQ
	64	St Andrews Road	Brighton	BN41 1DE
	21a	St Evans Road	London	W10 5QX
	6	St Helens Crescent	Hove	BN3 8EP
	19	St Heliers Avenue	Hove	BN3 5RE
	10	St John Street	Lewes	BN7 2QF
	54	St Leonards Avenue	Portslade	BN3 7ER
	30	St Martins Crescent,	Newhaven	BN9 0PH
	37	St Martin's Place	Brighton	BN2 3LE
	4	St Marys Close	Billingshurst	RH14 9UA
	21	St Nicholas Road	Portslade	BN411LQ
	46	St Wilfreds Road	Burgess Hill	RH15 8BD
	33	Stafford Way	Hassocks	BN6 8QG
	6	Stafford Way	Hassocks	BN6 8QQ
	26	Stanford Avenue	Brighton	BN1 6EA
Stanford Court		Stanford Avenue	Brighton	BN1 6AQ
9	6	Stanford Close	Hove	BN3 6PU
	81	Stanmer Villas	Brighton	BN1 7HN
	120	Stannington Crescent		SO40 3QD
	5	Station Road	Mayfield	TN20 6BL
	115	Station Road	Burgess Hill	RH15 9ED
The Fountain		Station Road	Plumpton Green, Lewes	BN7 3BX
	40	Stirling Avenue	Seaford	BN25 3UN
	42	Stonebrow Avenue, Solihull	W. Midlands	B91 3UP
	72	Stoneham Road	Hove	BN3 5HH
Spring Cottage		Stonewell Lane	Bristol	BS49 5AL
Horsefair Green		Stony stratford	Milton Keynes	MK11 1JW

PLANS LIST – 4TH FEBRUARY 2009

1a The White Hart		Stopham Rd	Pulborough	BN3 3BQ
Polstead Close		Stowmarket	Suffolk	IP14 2PJ
46	52	Stratham Road	Worthing	BN13 1PG
Newton Villa			Strathpeffer	IV14 9DH
	88c	Streathbourne Road	London	SW17 8AY
	45	Sunningdale Drive	Bristol	BS30 8GP
	26	Sunny Close	Goring by Sea	BN12 4BD
	54	Surrenden Crescent	Brighton	BN1 6WF
	113	Surrenden Road	Brighton	BN1 6WB
	30	Sutcliffe Road	London	SE18 2NG
34a		Sutherland Road	Brighton	BN2 0EQ
34a Brockhurst		Swanborough Drive	Brighton	BN2 5QF
5 Linchmere		Swanborough Drive	Brighton	BN2 5QD
14	18	Swanborr Road	Isle of Wight	PO33 2TR
Whitewood Cottage		Swife Lane, Broadoak	Heathfield	TN21 8UR
	12a	Tavistock Street	Buckinghamshire	MK2 2PF
	4	Teasel Close	Royston, Herts	SG8 9NG
1 Seacliffe		Telscombe Cliffs	Peacehaven	BN10 7AE
	9	Telscombe Cliffs Way	Telscombe Cliffs	BN10 7DX
	118	Telscombe Cliffs Way	Telscombe Cliffs	BN10 7DG
11 Warren Lodge	71	The Avenue	Brighton	BN2 4GG
	23	The Belfry, Sedbury Park	Chepstow	NP16 7FD
Bourne Court		The Bourne	Hastings	TH34 3UZ
11	8	The Broadway	Lancing	BN15 8LT
	57	The Dene	Uckfield	TN22 1LD
	118	The Diplocks	Hailsham	BN27 3JY
	12	The Drive	Hove	BN3 3JA
	22	The Drive	Shoreham	BN43 5GD
	40	The Drive	Loughton, Essex	1G10 1HB
	67	The Drive	Shoreham. W.Sussex	bn43 5GD
	16	The Drive	Uckfield	TN22 1BZ
	22	The Frenches/Rd	Redhill, Surrey	RH1 2HF
	20	The Gardens	Southwick	BN42 4AN
	42	The Gardens	London	SE22 9QG
1	54	The Grange	Hurstpierpoint	BN6 9FD
	3	The Grovelands	Lancing	BN15 8HY
	86	The Lawns, Telwood Park	Crowborough	TN6 2XS
	9	The Limes, Motcombe	Dorset	SP7 9QL
	12	The Maltings,	Burgess Hill	RH15 9XF
	24	The Ridgway	Brighton	BN2 6PE
	56	The Ridgway	Brighton	BN2 6PD
	4	Thorney House, Drake Way	Reading	RG2 0GZ
	35	Thornton Place	Surrey	RH6 8RZ
The Old Stables		Thrapston Rd, Finedon	Northants	NN9 5HW
	2	Thrower Place	Surrey	RH5 4GD
	8	Thurnden	Cowfold	RH13 8AF
	37	Tideway	Littlehampton	BN17 6PP
	9	Tilsworth Road	Buckinghamshire	HP 9 1TR

PLANS LIST – 4TH FEBRUARY 2009

Rosemary House		Timsley Lane	Crawley	RH10 8AU
6	24	Tintern Road	Gossops Green, Crawley, W. Sussex	RH11 8NG
	35	Titian Road	Hove	BN3 5QR
	24	Tomail Place	Elgin, Morayshire	IV30 6YE
Manhattan court		Tongdean Lane	Brighton	BN1 6XZ
F9, 1 Mayfields		Top Street	Bolney	RH17 5PD
	44	Tretower, Buller Close	Crowborough	TN6 2YE
	10	Trinity Road	Abbeymead, Gloucester	GL4 5GB
	29	Truggers	Handcross	RH17 6DQ
	23	Truleigh Drive	Brighton	BN41 2YQ
	80	Truro Rd	St. Austell	P12 55JS
	10	Tudor Walk	Framfield	Tn22 5PG
	27	Turnpike Close	Rinmer	BN8 5PD
Birchwood		Twitten Lane	Felbridge, East Grinstead	RH19 2NZ
	13	Upper Lewes Road	Brighton	BN2 3FJ
Ground Floor Flat	174	Upper Lewes Road	Brighton	BN2 3FB
	187	Upper Shoreham Road	Shoreham by sea	BN43 6TA
Greenbanks		Upper Station Road	Henfield	BN5 9PJ
Adamsfield		Upper station Road	Henfield	BN5 9PJ
	31	Upwich Rd	Eastbourne	BN20 8ND
	341	Uxbridge Rd	Slough, Berks	SL2 5RG
	19	Vallance Close	Burgess Hill	RH15 8TY
	15	Vallance Close	Burgess Hill	RH15 8TY
	10	Valley Drive	Brighton	BN1 5FA
	132	Valley Drive	Brighton	BN1 5FF
	132	Valley Drive, Withdean	Brighton	BN1 5FF
	4	Varndean Road	Brighton	BN1 6RS
	27	Vernon Avenue	Peacehaven	BN10 8RT
	61	Vernon Road	Uckfield	TN22 5DX
	14	Victoria Avenue	Burgess Hill	RH15 9PX
	38	Victoria Avenue	Burgess Hill	RH15 9PX
	349	Victoria Drive	Eastbourne	BN20 8XR
	97	Victoria Road	Milton Keynes	MK2 2PD
	19	Victoria Road	Southwick	BN42 4DJ
	9	Views Wood Path	Uckfield	TN22 1JL
Dewbrook House		Vines Cross House	Horam, Heathfield	TN21 OHE
Studio House		Wadhurst Business Park	Wadhurst	TN5 6PT
	52	Waldegrave Road		BN1 6GE
	97	Waldegrave Road	Brighton	BN1 6GJ
	7	Waldron Avenue, Coldean	Brighton	BN1 9EF
Redwood Lodge		Walesby Road	Market Rasen, Lincolnshire	LN8 3EY
	19	Walker rd,	Maidenhead	SL6 2QU
Picton Cottage		Wall Hill Road	Forest Row	RH18 5EG
	10	Walnut Park	Haywards Heath	RH16 3TG
Foxgloves	70	Warren Avenue	Nottingham	NG5 1DE
	45	Watersmead Drive	Littlehampton	BN17 6GH
	45	Waterston Drive	Littlehampton	BN17 6GH

PLANS LIST – 4TH FEBRUARY 2009

	1	Wayfield Avenue	Hove	BN3 7LW
	6	Wayfield Avenue	Hove	BN3 7LW
flat 6, Weetwood Lodge		Weetwood Lane, no 49	Leeds	LS16 5NP
Narrow Boat eve of spring		Welford Boatyard	Northhants	NN66JQ
	17	Wellends Close	Wickham Bishops	CM8 3NE
	17	Wellends Close	Wickham	CM8 3NE
Reynolds House		Wellington Road	London	NW8 9ST
2	33	Wencelling Cottages	Lancing	BN15 8LE
	30	West Drive	Ferring, Worthing	BN12 5QY
Windmill Court		West Green	Crawley	RH10 8NA
	79-81	West Street	Brighton	BN12 2RA
	12	Western Lodge, Cokeham Rd	Sompting, Lancing	BN15 0JB
Jaspe		Western Road	Burgess Hill	RH15 8QN
Maunsell Court		Western Road	Haywards Heath	RH16 3LJ
6	67	Westfield Crescent, Patcham	Brighton	BN1 8JA
	1	Weymouth Avenue	London	NW7 3JD
14 Robert Lodge		Whitehawk Road	Brighton	BN2 5FG
17 Greenview		Whitemans Green	Cuckfield	RH17 5BX
	12	Whylands Avenue	Worthing	BN13 3HG
	131	Wick Street	Littlehampton	BN17 7JN
	15	Wickham Close	Haywards Heath	RH16 1UH
	87	Widdicombe Way	Brighton	BN2 4TH
	28	Wilbury Villas	Hove	BN3 6GD
2	28	Willow Way	Hurstpierpoint	BN6 9TQ
	24	Willowbrook	Littlehampton	BN17 7NW
Bungalow		Wilson Avenue	Brighton	BN2 5PB
	3	Winden Avenue	Chichester	PO19 7UZ
	45	Windmill Lane	York	YO10 3LG
	20	Wisden Avenue	Burgess Hill	RH15 8TL
	122	Wiston Road	Brighton	BN2 5PR
	9	Wiston Way	Whitehawk, Brighton	BN2 5HT
37 Regency Court		Withdean Rise	Brighton	
	1	Wood Lane	Henfield	BN5 9YE
	1	Wood Lane	Henfield	BN5 9YE
	23	Wood Street	Surrey	RH1 3PE
	102	Woodbourne Avenue		
	51	Woodland Avenue	Hove	BN3 6BJ
	68	Woodland Avenue	Hove	BN3 6BN
	97	Woodland Avenue	Hove	BN3 6BJ
	100	Woodland Drive	Hove	BN3 6DE
	22	Woodland Way		BN1 8BA
	38	Woodlands Road	Haywards Heath	RH16 9JU
	16	Woodmill	Bristol	BS49 4QG
	19	Woodpecker Crescent	Burgess Hill	RH15 9XY
	46	Zetland Road	Redland, Bristol	BS6 7AA
Caburn Heights			Crawley	RH11 8QX
32 Chamberlaine			Ringmer	BN8 5ND

PLANS LIST – 4TH FEBRUARY 2009

Farmhouse				
Giles Cottage				CT2 7LT
	alisontravis@tiscali.co.uk			
	jim.moore11@btinternet.com			
	steve-sally@sky.com			RH6 7EX
	mile_oak_yungaa@hotmail.co.uk			
	stewart.simmonds@ntlworld.com			
	meeres@btinternet.com			

Total Support
794

BH2008/02732 Brighton & Hove Albion Stadium
LETTERS OF OBJECTION

House Name	House Number	Street	City	Post Code
	57	East Street	Falmer	BN1 9PB
The Swan Inn		Middle Street, Falmer North	Brighton	BN1 9PD
Mill House		Mill Street	Falmer	BN1 9PE
	68	Park Street	Brighton	BN1 9PG
St Laurence House		Park Street	Brighton	BN1 9PG
	8	Princes Road	Brighton	BN2 3RH
Old School House		South Street	Brighton - Falmer	BN1 9PQ
Victoria Cottage		South Street	Brighton - Falmer	BN1 9PT
	4	Station Approach	Brighton	BN2 9SD
	3	Station Approach	Brighton	BN2 9SD
	71	The Avenue	Brighton	BN2 4GG
	6	The Courtyard	Falmer	BN1 9PQ
Alison Travis		alisontravis@travis.co.uk		

Total objections
13

<u>No:</u>	BH2008/02641	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Balfour Junior School, Balfour Road		
<u>Proposal:</u>	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.		
<u>Officer:</u>	Chris Wright, tel: 292097	<u>Received Date:</u>	05 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 November 2008
<u>Agent:</u>	Nigel McCutcheon, Brighton & Hove City Council, Kings House, Grand Avenue, Hove		
<u>Applicant:</u>	Ms Gillian Churchill, Head of Capital Strategy and Development Planning, Childrens' and Young People's Trust, Brighton & Hove City Council, Kings House, Grand Avenue, Hove		

The application was previously deferred pending further neighbour re-consultation and in order to allow Members to carry out a site visit.

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

Conditions

1. BH01.01 Full Planning Permission.
2. The south facing windows on the rear elevation of the temporary classrooms shall not be glazed otherwise than with obscured glass and thereafter kept as such for the period the temporary classrooms are retained.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. BH03.02 Samples of Materials Non-Cons Area (extensions).
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 5th of August 2008; the bird, bat and stag beetle assessment submitted on the 12th 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 5th of August 2008; drawing no. ED203-005 Revision A submitted on the 14th 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 28th 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.
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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; and

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 to 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 a 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

Between 1965 and 1971 extensions including a new infant department and new cloakrooms and toilets were approved (refs. **67/879** and **68/2373**).

On 1st 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**).

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**).

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**).

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.

Further neighbour re-consultation expires on the 28th January 2009.

Following additional neighbour consultation an email has been received from **178 Balfour Road** suggesting the angled panels are coloured white instead of bright green, in order to match the principal new frontage.

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
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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 wide 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 walls 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.

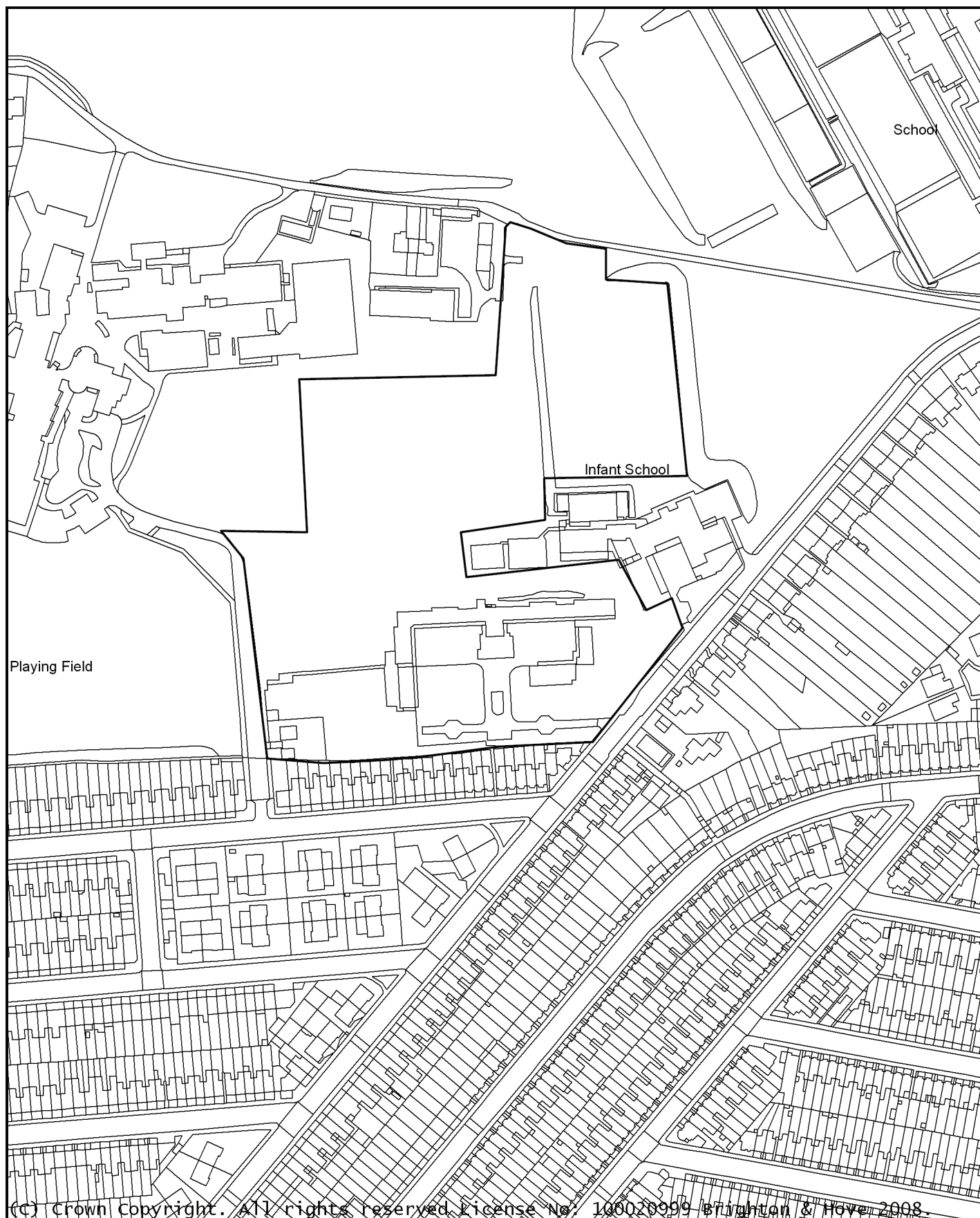
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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.

BH2008/02641 Balfour Junior School, Balfour Raod



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

This application was deferred at the last Committee meeting on 14th January 2009 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 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 25th 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: Eight letters of support received from the occupants of **12, 20** (2xletters), **22, 35** (2xletters) **Roedean Crescent, 14 Roedean Way and 11 Carden Avenue**, 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.
- This application is a new exciting contemporary house and will improve the street scene considerably and provide much needed local work.

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 & 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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, 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 4th and 5th 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 agent for the current application has also referred to an appeal decision for a new dwelling at 106 Longhill Road, which was allowed in January 2009.

The agent states that a precedent has now been set by this appeal decision for a modern three storey dwelling with a flat roofed appearance from the streetscene.

Officers consider that the character of Longhill Road differs to that of Roedean Crescent and that the Longhill Road appeal decision carries little weight in this case. The Inspector for Longhill Road states (Para 8), *“At the front it would have a clear 3-storey appearance for its full width beneath a simple low-pitched butterfly roof with a central valley. This would respect the part 3-storey appearance of the immediately neighbouring dwellings, at 104 and 108 Longhill Road. The main roof would be similar in height to the ridge of the dwelling at 104 Longhill Road, and the roof over the relatively small principle staircase core would be only a little taller, so it would not cause harm.”*

No. 27 Roedean Crescent neighbours a chalet property at No.25 and a two storey dwelling at No.29 which is of a similar design to the existing dwelling to be demolished. It is sited within a streetscene of relatively traditionally designed dwellings with the distinct characteristic of integrated pitched roofs. The immediate streetscene of the application site and impact of the proposal is therefore considered to be significantly different to that of Longhill Road.

The inspector continues in paragraph 9: ‘...there is already a wide palette of styles and materials in the locality...due to its sympathetic siting, form, scale, design and materials, (the proposed dwelling) would harmonise with the street scene in Longhill Road...respecting the characteristics of its site and the wider locality.’ The Officer considers that this is not the case with the application proposal at No.27 Roedean Crescent, and that the proposal does not respect the character of the area.

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 roof slopes 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 & 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.



Date: 19/01/2009 03:46:41

Scale 1:1250



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<u>No:</u>	BH2008/02531	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	The Meadows, 18 Roedean Way		
<u>Proposal:</u>	Demolition of existing house and erection of new dwelling.		
<u>Officer:</u>	Steve Lewis, tel: 292321	<u>Received Date:</u>	25 July 2008
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	14 October 2008
<u>Agent:</u>	Lewis & Co. Planning South East Limited, Paxton Business Centre		
<u>Applicant:</u>	Mr & Mrs Golding, The Meadows, 18 Roedean Way.		

This application was deferred at the last Committee meeting on 14th January 2009 in order for members to visit the site.

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 POLICIESBrighton & 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.

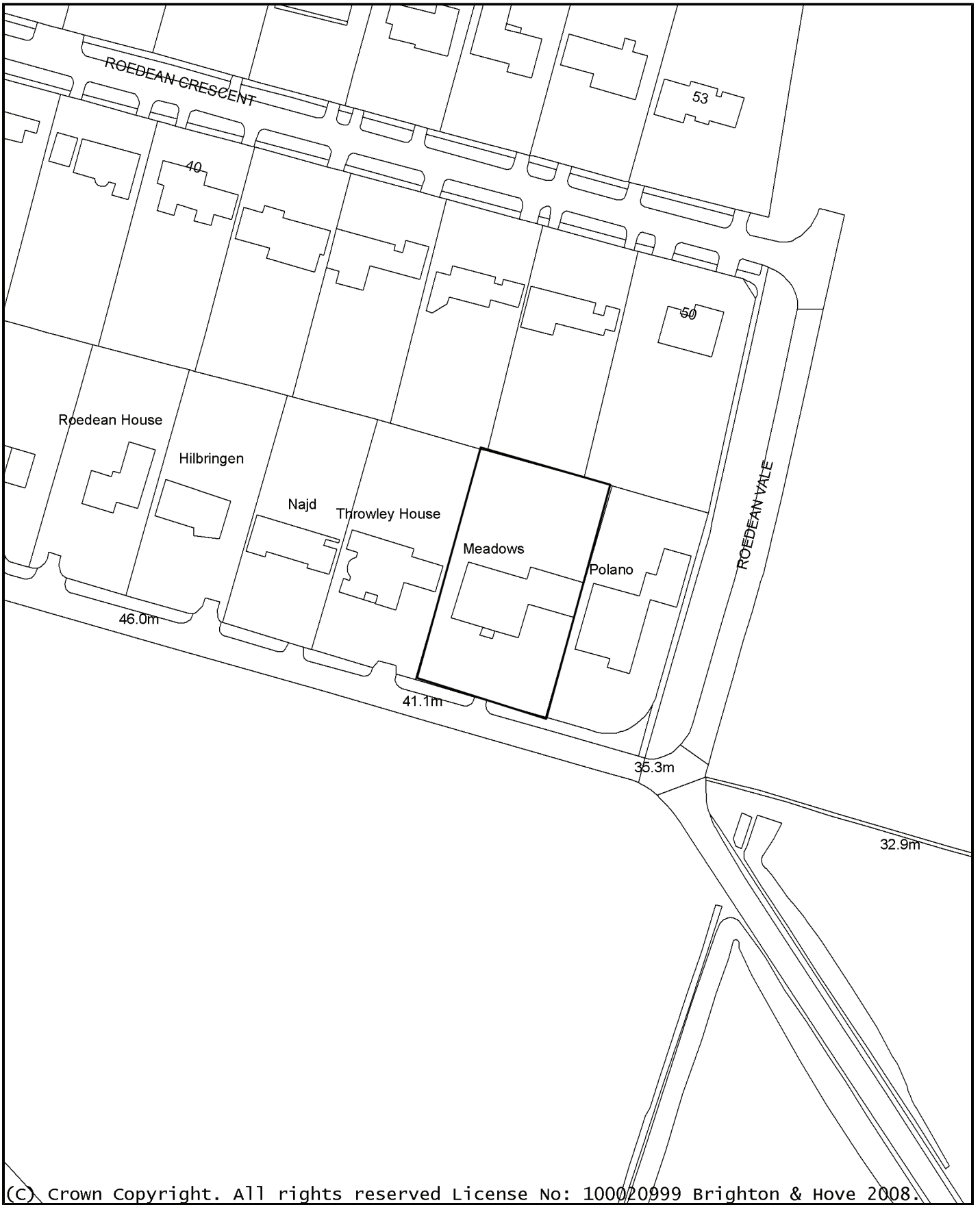
Waste minimisation.

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.

BH2008/02531 The Meadows, 18 Roedean Way



<u>No:</u>	BH2007/04452	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Brunswick Street West, Hove		
<u>Proposal:</u>	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	26 March 2008
<u>Agent:</u>	P R P Architects, 7 The Green, Hove		
<u>Applicant:</u>	Mr R Rigg, c/o Agent		

This application is linked to an application for Listed Building Consent ref: BH2007/04446. The application was deferred before the 12th November Committee on legal advice as appropriate notices had not been served. Members also requested a site visit.

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. Within six months of the date of the approval, unless otherwise agreed in writing, the windows on the front elevation of the building shall be removed and the windows hereby approved shall be fully installed, with external finishes to match that of the existing building and shall be retained as such thereafter. The approved windows shall exactly follow the design and detailing of windows installed at no.9 Brunswick Street West.
Reason: To ensure satisfactory appearance to the development and to improve the character and appearance of the street scene and the wider Brunswick Town Conservation Area and to comply with policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan
2. Within three months of the date of the permission, unless otherwise agreed in writing, full details of the proposed rear sliding sash window shall be submitted to and approved by the Local Planning Authority in writing. The approved windows shall be installed within six months of the date of this permission, unless otherwise agreed in writing, and shall be retained in place thereafter. The finishing around the new windows shall exactly match the existing finishes on the rear elevation and retained as such thereafter.
Reason: To preserve the historic character of the rear elevation of the existing building and 28 and 29 Brunswick Terrace and to comply with policies HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 02a received on the 2nd 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, including Supplementary Planning Guidance
Brighton & Hove Local Plan:
 - QD1 Design – quality of development and design statements
 - QD14 Extensions and alterations
 - QD27 Protection of Amenity
 - HE1 Listed Buildings
 - HE6 Development within or affecting the setting of Conservation Area; and
 - (ii) for the following reasons:-

The works are an improvement to the character and appearance of the property, provide cohesion to the terrace and preserve the character and appearance of the wider Brunswick Town Conservation Area. Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building. The development would not result in significant overlooking or noise and disturbance to neighbouring properties
3. The applicant is advised that the permission hereby granted relates solely to the proposed works identified in the description and shown on the submitted drawings.

2 THE SITE

Brunswick Street West is comprised of mixed uses, primarily residential in nature, and this application relates to a mid-terrace property on the south side of Brunswick Street West. The site is to the rear of 28 Brunswick Terrace, a Grade 1 listed building.

Investigations by the Conservation and Design Team which followed a previous application in 2007 have concluded that this property should be considered to be listed. As a subordinate/ancillary building to 28 Brunswick Terrace, the property therefore follows the same Grade I listing as 28 and 29 Brunswick Terrace.

3 RELEVANT HISTORY

M/15639/71: Alterations to flat with garage – approved 4th January 1972.

3/75/0093: Conversion of existing lock up garage to Licensed restaurant – refused 17th March 1975

BH2007/00308: (Full Planning application) Replacement windows at first floor level front elevation (retrospective) approved 11th June 2007. When the application was granted at the sub-committee, members decided to add an

informative on to the decision advising that the property may be listed, and if so, Listed Building Consent may be required for the windows at first floor level.

A recent application to replace the doors on the garage unit which is in separate ownership (**BH2008/03268** full planning) and (**BH2008/03661** listed Building consent) has been approved and would result in a traditional solid construction.

The planning history on some of the neighbouring properties is relevant to the current application as the design approach proposed in this application has similarities to previous approvals in Brunswick Street West

BH2007/00330 9 Brunswick Street West Hove (Full Planning Application) approved 11th June 2007

Here planning committee agreed to grant the changes to fenestration 'as built' rather than for the garage door style suggested by the Conservation and Design Team. It is this approval which has guided the recommendation on this application.

There is a concurrent Listed Building application seeking consent for the insertion of new windows to the front and rear at ground floor level (**BH2007/04446**) this is recommended for approval.

4 THE APPLICATION

Full planning permission is sought for the insertion of new windows to front and rear ground floor of the building. The windows currently in situ are unauthorised and have been installed without the necessary permissions.

The advice from the Conservation and Design Team on the treatment of Brunswick Street West has remained consistent. For this building, as for others in this terrace, they advise that the installation of full height door openings is the right approach for the front elevation. In particular regard was had to the decision by Planning Committee to adopt this approach in respect of the neighbouring property at 9 Brunswick Street West.

Initially, the submitted application proposed to install replacement doors on the front elevation. This was based on the guidance from the Conservation and Design Team. However after some consideration, it was considered that any new ground floor windows or doors should be in-keeping with other recent approval and additions in the street.

Therefore, having regard to the previous approvals on this side of the terrace, and in the interests in achieving continuity to the front elevations, it is considered that the works to the front elevation of the building should follow the design of recent approvals and amended plans have been received.

To the rear, the ground floor, an unauthorised windows has been installed which is to be replaced by a sliding sash.

5 CONSULTATIONS

External:

Neighbours: Friends of Brunswick Square and Terrace, Flat 4, Flat 2, 28 Brunswick Terrace, Flat 2, Flat 5, Flat 8, 29 Brunswick Terrace, 29 Brunswick Terrace Freehold Ltd , Freeholder 28 Brunswick Terrace, Flat 1, 2, 3, 5, 6, 7, 9 28 Brunswick Terrace object to application for the following reasons:

- the garage has never had a change of use granted to change to residential accommodation,
- permission BH2007/00308 gave consent only changes in the fenestration of the upper windows only,
- listed building applications are outstanding for the building,
- internally and externally changes have been made which do not have listed building consent and all these matters must be fully reported to committee,
- the rear window results in a loss of privacy neighbouring properties,
- a window above has been converted to clear glass and now opens,
- the enforcement investigation for the works to the property is incomplete,
- the works the rear would also cause additional noise and disturbance to the courtyard,
- three protruding flues at the rear have no permission and are incomplete,
- relevant notices have not been served on those residents/owners in Brunswick Terrace, such civil permissions would be withheld,
- the works affect the common parts of 28 Brunswick Terrace and affects the amenity and security of these properties,
- the developer has knowingly carried out unauthorised works and confused and mislead neighbours and the conservation team,
- the situation has been on-going for some time but the property has been occupied and the rental income earned,
- it is essential that works to the fronts of these buildings are not piecemeal and continuity between the buildings is developed.

Conservation and Advisory Group (comments on the initial drawings) The group expressed concern over the proposed windows and agreed that those to the front elevation should match the pattern previously agreed for number 9 Brunswick Street West.

Internal:

Conservation and Design:

No objection to the proposed doors which is the preferred approach.

Comments on amended scheme: It is considered that the character of these ground floor mews properties is best maintained with the inclusion of full height openings reflecting the garage door arrangements traditional to such

buildings, and as such the windows with high cills shown on plan 02A are not considered in keeping, and the general arrangement shown on plan 01 would be more in line with the preferred approach.

No objection to the rear sliding sash, subject to appropriate joinery details which would need to be conditioned.

Traffic: No objection, the development would not cause a material increase in parking demand.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD14 Extensions and alterations

QD27 Protection of Amenity

HE1 Listed Buildings

HE6 Development within or affecting the setting of Conservation Area

7 CONSIDERATIONS

The determining issues relate to the design and appearance of the proposed works including the impact on the historic character of the listed building and the wider Brunswick Town Conservation Area. In addition the impact on the amenity of neighbouring properties must be assessed. Matters relating to freehold permissions are not material planning considerations, although it appears as though the correct notices have now been served.

Design and appearance

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which forms this application.

The pre-existing doors were not of merit and there was no objection to the removal of this feature. The Conservation and Design Team however advised that replacement fenestration should evoke back to the traditional opening of mews buildings. This suggestion has been considered at length, however on balance it is considered that the priority with this application should be to improve the Brunswick Street West street scene.

As a result, the solution for the front elevation of the building now proposed, is consistent with that approved by Planning Committee for 9 Brunswick Street West 18 months ago. If granted, the development would result in improved continuity in the street scene. This approach is supported by the Conservation Advisory Group and supported by some of the local residents. In this instance, the proposed fenestration for the front of the building, outlined in

drawing number 02a is considered to be acceptable.

In regard to the design of the new window on the rear of the building, the current installation is not acceptable either in design and appearance, or in finishing. The window to the first floor of 7 Brunswick Terrace is a side hung casement, however all other windows facing the rear courtyard of 28/29 Brunswick Terrace appear to be sliding sash. Having regard to the historic character of the rear of Brunswick Terrace, it is considered that a timber sliding sash window should be installed and details must be submitted to the Local Planning Authority prior to a new window being installed within a specified time period. The Conservation and Design Team have not objected to a rear sash window, subject to the receipt of acceptable joinery details.

Impact on amenity

The works to the rear of property have been a cause for concern for neighbouring properties at the rear. The site has been viewed from one of the flats with views on to the rear elevation of 7 Brunswick Street West. Neighbours are concerned that the new windows cause a loss of privacy and noise and disturbance to neighbouring occupiers.

It is noted that the insertion of an additional window would increase the overlooking of the courtyard. However given the number of windows overlooking the courtyard it is not considered that the works present a significant increase in overlooking, beyond the existing arrangement. In addition, the insertion of an additional window is not considered to cause a significant increase in noise and disturbance to the courtyard or the neighbouring occupiers. In such locations, it is common for a number of windows, serving different flats, to be in close proximity to each other. For this reason it is considered that works do not present a significant impact on neighbouring properties.

The works to the front of the property are not considered to impact on the residential amenity of neighbouring properties.

Traffic and Transport

The development would result in a loss of an off-street car parking space. This section of Brunswick Street West is un-adopted and it does allow for some car parking along the front elevation. A new unit of accommodation is not being created. The Traffic Manager does not raise an objection to the loss of the garage as it cannot be demonstrated that the loss will place increased pressure on the demand for car parking in the adjacent Controlled Parking Zone.

Other Matters

Residents have commented on the need for a change of use application for the garage to a play-room. This has been given consideration and the planning history researched. The description of a flat with garage remains applicable to the site. The approved application in 1971 showed the internal

links between all the internal rooms on the ground floor of the property. Currently the garage adjoining number 9 Brunswick Street West remains in different ownership and does not form part of this application. Based on the fact this part of the ground floor of the property was not self contained from the upper floor of the property, it is not considered that a change of use of this part of building is required.

There is no planning history to suggest that this part of the ground floor was a separate planning unit to the first floor of the building.

Residents have also commented on works to the building which may not have the relevant permissions. Particular attention has been drawn to the flues on the rear elevation of the property. If undertaken after the property was considered as listed, such work would require listed building consent. There has been a verbal indication from the applicant that there is an opportunity to address the number of flues in this position, and this is under review with the Planning Investigation Team.

Conclusion

The proposed development would provide some continuity to Brunswick Street West street scene. Subject to compliance with conditions, the window frames will have slim profiles and will not detract from the historic character and appearance of the building, or the setting of the Brunswick Terrace. The development would not result in significant noise and disturbance or overlooking to neighbouring properties.

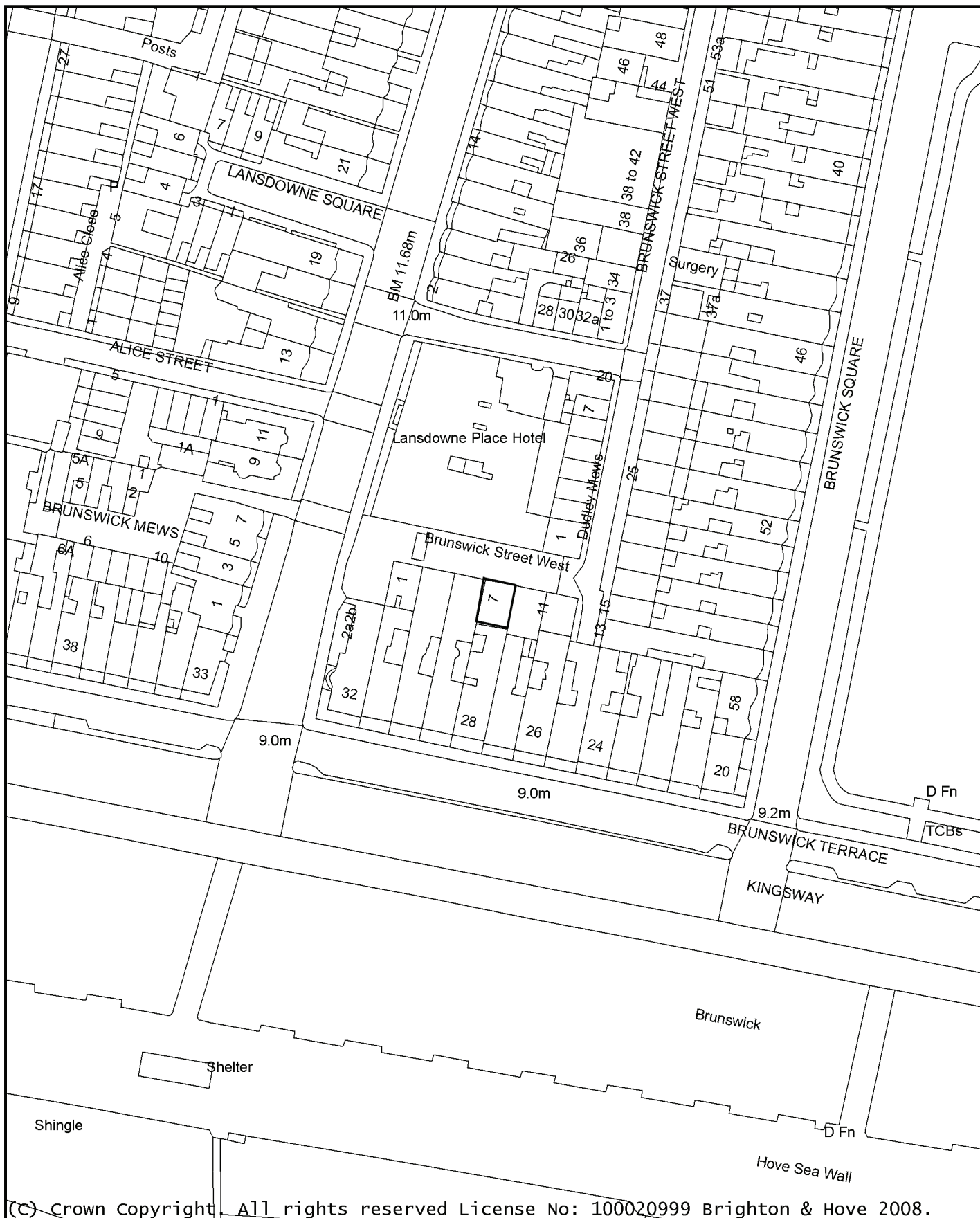
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The works are an improvement to the character and appearance of the property, provide cohesion to the terrace and preserve the character and appearance of the wider Brunswick Town Conservation Area. Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building. The development would not result in significant overlooking or noise and disturbance to neighbouring properties

9 EQUALITIES IMPLICATIONS

None identified.

BH2007/04452 7 Brunswick Street West



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<u>No:</u>	BH2007/04446	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	7 Brunswick Street West, Hove		
<u>Proposal:</u>	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	26 March 2008
<u>Agent:</u>	PRP Architects, 7 The Green, Hove		
<u>Applicant:</u>	Mr R Rigg, c/o Agent		

This application is linked to an application for Full Planning Permission ref: BH2007/04452. The application was deferred before the 12th November Committee on legal advice as the appropriate notices had not been served. Members also requested a site visit.

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 are **Minded to Grant** listed building consent subject to no objection from **GOSE** and subject to the following Conditions and Informatives:

Conditions:

1. Within six months of the date of the approval, unless otherwise agreed in writing, the windows on the front elevation of the building shall be removed and the windows hereby approved shall fully installed and shall be retained as such thereafter. The approved windows shall exactly follow the design and detailing of windows installed at no.9 Brunswick Street West.
Reason: To ensure satisfactory appearance to the development and to preserve the historic character of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan
2. Within three months of the date of the permission, unless otherwise agreed in writing, full details of the proposed rear sliding sash window shall be submitted to and approved by the Local Planning Authority in writing. The approved windows shall be installed within six months of the date of permission, unless otherwise agreed in writing, and shall be retained in place thereafter. The finishing around the new windows shall exactly match the finishes on the rear elevation.
Reason: To ensure satisfactory appearance to the development and to preserve the historic character of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 02a received on 2 September

2008.

2. This decision to grant Listed Building 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:
HE1 Listed Buildings; and
 - (ii) for the following reasons:-
Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building.
3. The applicant is advised that the permission hereby granted relates solely to the proposed works identified in the description and shown on the submitted drawings. The existing rear flues have been referred to the Planning Enforcement Team for further investigation.

2 THE SITE

Brunswick Street West is comprised of mixed uses, primarily residential in nature, and this application relates to a mid-terrace property on the south side of Brunswick Street West. The site is to the rear of 28 Brunswick Terrace, a Grade 1 listed building.

Investigations by the Conservation and Design Team which followed a previous application in 2007 have concluded that this property should be considered to be listed. As a subordinate/ancillary building to 28 Brunswick Terrace, the property therefore follows the same Grade I listing as 28 and 29 Brunswick Terrace.

3 RELEVANT HISTORY

M/15639/71: Alterations to flat with garage – approved 4th January 1972.

3/75/0093: Conversion of existing lock up garage to Licensed restaurant – Refused 17th March 1975.

BH2007/00308: (Full Planning application) Replacement windows at first floor level front elevation (retrospective) approved 11th June 2007. When the application was granted at planning application sub-committee, members decided to add an informative on to the decision advising that the property may be listed, and if so, Listed Building Consent may be required for the windows at first floor level.

There are current applications registered to replace the doors on the garage unit which is in separate ownership **BH2008/03268** (full planning) and **BH2008/03661** (listed Building consent). This proposed to be a traditional solid construction and is currently under consideration.

The planning history on some of the neighbouring properties is relevant to the current application as the approach proposed in this application has similarities to previous approvals in Brunswick Street West.

BH2007/00330 9 Brunswick Street West Hove (Full Planning Application)
approved 11th June 2007

Here planning committee agreed to grant the changes to fenestration 'as built' rather than for the authentic garage door style suggested by the Conservation and Design Team

There is a concurrent full planning permission seeking permission for the insertion of new windows to the front and rear at ground floor level (**BH2007/04452**).

4 THE APPLICATION

Full planning permission is sought for the insertion of new windows to front and rear ground floor of the building. The windows currently in situ are unauthorised and have been installed without the necessary permissions.

The advice from the Conservation and Design Team on the treatment of Brunswick Street West has remained consistent. For this building, as for others in this terrace, they advise that the installation of full height door openings is the right approach for the front elevation.

Initially, the submitted application proposed to install replacement doors on the front elevation. This was based on the guidance from the Conservation and Design Team. However after some consideration, it was considered that any new ground floor windows or doors should be in-keeping with other recent approval and additions in the street. In particular regard is had to the decision by Planning Committee to adopt this approach in respect of the neighbouring property at 9 Brunswick Street West.

Therefore, having regard to the previous approvals on this side of the terrace, and in the interests in achieving continuity to the front elevations, it is considered that the works to the front elevation of the building should follow the design of recent approvals and amended plans have been received.

To the rear, the ground floor, an unauthorised windows has been installed which is to be replaced by a sliding sash.

5 CONSULTATIONS

External:

Neighbours: Friends of Brunswick Square and Terrace, Brunswick Street West and Dudley Mews residents Association, Flat 2, Flat 5, Flat 8, 29 Brunswick Terrace, 29 Brunswick Terrace Freehold Ltd, 28 Brunswick Terrace Freehold, and 5 Brunswick Street West, Flat 2, 3, 5, 6, 7, 9 28 Brunswick Terrace object to application for the following reasons:

- the garage has never had a change of use granted to change to residential accommodation,
- permission BH2007/00308 gave consent only changes in the fenestration of the upper windows only,

- listed building applications are outstanding for the building,
- internally and externally changes have been made which do not have listed building consent and all these matters must be fully reported to committee
- the rear window results in a loss of privacy neighbouring properties,
- a window above has been converted to clear glass and now opens,
- the enforcement investigation for the works to the property is incomplete,
- the works the rear would also cause additional noise and disturbance to the courtyard,
- three protruding flues at the rear have no permission and are incomplete,
- relevant notices have not been served on those residents/owners in Brunswick Terrace, such civil permissions would be withheld,
- the works affect the common parts of 28 Brunswick Terrace and affects the amenity and security of these properties,
- the developer has knowingly carried out unauthorised works and confused and mislead neighbours and the conservation team,
- the situation has been on-going for some time but the property has been occupied and the rental income earned,
- it is essential that works to the fronts of these buildings are not piecemeal and continuity between the buildings is developed.

Conservation and Advisory Group (comments on the initial drawings) The group expressed concern over the proposed windows and agreed that those to the front elevation should match the pattern previously agreed for number 9 Brunswick Street West.

English Heritage: No comment.

Internal:

Conservation and Design:

Comments on amended scheme: It is considered that the character of these ground floor mews properties is best maintained with the inclusion of full height openings reflecting the garage door arrangements traditional to such buildings, and as such the windows with high cills shown on plan 02A are not considered in keeping, and the general arrangement shown on plan 01 would be more in line with the preferred approach.

No objection to the rear sliding sash, subject to appropriate joinery details which would need to be conditioned.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:
HE1 Listed Buildings

7 **CONSIDERATIONS**

The determining issues relate to the design and appearance of the proposed works including the impact on the historic character of the listed building only.

The accompanying full planning application considers all planning matters relating to the development, including the issues raised by neighbours. Matters relating to freehold permissions are not material planning considerations, although it appears as though the correct notices have now been served.

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which forms this application.

The pre-existing doors were not of merit and there was no objection to the removal of this feature. The Conservation and Design Team however advised that replacement fenestration should evoke back to the traditional opening of mews buildings. This suggestion has been considered at length, however on balance it is considered that the priority with this application should be to improve the Brunswick Street West street scene.

As a result, the solution for the front elevation of the building now proposed, is consistent with that approved by Planning Committee for 9 Brunswick Street West. If granted, the development would result in improved continuity in the street scene. This approach is supported by the Conservation Advisory Group and supported by some of the local residents. In this instance, the proposed fenestration for the front of the building, outlined in drawing number 02a is considered to be acceptable.

In regard to the design of the new window on the rear of the building, the current installation is not acceptable either in design and appearance. or in finishing. The window to the first floor of 7 Brunswick Terrace is a side hung casement, however all other windows facing the rear courtyard of 28/29 Brunswick Terrace appear to be sliding sash. Having regard to the historic character of the rear of Brunswick Terrace, it is considered that a timber sliding sash window should be installed and details must be submitted to the Local Planning Authority prior to a new window being installed within a specified time period. The Conservation and Design Team have not objected to a rear sash window, subject to the receipt of acceptable joinery details.

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which is yet to be installed.

Other matters

Residents have also commented on works to the building which may not have the relevant permissions. Particular attention has been drawn to the flues on the rear elevation of the property. If undertaken after the property was considered as listed, such work would require listed building consent. There has been a verbal indication from the applicant that there is an opportunity to address the number of flues in this position, and this is under review with the Planning Investigation Team

Conclusion

The proposed development would provide some continuity to Brunswick Street West street scene. Subject to compliance with conditions, the window frames will have slim profiles and will not detract from the historic character and appearance of the building, or the setting of Brunswick Terrace.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/04446 7 Brunswick Street West



Date: 19/01/2009 04:05:27

Scale 1:1250



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<u>No:</u>	BH2008/02787	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Full Planning		
<u>Address:</u>	64 Brunswick Street West, Hove		
<u>Proposal:</u>	Change of use from Snooker Hall (D2) to Music School (D1) and associated rear external alterations.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	14 August 2008
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	08 December 2008
<u>Agent:</u>	Marshall Clark, 12 Sompting Road, Worthing		
<u>Applicant:</u>	No.7 Ltd, 38-42 Brunswick Street West, Hove		

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. BH01.01 Full planning.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any subsequent similar re-enactment, this permission shall be for a music school with ancillary offices and no other purposes including any other uses within Class D1 of the Schedule to the Order without the prior consent of the Local Planning Authority to whom a planning application shall be made.
Reason: Having regard to the location of the premises, parking, traffic generation and residential amenity, the need to retain community facilities and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.
3. The premises shall not be open or in use except between the hours of 8.30 am and 6.30 pm on Monday to Saturday, and not at any time on Sunday or Bank Holidays.
Reason: To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The external finishes of the rear extension works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH05.07 Site Waste Management Plan.
7. BH06.04 Sustainable transport measures.
8. BH06.02 Cycle parking details to be submitted.
9. BH.05.09 General Sustainability Measures.

10. BH07.02 Soundproofing of building.
11. BH07.07 Soundproofing/ Plant and machinery.
12. Amplified music or other noise from within the premises shall not be audible at any adjacent residential premises.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan
13. Before development commences, a travel plan shall be submitted to and approved in writing by the Local Planning Authority indicating measures to encourage the use of walking, cycling and public transport and carry out on-site improvements to assist in this aim, together with a schedule for implementation. The scheme shall thereafter be carried out in accordance with the agreed details and where applicable, thereafter implemented at all times the music school is in operation.
Reason: To seek to reduce traffic generation in accordance with policy TR4 Travel Plan of the Brighton & Hove Local Plan
14. Before development commences, a management plan shall be submitted to and approved in writing by the Local Planning Authority indicating measures to ensure students arrive at and depart the site with minimal impact on neighbouring residential occupiers and to avoid large numbers of students congregating outside the premises, together with a schedule for implementation. The agreed management plan shall be implemented at all times the music school is in operation.
Reason: To seek to reduce potential noise and disturbance from the use of the premises as a music school in accordance with policy QD27 of the Brighton & Hove Local Plan.
15. Before development commences, full details of the extent of the works required to the windows on the front elevation of the property and the roof of the property shall be submitted to and approved by the Local Planning Authority. The schedule of works shall include 1:20 joinery details and samples as appropriate.
Reason: As insufficient information as been submitted and to protect the listed building in compliance with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0810, 01, 02, 03, and supporting information received 8th October 2008, and, 05, 06, 07, 08, 09 received on the 12th December 2008.
2. The applicant is advised that the requirements of Condition 7 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £3,000 to fund improved accessibility improvements on the public highway.
3. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be

found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

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, 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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning Obligations
HO19	New community facilities
HO20	Retention of community facilities
SR21	Loss of Indoor recreation facilities
HE1	Listed buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Supplementary Planning Guidance

SPGBH4 Parking Standards; and

ii) for the following reasons:

The application would bring a listed building which is 'at risk' back in to use which is welcome. The proposal would continue to provide a community use in the building, and the applicant has a good reputation for a cultural contribution to the city. The proposed works will preserve the character of the listed building and would not harm the character and appearance of the Conservation Area. The Environmental Health Team are confident that the residential amenity of neighbouring properties will be protected, and subject to compliance with conditions, it is considered that this aspect of the application is acceptable.

2 THE SITE

The application relates to a 3 storey property, plus a basement on the west side of Brunswick Street West. The building was most recently used as snooker hall, although council records show it has been vacant for

approximately five years.

The property lies within the Brunswick Town Conservation Area, and is grade 11 listed. The original use of the property as Hove Town hall is also of historical Importance.

The area is predominantly residential but adjoining the property to the north is the Bow Street Runner Public House. The rear elevation is rendered which forms the back wall to gardens of residential properties in Lansdowne Place. The site has been purchased by the Brighton Institute of Modern Music (BIMM) who currently operate from premises approximately 65 metres south of the proposed site (38-42 Brunswick Street West). This existing premises would continue to operate.

3 RELEVANT HISTORY

BH2001/00462: Riley Snooker Club 64 Brunswick Street West - removal of Condition 1 of Planning Permission BH1999/02776/FP to allow 24 operation – approved 11/2/2002.

Of relevance to the current application is the approval for units 2, 3 and 4 38-42 Brunswick Street West for a change of use of light industrial to music college. Granted 21st July 2004 (ref: **BH2004/01745/FP**).

An application for Listed Building Consent accompanies this application ref: **BH2008/02788**).

4 THE APPLICATION

Full planning permission is sought for the change of use from a vacant snooker hall to a Music School which would be used as the third site in the city for Brighton Institute of Modern Music (BIMM). BIMM have purchased the building subject to planning consent. The applicant states that approximately £2m would be spent restoring and renovating the property.

BIMM currently operates in the east of the city in Rock Place, and existing venue at 38-42 Brunswick Street West. In September 2009, BIMM propose to accommodate an increase of 200 pupils over the three sites. Classes last 90 minutes. Opening hours of 8.30pm to 6.00pm is proposed. Classes run on 3 x 10 week terms.

External alterations are proposed to the rear of building. The existing return at first floor level would be infilled and finished flush with the main part of the building, a pitched roof would be formed and extended back to a flat roof to meet the main roof slope. Plant and machinery and vents would be screened by this part of the building.

5 CONSULTATIONS

External:

Neighbours: Top flat 38 Lansdowne Place (x2) 38 Lansdowne Place , flat

1 67 Brunswick Street West, Lansdowne Area Residents Association, Friends of Brunswick Square and Terrace object for the following reasons:

- Insufficient information on the specific detail intended for air conditioning, ventilation, noise suppression and screening,
- The building up of the rear elevation will impose on adjacent properties in Lansdowne Place and restrict light levels,
- Noise pollution from the plant and machinery, and performances,
- Licences should be required for the live performances,
- Loss of privacy from the occupation of the building by the general public,
- Congestion on the narrow road,
- Noise and disturbance from evening sessions,
- Noise from the pub refrigeration units is already a nuisance,
- There have been problems with noise from the existing BIMM premise in Brunswick Street West,
- Rubbish and bicycle parking needs to be addressed, and the vacant lot adjacent to the current premises is an eyesore,
- The site is a historical importance, as the only Town Hall in Hove until 1882. Under a section 106 a historic plaque could be placed on the building identifying its original use, first and second floors would have been civic spaces, and the ground and basement would have been judicial/ police features,
- A travel plan needs updating before a change of use is consented,
- Section 106 should offer improvements to the highway,
- Full restoration should be required for the building which is at risk.

Flat 4, 34 Lansdowne Place and 61 Brunswick Street West, 3, 40 Lansdowne Place, comment

- Concerns over the noise music, air conditioning, appearance of the changes to the rear of the building,
- Could greening be included to make the changes more attractive,
- Frosted glass and none opening windows should be used where possible.

Internal:

Conservation & Design:

Original Comments:

This building has been empty for some time and is on the list of buildings at risk, therefore the opportunity to get a new user is the best chance of preserving this building for the future, however it is important to make sure that alterations are balanced with improvements to the building which reflect its listed status.

No objection to the proposed use; the consequences for sound proofing and air conditioning are the biggest concerns but due to the loss of internal character that has already taken place in this building it is considered likely that this will be acceptable subject to details.

There is a lack of detail on external venting, positioning of plant and revised roof form in this application and further comments will be made when this is received. It is however considered that the re-roofing must be done with natural slate, not man made as stated, and the ground floor metal windows should be replaced with correctly detailed sliding sashes to properly preserve the listed building.

Comments on amended plans:

The positioning of the roof vents is now acceptable, clarification that the ducting is to be positioned in the existing suspended ceilings is noted. If they are just doing patch repair on the roof with like for like it doesn't need permission. More extensive repair involving the replacement of various materials with a single roof covering would be a change needing permission and we would insist on natural slate under those circumstances. Ground floor windows should be replaced with timber.

Environmental Health:

Whilst there is the potential for noise and disturbance to neighbouring occupiers this can be mitigated by the imposition of conditions. Recommend approval subject to conditions on the details of soundproofing, hours of use, plant and machinery and control over amplified music.

Planning policy:

The proposal is for the change of use of a snooker hall (D2) to a music school (D1). Regard should be given to policies SR21 (which seeks to retain indoor recreation facilities) and policy HO20 (retention of community facilities). Whilst it is recognised that the snooker hall is regarded as a community facility and it is proposed to replace this facility with another community use in the form of a music school; the applicant should still address the loss of the snooker hall in the planning application. The applicant states that the snooker hall has been vacant for 5 years. An exception to the policies could apply if thorough marketing of the site was submitted (dated advertisements, in the context of how they were published) to demonstrate that the premises were no longer suitable for other D2 sports and leisure occupiers or that the snooker hall has relocated elsewhere.

If the proposed loss of the snooker hall is considered justified then regard should be given to the criteria of policy HO19 particularly in terms of criteria a) which seeks to ensure that new community facilities benefit people from socially excluded groups and provide suitable childcare facilities. Compliance with criteria b) should be confirmed by the council's Environmental Health Team. It is considered that a criterion c) is met as the facility is located in an accessible part of the city, close to bus routes. In terms of criteria d) it is noted that no car parking provision has been provided due to the constraints of the site and its city centre location. Colleagues in Transport Planning should be able to offer advice regarding this requirement

Cultural Services: support the application, for the following reasons

- Brighton Institute of Modern Music is a thriving successful local business,
- BIMM employs 40 full time staff and around 80 session tutors,
- The diploma for 16 years olds out of education is a flagship local programme,
- The expansion would create 16 further jobs,
- BIMM provides specialist training and inspiration to young people,
- Students gigs in various venues in the city contribute to cultural night-time activity,
- Its presence in the city contributes to Brighton & Hove's growing reputation as a centre for musicians, performance and music production
- This is a private enterprise which will invest their own capital and bring a semi-derelict building back in to use.

Traffic Manager:

No objection, cycle parking must be secured and a disabled car –parking bay should be provided.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning Obligations
HO19	New community facilities
HO20	Retention of community facilities
SR21	Loss of Indoor recreation facilities
HE1	Listed buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

Supplementary Planning Guidance

SPGBH4	Parking Standards
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7 CONSIDERATIONS

The determining issues relate to the principle of the change of use and the impact on the amenity of neighbouring occupiers, the acceptability of the external changes proposed, and the impact on the listed building and Brunswick Town Conservation Area.

Principle of the change of use

Regard should be given to policies SR21 (which seeks to retain indoor recreation facilities) and policy HO20 (retention of community facilities).

Leisure facilities are protected under policy SR21. This policy states that planning permission for development proposals resulting in a reduction or loss of indoor recreation or sporting facilities will not be permitted except where a) it can be demonstrated that there is an excess of provision within the catchment area of the facility; b) the facilities are to be replaced by improved facilities that meet the aims of the City Council's sport and recreation strategy; and c) replacement facilities are in a location as close as is practicable to existing and potential users, and readily accessible by a choice of transport modes.

It is not the case that there is an over-supply of indoor recreation sites in the city. However the nearest snooker club to the site is located in Castle Street, Brighton, which is within walking distance from the site. The previous occupier Rileys, also continue to run a Snooker facility on London Road in Brighton.

Policy HO20 which seeks to retain community uses must be given due regard in the consideration of the change of use. It is recognised that the previous use as a Snooker Hall is regarded as a community facility and it is proposed to replace this facility with another community use in the form of a music school.

The applicant states that the snooker hall has been vacant for 5 years since Riley's vacated the premises, and council records confirm this timescale. Whilst a full marketing report has not been submitted with the application, it has been confirmed by the agent that an approach was made in January 2008 for the applicant to buy the property. Given the length of vacancy, the fact that existing Snooker facilities remain in the city, and that the premises is identified on the 'buildings at risk' register, it is considered that a change of use from the Snooker Hall is justified in this instance.

Consideration must then be given to the criteria of policy HO19 which identifies what should be expected in new community facilities. The proposal is to convert the existing use, rather than build a new facility, but policy HO19 states that Planning permission will be granted for community facilities where it can be demonstrated that:

- a) the design and use of the facility will ensure its accessibility to all members of the community and include:
 - i. demonstrable benefits to people from socially excluded groups;
and
 - ii. the provision of suitable childcare and toilet facilities;
- b) there is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
- c) the location is readily accessible by walking, cycling and public transport;
and

- d) adequate car and cycle parking, including provision for people with disabilities, is provided.

The building is an accessible location, and is well served by the bus routes on Western Road to the north. The change of use would also provide benefits to socially excluded groups, as the applicant has confirmed that part of the education services provided includes classes to 16 year olds who are currently not in education. Whilst there are adequate toilet facilities, there is no provision for childcare on the site, but due to the nature of proposed occupier, it is not considered crucial that this is incorporated here. Issues relating to impact on residential amenity, and parking provision are discussed in the later sections of the report.

Overall regard must be had to securing an occupier for the building which is identified as 'at risk' and has been vacant for a prolonged period of time. Taking in to account the various policy requirements it is considered that there is no objection to the principle of the change of use.

Visual impact and impact on the character and appearance of the listed building.

The application has been the subject of pre-application advice from the Conservation and Design Team who welcome the fact that the building would be brought back in to use. Occupation offers the best opportunity to preserve its character. However it is acknowledged that the proposed use presents challenge in terms of securing adequate sound-proofing and ventilation. The interior of the building has been subject to many changes over time, and some historic character has been lost. This is considered under the Listed Building Consent application.

Externally, the principal changes would be to the rear of the site with an extension to the rear of the property comprising of the rear wall being built up and the existing flat roof used to house the plant and machinery. There is no objection to this part of the scheme.

The scheme has been amended during the course of the application and intake and outtake vents are now shown on the proposed rear elevation on the rear roof. In terms of visual impact, the pitched roof at the rear of the property will screen these vents.

It is considered that a full survey of the roof of the property may be required to ascertain the extent of the works required to this part of the property. Currently, man-made tiles are on the roof, this is not historically accurate, and should re-covering be required, this must be done in natural slate. For the avoidance of doubt this will be secured by condition. In addition, a full survey of works needed to the windows on the front of the property, is required. The applicant has confirmed to install single glazed sliding sash if replacements are required.

Overall, the merit of this application, is that by securing an occupier for the building, preservation of its historical features is possible. The Conservation and Design Team are happy with the current details, and further details are being sought by condition. The proposal would not harm the character or appearance of the Listed Building or the wider Brunswick Town Conservation Area.

Impact on amenity

The proposed change of use has caused some concern with neighbouring occupiers. In regard to the operations of the applicant on the existing site at 38-42 Brunswick Street West, it is understood that some complaints were received during the first occupation of this building by BIMM, and the applicant has stated that these issues have now been resolved. The Environmental Health Team have no on-going investigations with the existing site.

In regard to this proposal, the nearest residential properties are located directly opposite and to the rear of the site. Potential for noise and disturbance would come from the activities of the site, and the plant and machinery required to service the building.

Although a room by room assessment of specific sound proofing requirements has not been undertaken at this stage, it is proposed that the windows to the front of the property shall be fixed shut, and secondary glazed, sound insulation would be incorporated into the voids in the suspended ceiling and various floor treatments would be required. Samples of the insulation have been submitted to the Environmental Team. Whilst a full schedule of soundproofing will be required by condition, the Environmental Health Team are confident that the Music School can function without disturbing neighbours and have suggested standard conditions.

The proposed opening hours are 8-30 to 6.30 pm Monday to Saturday, with classes starting at 9.00 and finishing at 6.00pm.

Movement of students between the BIMM sites will need to be managed. The applicant has stated that classes would be 90 minutes in length and that there would be 4 change-overs per day, lasting approximately 10 minutes. The applicant anticipates movements of up-to 60 students in these change overs. A management plan is in place for the existing premises at Brunswick Street West, and this will need to be amended, to combine the activity of this site.

With regard to the external works to in-fill the return on the rear elevation, the increase in the bulk, form and massing would cause some increased sense of enclosure to the flats in the rear. Given that main part of roof is not to be extended, there will be no increase in the height of the property, this is not considered to cause significant harm, and also loss of light will not be a significant impact in this instance. Loss of privacy is not considered to be an issue from the occupation of the property, there are no additional windows

proposed. The separation distances between the front elevation of the property, and those opposite, are common for a central location.

Sustainability

The proposal seeks for a change of use with very limited works proposed externally. There is no residential development proposed as part of the scheme and therefore a Sustainability Checklist has not been submitted as part of this development. The adopted Supplementary Planning Document on Sustainable Building Design recommends that no additional net annual CO2 emissions from new development; and reduction in water consumption; and the minimisation of surface water run-off. It will be expected that the applicants provide details of general sustainability measures for the building to demonstrate efficiency in water and energy, but it is noted that the opportunity can be somewhat restricted by the property's listed nature. A condition is attached requiring further details to be submitted.

Transport and parking

The site lies within a controlled parking zone, and there is no provision for off-street car parking on site. There is however space at the existing BIMM site to the south to accommodate further cycle parking facilities. The Traffic Manager identifies that 5 additional spaces should be sought. As with the existing BIMM site on Brunswick Street West, a travel plan is required to ensure staff and students are encouraged to use sustainable transport methods. The location lends itself well to bus use with cross-city routes located in close proximity on Western Road to the north.

The Supplementary Planning Guidance Note on Parking Standards specifies that 3 disabled bays should be provided. This would also help to address accessibility issues required under policy HO19 of the Brighton & Hove Local Plan. This cannot be provided on site and a contribution to finance this provision has been sought by condition.

Conclusion

The application would bring a listed 'building at risk' back in to use which is welcome. The proposal would continue to provide a community use in the building, and the applicant has a good reputation for a cultural contribution to the city. The proposed works are will preserve the character of the listed building and would not harm the character and appearance of the Conservation Area. The Environmental Health team are confident that the residential amenity of neighbouring properties will be protected, and subject to compliance with conditions, it is considered that this aspect of the application is acceptable. The application is recommended for approval.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The application would bring a building at risk back in to use which is welcome. The proposal would continue to provide a community use in the building. The proposed works will preserve the character of the listed building and would not harm the character and appearance of the Conservation Area. The

Environmental Health Team are confident that the residential amenity of neighbouring properties will be protected, and subject to compliance with conditions, it is considered that this aspect of the application is acceptable.

9 EQUALITIES IMPLICATIONS

The property is listed and there are no proposals for works to the entrance to the building.

BH2008/02787 64 Brunswick Street West



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<u>No:</u>	BH2008/02788	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Listed Building Consent		
<u>Address:</u>	64 Brunswick Street West, Hove		
<u>Proposal:</u>	Internal and rear external alterations in association with change of use from snooker hall (D2) to music school (D1).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	14 August 2008
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	25 December 2008
<u>Agent:</u>	Marshall Clark, 12 Sompting Road, Worthing		
<u>Applicant:</u>	No.7 Ltd, 38-42 Brunswick Street West, Hove		

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** listed building consent subject to the following Conditions and Informatives:

Conditions

1. BH01.05 Listed Building Consent.
2. The external finishes of the rear extension works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
3. Before development commences, full details of the extent of the works required to the windows on the front elevation of the property and the roof of the property shall be submitted to and approved by the Local Planning Authority. The schedule of works shall include 1:20 joinery details and samples as appropriate. The works shall be carried out in strict accordance with the approved details and shall be retained as such thereafter
Reason: As insufficient information as been submitted and to protect the listed building in compliance with policy HE1 of the Brighton & Hove Local Plan.
4. Before development commences, full detail of the soundproofing requirements shall be submitted to and approved by the Local Planning Authority in writing. The schedule of works shall include 1;20 joinery details as appropriate The works shall be carried out in strict accordance with the approved details and shall be retained as such thereafter
Reason: As insufficient information as been submitted and to protect the listed building in compliance with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.0801/ 01, 02, 03, 04 submitted on the 30th October 2008 and 05, 06, 07, 08, 09 received on the 12th December 2008.
2. This decision to grant Listed Building Consent has been taken:
 - i) having regard to the policies and proposals in Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan
HE1 Listed Building; and
 - ii) for the following reasons:
The works to the building are acceptable in principle and by bringing the property back into use, it is considered its future would be secured. The method to ventilate the building is considered acceptable and the preliminary details for soundproofing will not harm the character or appearance of the building. Further details are required by conditions.

2 THE SITE

The application relates to a 3 storey property, plus basement on the west side of Brunswick Street West. The building was most recently used as snooker hall, although council records show it has been vacant for approximately five years.

The property lies within the Brunswick Town Conservation Area, and is grade 11 listed. The original use of the property as Hove Town hall is also of historical importance.

The area is predominantly residential but adjoining the property to the north is the Bow Street Runner Public House. The rear elevation is rendered which forms the back wall to gardens of residential properties in Lansdowne Place.

3 RELEVANT HISTORY

BH2001/00462: Riley Snooker Club 64 Brunswick Street West - removal of Condition 1 of Planning Permission BH1999/02776/FP to allow 24 operation – approved 11/2/2002.

Of relevance to the current application is the approval for units 2, 3 and 4 38-42 Brunswick Street West for a change of use of light industrial to music college. Granted 21st July 2004 (ref: **BH2004/01745 FP**).

An application for full planning permission accompanies this application ref: **BH2008/02787**).

4 THE APPLICATION

Listed building Consent is sought for the internal and external alterations in association with the change of use of the building from a vacant snooker hall

to a Music School which would be used as the third site in the city for Brighton Institute of Modern Music (BIMM).

External alterations are proposed to the rear of building. The existing return at first floor level would be infilled and finished flush with the main part of the building, a pitched roof would be formed and a flat roof extended back to meet the main roof slope. Plant and machinery and vents would be screened by this part of the building.

Internally, a ventilation system would be installed, with the ducting located in the existing voids in the suspended ceilings. Secondary glazing would be installed to the windows on the front elevation, and additional soundproofing will be secured by condition.

5 CONSULTATIONS

External:

Neighbours: Friends of Brunswick Square and Terrace object for the following reasons:

- Insufficient information on the specific detail intended for air conditioning, ventilation, noise suppression and screening,
- The building up of the rear elevation will impose on adjacent properties in Lansdowne Place and restrict light levels, ,
- Noise pollution from the plant and machinery, and performances,
- Licences should be required for the live performances,
- Loss of privacy from the occupation of the building by the general public,
- Noise and disturbance from evening sessions,
- Noise from the pub refrigeration units is already a nuisance,
- There have been problems with noise from the existing BIMM premise in Brunswick Street West,
- Rubbish and bicycle parking needs to be addressed, and the vacant lot adjacent to the current premises is an eyesore,
- The site is a historical importance, as the only town hall in Hove until 1882. Under a section 106 a historic plaque could be placed on the building identifying its original use, first and second floors would have been civic spaces, and the ground and basement would have been judicial/ police features,
- A travel plan needs updating before a change of use is consented,
- Section 106 should offer improvements to the highway,
- Full restoration should be required for the building which is at risk.

Internal:

Conservation & Design:

Original Comments:

This building has been empty for some time and is on the list of buildings at risk, therefore the opportunity to get a new user is the best chance of preserving this building for the future, however it is important to make sure that alterations are balanced with improvements to the building which reflect

its listed status.

No objection to the proposed use; the consequences for sound proofing and air conditioning are the biggest concerns but due to the loss of internal character that has already taken place in this building it is considered likely that this will be acceptable subject to details, and further information will need to be provided for the listed building application.

There is a lack of detail on external venting, positioning of plant and revised roof form in this application and further comments will be made when this is received. It is however considered that the re-roofing must be done with natural slate, not man made as stated, and the ground floor metal windows should be replaced with correctly detailed sliding sashes to properly preserve the listed building.

Comments on additional plans:

The positioning of the roof vents is now acceptable, clarification that the ducting is to be positioned in the existing suspended ceilings is noted. Patch repair on the roof with like for like it doesn't need permission so more extensive repair involving the replacement of various materials with a single roof covering would be a change needing permission and we would insist on natural slate under those circumstances.

6 PLANNING POLICIES

Brighton & Hove Local Plan:
HE1 Listed Buildings

7 CONSIDERATIONS

The determining issues relate to the design and appearance of the proposed works and the impact on the historic character of the listed building.

The premises is identified as a building at risk, and securing a future use is considered crucial for its preservation. The application had been the subject of pre-application advice from the Conservation and Design team who welcome the principle of bringing the building back in to use. The interior of the building has been subject to many changes over time, and some historic character has been lost. Conservation Officers regard the stair case as the only part of the interior with historic value, and this would be unaffected by the development. However it is acknowledged that the proposed use presents challenge in terms of securing adequate sound-proofing and ventilation. Despite requests, full schedule of the soundproofing works has not been provided as part of this listed application. However, preliminary details have been submitted and the presence of existing suspended ceilings allows soundproofing to be accommodated in the voids without harming the integrity of the building. Other measures include secondary glazing to the windows, to which there is no objection, although full details must be submitted and secured by condition.

The scheme has been amended during the course of the application with additional information received regarding a method to ventilating the property. Suspended ceilings are present, and these can accommodate ducting to ventilate the rooms. This would not harm the historic character of the building. Externally the intake and outtake vents are now shown on the proposed rear elevation on the rear roof. The principal change would be the extension to the rear of the property with the rear wall built up and the existing flat roof used to house the plant and machinery. In terms of visual impact, the pitched roof at the rear of the property will screen these vents. The Conservation Officer has agreed these details.

It is considered that a full survey of the roof of the property may be required to ascertain the extent of the works required to this part of the property. Currently, man-made tiles are on the roof, this is not historically accurate, and should re-covering be required, this must be done in natural slate. For the avoidance of doubt this will be secured by condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The works to the building are acceptable in principle and by bringing the property back into use, it is considered its future would be secured. The method to ventilate the building is considered acceptable and the preliminary details for soundproofing will not harm the character or appearance of the building. Further details are required by conditions.

9 EQUALITIES IMPLICATIONS

N/A.

BH2008/02788 64 Brunswick Street West



Date: 19/01/2009 04:02:31

Scale 1:1250



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<u>No:</u>	BH2006/04058	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>Address:</u>	28-29 Western Road, Hove		
<u>App Type</u>	Full Planning		
<u>Proposal:</u>	Conversion of offices to 8 apartments and 1 mews house.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	28 November 2006
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	23 January 2007
<u>Agent:</u>	David Barling, Dean Wilson Laing, 96 Church Street, Brighton		
<u>Applicant:</u>	David Roberts, c/o agent.		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and is **Minded to Grant** planning permission subject to a Section 106 Obligation to secure a financial contribution of £135,000 in lieu of providing 4 units of affordable housing on site, together with a contribution of £27,200 towards the Council's Sustainable Transport Initiatives and the following Conditions and Informatives:

Conditions:

1. BH01.01 Full planning.
2. BH03.01 Sample of materials.
3. BH05.01 BREEAM/EcoHomes.
4. Notwithstanding the approved floor plans, no development shall take place until revised floor plans incorporating lifetime home standards have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details and retained thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
5. BH06.03 Cycle parking.
6. BH02.07 Satisfactory refuse storage.
7. No open storage shall take place within the curtilage of the site without the prior written consent of the Local Planning Authority.
Reason: To safeguard the visual amenities of the area in accordance with policies QD1, QD2, QD27 and HE6 of the Brighton & Hove Local Plan.
8. BH05.07 Site Waste Management Plan.
9. Details of all vents, ducting cables, flues and meter boxes shall be submitted at a scale of 1:50 and approved by the Local Planning Authority before works commence. The equipment shall thereafter be installed in accordance with the agreed details and thereafter maintained

as approved.

Reason: To safeguard the appearance of the building and visual amenities of the locality and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

10. Details of a screen to the eastern boundary of the amenity area at first floor level, east elevation, shall be submitted at a scale of 1:50 and approved by the Local Planning Authority before works commence. The screen shall thereafter be implemented in accordance with the agreed details before first occupation of the flat to which it relates, and thereafter maintained as approved.

Reason: To safeguard the amenities of the occupiers of neighbouring properties to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. acs.157s.01d, 02c, 03d & 04d submitted on 28 November 2006 and acs.157s.05g, 09d & 10g submitted on 24 January 2007.
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
QD1	Design – quality of design
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
EM5	Release of redundant office floorspace and conversion to other uses
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO2	Affordable housing
HO3	Dwelling type and size
HO6	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within a conservation area

Supplementary Planning Documents:

SPD03: Construction and demolition waste

Supplementary Planning Guidance Notes:

SPGBH:1 Roof alterations and extensions

SPGBH4: Parking standards

SPGBH16: Renewable Energy & Energy Efficiency in New Developments

SPGBH21: Sustainability checklist; and

ii. for the following reasons:

The use of the building as offices is considered redundant and provision of residential, including an element of affordable units is appropriate. The proposal makes efficient use of this central site without adversely affecting residential amenity and is to be car free. External alterations enhance the character and appearance of the conservation area.

2 SUMMARY

This proposal to convert a vacant office building into 9 residential units was approved in principle by the then Planning Sub-Committee on 14 March 2007. Approval was Minded to Grant subject to a Section 106 Obligation to secure a financial contribution towards the Council's Sustainable Transport Initiatives, making the development car free, and to secure 4 units of affordable housing.

To achieve the provision of the affordable housing both the applicant and the Housing Department have contacted Registered Social Landlords (RSL's) offering them the accommodation. Expressions of interest were sought from the Council's preferred partners Affinity Sutton, Hyde Housing Association, Moat Housing Group, Southern Housing Group, The Guinness Partnership, Places for People and AmicusHorizon Group. However, for a mix of reasons including the location of the units above a commercial property, timing in relation to the housing market, and the mixed nature of the scheme with only 4 of the 10 units being offered, all of the RSL's declined to take the accommodation.

Given that the terms of the Section 106 Obligation cannot be fulfilled in that affordable housing on site would not be accepted by the RSL's, it is now proposed by the applicant that the Obligation be amended to accept a financial contribution in lieu of the provision of the 4 units. The lack of interest in the property from RSL's is exceptional, indeed since 1993 only 5 schemes have failed to provide affordable housing on site. It is considered that a payment of £135,000 in lieu of provision of the affordable units would conform to planning policies and be a reasonable alternative to on site-provision. Approval without making a contribution would be contrary to EM5 and no justifiable arguments have been cited as to why a contribution should not be made. The applicant agrees to make the contribution and approval without a contribution would be contrary to policy and would create an undesirable precedent for setting aside adopted policies.

As with the original consideration of the application by the then Planning Sub-Committee, the application is acceptable in all other respects and conforms with planning policies, and therefore approval is recommended.

3 THE SITE

The application relates to the first, second and third floors of 28-29 Western Road and part of the ground floor to the rear of 28, which fronts Donkey Mews. The buildings are four storey fronting Western Road and two storey to Donkey Mews and form part of a terrace between the junctions of Donkey Mews and Brunswick Place. These unlisted buildings are within Brunswick Town Conservation Area. The premises form vacant office accommodation; the ground floors which do not form part of this application are vacant commercial premises.

4 RELEVANT HISTORY

M/5385/57: Change of use of first floor showrooms No's 28, 29 & 30 to sewing rooms and flat on second floor of 29 to staff rest room. Second floor of 28 to remain as office, second floor of 30 to remain as 2 flats. Approved 22.11.57.

3/81/0403: Change of use of first, second and third floors shop with ancillary office and workshop into offices. Approved 14.8.81.

3/90/0215 & 3/90/CA0008: Demolition of pitched roof and erection of second & third floor office extension fronting Donkey Mews. Withdrawn.

BH2001/00874/FP: Change of use from retail to offices. Approved 11.5.01.

BH2004/02698/FP: Conversion of offices to 9 apartments and a mews house. Withdrawn 29.10.04.

BH2005/01833/FP: Conversion of offices to 8 apartments and 1 mews house. Refused 29.3.06.

5 THE APPLICATION

The proposal is for conversion of offices to form 8 flats and a mews house.

Accommodation:

- Mews house to front Donkey Mews, to form 2 storey dwelling with 2 / 3 bedrooms - 114.6m² floorspace.
- Flats: 4 x 1 bed, 4 x 2 beds.
- First floor: 1 bed unit 47.1m² floorspace, 2 bed unit 69.1m² floorspace, 2 bed unit 63.5m² floorspace.
- Second floor: 1 bed unit 47.1m² floorspace, 2 bed unit 69.1m² floorspace, 2 bed unit 63.5m² floorspace.
- Third floor: 1 bed unit 40.7m² floorspace, 1 bed unit 43.7m² floorspace.

External alterations to rear to form Mews House:

- Raise height of roof by 0.6m, from 2.9m above eaves level to 3.4m, to form room in the roof.
- 3 roof lights within side elevation of proposed room in the roof.
- Roof to be in reconstituted slate.
- Replace roller shutter garage door with new doors with vertical timber cladding.

Parking:

- Cycle store within building, ground floor level, adjacent Donkey Mews.
- No car parking .

Refuse storage:

- Storage area within building, ground floor level, accessed from Donkey Mews.

Access:

- Street access from both Western Road and Donkey Mews, stairs and lift.

Amenity space:

- Use of existing flat roof, first floor level (adjacent to 27 Western Road), to form terrace of 12m² for unit 1.

The proposal has been amended to delete a proposed terrace at first floor level, within the existing lightwell close to Brunswick Square, and detailing to the proposed mews house at ground floor level revised.

6 CONSULTATIONS

External:

Neighbours: 6, 6 – ground floor flat, 6 - first floor, flat 2 - 27 Brunswick Place; 36 Brunswick Square: Object to the proposal for the following reasons:

- Access to the flat roof areas of the building would lead to a loss of privacy to surrounding properties.
- Loss of privacy, direct overlooking of surrounding properties.
- Overdevelopment of the site; too many units are proposed.
- Use of courtyards will result in noise and disturbance. Noise bounces and magnifies on the surrounding walls.
- Right of light; use of roof as a garden will lead to loss of privacy and noise. A screen would reduce light.
- No parking provision. Unrealistic to expect occupiers not to have a car. Exacerbation of existing parking problems.
- Local services, including GP, are already overstretched.

The Friends of Brunswick Square and Terrace, c/o 36 Brunswick Square:

The application overcomes previous concerns of land ownership and parking to the rear in Donkey Mews and the impact on residential amenity and the setting and character of the grade 1 listed buildings of Brunswick Square. Consider that the proposed entrances and shutters at the rear ground floor would benefit from better detailing.

CAG: No comment.

Internal:

Conservation & Design: This application addresses many of the concerns of the previous applications, and the unaltered eaves line is an important improvement. The improved roof material compensates for the slight change in roof pitch. The timber cladding should not extend either side of the entrance or into the recess, this would be better rendered.

Traffic Manager: The area is within a Controlled Parking Zone and the development is to be car-free. To satisfy the demands for the travel the

development will create a sum of £27,200 is sought to towards the Council's Sustainable Transport Strategy, including making it car free.

Environmental Health: No comment.

Planning Policy: Policy EM5 seeks to safeguard office space to meet current and future needs of different types and sizes of businesses within the city. Redundancy of office use within a property has been established, and the policy requires that alternative employment uses be considered followed by affordable housing. The proposal makes provision for 44% affordable housing, but as there is no interest from the Registered Social Landlords to provide the units given the current market conditions, in this instance it is deemed appropriate to accept a commuted payment which it is not considered to compromise policy requirements to provide affordable housing.

Private Sector Housing: No comment.

Economic Development: No objection. This application follows the refusal of a previous application at which time marketing information had been provided to demonstrate that the premises had been actively marketed for some considerable time. The price being quoted was considered reasonable and therefore no objections are raised to the change of use.

Housing Strategy: No objection. Whilst it is considered the provision of 100% affordable housing may not be financially viable, the provision of 40% as proposed is to be welcomed. Have contacted RSL' and confirm lack of interest in the current market, recommend a commuted payment of £135,000 in lieu of provision on-site.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
QD1	Design – quality of design
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
EM5	Release of redundant office floorspace and conversion to other uses
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO2	Affordable housing

HO3	Dwelling type and size
HO6	Provision of private amenity space in residential development.
HO13	Accessible housing and lifetime homes.
HE6	Development within a conservation area

Supplementary Planning Documents:

SPD03: Construction and demolition waste

Supplementary Planning Guidance Notes:

SPGBH:1 Roof alterations and extensions

SPGBH4: Parking standards

SPGBH16: Renewable Energy & Energy Efficiency in New Developments

SPGBH21: Sustainability checklist

8 CONSIDERATIONS

This application for the conversion of a vacant office building into 8 flats and a house is for reconsideration following the failure to secure 4 units of affordable housing on site as required by the original minded to grant approval made on 14 March 2007. This situation is due to a lack of interest in the property by the RSL's.

The application followed the withdrawal of application BH2004/2698/FP for conversion of the property into 10 units, and refusal of application BH2005/1833/FP on 29 March 2006 for conversion into 9 units. The application was refused as the applicant failed to provide either alternative employment floorspace or affordable housing, the proposed layout resulted in substandard accommodation and alterations to the building failed to preserve or enhance the character or appearance of the Brunswick and Adelaide Conservation Area. As with the previous applications the main considerations in the determination of the application relate to the loss of the existing office use and acceptability of the proposed use for market housing, impact on residential amenity and the character and appearance of the Brunswick Town Conservation Area, and traffic implications.

Use / provision of affordable housing:

Policy EM5 resists the loss of office sites unless they are genuinely redundant and states that preference will be given to alternative employment generating uses followed by affordable housing.

The premises were last occupied by the Council who gave notice in March 2004 not to renew the lease in September 2004. Since that time the site has been marketed by commercial estate agents John Watkins to date, with adverts in the local press, on their web site and by board on the property, without success. The Estate Agents state that demand for such premises, which are in need of refurbishment, is low. The Economic Development Office considers the marketing price of £11 per square foot not to be unreasonable and given the length of time that the premises have been marketed does not object to the loss.

As part of the previous application the applicants approached several housing associations, including The Guinness Trust, The Hyde and Chichester Diocesan Housing Association Limited to demonstrate that the scheme could not provide affordable housing. Having considered the submitted information including schedule of dilapidations and offers from Housing Associations, the Housing Development Manager was of the opinion that whilst the provision of 100% affordable housing, as required by policy EM5, may not be achievable, provision of 40% would still make the development financially viable. The applicant agreed that 4 units, 44% of the development, were to be affordable which overcame the principal objection to the previous refusal in 2005.

Since the minded to grant decision on 14 March 2007 the property has been sold and in order to fulfil the need to provide the affordable accommodation the present owner and the Council's Housing Department have contacted the RSL's offering them the accommodation. Expressions of interest were sought from the Council's preferred partners Affinity Sutton, Hyde Housing Association, Moat Housing Group, Southern Housing Group, The Guinness Partnership, Places for People and AmicusHorizon Group. However, for a mix of reasons including the location of the units above a commercial property, timing in relation to the housing market, and the mixed nature of the scheme with only 4 of the 10 units being offered, all of the RSL's declined to take the accommodation. Individually these elements should not preclude the provision of affordable housing, but cumulatively do make it unviable.

As none of the RSL's will take the accommodation it is considered that the next best alternative is to seek a financial contribution in lieu of provision on site. Whilst this is unusual, precedent is established and to date there has been 5 developments where the Council has accepted commuted sums. In relation to this property a contribution of £135,000 is sought which is based on 25% of the open market value. If affordable housing is provided then the grant free shared ownership payment to the developer is 65% of the market value, meaning in effect a developer contribution of 35%. This is considered to be reasonable.

Alterations / impact on amenity:

Policy QD14 requires alterations to be well designed and detailed in relation to the building to be altered; policy HE6 relates to proposals within conservation area, stating that developments should preserve or enhance the character and appearance of the area.

The application relates to an unlisted building within the Brunswick Town Conservation Area. External alterations relate to the rear elevation, fronting Donkey Mews, and consist of raising the roof of the existing garage by 0.6m and installation of rooflights on the side roof slope to provide accommodation within this part of the building and replacement of the existing garage doors. The ground floor openings are constrained by an existing metal beam which runs the full width of the garage and cannot be raised without demolition of the wall and rebuilding of the façade as it is part of the building's structure.

Following advice from the Conservation Officer detailing to the elevation has been amended and timber cladding either side of the entrance doors omitted. As proposed, the alterations to the ground floor relate well to the first floor whilst the building and street scene retains its Mews character. It is considered that that the alterations represent a substantial improvement on both the existing façade and refused scheme, which would preserve or enhance the character of the conservation area. Proposed roof lights on the side elevation would not be generally visible and considered acceptable. Details of vents or ducting, which could also adversely affect the appearance of the area, are required by condition.

Policy QD27 aims to protect residential amenity. Except for the modest raising of part of the roof to the rear, the conversion is contained within the existing shell of the building (previous schemes have proposed extending the building). The building is separated from properties to the west in Brunswick Place by No. 30 Western Road. Objections have been received from occupiers of neighbouring properties stating that the use of the first floor flat roof, adjacent to No. 30, as an amenity space would lead to loss of privacy and disturbance. The use of this area has been deleted from the scheme to protect residential amenity. The proposed amenity area at first floor level, to the east, is to remain. This part of the building is separated from the adjacent property by a wall approximately 1.5m high and pitched roof of 27 Western Road, with a flank wall to the rear. In this location the use of this area would not unduly impact on the amenities of neighbouring properties. Details of a screen are requested by condition.

Mix / standard of accommodation / sustainability:

Policy HO4 seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes, including units suitable for family occupation. The proposal is for a mix of 1 and two 2 bed roomed units and includes a 2 / 3 bed roomed house. This mix of units is considered acceptable. Most units comply with or are close to the Council's minimum standards for affordable dwelling which require a minimum of 51m² floorspace for one bed units and 66m² for two bed units. The layout of the units has been amended from previous schemes to improve the standard of accommodation and maximise natural light and ventilation. Given the depth of the building there remains internal bathrooms where there is no opportunity for adding windows because of overlooking and privacy. The configuration of the building, with different floor levels and structural columns, limits the ability to enlarge the floor area. The only opportunity for provision of private amenity space is to one unit at first floor level, to the eastern side of the building, in a location which would not result in loss of residential amenity.

Policy SU2 seeks a high standard of efficiency in the use of resources. The Council's sustainability checklist has been submitted as part of this application with most criteria being fully or partially met. It is noted however that none of the bathrooms would have natural light or ventilation.

Refuse and cycle storage are provided within the building. The conversion provides opportunities in energy consumption and reductions in CO2 emissions by the provision of modern heating appliances with greater efficiency ratings; additional insulation is to be incorporated where practical.

Traffic implications:

The proposal involves the change of use of a garage of a size for 3 to 4 cars. The site is within the city centre, well served by public transport. The Traffic Engineer considers the proposal acceptable without car parking subject to being made car-free and payment towards the Council's sustainable transport initiatives. The applicants are in agreement. Secure cycle storage is provided within the building at ground floor level.

Conclusions:

The building has remained vacant for several years and subject to several applications for conversion from office use to residential. The number of proposed units has been reduced from the original scheme submitted in 2004 which included an extension and use of several flat roofs as amenity areas. The scheme has evolved and now meets Lifetime Homes standards, the improved layout maximises natural light and ventilation within the constraints of the existing structure, removes outdoor areas which had potential to adversely impact on neighbouring residential amenity by way of noise, disturbance and overlooking, and includes external alterations which enhance the character and appearance of the conservation area. The provision of affordable housing on site has been fully explored and whilst the RSL's have declined the accommodation, this is exceptional and the securing of a financial contribution will contribute to the provision of affordable housing within the City. Approval without making a contribution would be contrary to EM5. The applicant agrees to make the contribution and approval without which would be contrary to policy and create an undesirable precedent for setting aside adopted policies. For these reasons it is considered that the application overcomes previous objections and complies with planning policies.

9 REASON FOR RECOMMENDATION TO GRANT PLANNING PERMISSION

The use of the building as offices is considered redundant and provision of residential, including a contribution towards affordable housing, is appropriate. The proposal makes efficient use of this central site without adversely affecting residential amenity and is to be car free. External alterations enhance the character and appearance of the conservation area.

10 EQUALITIES IMPLICATIONS

The building contains a lift to all floors. The conversion, where possible meets Lifetime Homes standards. A financial contribution would secure affordable accommodation for people not able to compete in the housing market.

BH2006/04058 28-29 Western Road



Date: 19/01/2009 04:14:41

Scale 1:1250



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<u>No:</u>	BH2008/03442	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type</u>	Full Planning		
<u>Address:</u>	107 Boundary Road, Hove		
<u>Proposal:</u>	Demolition of existing house and construction of 2-storey building with pitched roof and lightwell to form 7 flats.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	28 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2008
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Hove		
<u>Applicant:</u>	Smart Property (Sussex) Ltd, c/o Lewis & Co Planning, Paxton Business Centre, Hove		

1 RECOMMENDATION

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

1. The proposed development would result in an overdevelopment of the site by reason of its excessive bulk, inappropriate design, poor standard of accommodation at lower ground floor and second floor level and absence of private external amenity space appropriate to the scale of the development. The scheme therefore fails to respect the context of its setting and would be out of keeping with the surrounding area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, QD27, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.
2. Policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing buildings. The proposed building by virtue of its excessive scale and inappropriate design results in an incongruous addition which detracts from the character and appearance of the street scene. The scheme is therefore contrary to the above policies.
3. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The proposal to provide residential units within the basement and roof space results in a poor layout for the residential units with insufficient sized living areas and inadequate outlook and light. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation and a cramped and confined internal environment that would provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.
4. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with

disabilities without major structural alterations. The scheme fails to fully incorporate lifetime home standards to the design of the flats and has not provided suitable access for people with disabilities or wheelchair users. The scheme is therefore contrary to the above policy.

5. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on the Planning Support Statement, Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement, Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos.P_001, 002, 003, 004, 005, 006, 008E, 009H, 010F, 011F, 012D, 013F, 014F, 015D, 016F & 017 on the 28th October 2008.

2 THE SITE

The application site relates to a two-storey detached dwellinghouse located on the east side of Boundary Road. The site is approximately 25m south of the busy junction with Old Shoreham Road and is north of Portslade train station. The property incorporates a detached pitched roof garage and car port on the south side of the house adjacent to a Beech tree. The house has pitched roof with gable ends to the front with a large pitched roof dormer and rooflight on the side (south facing) rooflight. The external façade of the house is red brick on the ground floor with a cream green rendered first floor. The property is part of a row of four similar pitched roofed dwellings on the east side of Boundary Road.

3 RELEVANT HISTORY

Planning permission was refused in 1987 for the conversion and extension of existing single dwelling house into 8 self contained flats (**3/87/0716**). A subsequent appeal was dismissed by the Inspectorate.

Outline planning permission was also refused in 1988 for the conversion and extension to form 13 self contained flats and 15 car parking spaces (**3/88/0327**). A subsequent appeal was dismissed by the Inspectorate.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing building and garage to allow the construction of a two-storey detached building with a large pitched roof to form 7 self contained flats. The scheme includes accommodation at basement level with a front lightwell as well accommodation in the roofspace. A communal garden and landscaping is proposed to the rear along with secure cycle parking spaces to the front and side. One disabled parking space is also proposed to the front.

It should be noted that a separate application has been submitted for a

partially sunken dwelling to the rear garden area. This application is shown outside the red line of the proposal for the block of flats (ref: BH2008/03449).

5 CONSULTATIONS

External:

Neighbours: 17 letters / emails have been received objecting to the scheme from **4, 5, 6, 8, 10, 12, 13, 14, 16, 18 (x2) Gladys Road, Parker Dann Town Planning Consultants (on behalf of 12 Gladys Road), 378 Old Shoreham Road, 91 Hallyburton Road and 105 Boundary Road**. The grounds of objection are as follows:

- This is a 'gross' overdevelopment adjacent to modest sized family houses resulting in a loss of privacy, a source of continual disturbance and nuisance to local residents and cause a dangerous increase in the existing local overcrowding and traffic problems.
- The proposal brings a new block flats very close the rear garden walls of Gladys Avenue resulting in overlooking.
- The scheme results in 7 flats which at a maximum level could result in an occupation by 24 people. This is in an over-intensification of the site which will have a knock on effect on the surrounding occupants.
- One disabled parking space is a waste of time. This does not allow space for any other parking by residents, visitors, emergency vehicles, delivery vans or maintenance contractors. A new development without adequate parking facilities would simply worsen the present serious congestion and parking problems in this area. There already parking problems due to commuter parking from Portslade station, a nearby church and the nearby Aldi supermarket.
- The appearance and size of the proposed building is not in keeping with the surrounding housing and will be completely out of character with the area.
- Policy HO3 allows development to be built at a higher density but only if the capacity of the area can accommodate additional dwellings. This is not the case with this scheme.
- The top floor flat does not have any outside space, contrary to policy HO5.
- The flats on the ground and first floor have terraces which will have the capacity to overlook adjacent properties. The loss of the hedge on the southern boundary and the use of the courtyards/ lightwells will also lead to overlooking. This is contrary to policy QD27.
- The scheme has a detrimental impact on the health of adjacent trees. With significant cutting into the root zone of these trees, which does not accord with BS 5837 (2007), the trees cannot be satisfactorily protected.

A petition of 28 names objecting to the scheme has also been submitted. The accompanying letter states that this 'densification' results in overcrowding and along with the Government's immigration policy could lead to views becoming polarised.

6 letters of support have been received from **60 Shirley Drive, 37 Rothbury**

Road, 17 & 21 Pembroke Avenue, 12 Connaught Road and Flat 4, 54 Church Road. The letters state that the scheme is a well thought out development which will improve Boundary Road and provide suitable accommodation.

Internal:

Traffic Manager: No objection is raised subject to conditions requiring cycling parking areas to be provided in accordance with the approved plans and thereafter retained and for the applicant to enter into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

Access Advisor: The design of the front entrance is inappropriate and needs revising for the following reasons:

- The entrance ramp appears to be at a gradient marginally worse than 1:5. The absolute maximum is 1:12. Either the building needs to be sunk further into the grounds or another fold needs to be incorporated into the ramp.
- There should be handrails extending to at least 300mm beyond the top and bottom of the entrance stairs. The relative positions of the stairs and ramp prevent this from being possible.
- The risers on communal stairs should be no more than 170mm. From the levels provided on the plans and elevations, the entrance steps appear to be 180mm risers so at least one more riser will be required.

Additionally, there does not appear to be any way in which the top floor bathroom layout could be modified to facilitate side transfer to the WC and the required 300mm clear space at the leading edge of the entrance door to Flat 7 has not been provided.

Arboricultural Officer: The Arboricultural Section would like to make it a condition of any planning consent that the beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees on Development Sites. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. An arboricultural method statement should be submitted to and approved prior to any development commencing.

6 **PLANNING POLICIES**

Planning Policy Statements:

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS6 Planning for Town Centres

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
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

Planning Advice Note:

PAN03: Accessible Housing and Lifetime Homes

7 **CONSIDERATIONS**

The main considerations of this case are the design and appearance of the proposed block of flats, the impact on neighbouring properties, the adequacy of living conditions provided for future occupiers, highway issues and sustainability matters.

Principle of development and design:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which

is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Policy HO4 of the Brighton & Hove Local Plan also states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings.

Permission is sought for the construction of a two-storey block of flats, with accommodation at lower ground floor level following the demolition of the existing building. The replacement house is a similar shape to the existing house with a pitched roof. The building includes two smaller gable ended pitched roofs to the front. The proposed building has a total height of 10.05m and is 10.3m wide. The proposed building also has a length of 13.75m (not including rear terraces or the front stair enclosure). This compares to the existing building which has a total height of 8.95m, a width of 7.4m and a length of 9.2m (not including the rear extensions).

The proposed building is externally comprised of a mix of render, aluminium windows and timber cladding. It includes steps and a ramp to the central front entrance doors. The ramp is a rendered structure with clear laminated glass balustrade guardings and is in front of a basement lightwell serving a lower ground floor flat. The front elevation also includes a door to an integral refuse store and fencing and access gates leading to a cycle store. The side elevations include aluminium windows and 5 water filled solar panels are proposed to the south facing roof slope. The rear elevation includes two balconies at first and second floor with timber guarding and a Juliette window at roof level. The scheme includes excavation works to allow a lower ground terrace area for the basement flats with aluminium sliding doors.

Policy QD1 and QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.

The addition of the two smaller gable ended roofs is considered an acceptable modern design which reflects the style of the adjacent houses. The mix of render and timber cladding is also considered an appropriate appearance for a contemporary design. The proposal has attempted to underpin the character of the local architecture with a modern design. The existing house is part of a row of 4 similar houses just south of the junction with Old Shoreham Road. The building is similar in shape to the adjacent row of houses with its pitched roof. It is slightly higher than the existing houses but not to an excessive extent. However, the house is significantly larger in length than the existing house and also significantly wider than the existing houses on the street. The increase in width impacts on its appearance within the street scene when compared to the adjacent houses. Additionally, the increase in length by approximately 4m to an eaves height of 5.95m is

considered inappropriate and results in an excessive bulk. It is therefore felt that the size of the proposed building is excessive to the detriment of the appearance of the building and the visual amenity of the area.

The scheme includes a front ramp, steps and lightwell adjacent to a disabled parking space. The steps, ramp and lightwell result in the loss of the garden area and come right up to the pavement. As the scheme includes a basement level, the ground floor is raised which requires a ramp and steps to allow suitable access. The adjacent houses have kept their front gardens and do not include lightwells for basement level accommodation. It is felt that the built-up steps and ramp detract from the appearance of the building and are out of character with the street scene. A suitable garden or space in front of the building should be retained to match the character of the adjacent houses.

Standard of accommodation:

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposal includes seven residential units, of which three would be one bedroom units and four would be two bedroom units. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. An appropriate mix of units includes 30% for one bedroom units, 40% for two bedroom units and 30% for three bedroom units. There is some concern in respect of the lack of three bedroom units, this is not considered to justify refusal of this application in this instance. Since, the thrust of policy HO3 of the Brighton & Hove Local Plan is to secure more residential units which are suitable for family occupation, the provision of three one bedroom units and four two bedroom units is considered acceptable in this instance.

Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The scheme includes two basement flats. One of the flats is served by the front lightwell and includes two side windows serving a bathroom and bedroom and sliding doors facing a courtyard to the rear for the living room and kitchen. The other basement flat is smaller with one bedroom served by a side window and a similar rear courtyard area accessed by sliding doors. The lightwell serves the main bedroom and is surrounded by the built up steps and ramp. It is felt that the ramp and steps will overshadow the lightwell and window making the bedroom quite dark with inadequate outlook. It is also felt that the main bedroom for the other basement flat will be overshadowed by the adjacent building which will also lead to a lack of light for this room. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation that would provide inadequate living conditions for future occupiers. The applicants have submitted a daylight analysis for the proposed development. However, this does not overcome the Council's concerns regarding the living conditions of the future occupiers of the

building. The requirement to provide a lower floor below ground level is an indication resulting in a poor standard of accommodation that the proposal constitutes an overdevelopment of the site.

The flat in the roof is served by a rear facing Juliette balcony, two south facing rooflights and three north facing rooflight. Due to the location of the flat within the roof, the room sizes are limited by the slope of the roof. The kitchen is proposed within the corridor and is served by sun pipes. It is felt that due to the size of the flat and the fact that the kitchen is within the corridor, this flat is also deemed to form inappropriate accommodation which will form a cramped internal environment, detrimental to the amenity of future occupiers.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. Not all of the units would benefit from private amenity space. Four of the ground floor and first floor units would have access to small balconies to the rear. The basement flats have access to rear courtyard areas. The flat in the roof accommodation does not have access to a private amenity area. It is stated that all of the flats will have access to a communal garden to the rear. It is felt that the scheme has not provided suitable private amenity areas which reflect the scale of the development. Three of the ground and first floor flats are two bedroom flats which should be appropriate for family accommodation. It is felt that the small balconies proposed will not provide a suitable amenity area for these flats to accommodate a family. Additionally, the communal garden does not count as a private external amenity space. It should also be noted that a separate application is proposed for an additional dwelling in the location of the communal garden. The scheme is therefore contrary to the policy.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The supporting documentation accompanying the application states that the fully complies with lifetime homes standards.

There are a number of instances, however, in which the scheme does not comply with Lifetime Home Standards. The Council's Access Consultant has commented that the design of the front entrance is inappropriate and needs revising. The entrance ramp appears to be at a gradient marginally worse than 1:5. The absolute maximum is 1:12. Either the building needs to be sunk further into the grounds or another fold needs to be incorporated into the ramp. There should also be handrails extending to at least 300mm beyond the top and bottom of the entrance stairs. The relative positions of the stairs and ramp prevent this from being possible. The risers on communal stairs should also be no more than 170mm. From the levels provided on the plans and elevations, the entrance steps appear to be 180mm risers so at least one

more riser will be required. Furthermore, there does not appear to be any way in which the top floor bathroom layout could be modified to facilitate side transfer to the WC and the required 300mm clear space at the leading edge of the entrance door to Flat 7 has not been provided. Having regard to the Access Consultant's comments, the scheme is deemed contrary to policy HO13 and the planning advice note on Accessible Housing and Lifetime Homes.

Impact on amenity:

Policy QD27 aims to protect the amenity of adjacent residents. The main properties affected by this proposal are the two adjacent properties to the north and south (nos. 106 & 108 Boundary Road) and the properties to the rear (12 -16 Gladys Road). Due to the distance of the proposed building from the properties to the west along Carlton Terrace, these properties will not be significantly affected by the scheme in terms of residential amenity.

The properties to the rear at Gladys Road have expressed concern that the scheme will result in a detrimental impact on their living conditions. It is felt that the scheme will not result in additional overlooking from the rear facing windows and balconies, compared to the existing relationship. The proposal does increase the length of the building when compared to the existing house. However, there will still be a distance of approximately 15.7m between the proposed house and 12 Gladys Road (the nearest property to the rear). Additionally, this property has no windows which directly face the site. It has side windows but these windows face north over the rear part of the garden. The property directly to the rear (no.14 Gladys Road) does have windows directly facing the site. However, these windows are approximately 25m between this property and the proposed building. Consequently, having regard to the distance between the proposed building and the properties to the rear, it is not felt that the scheme will result in a significant impact on these properties.

In relation to the properties to the north and south, neither of these houses have side windows which will be affected by the proposed development. The proposed building is 4.6m from the north facing elevation of 106 Boundary Road and 3.35m of the south facing wall of 108 Boundary Road. There are also hedges along both the north and south boundaries. The scheme indicates the retention of these hedges. The retention of these hedges could be secured by condition. When compared to the rear facing walls of the adjacent properties, the proposed building extends an additional 4.6m to a total height of 9.4m (measured from ground level of adjacent property). The distance between the properties allows a 45 degree angle when drawn from the rear facing windows of the adjacent properties (as shown on the proposed layout plan). Having regard to the existing boundary treatments and distance between 107 and its adjacent neighbour, it is not felt that the scheme will result in a significant impact on the two adjacent properties to the north and south. It is also felt that the centrally located terraces and rear facing windows will not result in any significant overlooking of the two adjacent

properties.

Concern was raised by local residents that the use of the site for 7 flats would result in noise disturbance through the possible use of the building by up to 7 families. It is not felt that an objection can be raised on these grounds. The proposal only includes two rear garden areas which are for the use of the basement flats only and the comings and goings of the residents of the flats will not significantly affect the amenity of any adjacent residents. However, as outlined above, it is felt that the scheme, in conjunction with the proposal for the rear dwelling, results in overdevelopment of the site.

Impact on trees:

There is a Beech tree to the front of the property and there is also a Hawthorn and Sycamore in the rear garden of 106 Boundary Road which are within the boundary hedge. All three of the trees are shown to be retained. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. In relation to the Beech tree, the Arboricultural section has recommended a condition that the Beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees on Development Sites. The hedges (with the trees in them) should also be protected and some kind of temporary surfacing over the plates of these trees could be laid down. An Arboricultural method statement could be requested by condition to indicate how Beech tree and hedges could be protected during construction works and thereafter retained, in the event planning permission was granted.

Traffic:

Concerns have been raised from neighbouring occupiers regarding increased parking problems as a result of the development since the scheme only includes one disabled car parking space. The scheme is within walking distance of Portslade Station and several bus routes. It is therefore felt that the site is well served by public transport. The scheme is also served by suitable cycle storage facilities.

Since the site is not located within a Controlled Parking Zone, the Local Planning Authority cannot require the development to be car free. Policy HO7 is clear and states car free housing will only be permitted where it can be demonstrated that the development will remain genuinely car free over the long term. Since the site is not located within a Controlled Parking Zone, this cannot be enforced. The traffic manager has commented on the scheme and does not raise an objection to the scheme providing the applicant provides a contribution of £3,000 towards the sustainable transport strategy.

Sustainability:

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste

management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Adequate information has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with the above policy.

Policy SU2 requires developments proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08 on Sustainable Building Design requires new build residential developments between 3-9 units to achieve the following:

- Zero net annual CO2 from energy use
- Level 3 of the Code for Sustainable Homes
- Lifetime Homes Standards
- Minimise the 'heat island effect' via a contribution towards off-site tree planting, and
- Considerate Construction Scheme

Overall, the Sustainability Checklist is adequate and states that the scheme will meet level 3 of the Code for Sustainable Homes. The scheme also includes a sustainability statement which outlines how the scheme meets the Council's sustainability requirements and minimum requirements of the SPD. The statement outlines measures including UPVC double glazed windows, all external envelopes such as walls and roofs to meet Approved Document Pt. L1A (Conservation of Fuel & Power in New Dwellings), low energy bulbs, condensing combination boilers, WCs to have dual flush, hand basins and sinks to have aerated tap nozzles to reduce water consumption, mixer showers will be restricted to maximum flow rate of 6l/min, white goods to be provided with eco ratings and a recycling area to be provided.

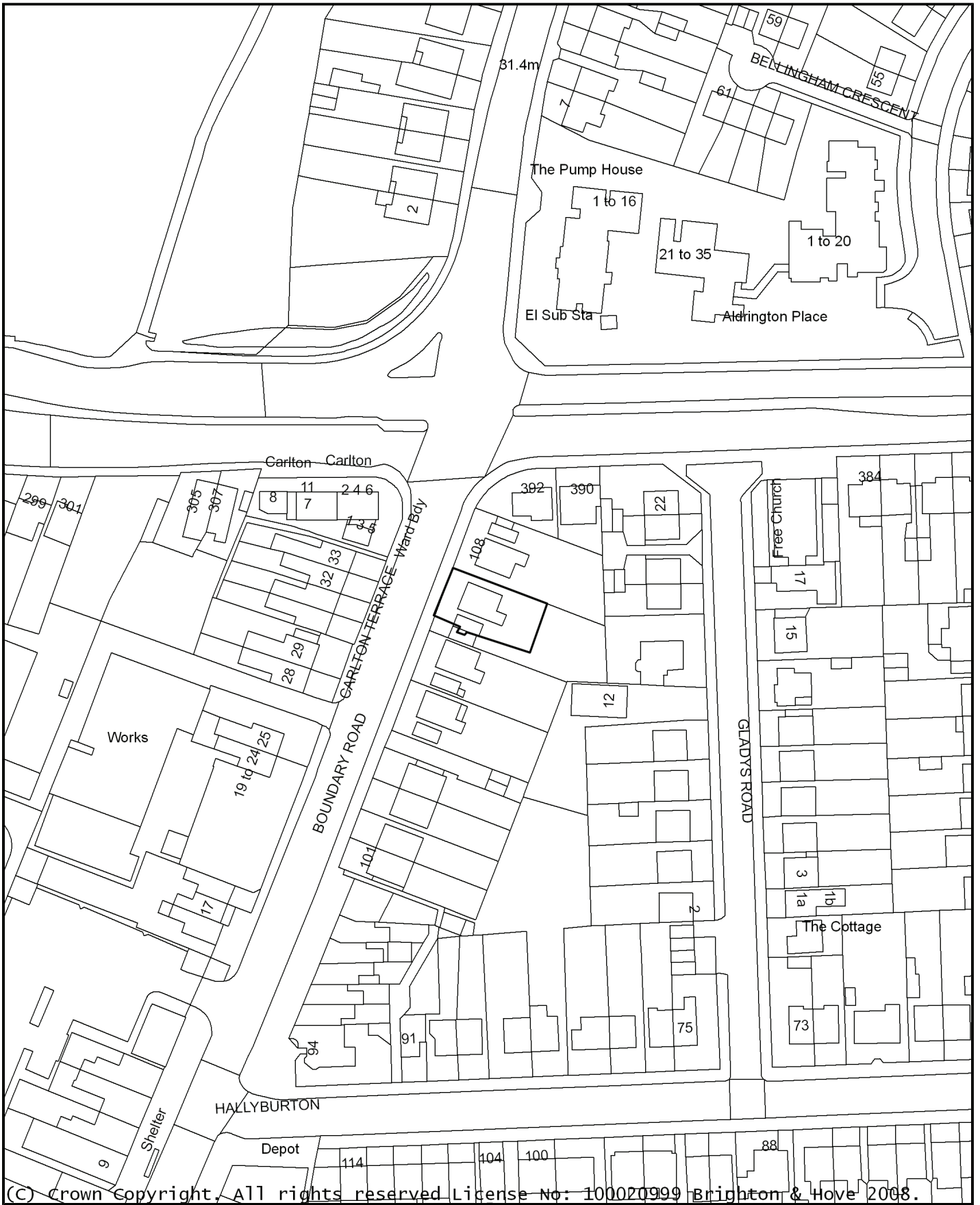
Conclusion:

It is felt that the cumulative impact of the building due its excessive bulk, inappropriate design to the front elevation, poor standard of accommodation at lower ground floor and second floor level and absence of private external amenity space appropriate to the scale of the development results in overdevelopment of the site. The scheme therefore fails to respect the context of its setting and would be out of keeping with the surrounding area.

8 EQUALITIES IMPLICATIONS

All the proposed units should meet Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2008/03442 107 Boundary Road



Date: 20/01/2009 08:58:05

Scale 1:1250



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<u>No:</u>	BH2008/03449	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land to rear 107 Boundary Road, Hove		
<u>Proposal:</u>	Construction of new partially sunken 3 bedroom single storey dwelling with flat roof and rooflights.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	28 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2008
<u>Agent:</u>	Lewis & Co Planning, Lewis & Co Planning, Paxton Business Centre Hove		
<u>Applicant:</u>	Smart Property (Sussex Ltd), C/O Lewis & Co Planning, Paxton Business Centre, Hove		

1 RECOMMENDATION

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

1. Policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing buildings. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. The proposed dwelling by virtue of its excessive scale is considered to be an overdevelopment of the site resulting in a cramped form of development, which fails to respect the constraints of the site and its relationship to surrounding residential properties. The scheme is therefore contrary to the above policies.
2. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The partially sunken dwelling results in a poor layout for the residential unit with inadequate outlook and light. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation that would provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.
3. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed lawned area for the dwelling does not provide an adequate outside private amenity space for the new dwelling as it will be overshadowed and overlooked by the adjacent dwelling. The private decked area is also of an insufficient size to provide a suitable outside private amenity area suitable to the scale of the development. The proposal is therefore contrary to the policy.

Informative:

1. This decision is based on the Planning Support Statement, Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement, Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos. P_001, 002, 003, 004, 005, 006, 008B, 009A, 010A, 011A, 012A, 013 and 015 received on the 28th October 2008.

2 THE SITE

The application site relates to land to the rear of a two-storey detached dwellinghouse located on the east side of Boundary Road. The site is approximately 25m south of the busy junction with Old Shoreham Road and is north of Portslade train station. The property incorporates a detached pitched roof garage and car port on the south side of the house adjacent to a Beech tree. The house has pitched roof with gable ends to the front with a large pitched roof dormer and rooflight on the side (south facing) rooflight. The external façade of the house is red brick on the ground floor with a cream green rendered first floor. The property is part of a row of four similar pitched roofed dwellings on the east side of Boundary Road. The rear garden is immediately adjacent to 12 Gladys Road which includes two side windows which overlook the back of the garden. The garden is split by a retaining wall and the very rear of the garden is set at a higher ground level.

3 RELEVANT HISTORY

Planning permission was refused in 1987 for the conversion and extension of existing single dwelling house into 8 self contained flats (**3/87/0716**). A subsequent appeal was dismissed by the Inspectorate.

Outline planning permission was also refused in 1988 for the conversion and extension to form 13 self contained flats and 15 car parking spaces (**3/88/0327**). A subsequent appeal was dismissed by the Inspectorate.

4 THE APPLICATION

Planning permission is sought for the excavation of the site and the erection of sunken, single-storey house with a sedum roof and projecting roof lanterns. The building includes a private access, refuse and cycling parking and one off-street parking space. A decked area and rear lawned area to serve as amenity areas for the dwelling are also proposed. Fencing is included to divide the site from the host building as well as a new retaining wall partly along the southern boundary.

It should be noted that a separate application has been submitted for the construction of a block of seven flats to replace the existing dwelling house at 107 Boundary Road ref: BH2008/03442. This application is shown outside the red line of the proposal for the rear dwelling. Each application is determined on its own merits.

5 CONSULTATIONS

External:

Neighbours: Four representations have received objecting to the scheme from **105 Boundary Road, Parker Dann Town Planning Consultants (on behalf of 12 Gladys Road), 91 Hallyburton Road and 378 Old Shoreham Road**. The grounds of objection are as follows:

- The scheme directly and adversely affects adjacent properties who will be severely encroached upon through noise and disturbance. .
- The scheme will create overcrowding and potential flooding in the area.
- The scheme results in stress on local traffic in the area. The surrounding streets are already heavily parked due to their location near Portslade train station, local shoppers and local community uses.
- The scheme results in a loss of privacy from the development from the roof garden and windows.
- With the proposed flats, this will bring the number of families on this site to 8. Both schemes result in severe overdevelopment of the site.
- The dwelling will be overlooked by adjacent properties and will fail to enjoy normal levels of privacy.
- The scheme impacts on adjacent trees. With significant cutting into the root zone of these trees, which does not accord with BS 5837 (2007), the trees cannot be satisfactorily protected.

A petition of 28 names objecting to the scheme has also been submitted. The accompanying letter states that this 'densification' result in overcrowding and along with the Government's immigration policy could lead to views becoming polarised

5 letters of support have been received from **17 & 21 Pembroke Avenue, 17A Inwood Crescent, 23 Goldstone Villas, 26 Frith Road and 11 Hartington Villas**. The letters state that the scheme is a well thought out development which will be an unobtrusive modern development and a good approach to using space.

Internal:

Traffic Manager: No objection is raised subject conditions requiring cycling parking areas to be provided in accordance with the approved plans and thereafter retained and for the applicant to enter into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

Environmental Health: No comment.

Arboricultural Officer: The Arboricultural Section would like to make it a condition of any planning consent that the beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees on Development Sites. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. An arboricultural

method statement should be submitted to and approved prior to any development commencing.

6 PLANNING POLICIES

Planning Policy Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres

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
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Planning Advice Note:

PAN03:	Accessible Housing and Lifetime Homes
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7 CONSIDERATIONS

The main considerations of this case are the design and appearance of the proposed house, the impact on neighbouring properties, the adequacy of living conditions provided for future occupiers, highway issues and sustainability matters.

Principle of development and design:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Policy HO4 of the Brighton & Hove Local Plan also states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings.

Permission is sought for a single dwellinghouse located in the rear garden. The house has its own access from Boundary Road adjacent the remaining rear garden of 107 Boundary Road. The existing garden rises in an easterly direction to the rear and this topographical feature has been used to partially submerge the proposed dwelling in an attempt to reduce its visual impact. The principle form of the dwelling is 'L' shaped with a courtyard for the dwelling adjacent the southern boundary. The courtyard is accessed from sliding folding doors from the living room / kitchen and bedroom. On the west side of the building a further private amenity space is proposed in the form of a decked area. The dwelling is proposed with rendered walls and a sedum roof. The sliding doors to the courtyard includes hardwood brise soliel. The roof includes 2 rooflights and a frameless 'belvedere', which is a glazed rectangular structure.

Policy QD1 and QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.

In order to reduce the impact of the development, the dwelling has been partially sunk into the ground at the back of the garden. Whilst a contemporary design is acceptable, it is felt that the proposal is out of character with the residential character of the surrounding area which is predominantly comprised of two-storey dwellings with pitched roofs. The proposal would subdivide the garden and create a separate unit with its own curtilage that would effectively develop the rear part of the garden. This would dramatically reduce the curtilage of the existing house and the sense of spaciousness that is a feature of the present layout and neighbouring plots.

The house is also proposed abounding the boundaries of the site to the north, south and east of the site and will form a prominent structure in the rear garden. Suitable landscaping and the sedum roof may soften the visual impact of the scheme. However, it is likely that structure will still stand out as inappropriate addition due the limited size of the site. The proposed development by reason of its excessive site coverage is considered out of keeping and represents an overdevelopment of the site.

It is therefore considered that the scheme, in conjunction with the scheme for the block flats to replace the existing building, is an overdevelopment of the site and is inappropriate in terms of its bulk and design. A house of this size would be expected to occupy a much bigger site so that the resulting development does not appear as cramped and overdevelopment. The fact that the proposed house has to be partially sunk into the ground to overcome its impact indicates that this site is inappropriate for back land development. Overall, it is felt that residential development is unacceptable due to the nature and size of the site.

Standard of accommodation:

Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers.

Internally, the dwelling includes three bedrooms, a living room / kitchen, a family bathroom, an en-suite bathroom and a breakfast dining room area. Whilst these areas are of a suitable size, there is concern regarding the amount of light, outlook and privacy these rooms will receive. The main windows are the sliding doors from the bedroom and living room to the rear courtyard. The courtyard is directly adjacent to the boundary with 12 Gladys Road. This dwelling lies south of the site and its bulk will restrict light into the courtyard area and into the main living areas.

The scheme also includes decking to the front. This decking is limited in size and also set behind a retaining wall, fencing and proposed landscaping. These barriers prevent the house being overlooked from the main property at the front. However, their presence limits the amount of light and outlook to the habitable rooms in the dwelling. The scheme does include rooflights and a glazed 'belvedere' which allow light into the house. However, due to the position and orientation of the dwelling, it is felt that the house will not benefit from sufficient levels of light and outlook in order to provide suitable accommodation. A Daylight Analysis has been submitted to indicate that the light levels for the house are appropriate. This analysis does not overcome the Council's concerns regarding the standard of accommodation.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. This property has two windows directly overlooking the site which serve a bedroom and landing. These

windows will allow direct views into the courtyard area. Due to the brise soleil, there will be limited views into the habitable rooms. The courtyard area will however be overlooked by the adjacent house and cannot be considered as appropriate private amenity area. Additionally, the decked area to the front is too small to serve as an appropriate sized amenity area. The scheme is therefore contrary to the above policy.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The supporting documentation accompanying the application states that the fully complies with lifetime homes standards. There are concerns regarding the lack of a leading edge for the entrance door and the size of the proposed kitchen and main bathroom. It is felt that these concerns could be overcome through amendments to the layout of the flat. Therefore, it is considered that it would be unreasonable to refuse the application on these grounds.

Impact on amenity:

Policy QD27 aims to protect the amenity of adjacent residents. To overcome the impact on residential amenity, the house has been designed so that it will not have a significant impact on any adjacent properties. The house is partially sunken into the back garden and is adjacent to high boundary walls and fences at the rear of the garden. Due to the position and scale of the dwelling, its construction will not lead to a significant impact on the amenity of any adjacent properties. The scheme includes a new retaining wall along the southern boundary of the site. This wall is adjacent to the existing hedge along the southern boundary. This hedge is of a significant height and includes a Hawthorn tree and a Sycamore tree. The supporting statement states that this hedge and the trees within it are to be retained. Subject to the retention of this hedge and trees, the retaining wall will not impact on the amenity of any adjacent properties.

A new boundary fence is proposed to divide the proposed house from the garden of the remaining house. This fence will prevent any overlooking between the proposed house and the host property. Furthermore, due to the low level of the house, none of the proposed windows will result in overlooking of any adjacent properties.

Impact on trees:

There is a Beech tree to the front of the property and there is also a Hawthorn and Sycamore in the rear garden of 106 Boundary Road which are within the boundary hedge. All three of the trees are show to be retained. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. In relation to the Beech tree, the Arboricultural section has recommended a condition that the Beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees

on Development Sites. The hedges (with the trees in them) should also be protected and some kind of temporary surfacing over the plates of these trees could be laid down. An Arboricultural method statement could be requested by condition to indicate how Beech tree and hedges could be protected during construction works and thereafter retained, in the event planning permission was granted.

Traffic:

Concerns have been raised from neighbouring occupiers regarding increased parking problems as a result of the development since the scheme only includes one car parking space. The scheme is within walking distance of Portslade Station and several bus routes. It is therefore felt that the site is well served by public transport. The scheme is also served by suitable cycle storage facilities. The addition of one car parking space is also in accordance with the Council's Parking Standards for residential development. The traffic manager has commented on the scheme and does not raise an objection providing the applicant provides a contribution of £1500 towards the sustainable transport strategy.

Sustainability:

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Adequate information has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with the above policy.

Policy SU2 requires developments proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08 on Sustainable Building Design requires new build residential developments to submit a Sustainability Checklist and to meet level 3 of the Code for Sustainable Homes (CSH). The submitted Checklist states that the predicted score of the development is 81% (best) and will meet at least level 3 of the CSH. A sustainability statement has also been included with the application which outlines proposed sustainability measures. The measures include double glazed windows and doors, new external walls and roofs to achieve thermal performance in excess of current Building Regulations, low energy bulbs, condensing combination boilers, WCs to have dual flush, hand basins and sinks to have aerated tap nozzles to reduce water consumption, mixer showers will be restricted to maximum flow rate of 6l/min, white goods to be provided with eco ratings, a recycling area to be provided, a dedicated drying area, provision for composting and a 200 litre water butt to be linked into the surface run off from the sedum roof.

Conclusion:

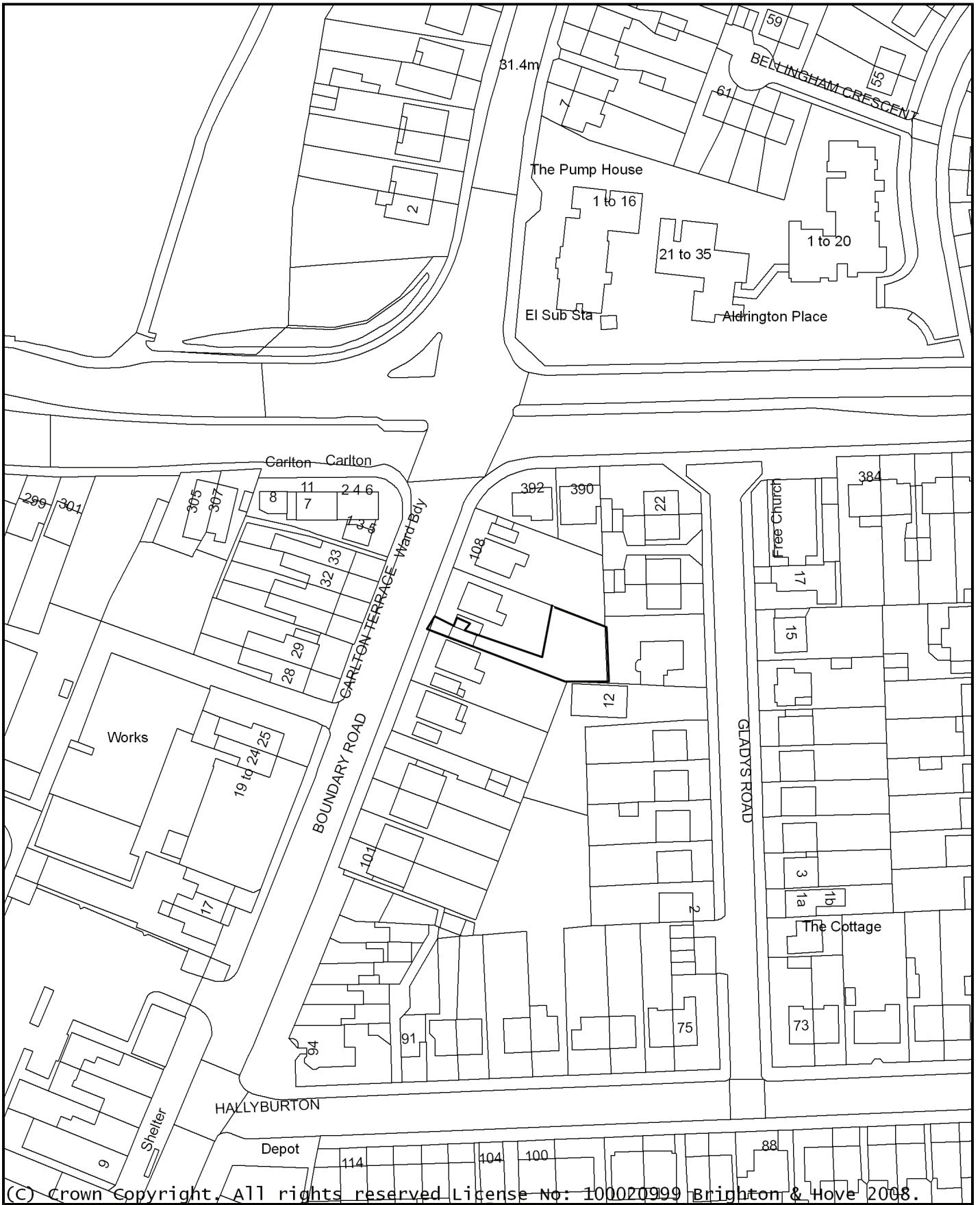
The requirement to provide a partially sunk dwelling is an indication that the proposal constitutes an overdevelopment of the site. It is considered that the

proposed dwelling is inappropriate in terms of its design and appearance and will appear as a cramped and overdevelopment of the site. It is also felt that the scheme form inappropriate accommodation with inadequate private outside amenity areas. The application is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS

All the proposed units should meet Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2008/03449 Land to rear of 107 Boundary Road



Date: 20/01/2009 09:03:04

Scale 1:1250



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<u>No:</u>	BH2008/03117	<u>Ward:</u>	NORTH PORTSLADE
<u>App Type</u>	Full Planning		
<u>Address:</u>	323-325 Mile Oak Road, Portslade		
<u>Proposal:</u>	Construction of 3 storey block to create nine flats following demolition of existing building.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	26 September 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 December 2008
<u>Agent:</u>	Fluid Architecture Ltd., Orlingbury House Lewes Road, Forest Row		
<u>Applicant:</u>	Mr Michael Goble, 321 Mile Oak Road, Portslade		

1 RECOMMENDATION

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

1. The proposed development would result in an overdevelopment of the site by reason of its cramped form, bulk, scale and poor design representing an incongruous feature that fails to respect the context of its setting which would be out of keeping with the surrounding area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton & Hove Local Plan.
2. The proposed development would by reason of its height, scale and positioning in close proximity to the western boundary of the site lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing and future residents. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
3. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. The scheme fails to fully incorporate lifetime home standards to the design of the flats. The scheme is therefore contrary to the above policy.
4. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
5. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. It is considered that it would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on-site in this location. The proposal would thereby be contrary

to the policy, to the detriment of the amenities of the future occupiers of the properties

Informative:

1. This decision is based on Sustainability Statement and Checklist, Design and Access Statement, Biodiversity First Impression List, Loss retail Usage Summary, Waste Minimisation Statement and drawing nos.f08-595-50A, 51, 52, 55A, 56, 60A, 65A, 71, 100A, 101A, 102A, 103A, 105A, 106A, 107A, 108A & 700 received on the 26th September, 1st & 29th October and the 5th November 2008.

2 THE SITE

The application relates to a vacant single storey A1 retail unit with first floor residential accommodation, which is located on the west side of Mile Oak Road approximately 60 metres from the junction with Oakdene Crescent. Immediately to the north of the site is Mile Oak Inn which has a large car park area. South of the site is Southon Close which slopes up the hill and divides the application site from 319 Mile Oak Road. To the rear of the site is a bungalow at a raised ground level. The surrounding area is predominately residential comprised of low rise housing.

3 RELEVANT HISTORY

Planning permission was refused in August 2002 for the demolition of the existing shop and maisonette at 325 Mile Oak Road and construction of two houses (similar proposal at 323 Mile Oak Road for the construction of two further houses BH2002/01063/FP) (ref: **BH2002/01076/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Local Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
2. The proposal does not provide an adequate parking layout within the site and would also result in dangers to pedestrians and vehicles using the adjacent classified road. The proposal is therefore contrary to policies TR17 of the Hove Borough Local Plan and TR (Safe Development) of the Brighton & Hove Local Plan Second Deposit Draft 2001.
3. The proposal, sited as it is in advance of the general line of buildings fronting the street and out of character with the design of surrounding buildings will be unduly prominent and detrimental to the visual appearance of the street scene. The proposal is therefore contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in August 2002 for the demolition of existing shop and maisonette at 323 Mile Oak Road and construction of two houses (similar proposal at 325 Mile Oak Road for the construction of 2 further houses BH2002/01076/FP) (ref: **BH2002/01063/FP**). The reasons for refusal

were as follows:

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Local Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
2. The proposal does not provide an adequate parking layout within the site and would also result in dangers to pedestrians and vehicles using the adjacent classified road. The proposal is therefore contrary to policies TR17 of the Hove Borough Local Plan and TR (Safe Development) of the Brighton & Hove Local Plan Second Deposit Draft 2001.
3. The proposal, sited as it is in advance of the general line of buildings fronting the street and out of character with the design of surrounding buildings will be unduly prominent and detrimental to the visual appearance of the street scene. The proposal is therefore contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in December 2003 for the demolition of shop, maisonette, construction of two dwellings with crossovers. Amendments to previous refusal BH2002/01076/FP (ref: **BH2003/02600/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in December 2003 for the demolition of shop & maisonette, construction of two dwellings with crossovers. Amendments to previous refusal BH2002/01063/FP (ref: **BH2003/02603/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in October 2006 for the demolition of shop and flat and construction of three storey block of seven flats (ref: **BH2006/02327**). The reasons for refusal were as follows:

1. The shop unit is classified as an individual shop in the Brighton & Hove Local Plan. The proposal would be contrary to policy SR8 of the Brighton & Hove Local Plan which seeks to restrict the loss of individual shops unless it has been demonstrated that the use as an A1 shop is no longer viable and is within easy walking distance of a local, district, town centre or the regional shopping centre. Applicants are expected to demonstrate

active marketing of the unit on competitive terms. No information has been submitted with the application to demonstrate the unit is no longer viable.

2. The proposal would result in an overdevelopment of this site by reason of its cramped form, inadequate plot size in relation to neighbouring properties and the number of units proposed, would fail to respect the context of its setting and would be out of keeping with surrounding buildings. Furthermore, the communal amenity provided for the proposed units is not considered to be appropriate to the scale and character of the proposed accommodation. The proposed development would therefore be contrary to policies QD1, QD2, QD3, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.
3. The submitted plans accompanying the application fail to adequately demonstrate how the development will appear in context with the surrounding area since no strategic street scenes with views of the proposal in the context of neighbouring properties have been submitted. The proposal is therefore contrary to planning policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.
4. The proposed development would by reason of its design, bulk, materials and detailing be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5 of the Brighton & Hove Local Plan.
5. The proposal represents a poor mix of units with six one bedroom units, and one two bedroom unit. The accommodation is therefore considered below the standard that the council would reasonably expect and contrary to policies HO3, HO4, HO5 of the Brighton & Hove Local Plan.
6. The proposed development would by reason of its height, layout, orientation and scale lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of occupiers to the rear. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
7. The proposed development would by reason of height, scale, layout, number of dwellings and internal floor layouts of flats lead to a significant level of overlooking and consequential loss of privacy to the occupiers to the rear to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. No information has been submitted with the application to demonstrate how the requirements of policy HO13 have been met throughout the proposed development.
9. The applicant has failed to demonstrate how the development will fully meet sustainability objectives in terms of efficiency in use of energy and materials as required by policy SU2 of the Brighton Local Plan and

Supplementary Planning Guidance Note 21: Brighton & Hove Sustainability Checklist.

10. Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Minimisation Statement with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. No information has been submitted with the application to demonstrate how the requirements of policy SU13 and SPD 03 have been met.

In May 2008, planning permission was allowed for the construction of a 3-storey block to create nine flats following demolition of existing building (BH2007/02497). The application was recommended for refusal and approved by the Planning Committee.

4 THE APPLICATION

Planning permission is sought for a revised scheme for the construction of a three storey block of flats to form nine self-contained units following the demolition of the existing building. The accommodation comprises of four, one bedroom units and five, two bedroom units. The scheme includes cycle and refuse storage facilities to the rear.

Permission was granted at committee for a three-storey block of nine flats in May 2008 (BH2007/02497). The applicant has stated that this scheme cannot be implemented due to the dimensions of the site since the development would have encroached upon land not in the ownership of the applicant. Moreover, the scheme approved did not comply with standards set for affordable housing units, and the prospective purchaser interested in the site is a Registered Social Landlord.

The amended scheme is for a three-storey block which differs in design and layout to the previously approved scheme.

5 CONSULTATIONS

External:

Neighbours: One letter objection has been received from **344 Mile Oak Road** on that grounds that no off road car parking spaces have been included in the application. The application needs to take into account the parking situation in evenings and weekends which is almost at saturation point.

21 standard letters stating support have been received from **32, 47 & 57 Overdown Road, 7 Hazel Close, 42 Drove Crescent, 79 North Farm Road, 49 Thornhill Rise, 82 & 86 Oakdene Crescent, The Mile Oak Inn (x2), Mile Oak Road, 321, 323, 325 & 363 Mile Oak Road, 76 Wickhurst Rise and 36 Beechers Road (x2).**

Internal:

Environmental Health: No comment.

Planning Policy: The comments relate to several earlier proposals but more recently where a similar scheme was approved on the site BH2007/02327 at committee. On the whole, it is considered that policy SR8 is met however it is considered that the applicant should more adequately demonstrate that policies HO5 'Private Amenity Space' and policy HO7 'Car Free Housing' have been addressed. As per previous comments, it is considered that policy SR8 is met. The vacant A1 unit is considered as an individual shop as it is not in a cluster of 3 or more shops. The proposal therefore needs to satisfy policy SR8 in the adopted local plan. In terms of criteria a) it is considered that the unit is not within easy walking distance of a local, district, town or regional shopping centre. However, there is a comparable on the opposite side of the road and a shopping parade in nearby Graham Avenue within 400m of the unit. National guidance in the form of PPS6, however, states that 300m is an acceptable walking distance. In view of the location of a comparable shop it is therefore considered that the proposal meets criteria a). In terms of criteria b) the applicant needs to demonstrate that the A1 unit is no longer economically viable in this location. The applicant has provided information which demonstrates that the retail unit has been actively marketed (for at least 12 months) and that there appears to be no demand for the unit. Criteria b) is therefore satisfied. In terms of criteria c) the proposal must not be significantly detrimental to the amenities of the occupiers of nearby properties or the general character of the area.

Policy HO5 seeks to ensure that all new residential units are required to provide private useable amenity space where appropriate to the scale and character of the development. The plans provided only seem to provide balconies for the 2 bed flats. The majority of the flats provided do not therefore have private useable amenity space. This should be clarified as at present it is considered that policy HO5 is not met.

Policy HO7 relates to car free housing. The applicant states that the proposal is car free however compliance with the policy does not appear to have been addressed in the application. The applicant states that the Lifetime Homes standard has been met in accordance with policy HO13. The council's Access Officer will be able to verify compliance. Finally, since the last proposal, the applicant has submitted a Sustainability Checklist which appears to be adequate and states that Code for Sustainable Homes Level 3 will be met.

Access Consultant: The ground floor plan and the elevation both seem to show a step at the entrance. There should be a 300mm space between the wall and the leading edge of all doors that open towards the user. There are at least 8 doors which do not comply. Although there technically is such a space beside the main entrance door it is rendered unusable because of the closeness to the stair balustrade which effectively operates in the same way a wall would in preventing a wheelchair user reaching the door handle from a position where they could pull the door open without it encountering the foot rest on the wheelchair.

Also, the stairs claim to be capable of accepting a future chair lift but it would be very difficult to position a wheelchair in the right place to be able to access such a lift because of the lack of space between the foot of the stairs the wall. The bathrooms should be designed so that it is possible to achieve side transfer from a wheelchair to the WC, either as built or by easy modification of the layout. It is difficult to see how the bathroom to Unit 9 could be made to comply.

6 PLANNING POLICIES

Planning Policy Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres

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
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR8	Individual shops

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Planning Advice Note:

7 CONSIDERATIONS

The determining issues relate to firstly, whether the proposal accords with local plan policies; secondly, whether the design of the development is considered acceptable; thirdly, whether the proposal will be detrimental to amenity and finally, the impact the proposal will have on transport.

Principle of development:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore, the tests for this proposal in terms of design, are:

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

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

The vacant A1 unit is considered as an individual shop since it is not located in a cluster of three or more shops. Policy SR8 of the Brighton & Hove Local Plan relates to individual shops and permits the change of use of individual shops from Class A1 providing 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;
- c) the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.

In terms of criteria a) the unit is not within easy walking distance of a local, district, town or regional shopping centre. However, there is a parade of shops located approximately 100 metres north of the site in which a comparable shop is located. In addition, there is a shopping parade in nearby Graham Avenue within 400m of the site. However, PPS6 'Planning for Town

Centres' states that in most cases, up to 300m is considered to be an 'easy walking distance.' Whilst the distance is greater than the accepted distance in PPS6, given the close proximity of a comparable shop to the site visit, it is not considered appropriate to raise an objection to the scheme in respect of criteria a) of policy SR8 of the Brighton & Hove Local Plan.

Turning to the second criteria of policy SR8, the applicants have submitted a suitable marketing report. The supporting documentation accompanying the application states that the premises have been marketed by Parsons Sons & Basley since December 2003 and this is verified by a letter from Parsons Sons & Basley. Further marketing of the premises commenced in April 2005. Copies of adverts are also included with the letter with the premises also included in targeted mail circulars. The supporting letter from Parsons Sons & Basley states that the price has been reduced to encourage interest and the only interest in the premises has been the applicants of the current scheme. The documentation submitted is the same as that submitted for the previous scheme in July 2007. It is not felt that the circumstances have significantly changed to request a more recent report for the last 12 months. It is therefore, considered that the scheme accords with criterion b) of policy SR8.

In terms of the third criteria, an assessment in terms of amenity will be considered under the heading of impact on amenity below.

Standard of accommodation

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposal includes nine residential units, of which four would be one bedroom units and five would be two bedroom units. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. An appropriate mix of units includes 30% for one bedroom units, 40% for two bedroom units and 30% for three bedroom units. Whilst some concern is raised in respect of the lack of three bedroom units, this is not considered to justify refusal of this application in this instance. Since, the thrust of policy HO3 of the Brighton & Hove Local Plan is to secure more residential units which are suitable for family occupation, the provision of four one bedroom units and five two bedroom units is considered acceptable in this instance.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. Not all of the units would benefit from private amenity space. Three of the ground floor units would have access to small patio areas to the front and rear and three two-bedroom units at first and second floor level would benefit from balconies facing north east. The three one-bedroom units would not benefit from any form of private amenity space.

Whilst policy HO5 refers to the provision of private usable amenity space where appropriate to the scheme and character of the development, it is considered that a new build development should incorporate private amenity space for all units. Flexibility in providing amenity space is exercised more generally in conversions, since a conversion would present additional constraints compared to a new build development, particularly if altering the building would have a detrimental impact on the building or surrounding area. The proposal is therefore considered contrary to policy HO5 of the Brighton & Hove Local Plan. The provision of limited and small private amenity space is compounded further by the absence of any communal amenity space. Policy HO6 of the Brighton & Hove Local Plan also requires the provision of outdoor recreation space in housing spaces and states “new residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development, is suitably provided.” Since no open space is provided with the scheme, the application fails to accord with policy HO6 of the Brighton & Hove Local Plan.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The supporting documentation accompanying the application states that the scheme fully complies with lifetime homes standards.

There are a number of instances, however, in which the scheme does not comply with Lifetime Home Standards. The Council’s Access Consultant has commented on the scheme. He has stated that there should be a 300mm space between the wall and the leading edge of all doors that open towards the user. There are at least 8 doors which do not comply. Although there technically is such a space beside the main entrance door it is rendered unusable because of the closeness to the stair balustrade which effectively operates in the same way as a wall would in preventing a wheelchair user reaching the door handle from a position where they could pull the door open without it encountering the foot rest on the wheelchair.

Also, the stairs claim to be capable of accepting a future chair lift but it would be very difficult to position a wheelchair in the right place to be able to access such a lift because of the lack of space between the foot of the stairs the wall. The bathrooms should be designed so that it is possible to achieve side transfer from a wheelchair to the WC, either as built or by easy modification of the layout. It is difficult to see how the bathroom to Unit 9 could be made to comply. Having regard to the Access Consultant’s comments, the proposed accommodation does not comply with policy HO13 of the Brighton & Hove Local Plan.

Sustainability:

Policy SU13 and Supplementary Planning Document 03 on Construction and

Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Adequate information has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with the above policy.

Policy SU2 requires developments proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08 on Sustainable Building Design requires new build residential developments between 3-9 units to achieve the following:

- Zero net annual CO2 from energy use
- Level 3 of the Code for Sustainable Homes
- Lifetime Homes Standards
- Minimise the 'heat island effect' via a contribution towards off-site tree planting, and
- Considerate Construction Scheme

The Sustainability Checklist states that the scheme scores 71% which is 'good'. In terms of the minimum requirements, the checklist indicates how the scheme will reduce CO2 emissions through improvements in thermal insulation, careful design and the use of mechanical ventilation and heat recovery air source pumps. The scheme does not fully meet Lifetime Homes and this is recommended as a reason for refusal in itself. The Checklist does outline how the scheme will reduce the heat island effect which includes using a timber frame construction and rendering in a light colour to minimise solar gain. In addition, windows have been orientated away from the south elevation to reduce the impact of the sun. A canopy has been included over the front entrance. It is felt that the southern elevation should maximise solar gain and include canopies to the windows which form solar shading which could control the impact of the sun in the summer months. Additionally, the Statement is acceptable in all other respects and states that the scheme will meet Code Level of the Code for Sustainable Homes. The scheme is therefore in accordance with the policy and SPD.

The applicant has advised that the accommodation would provide starter homes in the area, however, the accommodation is not affordable as defined by policy HO2 of the Brighton & Hove Local Plan. As such the Local Planning Authority would have no control in respect of occupancy or how much the units would be. In terms of affordable housing, Housing Strategy require affordable housing to meet Housing Corporation Scheme Development Standards, meet Eco Homes 'very good' rating, incorporate Joseph Rowntree 'Lifetime Home' standards and meet Secure by Design principles. Furthermore, the units should meet internal minimum standards, which include 51 sq metres for one bedroom units; 51 sq metres for 1 bedroom wheelchair units; 66 sq metres for two bedroom units; and, 71 sq metres for two bedroom wheelchair units. None of the units would meet the internal minimum standards.

Design:

Policy QD1 of the Brighton & Hove Local Plan states that “all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” Furthermore, the policy advises that “unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged.” The surrounding area is comprised of predominantly two storey traditional houses with a two-storey public house to the north west of the application site.

As in the previous scheme, whilst a modern contemporary design solution is considered acceptable in principle and supported by local plan policies, the scale, bulk and footprint of the development is considered inappropriate and would appear as an overdominant structure in the context of the immediately adjacent sites.

Policy QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. The scale of the development bears no relation to the height and scale of the immediately adjacent sites.

As in the previous application, there is concern that the extent of the building and its position in the plot which would create an overly prominent structure, providing little relief between the development and the boundaries and would appear overly dominant. This would be compounded further by the block design of the side elevations which would provide break in the design. The plot size is similar to that proposed in the previous scheme. The building is within 1350mm of the southern boundary and is set back from Mile Oak Road to allow two small gardens for ground floor flats. The building is also 5825mm away from the western boundary, this is also a minor reduction when compared to the previous approved scheme. The height has also been reduced slightly in overall size from a maximum of 10m to 9.3m and the main entrance has been moved to the side south facing elevation onto Southon Close. The applicants have stated that moving the entrance to the side allows pedestrian access to the rear refuse store and adds interest to an ‘uninteresting elevation’. However, concern is raised in respect of the new entrance moving from the front elevation to the side.

The scheme also includes coloured wall panels and balcony screens as well as a variation of window design to add further visual interest. The building is proposed with a mix of external facing materials of white render and red brick with grey roof sheeting and grey UPVC windows. The scheme is different in design and layout to the previous scheme and is also slightly smaller in size. However, the reduction in size is not significant enough to overcome the Council’s concerns regarding the bulk of the proposal. It is still felt that the

scheme results in an overdevelopment of the site to the detriment of the surrounding area which is predominately comprised of much smaller dwelling houses and buildings. The lack of communal space and private amenity space attached to the scheme is further evidence that the proposal represents an overdevelopment of the site.

Impact on Amenity:

Policy QD27 aims to protect the amenity of adjacent residents. A distance of 13 metres currently separates the rear of the two storey element of the existing building and the bungalow to the rear of the site. In terms of the current scheme, a distance of 15 metres would separate the proposed rear three-storey elevation of the building and the bungalow to the rear of the site. This compares to a distance of approximately 13m when compared to the previous scheme. The overall height of the building has also been reduced from a maximum of 10m to 9.3m. Notwithstanding this reduction, the building will still form an imposing and overbearing structure on the property to the bungalow to the rear and is considered to have a detrimental impact on neighbouring amenity by reason of building bulk and increased sense of enclosure.

In terms of overlooking and loss of privacy, the plans and supporting documentation accompanying the application suggests that small, high level windows are proposed in the rear elevations. These windows allow light into the rear rooms with no direct overlooking of adjacent residential properties. There will be one second floor bedroom window and small narrow windows facing rear. Whilst these windows could be obscured glazed to overcome any overlooking issues, the bedroom windows at second floor level is the only window serving this room. Obscure glazing this window would raise concerns regarding the standard of accommodation provided.

In terms of the properties to the side, the proposal is not considered to result in a detrimental impact, since there are no windows facing the proposal in the side elevation of no. 319 Mile Oak Road. Furthermore, the relationship between the proposal and the dwellings on the opposite side of the road is considered acceptable and unlikely to result in overlooking and loss of light.

Traffic:

Concerns have been raised from neighbouring occupiers regarding increased parking problems as a result of the development since the scheme does not include any car parking. Since the site is not located within a Controlled Parking Zone, the Local Planning Authority cannot require the development to be car free. Policy HO7 is clear and states car free housing will only be permitted where it can be demonstrated that the development will remain genuinely car free over the long term. Since the site is not located within a Controlled Parking Zone, this cannot be enforced. The traffic manager has commented on the scheme and does not raise an objection to the scheme providing the applicant provides a contribution towards the sustainable transport strategy.

Conclusion:

Whilst it is accepted that the previous use of the site is no longer viable and the redevelopment of the site is considered acceptable in principle, the proposed development by reason of site coverage and scale and poor design is out of keeping with the surrounding area. Furthermore, the depth and scale of the proposed building in close proximity to the rear boundary of the site would result in an overbearing development which would result in an increased sense of enclosure and increased levels of overlooking that is detrimental to neighbouring amenity. In addition, concern is raised in respect of the scheme's failure to comply with lifetime home standards. The application is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS

All the proposed units should meet Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2008/03117 323-325 Mile Oak Road



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<u>No:</u>	BH2008/02761	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	49 Hill Drive, Hove		
<u>Proposal:</u>	Addition of second storey to form 4 bedrooms including formation of balcony to rear elevation. (Resubmission of BH2008/01385).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	18 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 October 2008
<u>Agent:</u>	Mel Humphrey MRICS MBEEng, 39 Northease Drive, Hove		
<u>Applicant:</u>	Mr Rob Star, 49 Hill Drive, Hove		

Councillor Vanessa Brown has requested the application be determined by Planning Committee.

The application was deferred at the last Committee meeting to allow members to undertake a site visit.

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 18th 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: 44 Hill Drive object to the application stating that the existing property is a dominant two storey structure, the proposal would turn the property in to a massive, overpowering block, the abandoned site at no.47 is an eyesore but this proposal would be huge in comparison, overbearing and will dominate this property.

2, 26, 28, 40, 59, Hill Drive, Flat 6, 5 First Avenue, 37 Brittany Road, 46 Fernwood Rise, 27 Willington Avenue, Bexhill on Sea, 46 John Repton Gardens Bristol, support the scheme for the following reasons:

- The development would improve the appearance of the house,
- It would provide additional family accommodation,
- The proposal would not give the property an over-extended appearance,
- It is a well-designed proposal
- It would be a positive contribute to the street scene

Internal

Councillor Vanessa Brown has expressed her support for the application for the following reasons that the proposal would improve the street scene as the

heights would be properly staggered down the hill and the house would be lower than no.51 Hill Drive, and the house would be overly dominant. At the time Councillor Brown believed that there were no objections.

Councillor Jayne Bennett comments on a concerned over the roof height of the proposal and has requested that members undertake a site visit.

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
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Supplementary Planning Guidance

SPG BH1	Roof Alterations and Extensions
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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.



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Nicola Hurley

From: Clare Simpson [Clare.Simpson@brighton-hove.gov.uk]
Sent: 21 January 2009 10:10
To: Nicola Hurley
Subject: FW: BH2008/02761 49 Hill Drive, Hove

From: Victoria Golding [mailto:Victoria.J.Golding@brighton-hove.gov.uk] **On Behalf Of** Vanessa Brown
Sent: 13 January 2009 11:03
To: Clare Simpson
Subject: BH2008/02761 49 Hill Drive, Hove

Dear Ms Simpson

Re: BH2008/02761 - 49 Hill Drive, Hove

I would like to clarify why I asked for this application to be sent to Committee.

I believe this application should be passed. It will, as the report states, make 49 Hill Drive a large house but this is situated in a row of very large tall houses. At the moment this basically one storey house is much lower than the house further up the hill and the house below, when finished, will also be higher. If this application is passed it will improve the streetscape as the heights of the roofs of the houses will be staggered properly down the hill. This house will still be lower than the next door house at No 51 Hill Drive.

This house is on a particularly large plot set well back from the road so I do not consider that it would be overly dominant.

The surrounding neighbours are all supportive of the scheme and there has been no objections. I therefore believe this application should be passed.

Yours sincerely

Cllr Vanessa Brown
Deputy Leader of the Council
Cabinet Member for Children & Young People
Stanford Ward
Tel 01273 291012

<u>No:</u>	BH2008/03384	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	42 Tongdean Avenue Hove		
<u>Proposal:</u>	Proposed demolition of existing bungalow and erection of a pair of semi-detached dwellings with garages and cycle store (Resubmission of BH2008/00596).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	20 October 2008
<u>Con Area:</u>	Tongdean Area	<u>Expiry Date:</u>	31 December 2008
<u>Agent:</u>	Miss Asia Jedrzejec, Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Mr & Mrs Bernstein, 42 Tongdean Avenue, Hove		

Councillor Vanessa Brown has requested that the application be determined by the Planning Committee

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. BH01.01 Full planning.
2. BH02.01 No permitted development (extensions) (amenity).
3. BH12.07 No permitted development (extensions)- Cons- Area (amenity and character).
4. BH02.05 Obscured glass (side windows first and second floor).
5. BH02.07 Refuse and recycling storage (facilities).
6. BH04.01 Lifetime Homes.
7. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential Code Level 3 .
8. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential).
9. BH05.08 Waste Minimisation Statement (1-4 housing units or less than 500sq m floorspace).
10. BH05.10 Hardsurfaces.
11. BH06.03 Cycle parking facilities to be implemented.
12. BH06.04 Sustainable transport measures.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).
15. BH11.03 Protection of existing trees.
16. BH12.01 Samples of Materials – Cons Area.
17. For the avoidance of doubt access to the flat roof over the living room

hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

18. Before development commences, full details of the method of enclosure to the second floor terrace shall be submitted to and approved by the Local Planning Authority in writing. The details shall include a suitable method for screening the terraces to preserve the privacy of neighbouring properties.

Reason: As insufficient information has been submitted and to preserve the privacy of neighbouring properties and to comply with policy QD27 of the Brighton and Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0794, E01- E06 P01 – P14 submitted on 20th October 2008, Arboriculture Report, Architectural Statement, Waste Minimisation Statement, Sustainability Checklist, Lifetime Homes Checklist, Design and Access Statement and Biodiversity Checklist received on 20th October, and Heritage Statement received on 5th November 2008.
2. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (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.brightonhove.gov.uk).
3. The applicant is advised that the requirements of Condition 12 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2,000 to fund improved sustainable transport infrastructure in the vicinity.
4. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance

Brighton & Hove Local Plan:

QD1	Development design
QD2	Neighbourhood design
QD3	Efficient and effective use of space
QD5	Design – Street Frontages
QD15	Landscape Design
QD16	Tress and Hedgerows

QD27	Protection of amenity
QD28	Planning obligations
HO5	Private amenity space
HO3	Dwelling type and size
HO4	Dwelling densities
HO13	Accessible housing and lifetime homes
SU2	Efficiency of development in the use of energy, water and minerals
SU4	Surface run-off and flood risk
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
TR1	Development and the demand for travel
TR7	Safe development
TR12	Cycle access and parking
TR19	Parking Standards
<u>Supplementary Planning Guidance</u>	
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and

ii) for the following reasons:

On balance, it is considered that the proposed development to form a pair of semi-detached houses is acceptable. The design is of architectural merit, will adequately contribute to the streetscene and would preserve the character and appearance of the Tongdean Conservation Area. The development would not harm the residential amenity of neighbouring occupiers, and the standard of accommodation is acceptable

2 THE SITE

The application relates to a site on the south west of Tongdean Avenue with approximately 27 metres of frontage. The existing bungalow is located centrally in the plot but set back from the road when compared to neighbouring properties with a garage projecting forward. Two storey detached properties characterise the area. The existing bungalow is very low-key in the streetscene due to its height and the significant amount of mature vegetation in the front of the cartilage of the building.

The property lies within the Tongdean Conservation Area.

3 RELEVANT HISTORY

An application for Conservation Area Consent is registered for the demolition of the existing bungalow (ref: **BH2008/03381**).

BH2008/00596 Proposed demolition of existing bungalow and erection of two detached dwellings with garages and cycle store.

Refused on the 28th April 2008 for the following reasons:

1) The subdivision of the site to form two plots containing three-storey

properties is considered to be an inappropriate development of the site. The resultant plot sizes fail to respect the prevailing character of this the part of Tongdean Avenue which is characterised by large plots with generous spacing between buildings. As a result two properties on the site appear cramped-in and detrimental to the street scene and the character of the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.

- 2) The proposed houses by virtue of their scale, height and design, fail to relate to adequately to the neighbouring properties. The properties appear excessively high and due to their relatively narrow form appear disproportionate when compared to the wider house which characterise the area. In addition the ridge heights of the properties fail to bridge the height differences of no.40 and no.44 Tongdean Avenue. As a result two properties which are unduly high and which have strong vertical emphasis appear out of character of with the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
- 3) The proposed roof terraces to the rear of the new properties by virtue of their size and elevated position will give rise to extended views of gardens of neighbouring properties causing a loss of privacy. This element of the design is considered un-neighbourly and contrary to policies QD3 and QD27 of the Brighton & Hove Local Plan,
- 4) Notwithstanding the inaccuracies in the submitted Arboriculture report, the proposed development involves the loss of a large number of mature and semi-mature trees which are considered to make a positive contribution to the Conservation Area. In the absence of sufficient justification and in the absence of a future landscaping plan for the site, the applicant has failed to demonstrate that the loss of the trees will not harm the character and appearance of the site and the surrounding area. The development is therefore contrary to policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan.

BH2008/00599 Demolition of existing bungalow. Refused 28th April 2008 for the following reason:

- 1) Policy HE8 of the Brighton & Hove Local Plan relates to demolition in conservation areas and states that demolition will not be considered without acceptable detailed plans for the site's development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the building would be premature and result in an empty site, contrary to the policy, to the detriment of the visual amenities of the Tongdean Avenue Conservation Area.

4 THE APPLICATION

Full planning permission is sought for the proposed demolition of existing bungalow and erection of a pair of semi-detached dwellings with garages and cycle store. A modern approach is proposed with flat roofs and rendered walls. Accommodation would be arranged over three floors, with an integral

garage, and small basement. Balconies are proposed for the front elevation.

5 CONSULTATIONS

External: 44, 48, and 53 Tongdean Avenue, object to the application for the following reasons:

- The style is not consistent with the other houses in the Conservation Area with flat roofs, boxy appearance and windows in the top storey,
- Two units on the site does not conform to the norm for the conservation area,
- The existing bungalow has similar material to the adjoining property at no.44,
- Overtime the building would cease to be read as one which would be out of character,
- It would set a precedent for other subdivisions in the area,
- Mistakes have been made at no.52 Tongdean Avenue which should not be replicated,
- Some of the tree protection measures cannot be achieved and some of the trees which will have to be felled are not marked on the plan to be felled,
- A biodiversity assessment should be submitted with the application
- The increase in the bulk, form and massing would have an impact on bathroom and bedroom window of 44 Tongdean Avenue,
- The development would result in a loss of light and an increased sense of enclosure,
- The front terraces would result in a loss of privacy to the bedroom and bathroom windows of 44 Tongdean Road,
- Side flat roofs could be used as terraces would significantly harm the neighbouring properties.

CAG: No objection – the existing bungalow makes no positive impact to the street scene. The group welcomes the contemporary design of the proposal which they find acceptable in an area of mixed architectural styles and qualities. The plot is considered to have a sufficient space to accommodate two dwellings

Internal:

Councillor Vanessa Brown objects to the application. A copy of the email is attached.

Conservation & Design: Although this conservation area contains buildings of a range of architectural styles, the existing bungalow on this site falls outside this range due to its scale, style and materials. Apart from the garages, the forward most part of the building, it is largely hidden within the site by mature planting, contrasting with the bold presence of most of its neighbours. The site is considered suitable for redevelopment in a manner in keeping with the rest of the conservation area and the demolition of the building is not resisted but should not be given consent until a suitable replacement development is approved.

The proposed redevelopment is for two semi-detached dwellings and the overall bulk of the building fits in better with the conservation area than the previous scheme of two separate dwellings did, however it is still considered that the subdivision of the plot would be apparent due to boundaries, the doubling up of entrances and driveways, but this could be minimised by withdrawing permitted development rights.

The contemporary architectural styles can be accommodated in this conservation area, which is already noted for its variety.

It is cautiously considered that this proposal is acceptable, subject to the controls suggested.

Traffic Manager: No objection subject to conditions and a contribution towards sustainable transport infrastructure.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Development design
QD2	Neighbourhood design
QD3	Efficient and effective use of space
QD5	Design – Street Frontages
QD15	Landscape Design
QD16	Tress and Hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO5	Private amenity space
HO3	Dwelling type and size
HO4	Dwelling densities
HO13	Accessible housing and lifetime homes
SU2	Efficiency of development in the use of energy, water and minerals
SU4	Surface run-off and flood risk
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
TR1	Development and the demand for travel
TR7	Safe development
TR12	Cycle access and parking
TR19	Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

Planning Advice Note

PAN03	Accessible Housing and Lifetime Homes
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7 CONSIDERATIONS

The determining issues relate to the principle of the works, impact of the proposed works on the character and appearance street scene and wider conservation area, the impact of on the residential amenity of neighbouring properties, and the standard of accommodation in relation to the policies in the local plan.

The principle of the development

Planning Policy Guidance 3 advocates the better use of previously developed land for housing. This policy is largely reflected in local plan policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in 'town cramming' or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings.

The existing bungalow makes little impact on the streetscene due to its low form and materials, and the bungalow appears very low key, especially against the two storey buildings either side. The mature planting in the front curtilage of the property screens the majority of the built form apart from the garage which extends forward. The demolition of the bungalow is not resisted as it is not of such architectural merit to require preservation.

The width of the plot is approximately 27 metres, and consistent with the plots on both sides of this area Tongdean Avenue, and this would be split down the middle. The location of the site is in an area where the plot widths contribute strongly to the character. It is noted that further down the road to the south east, the widths of these plots reduce towards Barrowfield Close, the boundary of the Conservation Area. However in this location, it is considered important that the width of the plot still compares to those in the vicinity. In this conservation area the wide plots would normally contain just one property.

Nevertheless, whilst the previous application proposed two houses, and was refused for the impact on the character of the conservation area, the current scheme is for a semi-detached pair. The building would be read as a single dwelling. Whilst there is still a challenge to ensure the scheme does not result in a prominent reduction in plot sizes, it is considered that there is no objection to the principle to a semi-detached pair of dwellings in this location.

Design and Appearance

A modern approach has been adopted and the design is of merit and due regard has been given to the need for the building to be viewed as a single structure, comparable to some of the larger single dwellings in the area.

The new building would be significantly more prominent in the street than the existing building. Any two-three storey development on the site would be prominent when compared to the existing low-rise bungalow, however when compared to other buildings in the street, two storeys is common. White

render with sandstone cladding is proposed for the elevations, a blue/grey standing seam flat roof, and aluminium windows with slate and sandstone is proposed. Many of the houses in the area are constructed at some time around the 1950's with a predominance of brick work, some render and hipped roofs. More recent development however has utilised modern building techniques and styles. There has been some examples of properties in the street being modernised with substantial extensions and alterations approved. Whilst there is no objection in principle to a modern approach in this location, given the stark comparison to materials of many of the neighbouring properties including the adjoining neighbours, the new dwellings would be prominent; however this is not a justifiable reason for refusal in isolation.

A street scene has been submitted with the application which shows the indicative heights of the development relative to the adjoining neighbours. The building has been designed to have a roof height approximately 1 metre higher than 40 Tongdean Avenue to the east and 1 metre lower than 44 Tongdean Avenue to the west. This results in a development which bridges the heights of the neighbouring properties, giving a staggered appearance, which is considered to be the right approach for this redevelopment.

There is a concern that the proposed building appears substantially wider than the neighbouring house to the east, 40 Tongdean Avenue, which is one of the narrower houses in this part of the street. Nevertheless, the separation distances between 40 Tongdean Avenue and the new building, together with retained vegetation helps to militate against this aspect of the scheme. The Conservation Advisory Group, broadly support the scheme, and the Conservation Officer has not raised an objection.

It is considered that treatment of the front curtilage of the site is fundamental to the acceptability of semi-detached properties on the site. The submitted details are acceptable in this regard, and will assist in giving the impression of large plots and open character which characterise the area.

The access for the two dwellings will have a similar appearance to many single dwellings in the area which have a U-shaped in-and-out driveway.

There has been a concern from neighbours that an approval for this development could set a precedent for other subdivision in the area. Whilst each application must be assessed on its merits, it is felt that the design of this specific proposal has addressed the issue of plot sizes well, and on balance, there is no justifiable reason for refusing the application on the grounds of design and appearance or impact on the Tongdean Conservation Area.

Impact on Amenity

The application represents a significant increase in bulk from the existing bungalow. The impact has attracted a number of objections from neighbouring properties, and the redevelopment from a bungalow to three

storey building, will result in an increased sense of enclosure to neighbouring properties. However as previously mentioned, the scale of the development in terms of height is comparable to neighbouring properties.

Two side windows in 44 Tongdean Avenue face the site, both will be affected by an increased sense of enclosure by the increased built form of the building. However one of the windows is a bathroom, the other a secondary window serving a bedroom. In any case, with a side-to-side separation distance of over 9 metres the overall impact is considered acceptable. Similarly, the side windows of 40 Tongdean Avenue are not considered significantly affected. There would be a separation distance of approximately 6 metres and the existing vegetation would continue to provide a good screen and soften the appearance of the development. Due to the orientation of the buildings, some loss of light to the windows in 44 Tongdean Avenue would result, however the general scale of the building is acceptable, and any significant loss of light to habitable rooms would not result.

The balconies proposed for the front of the building at first and second floor of the building, would be inset from the boundaries, preventing significant views back in to neighbouring properties and giving elevated views to the front of the property. Full details of screening the balustrade to serve the second floor terrace is required by condition. To the rear, no terraces are proposed, and for the avoidance of doubt the flat roof areas above the kitchen/ dining area must be conditioned to be used for access/maintenance only.

Much of the rear boundary is well-screened, and the impact of the larger buildings on properties in Meadow Close is not considered significant.

Environmental and sustainability concerns

A sustainability report has been submitted with the application. Included in the statement is a commitment to achieve Code for Sustainable Homes Level 3, compliant with Supplementary Planning Document on Sustainable Building Design. There has been a commitment to utilising green technologies, including solar collectors. Cycle parking, rainwater harvesting, and refuse/recycling facilities have been included in the proposal. A completed Sustainability Checklist has been submitted which shows good performance in many of the sections, including energy and water.

The applicant has submitted a Waste Minimisation Statement to show where construction and demolition waste could be minimised, however this is considered insufficient and amounts of waste have not been identified. Whilst demolition of the site excavation is likely to cause significant levels of waste, there is some potential for reuse and recycling, should the application be successful, it is considered important that the construction and demolition waste arising from the development is properly documented, and the submitted waste minimisation statement is elaborated upon. Current policies require that over 80% of waste is diverted away from landfill. A revised waste minimisation statement is therefore required by condition.

Standard of accommodation:

A Lifetime Homes Checklist has been submitted with the application.

The layout and design of the property is acceptable and would be broadly able to meet lifetime homes specifications in accordance with HO13 of the Brighton & Hove Local Plan. Door widths, leading edges, and corridor widths are all compliant with lifetime homes standards. There is an entrance level living area, WC, and potential to convert the office to bed space if necessary. The bathrooms generally have good proportions. Overall the accommodation provided is generous and could be easily adapted.

Natural light and ventilation is achieved in nearly all rooms, the exception being an internal WC on the ground floor, and ensuite to the first floor of each property. There is some opportunity for these rooms to received borrowed light.

Transport

The Traffic Manager has not objected to the application with the access arrangements acceptable from highway safety point of view and off-street car parking provided for both properties. The proposal does however result in an increased demand on traffic and transport movements, and a financial contribution towards sustainable transport infrastructure has been requested by the Transport Team

Landscaping and trees

An Arboriculture Statement has been submitted with the application. The document identifies an excellent collection of trees on site. Worthy of specific mention is the Eucalyptus in the front curtilage of the property is very prominent in the streetscene and mature examples of Elm, Sycamore and Poplar in the rear garden which are to be retained. Primarily trees that are recommended to be felled are those needed to facilitate development. Some Disease has been identified in some of the trees, and these trees are also recommended to be felled. A location plan has been submitted with this application. The Council Arboriculture Team raise no objection to the works outlined in submitted report.

As previously identified, control over the boundary treatments, and hard and soft landscaping is required. It is disappointing that a detailed submission for a proposed landscaping scheme has not been submitted. However this will be sought by condition with the details to be agreed with consultation with the Arboriculture and Conservation and Design Teams.

One letter of representation has suggested that a full ecological report should be submitted with the applications. Whilst the site is well vegetated at present, there does not appear to be any protected species on site, and future landscaping plan will be expected to provide future wildlife habitat.

Conclusion

The proposal would result in a highly prominent addition to the street scene, but the design of the new building is acceptable and would preserve the character and appearance of the Conversation Area. There would not be significant harm to the residential amenity of neighbouring properties. Approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

On balance, it is considered that the proposed development to form a pair of semi-detached houses is acceptable. The design is of architectural merit, will adequately contribute to the streetscene and would preserve the character and appearance of the Tongdean Area. The development would not harm the residential amenity of neighbouring occupiers, and the standard of accommodation is acceptable

9 EQUALITIES IMPLICATIONS

The new houses would be compliant with Lifetime Homes Standards

BH2008/03384 42 Tongdean Avenue



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Nicola Hurley

From: Clare Simpson [Clare.Simpson@brighton-hove.gov.uk]
Sent: 21 January 2009 10:10
To: Nicola Hurley
Subject: FW: BH2008/03384 - 42 Tongean Avenue

From: Victoria Golding [mailto:Victoria.J.Golding@brighton-hove.gov.uk] **On Behalf Of** Vanessa Brown
Sent: 09 December 2008 10:55
To: Clare Simpson
Subject: BH2008/03384 - 42 Tongean Avenue

Dear Clare

Re: BH2008/03384 - 42 Tongdean Avenue

As a Councillor for Stanford Ward I am writing to object to this application. Tongdean Avenue is in a Conservation Area which is characterised by individually designed houses in large plots. Subdivision of these plots would destroy the character of the area. The tree survey shows that at least ten trees would have to be felled and again this would alter the leafy character of the area.

The proposed dwellings are also considerably larger and heigher than the existing bungalow and very close to the boundary. This will affect the natural light in the garden and create a sense of enclosure. It will also impact on the bedroom and bathroom windows.

If this application should be recommended for permission I would ask that it go before the Planning Committee.

Yours sincerely

Clr Vanessa Brown
Deputy Leader of the Council
Cabinet Member for Children & Young People
Stanford Ward
Tel 01273 291012

<u>No:</u>	BH2008/03481	<u>Ward:</u>	STANFORD
<u>App Type</u>	Conservation Area Consent		
<u>Address:</u>	42 Tongdean Avenue, Hove		
<u>Proposal:</u>	Conservation Area Consent for demolition of existing bungalow.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	20 October 2008
<u>Con Area:</u>	Tongdean Area	<u>Expiry Date:</u>	02 January 2009
<u>Agent:</u>	Miss Asia Jedrzejec, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Mr & Mrs Bernstein, 42 Tongdean Avenue, Hove		

1 RECOMMENDATION

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

Conditions

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision is based on drawing nos 0794, E01- E07 and supporting statements submitted on 20th October 2008, and Heritage Statement received on 7th 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 set out below:
HE8 Demolition in Conservation Area; and
 - ii. for the following reasons:
The existing bungalow is not worthy of preservation and an acceptable scheme to redevelop the site has been established.

2 THE SITE

The application relates to a site on the south west of Tongdean Avenue with approximately 27 metres of frontage. The existing bungalow is located centrally in the plot but set back from the road when compared to neighbouring properties with a garage projecting forward. Two storey detached properties characterise the area, and the existing bungalow is very low-key in the streetscene due to its height and the significant amount of mature vegetation in the front of the curtilage.

The property lies within the Tongdean Conservation Area.

3 RELEVANT HISTORY

A Full Planning application is registered for the construction of a pair of semi-detached dwellings (ref: **BH200803384**).

BH2008/00596: Proposed demolition of existing bungalow and erection of two detached dwellings with garages and cycle store.

Refused on the 28th April 2008 for the following reasons:

1. The subdivision of the site to form two plots containing three-storey properties is considered to be an inappropriate development of the site. The resultant plot sizes fail to respect the prevailing character of this the part of Tongdean Avenue which is characterised by large plots with generous spacing between buildings. As a result two properties on the site appear crammed-in and detrimental to the street scene and the character of the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
2. The proposed houses by virtue of their scale, height and design, fail to relate to adequately to the neighbouring properties. The properties appear excessively high and due to their relatively narrow form appear disproportionate when compared to the wider house which characterise the area. In addition the ridge heights of the properties fail to bridge the height differences of no.40 and no.44 Tongdean Avenue. As a result two properties which are unduly high and which have strong vertical emphasis appear out of character of with the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
3. The proposed roof terraces to the rear of the new properties by virtue of their size and elevated position will give rise to extended views of gardens of neighbouring properties causing a loss of privacy. This element of the design is considered un-neighbourly and contrary to policies QD3 and QD27 of the Brighton & Hove Local Plan,
4. Notwithstanding the inaccuracies in the submitted Arboriculture report, the proposed development involves the loss of a large number of mature and semi-mature trees which are considered to make a positive contribution to the Conservation Area. In the absence of sufficient justification and in the absence of a future landscaping plan for the site, the applicant has failed to demonstrate that the loss of the trees will not harm the character and appearance of the site and the surrounding area. The development is therefore contrary to policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan.

BH2008/00599: Demolition of existing bungalow. Refused 28th April 2008 for the following reason:

1. Policy HE8 of the Brighton & Hove Local Plan relates to demolition in conservation areas and states that demolition will not be considered

without acceptable detailed plans for the site's development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the building would be premature and result in an empty site, contrary to the policy, to the detriment of the visual amenities of the Tongdean Avenue Conservation Area.

4 THE APPLICATION

Conservation area consent is sought for the demolition of the existing building.

5 CONSULTATIONS

External:

Neighbours: None received.

CAG: No objection – the existing bungalow makes no positive impact to the street scene. The group welcomes the contemporary design of the proposal which they find acceptable in an area of mixed architectural styles and qualities. The plot is considered to have a sufficient space to accommodate two dwellings.

Internal:

Conservation & Design: Although this conservation area contains buildings of a range of architectural styles, the existing bungalow on this site falls outside this range due to its scale, style and materials. Apart from the garages, the forward most part of the building, it is largely hidden within the site by mature planting, contrasting with the bold presence of most of its neighbours. The site is considered suitable for redevelopment in a manner in keeping with the rest of the conservation area and the demolition of the building is not resisted but should not be given consent until a suitable replacement development is approved.

The proposed redevelopment is for two semi-detached dwellings and the overall bulk of the building fits in better with the conservation area than the previous scheme of two separate dwellings did, however it is still considered that the subdivision of the plot would be apparent due to boundaries, the doubling up of entrances and driveways, but this could be minimised by withdrawing permitted development rights.

The contemporary architectural styles can be accommodated in this conservation area, which is already noted for its variety.

It is cautiously considered that this proposal is acceptable, subject to the controls suggested.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE8 Development in Conservation Areas

7 CONSIDERATIONS

The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Tongdean Conservation Area.

Policy HE8 states that buildings which make a positive contribution to the character of conservation areas should be retained.

The existing bungalow makes little impact on the streetscene due to its low form and materials, and the bungalow appears very low key, especially against the two storey buildings either side. The mature planting in the front curtilage of the property screens the majority of the built form from the street. Whilst the existing building is not harmful to the character of the area, the demolition of the bungalow is not resisted as it is not of such architectural merit to require preservation.

Policy HE8 of the Brighton & Hove Local Plan also states that demolition will not be considered without acceptable detailed plans for the site's development. The accompanying planning permission for a pair of semi-detached dwellings is considered acceptable on design, and on amenity grounds. The full planning application (**BH2008/03384**) for the construction of a pair of semi-detached dwellings is recommended for approval. Provided that the scheme to redevelop the site gains approval, it is considered that the demolition of the existing bungalow is acceptable. A condition to ensure that contracts are in place prior to development is required which would ensure that a vacant plot is not left for a prolonged period of time. This would ensure works to redevelop the site follow promptly after the demolition of the existing building.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The existing bungalow is not worthy of preservation and an acceptable scheme to redevelop the site has been established.

9 EQUALITIES IMPLICATIONS

N/A.

BH2008/03481 42 Tongdean Avenue



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<u>No:</u>	BH2007/03485	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	159 Edward Street, Brighton		
<u>Proposal:</u>	Change of use from shop to sui generis mixed use incorporating coffee/sandwich bar, jazz club, bar, music editing suite and ancillary accommodation. Formation of new first floor level accommodation, including insertion of dormer windows and rooflights, rear extension to basement level and construction of rear emergency stairway.		
<u>Officer:</u>	Liz Holt, tel: 291709	<u>Received Date:</u>	17 September 2007
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	17 December 2007
<u>Agent:</u>	Design LSM, Bath House, 58 Livingston Road, Hove		
<u>Applicant:</u>	Mr AM Lavender, 91 Leahurst Court Road, Brighton		

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. BH01.01 Full Planning Permission.
2. BH13.01 Samples of Materials – Cons Area.
3. BH12.05 Rooflights – Cons Area.
4. Notwithstanding condition 3 or the drawings submitted as part of the application the rooflights 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 property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. Notwithstanding drawings submitted as part of the application the first floor window within the south elevation of the property hereby approved shall not be glazed otherwise than with obscured glass, the side windows shall be fixed shut and the middle bottom hung inward opening 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. Prior to the opening of the uses hereby approved the obscurely glazed balustrade hereby approved, to be located to the western side of the rear terrace, shall be installed 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.
7. Noise mitigation measures shall be carried out in accordance with the

specifications detailed in the acoustic reports dated the 14th November 2005 prepared by Acoustic Design Services Limited and 18th August 2008 prepared by Acoustic Associates. Noise mitigation measures shall also be carried out in accordance with the specifications detailed on the Urban Arc Limited plans submitted on the 23rd of December 2008.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

8. The basement jazz club, ground floor bar and first floor music editing suite shall not be open or in use except between the hours of 20:00 to 01:00 the following day on Monday to Saturday (inclusive) and 20:00 to 23:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

9. The ground floor café shall not be open or in use except between the hours of 08:00 to 18:00 each day of the week.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any amendments thereto, this premises shall be used as a mixed use coffee/sandwich bar and jazz club only and for no other purpose including any Sui Generis use. **Reason:** The Local Planning Authority would wish to retain control over any subsequent use of these premises in the interests of safeguarding the amenities of the local residents and the local area in accordance with policy QD27 of the Brighton & Hove Local Plan.

11. Other than for purposes of access and egress, the rear ground floor door, serving the rear terrace, shall remain closed.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

12. All plant and machinery shall operate at least 5dB(A) below the background noise level (expressed as an L90).

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

13. During the premises opening hours all rear ground floor windows shall be closed.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

14. All fire doors at the rear of the premises, shall remain closed and not be opened for any purpose, other than for emergency access and for deliveries/collections to and from the beer chiller and refuse room.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local

Plan.

15. The rear ground floor terrace area shall not be used by customers for any purpose, other than for emergency access.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

16. The rear ground floor terrace area shall not be used by staff as an external amenity area or as a smoking area.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

17. BH02.07 Refuse and recycling storage (facilities).

Informatives:

1. This decision is based on drawing nos. 070902_002, 070902_003 and 070902_004 and Fakro Conservation Window Details submitted on the 17th September 2007 drawing nos. 070902_001RevA and 070902_005 and a Design and Access Statement submitted on the 22nd October 2007, an Acoustic report by Acoustic Design Services Ltd submitted on the 25th June 2008, an Acoustic Report by Acoustic Associates submitted on the 9th September 2008, drawing nos. 070902_P_006RevC, 070902_P_008RevB, 070902_P_011RevB and 070902_P_012RevB and an accompanying letter submitted on the 23rd October 2008 and drawing nos. 070902_P_007RevD, 070902_P_009RevC and 070902_P_010RevC submitted on the 8th January 2009 and an e-mail and attached photograph park13_7_08_681 received on the 13th January 2009.

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 in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations

QD16 Trees and hedgerows
QD27 Protection of amenity
QD28 Planning Obligations
SR13 Nightclubs
HE6 Development within or affecting the setting of Conservation Area

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste; and

(ii) for the following reasons:-

The proposed extensions and alterations to the property are considered not to be of detriment to the character and appearance of the host property or the wider area, including the surrounding Conservation Area.

Following the submission of annotated plans showing sound attenuation measures, two acoustic reports and subject to the compliance with attached conditions it is considered that the proposed use of the property will not have a significant adverse impact upon the amenities of local residents.

2 THE SITE

The application site comprises a two storey (ground and basement level) commercial unit fronting onto Edward Street, adjacent to the north west corner of Dorset Gardens.

To the west, the site adjoins a four storey (including basement) building in predominantly residential use that fronts George Street. A narrow gap provides separation between the application site and this neighbouring building. The basement level in this area between the two buildings has been excavated, to reveal the basement levels of the buildings.

The site is located within the East Cliff Conservation Area.

3 RELEVANT HISTORY

12.246.1479: Change of use from shop to printing works – approved 3/5/55.

63.1116: Use as light industry – approved 16/7/63.

63.2298: Change of use from manufacture of plastic sequins to betting office – approved 17/12/63.

65.231: Change of use from betting office to use as a shop for storage and wholesale and retail sale of tea and coffee and tea and coffee equipment – approved 16/2/65.

BH2005/05471: Extension to rear basement level and change of use from store to Jazz Club (D2). Minded to Grant at the 23/11/05 Planning Sub-Committee subject to the receipt of satisfactory and comprehensive sound

attenuation details.

BH2006/00916: Formation of mansard roof to create first floor to house editing suite, staff room and office. Refused 16/05/2006 on grounds including the scale, bulk and design of the proposed mansard roof and proposed rooflights being of detriment to the host property and the wider area including the Conservation Area and the adverse impacts of the proposed mansard roof upon the amenities of neighbouring properties.

BH2006/03862: Formation of mansard roof to create first floor to house editing suite office, band room and bathroom (resubmission of application BH2006/00916). Refused 24/01/2007 on grounds including the design of the proposed mansard roof being asymmetrical, an incongruous extension and of detriment to the character and appearance of the host property and the wider area including the surrounding Conservation Area and the adverse impact of the mansard roof of the amenities of the neighbouring properties.

4 THE APPLICATION

The application seeks permission for the formation of new first floor accommodation within the existing building in order to provide a music editing suite and other ancillary staff facilities, in addition to the change of use from an existing store to a sui generis mixed use premises incorporating a coffee/sandwich bar and bar at ground floor level and a jazz club at basement level.

Two lead clad barrel domed dormers and an extract outlet are proposed along the eastern roof slope and three conservation rooflights and an intake fan to the western roof slope. Two new windows are proposed in the southern elevation at ground level and at roofspace level.

Development is proposed within the basement to provide accommodation for a jazz club venue. An external emergency stairway is also proposed at the basement level.

Parts of this application, namely the use of the ground floor level as a coffee/sandwich bar, the basement as a jazz club and an extension to the rear of the basement level, were incorporated within the earlier application BH2005/0547. This application went before Planning Sub-Committee, resulting in a resolution of minded to grant, subject to approval of an acceptable scheme of acoustic insulation. This application has yet to be determined as the applicant failed to submitted sufficient acoustic details.

The current application proposes amendments to the earlier internal layout of the premises as it is now proposed to provide sanitary accommodation within the basement in place of the bar and the bar relocated to ground floor level at the northern end of the building. A small dispensing bar is proposed within the basement under the staircase that would be linked to the ground floor by a dumb waiter. The plans indicate that the proposed basement jazz club would accommodate seating for 44 persons with some additional seating in the bar area at ground floor level.

5 CONSULTATIONS

External:

Neighbours: Six letters of objection have been received from:

18 George Street, objects on the grounds of noise disturbance and public nuisance affecting those living in the immediate area. A venue in Edward Street will increase the flow of people through George Street from St. James Street. Potential increase for a further increase in crime, disorder and public safety issues. Also objects to the proposal as it requires the removal of trees from the park within Dorset Gardens to make way for a fire escape.

36 George Street, (2 e-mails received) objects on grounds that the jazz bar will add to noise pollution in the area both from people going to and from the premises and people smoking outside of the property, issues of crime and disorder, public safety issues and protection of children from harm. The proposed change of use will add to the problems already been encountered from patrons of the public house next door.

38 George Street, objects as the new first floor level accommodation will limit the amount of natural daylight to the kitchen and first floor, which is already dark during the winter months. The noise from the jazz club will affect the rear of the property which contains bedrooms. Also objects on grounds of crime and disorder including safety aspects for their property and on grounds of public safety with regards to George Street being used as a thoroughfare and the blocking of their means of escape as a result of the new building.

39 George Street, objects as concerned that the proposed first floor extension may overshadow property and overlook bedrooms. This establishment will in part be a late-night venue which will inevitably lead to an increase in pedestrian traffic along what is primarily residential street at the northern end. Due to intoxication on departure from the premises will lead to various acts of anti-social behaviour.

6 Dorset Gardens, objects on grounds of noise disturbance of the use of the premises and people coming and going from the property, increased litter pollution, increased anti-social behaviour and any change affecting Dorset Gardens as a public park widely used by the surrounding community in addition to the felling of trees to accommodate the proposed extension and proposed fire escape.

1 letter of objection from an **unknown address** on the grounds that customers of the club will access it via residential streets such as George Street and Dorset Gardens and cause noise disturbance, commit crime and other forms of anti-social behaviour and this is a community with families with vulnerable people which should be protected. Also objects on grounds of loss of trees within Dorset Gardens and the use of the fire escape as a smoking area.

CAG: No comment.

Sussex Police Crime Prevention Design Adviser: No major concerns with the scheme.

Internal:

Traffic Manager: No highway comments.

Conservation and Design: No objections. The proposed roof and dormers will not be visible behind the existing decorative fascia and appear not be able to be viewed from the Edward Street elevation. The two large dormers facing north have a similar impact on Dorset Gardens that the adjacent building has – behind 39a & 40 George Street, as this has similar large roof windows facing the Gardens. The conservation rooflights face the rear of the buildings on George Street and therefore have a minimum impact on the character of the conservation area. The previous application, BH2006/00916, had an asymmetrical mansard and was highly visible from Edward Street. It is encouraging that these elements of the proposals have been removed. Recommend samples condition.

Environmental Health:

(Comments 27/11/2008 following submission of acoustic details) The site is in close proximity to residential accommodation. Is satisfied that if the works specified in the acoustic reports and the October 2008 plans are executed then have no objection. This is in addition to recommended conditions covering the implementation of the noise mitigation measures, the opening hours of the premises, the use of plant and machinery, the use of the rear terrace area, the use of the rear ground floor door and fire doors and the opening of ground floor windows during opening hours.

Arboriculturist:

(Comments 14/01/2009) As the applicant has assured that the park will not be used by builder have no objection in relation to the proposed development. Regardless of the proposed development the trees located in close proximity to the wall will need to be removed as they will eventually lead to damage of the wall. The Council and the applicant are currently in discussion with regards to their removal.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites

QD5	Design – street frontages
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning Obligations
SR13	Nightclubs
HE6	Development within or affecting the setting of Conservation Area

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

7 **CONSIDERATIONS**

Background

The application relates to an unusual building with the appearance of a shop with a relatively large basement area underneath. The site adjoins Dorset Gardens on one side and there is a blank frontage on the other side. Edward Street includes a number of retail uses on the same side as no. 159 but they are scattered along the frontage and the street does not have the appearance of a continuous shopping frontage.

The building has operated in various uses since 1947 including use as a printing works, light industrial use and as a betting shop. The most recently approved use was for the retail and wholesale of tea and coffee and associated equipment. This use continued until March 2005 when the site was put on the market. It was acquired by the applicant in the summer of 2005.

Application BH2005/05471 sought planning permission for an extension at the rear of the basement level and the change of use from store to a jazz club at basement level and sandwich bar at ground floor level. The application was minded to grant at the 23rd of November 2005 Sub-Committee subject to the receipt of a satisfactory and comprehensive attenuation report and compliance with recommended conditions. Although sound attenuation information has been submitted in relation to this application the details are not considered acceptable and as such the application is yet to be determined.

In 2006 two applications were submitted (BH2006/00916 and BH2006/03862) which sought permission for the construction of a mansard roof in order to provide an additional usable level for the property. For reasons set out above both of these applications were refused.

The current application originally sought planning permission for the formation of new first floor accommodation within existing building, with new basement sanitary accommodation and external emergency staircase to serve the jazz club venue. As the 2005 application is yet to be determined, the current application has been amended in order to refer to all the alterations and extensions to the property, in addition to the proposed change of use.

The 2005 application sought permission for a rear basement extension and the use of the basement level of the property as a jazz club with the ground floor level as a sandwich bar. The proposed application revises the 2005 development by way of the creation of a first floor level to the property and the ground floor comprising a coffee/sandwich bar during the day and a bar area for the proposed basement jazz club at night. The additional floor space created in the roof would relocate all staff servicing facilities to this area, thereby increasing the available public space at the ground and basement levels. The proposal is therefore considered to be materially different to the original 2005 application with a greater intensity of use proposed.

In the determination of the current application consideration must be given to the impacts of the proposal on the character and appearance of the host property and the wider area, including the surrounding Conservation Area, the impact of the intensification of the use of the site and the impacts upon the amenities of the neighbouring properties.

Intensification of use

The proposed intensification of use of the property as a sandwich bar in the day time and as a jazz club/bar at night has, in principle, been accepted as a result of the minded to grant decision at the earlier Planning Sub-Committee meeting.

The current application proposes a number of changes from the 2005 application (ref: BH2005/05471). The 2005 application proposed a café at ground level and jazz nightclub in the basement, essentially provided as two separate units. As set out above the 2005 resolution to grant was conditional on the submission and approval of noise attenuation measures.

The current application seeks permission for the jazz club to be accommodated across all levels of the property. The main part of the proposed jazz club would be located at basement level with the main bar at ground floor level. The ground floor level will also be used as a coffee/sandwich bar during the day before servicing the jazz club in the evening. In addition the proposed accommodation created at first floor level as a result of the proposal will provide a music editing suite and ancillary staff facilities for the property

Plans submitted indicate that within the basement level of the property around 44 seated persons could be accommodated. Additional seating would be provided within the café with bar stools along the western wall and within the

west window of the shopfront.

The relocation of the bar to the ground floor would require movement between basement and ground floor by the jazz club users. Consequently, the two floors are now viewed as a single unit over two floors. This contrasts with the 2005 scheme, which was viewed as a jazz club restricted to the basement level and a distinctly separate sandwich bar at ground floor level for day time use. Conversely during the day, the café would not be considered A1 by virtue of the fact that extensive seating is provided. The proposed use would now fall within the sui generis use class by reason of the mix of the A3 style day time cafe use on the ground floor and jazz club and bar in the evening.

Policy SR13 relates to new clubs or extensions to existing clubs. Under this policy a large club is defined as premises having a total or resultant net public floorspace in excess of 150m², excluding corridors, lobbies, stairwells, WCs, staff areas etc. Excluding all of the areas listed, the proposal would have a total net public floorspace below 150m². As a result of the public floorspace proposed the jazz club is defined as a small club under policy SR13 and therefore is subject to clauses b to e of the related policy.

Although the criteria of policy SR13 relevant to a small club state indicate that small clubs should not be permitted if the premises abut residential accommodation, as is the situation in this case, the 2005 application was viewed favourably by the Local Planning Authority. The Committee report noted the potential for the use to be unneighbourly, but the scheme was described and the recommendation justified, as a low key entertainment use. It is acknowledged that the development now proposed is materially different to that proposed in 2005, as a result of the creation of a first floor level and the use of the basement and ground floor areas as a sui generis use. However it is considered that the applicant has demonstrated that the intensification of the site can be accommodated within the site, though the submission of comprehensive annotated plans showing sound attenuation measures and the submission of two sound attenuation reports, without causing detriment to the amenities of adjoining residential properties, a view supported by the Council's Environmental Health Department.

Design

Brighton & Hove Local Plan policies QD1, QD2, QD3 and QD14 require a high standard of design for new development, in this case an extension and roof conversion to intensify the use of a site. Policy HE6 requires that new development within Conservation Areas preserves or enhances the character or appearance of the area.

At basement level the applicant intends to extend the property by way of a rear in-fill extension. The proposed extension will extend from the existing south facing elevation of the property by approximately 5.05m, will have a width of approximately 4.1m and a height of approximately 2.9m. The proposed rear extension will house the proposed sanitary facilities, a covered

fire escape staircase between the basement level and Dorset Garden's park and a beer and wine store. At ground floor level the roof of the proposed rear basement extension will be utilized as a decked area in addition to a small extension of approximately 1.2m in width being constructed to house the upper staircase related to the new fire escape and the beer chiller and refuse room. This flat roof extension will have a height of approximately 2.8m and will be constructed of a lead roof and horizontal board cladding. Due to the existing wall located between Dorset Garden's park and the site address only the upper most section of the proposed ground floor extension will be visible when viewed from areas to the east of the site. Overall it is considered that the proposed extensions will not be of detriment to the character or appearance of the host property or the wider area, including the surrounding Conservation Area.

The application proposes two sizeable lead clad barrel domed dormers in the eastern roof slope in addition to the insertion of an exhaust air outlet. The two dormers would be evenly spaced in the roof slope, one containing the staircase and the other containing the music editing suite and office.

The three conservation rooflights proposed in the western roof slope would serve the kitchen, bathroom and corridor. In addition a fresh air intake vent will be inserted within the west facing roofslope.

A large hardwood casement framed window is proposed at the southern end of the roof and would be positioned off centre towards the western side elevation.

The existing Redland 49 interlocking concrete tiles would be removed and replaced with natural grey slate tiles.

If the proposed scheme is overall considered acceptable, in order to ensure a satisfactory appearance to the property, it is recommended that a condition is attached to the approval requesting that samples of the proposed construction materials are submitted to and approved by the Local Planning Authority.

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1) advises that roof extensions that alter the basic shape of the roof will not be accepted where it would lead to an imbalance between the appearance of dwellings or create a visually heavy roof. Dormers should be kept as small as possible and well contained within the roof slope, having a width no greater than the windows below and positioned carefully with regard to the arrangement of windows below and the shape of the roof. There should be no large areas of cladding either side of the window or below it. The guidance note also states that poorly designed or excessively bulky roof top additions can seriously harm the appearance of the property and have a harmful effect on the rest of the street.

The ridge line of the existing roof is centred towards the western side

elevation presenting a skewed roof line with the bulk of the roof positioned over the eastern half of the building. No windows are located along the western and eastern side elevations. The proposed dormers would align with the eaves and extend upward just short of the ridge height.

The two dormers would measure 2.2m in width and would occupy slightly less than half the roof length. Additions of this scale in the roof could have the potential to dominant the roof form of a small building such as this. The proposed dormers would appear as a substantial structure within the roof slope however, it is considered that the domed roof of the barrel dormers would reduce the scale and bulk of the sizeable dormers and the overall impact on the appearance of the subject building.

It would not be possible to accommodate two dormers of this size in the western roof slope due to the skewed roof line. Three conservation rooflights are proposed in the northern end of the western roof slope. The combination of dormers on one side of the roof and conservation rooflights on the others could have the potential to unbalance the appearance of the roof. However, as the roof is hidden behind a parapet at the front of the site and the eastern roof slope can only be viewed in isolation from the street the combination of the two roof structures alterations is considered by the Council's Conservation and Design Officer to be acceptable.

Ideally the rooflights should be evenly spaced within the roof slope. In this instance as the western roof slope would only be visible from the rear of the adjoining George Street terrace properties, the spacing of the rooflights as proposed would not be sustainable grounds for refusal.

The property is located within the East Cliff Conservation Area and adjoins Dorset Gardens, a public park to the east of the site. The proposed dormers would be visible when approaching the site from the eastern end of Edward Street and from within the neighbouring park.

The installation of the two barrel domed dormers in the western roof slope, while appearing as substantial additions to the roof of this small building are not considered to have an unacceptable impact on the character and appearance of the building within the street scene, the Conservation Area or the setting of the park.

The Conservation and Design Officer has raised no objection to the proposed alterations to the roof. Accordingly, this element of the scheme is considered to be acceptable in accordance with Brighton & Hove Local Plan policies QD2, QD3, QD14 and HE6.

Impact on neighbouring properties

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

The proposed extensions will in-fill areas located between the rear sections of properties located on George Street. The proposed ground floor extension will be located on the eastern side of the property, away from windows located in the rear elevations of properties located on George Street. Overall it is considered that the proposed extensions, both at basement and ground floor level will not have a significant adverse impact upon the amenities of the neighbouring properties.

The site adjoins 160 Edward Street and 37 and 38 George Street to the west and Dorset Gardens to the east. As was identified in the earlier refused application (ref: BH2006/03862), due to the close proximity of the roof to the neighbouring residential elevation and windows, any roof extension on the application site has significant potential to cause detriment to the living conditions of the neighbouring residential properties.

Presently the building physically adjoins the rear elevation of 160 Edward Street and is set back 1m from the rear of 37 and 38 George Street. The kitchen and landing windows of 160 Edward Street and 37 George Street look out over the sloping roof. The bedroom windows of both properties are located at second floor level.

In order to address concerns of overlooking and loss of privacy raised by the Local Planning Authority with regards to the rooflight windows the applicant has agreed that these window openings should consist of obscured glazing in order to mitigate any adverse impacts upon the amenities of the neighbouring properties. This issue can be controlled via a condition attached to the approval.

A window opening already exists at ground floor level within the south facing elevation of the property. As part of the proposal this window will be replaced with a window of a style and design to match that of the existing although it will consist of double glazing. In order to mitigate any adverse impacts upon the amenities of the neighbouring properties with regards to noise it is recommended that the window is not opened during hours of opening, an issue which can be controlled via a condition. It is acknowledged that oblique views towards neighbouring properties windows would be possible from the altered ground floor window however as this window opening already exists it is considered that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties as the views that will be achievable from the altered window opening will be the same as those which are presently gained from the same window opening. In addition an obscurely glazed balustrade will be located on the western side of the proposed rear terrace area. It is considered that the presence of this feature will also help to mitigate any significant adverse impacts with regards to overlooking or loss of privacy to neighbouring properties located directly to the west of the site. It is recommended that a condition be attached to the approval to ensure that the balustrade does consist of obscured glazing and that it is installed prior to the occupation of the premises.

Within the south facing elevation a new window opening will be created with the new first floor level of the property and will provide light and ventilation to the proposed staff/band room. This window will be subdivided into three window panes. In order to protect the amenities of the neighbouring properties and as a result of concerns raised by the Local Planning Authority the method of opening of the proposed window has been amended since submission resulting in the two side windows being fixed shut and the middle window to bottom hung and inward. In addition the whole window will consist of obscured glazing. A condition should be attached to the approval to ensure that these mitigation measures are implemented.

The proposed rear decked area will serve as a means of emergency escape and will provide access to the proposed beer chiller and refuse storage area. Information submitted as part of the application confirms that no access for the public will be allowed to the proposed terrace area other than for means of escape. A condition should be attached to ensure that this area remains prohibited to the public unless for means of emergency escape.

Third party objections raise significant concern regarding the impact of the proposed club adjoining residential properties in this otherwise relatively quiet location. As set out above plans submitted as part of the current application are annotated considerably with regards to sound attenuation. In addition two acoustic reports dated the 14th November 2005 and the 18th August 2008 have been submitted with regards to both the current application and that submitted in 2005. The annotated plans submitted as part of the current application and the acoustic reports are considered acceptable in accordance with policies of the Brighton & Hove Local Plan, a view supported by the Environmental Health subject to the compliance with recommended attached conditions.

Third party objectors also refer to anti-social behaviour increasing in the area as a result of the development if allowed. However Sussex Police, despite stating that the area is categorised as a medium/high risk crime area, do not have major concerns with regards to the proposal. In order to protect local residents from future developments which could have a significant adverse impact upon the amenities of the local residents, it is recommended that a condition is attached to the approval restricting the use of the premises to that which permission is sought.

Other Issues

Plans submitted as part of the application indicate the provision of refuse storage facilities. It is recommended that a condition is attached to the application to ensure that such facilities are actually provided.

Despite letters from third party objectors which include reference to the removal of trees in the adjacent Dorset Gardens park, in order to facilitate the creation of the proposed rear fire exit, the Council's Arboriculturist raises no objection to the removal of the trees in relation to the proposed development.

Regardless of the proposed development the Council and the applicant are currently in discussion with regards to the removal of trees located in close proximity to the shared wall as these trees will eventually lead to

As a result of the location of the property in relation to the city centre it is considered that future customers of the premises will have good access to public transport.

Conclusion

For the reasons set out above it is considered that the proposal is in accordance with policies set out in the Brighton & Hove Local Plan, approval is therefore recommended.

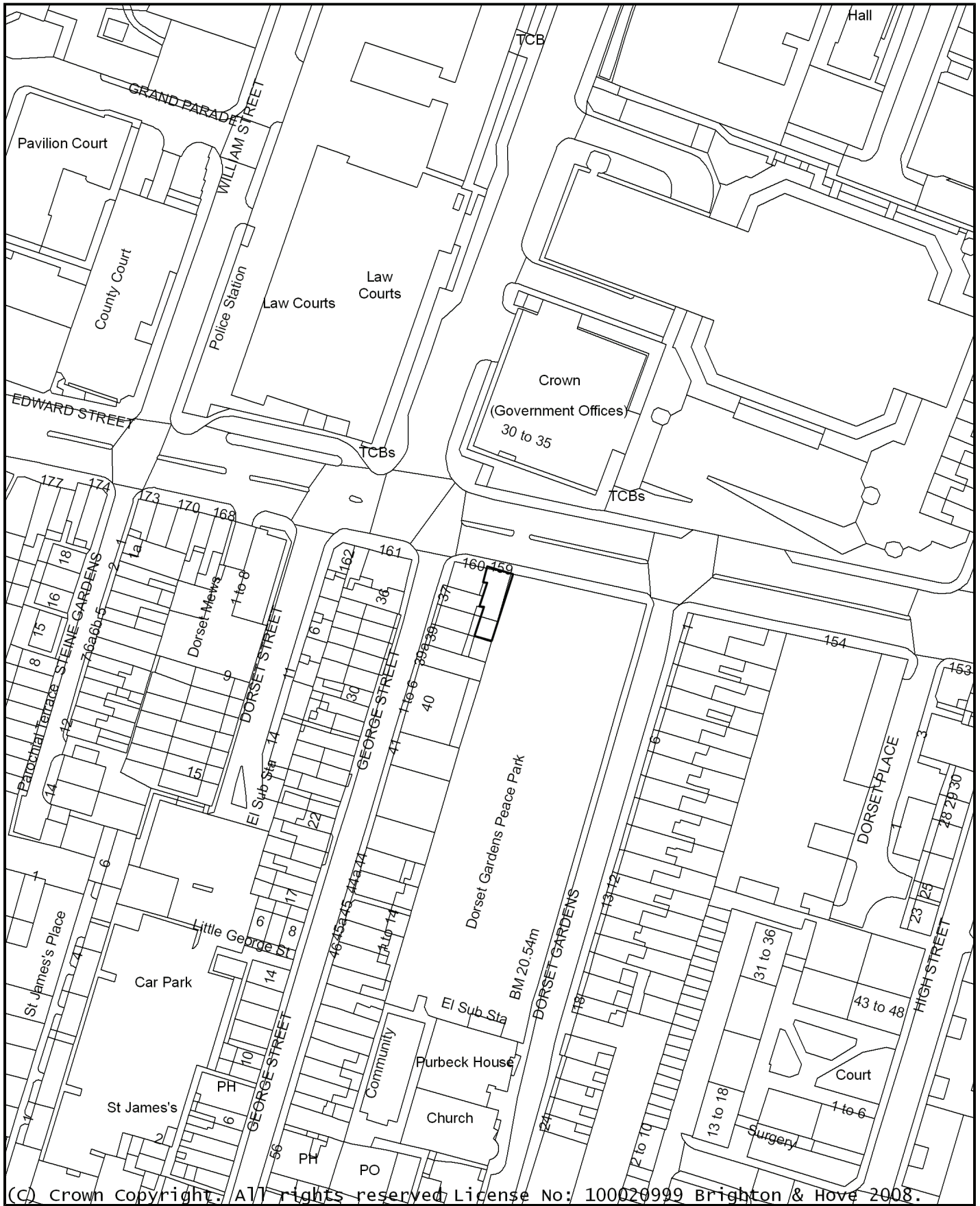
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extensions and alterations to the property are considered not to be of detriment to the character and appearance of the host property or the wider area, including the surrounding Conservation Area.

Following the submission of annotated plans showing sound attenuation measures, two acoustic reports and subject to the compliance with attached conditions it is considered that the proposed use of the property will not have a significant adverse impact upon the amenities of local residents.

9 EQUALITIES IMPLICATIONS

Level access will be provided into the premises. Wheel chair access and mobility within the ground floor level of the property has been considered and a disabled WC provided. No wheel chair access provision to the proposed basement jazz club has been provided although it is stated that events will be screen at ground floor level.



Date: 20/01/2009 09:58:00

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No:	BH2008/03129	Ward:	QUEEN'S PARK
App Type:	Full Planning		
Address:	100 St James's Street, Brighton		
Proposal:	Use of rear garden area for A3 Cafe - ancillary to existing sandwich bar (A1). Formation of new window opening to ground floor rear elevation.		
Officer:	Aidan Thatcher, tel: 292265	Received Date:	22 September 2008
Con Area:	East Cliff Conservation Area	Expiry Date:	17 November 2008
Agent:	Ms Julie Cattell, CJ Planning Ltd, 80 Rugby Road, Brighton		
Applicant:	Mr John Dewsbury, c/o CJ Planning Ltd, 80 Rugby 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. It is not considered that the proposed use of the garden area as a café (Class A3) would remain ancillary to the existing retail (Class A1) use and as such the proposal would result in the overall use of the premises changing from Class A1 to Class A3 which would, together with existing adjacent units, result in a high concentration of non-retail uses and a significant break of the prime retail frontage of more than 15 metres. The proposal would thereby undermine the primary shopping function and the vitality and viability of the St James's Street District Shopping Centre, contrary to policy SR5 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. PL01, PL02, PL03, design and access and waste minimisation statements submitted on 22.09.08.
2. This decision to refuse 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:

 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
 - SU9 Pollution and nuisance control
 - SU10 Noise nuisance
 - SR5 Town and district shopping centres

HE6 Development within or affecting the setting of conservation areas;
and

2 THE SITE

The site comprises a four storey terraced property located on the south side of St James's Street. The basement and ground floor levels are currently in commercial use and the upper floors appear to be residential accommodation. The application relates to part of the rear amenity area, in association with the ground and basement levels which is currently in use as a sandwich bar/takeaway unit, which includes seating. The upper floors are accessed via a separate entrance at the front of the site.

The site is located within the East Cliff Conservation Area. The site lies within the "prime retail frontage" of the St James's Street District Centre on the Local Plan Proposals Map. The area is characterised by a mix of commercial/retail uses at ground floor level and residential accommodation on the upper floors.

3 RELEVANT HISTORY

BH2001/02235/FP: Change of use from A1 (retail) to A3 (hot food sales) and erection of extract duct to rear of property – refused 26.10.01.

BH2006/00592: Change of use from takeaway cold food shop (A1) to restaurant/cafe/hot food takeaway (A3 and A5) – refused 06.06.06.

BH2006/02468: Change of use from take away cold food shop (A1) to restaurant/cafe/hot food take away (A3 and A5). (Resubmission of refused application BH2006/00592) – refused 15.09.06. Appeal dismissed 25.05.07.

Within the vicinity

115 St James's Street

BH2008/01039: Change of use from use class A1 (retail) to mixed A1/A3 coffee shop – refused 21.05.08. Appeal submitted.

4 THE APPLICATION

This application seeks consent for the change of use to Class A3 (restaurants and cafes) of part of the rear garden associated with the ground and basement levels of 100 St James's Street (which benefits from Class A1 consent/use). The area is 7.2m deep x 4.7m wide, and is approximately 50% of the rear garden area.

The application also includes the insertion of a new window opening in the ground floor of the rear elevation. The window itself would be timber framed, 1.2m wide x 1.2m high and of casement style.

The proposed opening hours are 07.00-19.30 Monday to Saturday and 08.00-19.30 Sunday and Bank Holidays.

There are also some minor internal alterations proposed to provide access to toilet facilities and the garden area without needing to pass through the kitchen, which involves creating an opening within an existing wall.

5 CONSULTATIONS

External

Neighbours: 11 letters of support have been received from the occupiers of the following properties: **Flat 3, 6 Attingworth Street; 7 Marine Gardens; 24 White Street; 302C Carden Avenue; 75 Marine Parade; 99 St James's Street; Flat 2, 10 Portland Place; 38 Sloane Court, Park Street; 194 Bannings Vale; 3 Challoners Close** and one with no address, on the following grounds:

- It would be of benefit to have use of the garden especially during the summer months;
- The garden would enhance a popular and thriving establishment;
- Customers could then enjoy the tranquillity away from the vibrancy of St James's Street;
- Other premises in the street already have outside dining areas operating successfully and without annoyance to adjacent properties; and
- There would be no disturbance or inconvenience arising from the proposed use.

In addition 9 letters of objection have been received from the occupiers of the following properties: **102 St James's Street; 101 St James's Street; 101a St James's Street; 17 Marine Parade; 19 Great College Street; one with no address; and from Griffith Smith Farrington Webb Solicitors on behalf of the occupiers of 101 St James's Street**, on the following grounds:

- The existing premises operates as an A3 use without the appropriate permission;
- The plans are inaccurate as they show an existing gate in the boundary wall which does not exist;
- There is only one toilet and access to it is through the kitchen which is wholly inappropriate on hygiene grounds;
- In order to create an access door (as shown on the plans as existing) would require the removal of part of an original flint wall;
- There are enough restaurant's and café's in the road and it would be more beneficial if there were more retail shops; and
- Noise and disturbance from the use would be unacceptable, particularly having regard to existing late licences within the area.

Cllr Fryer: It seems to me that having a terrace would be a minor addition to their existing sandwich shop and they feel confident that this would not turn them into a cafe, unlike Starbucks which is on a completely different scale and clearly is a cafe and, by nature of being a chain, does not enhance the character of the area.

Sussex Police – No comments to make.

Internal

Planning Policy: Would query the description of the application which is termed 'Use of rear garden area for A3 Cafe - ancillary to existing sandwich

bar (A1).’ It is clear that the application has been termed as such bearing in mind the lost appeal for the site (cou to A3 and A5 use) which was for the whole unit.

Secondly it is unclear in reality how this proposal would function. The rear garden looks like it is not covered, therefore in the winter or on days of bad weather there would be no one wanting to sit out. If the café to the rear was really a separate café it would be separated from the sandwich shop. As such the whole of the unit looks to be operating as a café. To the front of the unit there is a seating area which I would argue is not functioning as a sandwich shop as a sandwich shop should sell cold food for consumption off the premises.

Transport Planning: No highway authority comments.

Environmental Health: Note that there are no plans to prepare food on the premises and the only hot food will be soup, toasted sandwiches and jacket potatoes, which will be heated up.

The café is only open between 8.00am and 7.00pm and is in a commercial street although there is some surrounding residential. People noise is intermittent and varies in character; however this type of premises does not necessarily lend itself to noisy behaviour. Background noise at these times would be quite prominent and most residents would be at work for most of this time. Do not feel that the use of the rear garden area during these hours would result in a statutory noise nuisance.

No objection subject to conditions ensuring that the rear outdoor area should only be used between the hours of 8.00am and 7.00pm and that the area should be cleared by 7.00pm.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance
SR5	Town and district shopping centres
HE6	Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main considerations in the determination of this application are the planning history, the relationship with the existing A1 unit, the principle of the change of use, impact on the existing property and wider area, amenity issues and highway issues.

Planning history

The planning history of the site includes three planning applications seeking to change the use of the ground and basement levels of the property from A1 to A3/A5. The most recent of these applications (BH2006/02468) was refused on the following grounds:

“The proposed use of the site as a café (Class A3) and takeaway (Class A5) would, together with existing adjacent units, result in a concentration of non-retail uses and a significant break of the prime retail frontage of more than 15 metres. The proposal would thereby undermine the primary shopping function and the vitality and viability of the St James’s Street District Shopping Centre”.

The applicants appealed this decision, which was duly dismissed on the same grounds.

It can therefore be seen that the principle of the change of use of the unit itself (that is the ground and basement levels) to a café (A3) is contrary to policy.

The decision at No. 115 (as identified within section 3) is also of relevance, as the site includes similar issues. This application was refused for the following reasons:

1. The proposed use of the site as a coffee shop, albeit as a claimed mixed use with an element of retail (Class A1) within the more conventional Restaurant and Café (Class A3) use, would, together with neighbouring existing units, result in a concentration of non-retail uses in this part of the St James's Street District Shopping Centre and a significant break in the prime retail frontage in excess of 15 metres. The proposal would therefore undermine the primary shopping function and the vitality and viability of the Centre, contrary to Planning Policy Statement 6 'Town Centres' and to policy SR5 of the adopted Brighton & Hove Local Plan 2005.
2. The Local Planning Authority does not consider, having regard to the number of such uses already established in this centre, that the proposal would significantly benefit its shopping function by adding to its diversity and vitality, encouraging combined trips or attracting pedestrian activity and the application does not therefore meet criteria c. of policy SR5 of the Brighton & Hove Local Plan.

This decision has now been appealed against by the applicants, and is to be heard at a Public Inquiry.

The occupiers of the unit, and the occupiers of other units within St James’s Street, including no. 115, are not material planning considerations.

The current proposal is similar in issues due to the fact that an A3 use has been demonstrated as unacceptable through its own planning history, and the current application seeks to incorporate an ancillary A3 element into the site, which as described in detail below, would be unacceptable.

Relationship with the existing A1 unit

The garden area subject to the change of use is clearly linked with the existing "A1" use to the ground and basement floors. The garden area could not operate in its own right as a self contained A3 use, as there would be no access, cooking or toilet facilities.

The use of the rear garden as Class A3 would significantly increase the eat-in function of the premises (as internal and external seating already exists to the front of the premises) to a point where the percentage split of A1 to A3 sales would be likely to tip the balance significantly towards A3. Thus the unit would effectively change to an A3 unit, which has been demonstrated as unacceptable through the relevant planning history of the site.

The supporting documents confirm that the applicant is aware that change of use to a café (A3) would be unacceptable.

It is therefore considered that the proposed use of the garden area as a café (Class A3) would not remain ancillary to or separate from the existing Class A1 use and as such would result in the overall use of the premises changing from Class A1 to Class A3. The site would then come under the remits of Policy SR5, which is dealt with below.

Principle of the change of use

Policy SR5 relates to Town and District Shopping Centres and states that it aims to maintain and enhance the defined prime frontages of the town and district centres, including the St James's Street District Centre.

It also confirms that change of use of existing Class A1 use shops to Class A2-A3 (now A2-A5), will be permitted provided all of the following criteria are met:

- a. A clear predominance of Class A1 uses would be maintained;
- b. As a result of the proposal there would not be a significant break in the shopping frontage of more than 15 metres;
- c. It would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
- d. The development would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the area.

The St James's Street District Centre is a thriving centre with a mix of A1-A5 units. Having regard to the most recent survey of uses, dated 2008, plus an update on 12.11.08, a total of 58 units (out of 135) are in non-A1 use, which is 43%.

It can therefore be seen that there is a high concentration of non-A1 uses, although the proposal would maintain a prominence of A1 uses, and thus would conform to criterion a.

The site is adjoined to the west by a licenced café (Street Café) and fish and chip shop (The Daily Catch) and to the east by two retail units (florist and pet shop). The combined frontage of the two non-retail units, plus the subject site would be in excess of 15m, therefore would constitute a significant break in the retail frontage, contrary to criterion b.

The proposed use is unlikely to cause any harm to the vitality and viability of the St James's Street District Centre, and as such the development would confirm to criterion c.

With regard to criterion d, the impact on amenity, this issue is discussed below.

It can be seen that the development would fall foul of criterion b of policy SR5 and thus is unacceptable.

Impact on existing property and wider area

Policy QD14 relates to extensions and alterations, including the formation of rooms in the roof, and confirms that they will only be granted if the proposals are well sited, designed and detailed in relation to the host property.

The only alteration to the fabric of the building itself is the installation of a window in the ground floor of the rear elevation. This opening is to be a timber casement window, to match the size and profile of those on the upper floors. This alteration is considered acceptable, without causing harm to the host building or the wider East Cliff Conservation Area.

The plans also shows a new opening in the boundary wall between nos. 100 and 101 St James's Street. Whilst it is acknowledged there is a part opening in the wall, from 100, when viewed from no. 101 there is a continuous flint wall with no break in it. Therefore the plans submitted are inaccurate, as they include an annotation confirming there is an existing gate. The loss of this section of original wall would be regretted, however is not sufficient to warrant a reason for refusal.

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 properties immediately surrounding the site are in commercial use at ground floor level with ancillary or residential uses above. Objections from the neighbouring properties, citing noise and disturbance, have been lodged.

St James's Street is a busy street subject to noise and disturbance by the customers of other A3, A4 and A5 uses in the area, traffic (both vehicular and pedestrian), deliveries and buses. It is considered that, given the nature of the surrounding area, if permission were granted the proposed use of the garden

area as a café could be conditioned satisfactorily not to adversely impact on the living conditions of the neighbouring residential properties. The comments from the Environmental Health Department are noted and thus a condition restricting the use from 08.00-19.00 would be satisfactory, were the application to be recommended for approval.

Highway issues

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

The site does not benefit from off street parking, however a loading bay is located directly in front of the site. It is not expected that a change of use such as this would generate any further traffic based upon the existing use and ground floor level. In addition, the Council's transport planning department has not raised an objection to the scheme and thus there are not considered to be any adverse highways implications.

8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION

The main issue is the impact of the proposed ancillary A3 use on the existing A1 unit, and the resulting impact on the overall use call of the site. As discussed above, the application would result in the creation of an overall A3 unit, which is contrary to Policy SR5.

It is considered that all other aspects of the proposal, including amenity, highways and impact on the host building and wider area are acceptable, without causing any detrimental impact.

9 EQUALITIES IMPLICATIONS

The garden area would not be accessible by all due to the existence of steps down to the garden area from ground floor level.



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<u>No:</u>	BH2008/02436	<u>Ward:</u>	WOODINGDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land at and rear of 3 The Ridgway, Woodingdean		
<u>Proposal:</u>	Construction of 7 houses comprising a mix of three and four bedroom units with ground, first and roof space accommodation. Three houses with integral garages and provision of parking spaces with new access to The Ridgeway and Balsdean Road.		
<u>Officer:</u>	David Alabi Tel: 290486	<u>Received Date:</u>	18 July 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 October 2008
<u>Agent:</u>	Chris Wojtulewski, Parker Dann, Unit S10 The Waterside Centre, North Street, Lewes		
<u>Applicant:</u>	David Sheridan, 30 Chalkland Rise, Woodingdean, 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 **Grant** planning permission, subject to the following:

Conditions:

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity and character)
3. BH03.01 Samples of Materials Non-Cons Area.
4. BH02.07 Refuse and recycling storage (facilities).
5. BH04.01 Lifetime Homes.
6. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential).
7. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential).
8. Prior to the commencement of development, a scheme for rainwater recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first occupation of the development hereby approved.
Reason: In the interests of the efficient use of water and in order to comply with policy SU2 of the Brighton & Hove Local Plan.
9. BH06.03 Cycling parking facilities to be implemented
10. BH06.04 Sustainable transport measures
11. Prior to the commencement of development, detailed drawings including levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal and street lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details. **Reason:** In the interest of highway safety, to ensure satisfactory drainage and to comply with policies TR1, TR10, SU5 and SU15 of the

Brighton & Hove Local Plan.

12. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).
13. BH06.01 Retention of parking area.
14. BH14.12 Archaeology (Watching brief).
15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. A minimum of two new trees shall be included for every tree that will be removed as part of the 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.
16. BH11.02 Landscaping / planting (implementation / maintenance).
17. No development shall commence until an Arboricultural Method Statement, including full details of measures to protect the existing trees during construction, has been submitted to and approved in writing by the Local Planning Authority. Protective 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 during the period of construction. The development shall be implemented in strict accordance with the approved Arboricultural Method Statement.
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.

Informatives:

1. This decision is based on drawing nos. AL-01, 01 Rev E, 02, 03, 05 Rev B, 06 Rev B, 08 Rev A and NJ/02b submitted on 18 July 2008, 04 Rev B submitted on 19 August 2008, 01 Rev F submitted on 14 November 2008 and the Sustainability Checklist submitted on 5 January 2009.
2. This decision to grant planning permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy
SU9	Pollution and nuisance control
SU10	Noise nuisance

SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of site
QD5	Design – street frontages
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
HO13	Accessible housing and lifetime homes
<u>Planning Policy Statements;</u>	
PPS1:	Delivering Sustainable Development
PPS3:	Housing
PAN03	Lifetime Homes
<u>Supplementary Planning Documents:</u>	
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
<u>Supplementary Planning Guidance:</u>	
SPGBH 4: Parking Standards; and	

(ii) for the following reasons:

The proposed scheme has addressed the main concerns that arose out of the previous application. The layout of the proposed buildings is more sympathetic to the character of the area and the proposal would not have any significant impact upon the amenities of neighbouring residential occupiers. The proposed development is now considered acceptable.

3. IN05.02 Informative: Code for Sustainable Homes.

4. The applicant is advised that the requirements of Condition 10 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £14,000 to fund improved sustainable transport infrastructure in the vicinity.

2 THE SITE

The application relates to a 0.095 hectare site, which is located to the street front of The Ridgway between numbers 1 and 5, to the rear of the amenity space of dwellings in The Ridgway and which also has a large site frontage on Balsdean Road in Woodingdean.

The site rises steeply up from The Ridgway to the main body of the site (West to East); the rear gardens of dwellings in The Ridgway bordering the site are

retained behind a retaining wall above 1 metre in height. The land continues to slope upward backwards from the boundary with the dwellings in The Ridgway but at a much reduced rate.

The site is currently fenced off in Balsdean Road by a small timber constructed non boarded fence. The site is largely covered with overgrown grass and includes a number of mature trees which are subject of a Tree Preservation Order.

The dwellings in The Ridgway have a number of rear facing windows into the site, mostly from upper floor extensions.

3 RELEVANT HISTORY

83/212: O/A for the erection of bungalow – chalet with each double garage, frontage to Balsdean Road. Granted 05/04/1983.

96/1250/OA: Erection of semi-detached houses and 4 flats – granted – 25/02/1997.

BH2004/00240/FP: Erection of 2 semi-detached house and 4 flats – Refused 29/04/2004.

BH2004/02992/OA: Outline application to erect 7 no. dwellings – Granted 20/12/2004.

BH2005/01746/FP: Construction of 9 three-bedroom detached houses with new access and parking. – Refused – 04/08/2005.

BH2007/00652: Construction of 8 houses comprising a mix of 3 and 4 bedroom units with ground, first and roof space accommodation. 3 houses with integral garages and provision of parking spaces. New access to The Ridgway and Balsdean Road. Refused 04/12/07. Subsequent appeal dismissed 26/08/08.

4 THE APPLICATION

Full planning permission is sought for the erection of 7 dwellings.

The current scheme reverts back to the no. 7 dwellings approved in outline on the site in 2004. The proposal involves a mix of three and four bedroom houses incorporating accommodation in the roof space. Three of the houses include integral garages and the proposal includes the provision surface parking spaces access to which is to be gained by a new access to The Ridgway and Balsdean Road.

5 CONSULTATIONS

External:

Neighbours: Thirteen letters of objection from **2, 4, 13, 5, 17, 19, 21, 23 Balsdean Road (x2), 8 Bush Close, 5, 5a and 7 The Ridgway** on the grounds of:

- Highway safety concerns due to the busy doctors surgery adjacent to the site
- unsafe access
- Danger to the protected trees on site

- Over development of the site
- Loss of light to neighbouring dwellings
- The house types are not in keeping with the character of the area,
- The proposal creates additional vehicular traffic for which the local road network is not capable to meet the extra demand
- The development will place a heavy demand upon local infrastructure
- There are limited school places, doctors and dentist in the area
- The development will further burden the drainage and sewerage facilities in the area. The new planting will eventually undermine the foundations of neighbouring properties.

Internal:

Planning Policy:

The policy comments made for the earlier application (BH2005/01746/FP) referred to the grant of outline consent in 2004. If this outline is still extant then clearly that is a material consideration. However, there is insufficient information here to decide whether 9 units can be built on the site.

Dwelling type and size: The houses are referred to as being a mix – a terrace of three, 2 semi detached houses and four detached houses but no details of bedroom numbers has been given. This is only a mix if the houses are of different sizes not just whether they are attached to each other or not. There is no indication of their layouts and whether these will meet HO13, lifetime homes standards or policy SU2 energy efficient development.

Traffic Manager:

Would not wish to object subject to conditions covering cycle parking, details of the access road and parking area and retention of the parking area. A contribution of £14,000 is required towards sustainable transport provision.

Arboriculturalist:

The Arboriculturalist states that tree numbers T8 and T9, mature Sycamores are in poor health and that although they are covered by a preservation order, no objection is raised against their loss.

Tree number T7 appears to be in good condition and remains worthy of the Preservation Order. This tree will be lost as a result of the development, however a condition is recommended requiring the replacement of all trees removed as part of the development along with a full Arboricultural Method Statement detailing how the remaining preserved trees will be protected.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards

QD1	Design
QD2	Design – Key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Tree and hedgerows
QD20	Urban open space
QD27	Protection of amenity
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU15	Infrastructure
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
SR20	Protection of public and private outdoor recreation space

Planning Policy Statements:

PPS1:	Delivering Sustainable Development
PPS3:	Housing
PAN03	Lifetime Homes

Supplementary Planning Documents:

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

Supplementary Planning Guidance:

SPGBH 4:	Parking Standards;
SPGBH21	Sustainability checklist

7 CONSIDERATIONS

The principle of development at this site was established by the outline permission which accepted the principle of seven dwellings on the site (BH2004/02992/OA), with siting and means of access approved at that stage. However, the subsequent proposal for development of the site to provide eight dwellings was rejected (BH2007/00652) and an appeal against the decision was dismissed. In that case the Inspector expressed concern that the two dwellings along the Balsdean elevation failed to address the road satisfactorily with side elevations failing to reflect the established pattern of properties along the road. The Inspector also stated that the proposed units 6 and 7 along the eastern boundary with number 2 Balsdean Road would increase the scope for overlooking of the neighbouring premises.

The current scheme differs from the previous scheme reference

BH2007/00652 in that the number of units has been reduced from 8 to 7, which is the same number approved for the outline scheme reference BH2004/02992/OA. In addition the issue of overlooking and privacy has been addressed with distances between the proposed unit 7 and house nos.1 and 2 The Ridgway being increased from 14.6 metres to 20 metres. The proposed secondary windows next to no.2 Balsdean Road to the east would be obscure glazed.

Clearly the principle of development of the site by the provision of 7 new dwellings has already been established. The issue in this case relates to whether the current proposal sufficiently overcomes the concerns raised by the Council and the Inspector in his decision letter. In this respect the main issues may be addressed as follows:

Character and Appearance

The Woodingdean area surrounding the application site is a low density residential suburb surrounded by downland with a relatively isolated feel. The area includes a mix of bungalows and two storey dwellings with traditional pitched roofs and dormer windows. While many of the buildings in the area are bungalows, there are a number of two storey houses within the vicinity of the site.

The principle of making more efficient use of land is established and echoes Government guidance expressed in Planning Policy Statement 3 (PPS3) and local policy QD3 which requires that new development makes efficient and effective use of a site.

In terms of the relationship of the proposed dwellings units 1 and 2 to neighbouring houses nos. 5 and 5a The Ridgway, the proposed dwellings would complement the layout and appearance of these dwellings, being of similar scale and overall design.

With regard to the Balsdean Road street frontage, the applicant has sought to reduce the impact of the proposed development on Balsdean Road by providing landscaping and tree planting to provide a screen between the proposed access and the proposed development within the site. It is considered that the proposed landscaped areas would provide a satisfactory transition between the Surgery at no.1 The Ridgway at the junction with Balsdean Road and the dwelling at no. 2 Balsdean Road. The proposed treatment of the street frontage would be complimentary to the street pattern and the setting of the existing buildings and is therefore considered acceptable.

Residential amenity

In order to address concerns expressed about overlooking and loss of privacy, the distance between facing windows of proposed unit 7 and Nos. 1 and 2 The Ridgway would be 20 metres. This distance is considered to be satisfactory and therefore issues relating to overlooking and loss of privacy

have now been resolved in relation to these units.

The distance between the proposed unit 3 and the existing houses 5 and 5a would be 15.1 metres and secondary flank windows are proposed to the western elevation of the proposed dwelling. A condition is included requiring these windows to be obscure glazed. It is considered that this would overcome concerns about overlooking. Again a similar condition is recommended with respect to both the western and southern windows to unit 7 as well as the eastern flank elevation to unit 6 next to number 2 Balsdean Road.

Policy HO5 requires that all new residential schemes have private usable amenity space appropriate to the scale and character of the development. Each of the proposed dwellings would benefit from private amenity space which is considered to be appropriate to the scale and character of the development. Units 1 and 2 would have more limited amenity space than the remainder of the development because of the topography of the site which means that access over a bridge is required to reach the amenity space. Moreover both units would benefit from front gardens of some 8 metres in depth.

Units 3-7 located to the southern/rear portion of the site would have additional access to the Home Zone areas which provide an additional area of amenity.

It is not considered that the proposed scheme would result in unacceptable harm to neighbouring occupiers in terms of the amount of development proposed, bulk, scale or issues relating to privacy. The relationship of the development to the existing dwellings would therefore be acceptable.

Transport issues

The proposed access points to units 1 and 2 off The Ridgway and the access from Balsdean Road is similar to the access forming part of the previous scheme. The Traffic Manager did not raise any objections to this proposal provided that sufficient parking was provided for the development.

Policy TR1 states that development proposals should provide for the demand for travel they create. In this case one car parking space is proposed for each unit along with 2 spaces for wheelchair bound drivers. This provision is considered acceptable and would be supplemented by secure cycle storage racks within the seven garages proposed as part of the development.

The central turning facilities within the site are to be given over to a 'Home Zone.' These zones work through the physical alteration of streets and roads in an area. The alterations or obstruction to vehicular traffic may include benches, flower beds, play areas, lamp posts, fences and trees. These alterations effectively force motorists to drive at slower speeds and with greater care. The Traffic Manager has requested further details of the parking/turning area, which will help to ensure that the Home Zone approach is successful.

Trees and landscaping

The loss of tree numbers T8 & T9 of Tree Preservation Order No.6 of 1997 is considered acceptable as these trees are in extremely poor health suffering from severe drought stress and peeling bark. However Tree T7 located to the eastern corner of the site where buildings 5 and 6 are proposed. It is not considered these buildings could be satisfactorily accommodated elsewhere on the site.

It is considered that satisfactory replacements could compensate for the loss of this and the other trees that would be lost as a result of this development and an appropriate condition is included to secure this.

The applicants have indicated increased landscaping and tree planting along the proposed new entrance off Balsdean Road. Details of this will be sought through the relevant condition.

Sustainability

It is expected that all proposals take into account the sustainability policies of the Local Planning Authority and that all new development such as this proposal should demonstrate a high level of sustainability. New development should seek measures that reduce demand for and consumption of energy, water, materials. The Local Planning Authority normally expects new residential development to achieve a Code for Sustainable Homes level 3 rating.

In accordance with the Council's sustainability requirement the applicant has submitted a pre-assessment checklist which addresses issues relating to climate change and energy.

The checklist confirms that the area lies within zone 1 (Low probability of flooding) of the Council's Strategic Flood Risk Assessment. In addition the applicant proposes the use of grass paviors which are porous materials that allow natural drainage.

In order to minimise the use of non renewable energy, high efficiency gas condensing boilers will be used. In addition cycle storage facilities are proposed within garages to provide alternatives to the car.

The checklist indicates that Level 3 of the Code for Sustainable Homes can be achieved. It is considered that the applicant has adequately addressed sustainability issues. Appropriate conditions are recommended.

8 EQUALITIES IMPLICATIONS

If granted the Local Planning Authority would expect that the new dwellings be built to the lifetime homes standards. The buildings would be required to meet Part M of the Building Regulations.

Land rear of 3 The Ridgway



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<u>No:</u>	BH2008/03380	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Wellend Villas, Springfield Road, Brighton		
<u>Proposal:</u>	Installation of 2 no. illuminated sculptures on the communal terraces to rear of the residential development.		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Received Date:</u>	22 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 January 2009
<u>Agent:</u>	DRP Architects, 87-88 Upper Lewes Road, Brighton		
<u>Applicant:</u>	Southern Housing Group, Spire Court, Albion Way, Horsham		

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. BH01.01 Full planning

Informatives:

1. This decision is based on drawing nos. 3168.PL.01 & 3168.EX.01 and the Design & Access Statement received on the 22nd October, the unnumbered drawing received on 11th November 2008, and drawings nos. 8829/01C, 8829/02C & 8829/03, the LED Uplighting Mounting Sketch and the photo received on the 15th December 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:

 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD6 Public Art
 - QD14 Extensions and alterations
 - QD15 Landscape design
 - QD27 Protection of Amenity; and
 - ii) for the following reasons:
The proposed sculptures would enhance the appearance of the rear communal terraces and provide an attractive environment for residents. No significant adverse impact upon neighbours would result and the proposal is accordance with development plan policies.

2 THE SITE

The application relates to Wellend Villas, a residential development in Springfield Road consisting of 3 no. three and four storey blocks. There are 2 no. communal courtyards above the underground car parks. Windows within the flats face onto the communal courtyards.

3 RELEVANT HISTORY

BH2004/00274/FP: Erection of two 6 storey buildings to form 74 flats and a shop (A1), basement parking for 39 cars and 110 bicycles with access from Springfield Road and associated landscaping. Approved 26/04/2004.

BH2004/02394/FP: Amendment to previously approved residential development scheme (BH2002/00562/FP granted 2/10/02 including reduction in size of proposed central block, increase in width of proposed block fronting Preston Road, alterations to external elevations and alteration of internal layouts. Approved 15/04/2005.

BH2005/06696: Satellite Dish for development (phase). Approved 09/02/2006.

4 THE APPLICATION

The application seeks consent for the installation of 2 no. illuminated sculptural trees sited on the communal terraces within the residential development.

5 CONSULTATIONS

External:

Neighbours: 9 no. written comments from **nos. 4, 41, 45, 49, 53, 76, 85, 87, 119 Wellend Villas** who object to the proposal on the following grounds:

- Light Pollution
- Loss of light/ Overshadowing
- Invasion of Privacy
- Waste of Electricity
- Cost of Electricity
- Maintenance Issues
- Attraction of “vagrants & hobos”
- Public Art should not be in private courtyard
- Reduction of Amenity Space
- Out of Scale with Rest of Development
- Inappropriate/ Unappealing Design
- Potential Vandalism/ Theft
- Insufficient Consultation

1 no. written expression of support from **no. 11 Stanford Court** who considers that the sculpture will be in-keeping with Wellend Villas and be a bright spot in an otherwise dark courtyard.

Internal:

Environmental Health: No Objections. The two Environmental Health considerations on external lighting are, first, the tendency of the source to produce unwanted light so that a habitable room in the vicinity is illuminated to the extent that it is, say, possible to read by the light, and 'glare' when looking from a window in the general direction of the source and finding the light dominating and obliterating any detail in the surroundings to an unreasonable extent.

The total wattage of each lighting installation dispersed over the sculpture is 3 watts x 18 = 54 watts which at a distance of say 15-20 ft would not cause problems of illumination within a room. Curtains or blinds which can be assumed in an urban location would eliminate any light spillage from the installation. Again, in considering the luminance of the source, the fact that it is dispersed, of low wattage and in an urban setting where there are other sources of light leads to a conclusion that there is unlikely to be a problem of dominance of the light source.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD6 Public Art
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of Amenity

7 CONSIDERATIONS

The main issues for consideration are the design and visual impact of the proposal and any impact upon neighbouring amenity.

Appearance

The application seeks consent for the installation of 2 no. illuminated sculptural trees sited on the communal terraces to rear of the residential development. They will be located on the raised decked areas above the underground car park.

Each sculpture will have 3 no. stainless steel polished branches and will be approximately 3.8 metres in height and 2 metres in width. They will be around the size of a small tree.

It is considered that the sculptures would enhance the appearance of the communal terraces which are currently quite bare and featureless. The trees are considered an attractive feature which will also be seen from the street by passersby.

Lighting

Each tree will have 18 no. concealed, controlled, exterior, colour change low energy led lights to light leaf surfaces. They will have a narrow beam optic

lens to focus light and will be lit from dusk until dawn (approx 8 hours per day). The applicant has stated that the power consumption per tree will be 50 watts which is approximately equivalent in running costs to a single 5 foot florescent tube.

Each tree trunk will be lit by 3 no. small uplights, 1 no. positioned on the decking between each branch.

Environmental Health have no objections to the development with regards to the impact of illumination within rooms of nearby properties, or the luminance or glare

The lighting is therefore not considered to significantly impact upon the neighbouring residential units.

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 sculptures are a minimum of 7 metres away from the nearest residential unit and, by virtue of their slim structure and unbulky appearance, are not considered to impact upon neighbouring properties in terms of loss of light or outlook. There are no issues relating to loss of privacy.

Therefore, for the reasons outlined above, the application is recommended for approval.

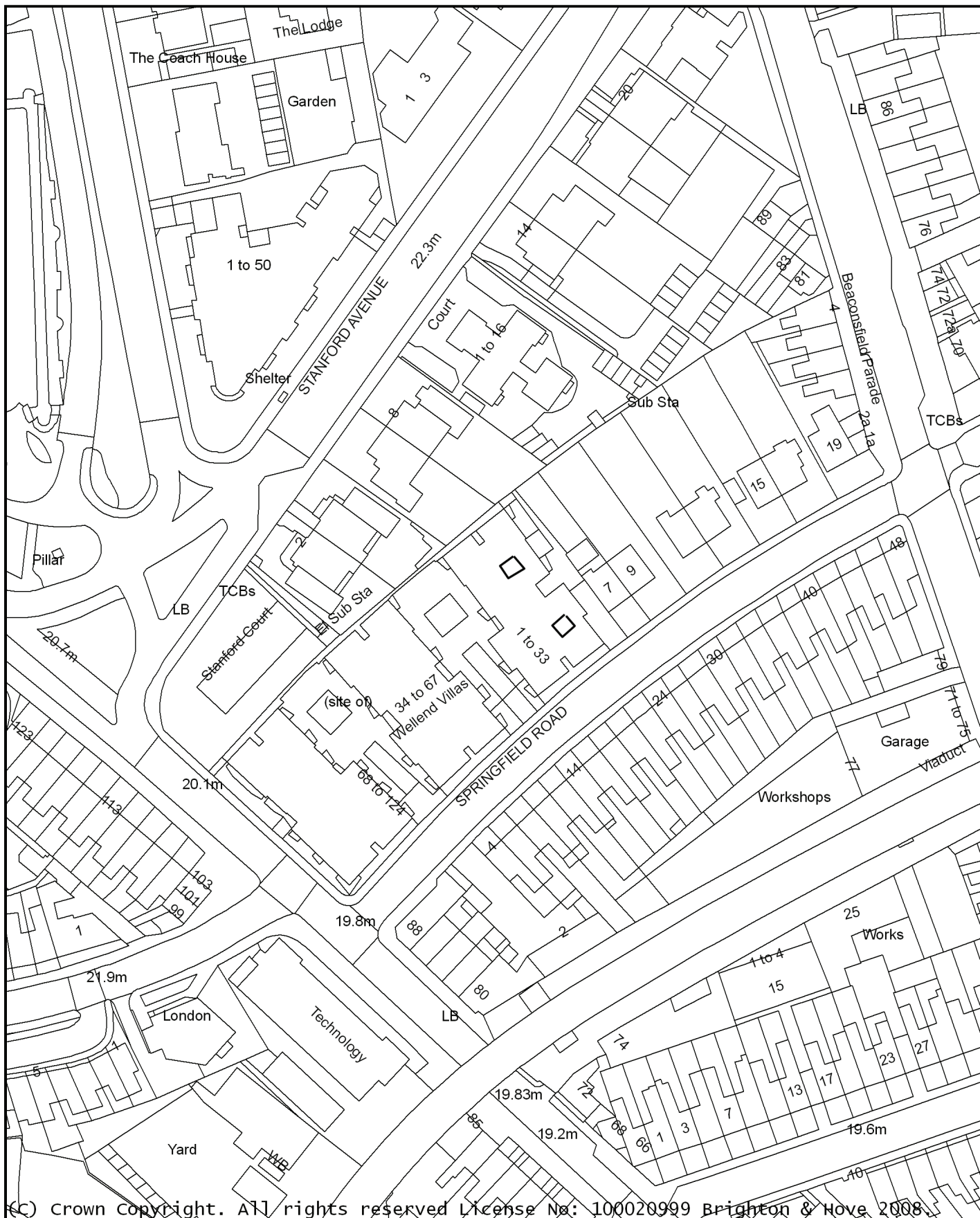
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed sculptures would enhance the appearance of the communal terraces and provide an attractive environment for residents. No significant adverse impact upon neighbours would result and the proposal is accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03380 Wellend Villas, Springfield Road



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No:	BH2008/02169	Ward:	GOLDSMID
App Type	Council Development (Full Planning)		
Address:	Davigdor Infants School, Somerhill Road, Hove		
Proposal:	Installation of mobile classroom unit for a temporary period of 2 years (retrospective).		
Officer:	Jason Hawkes, tel: 292153	Received Date:	25 June 2008
Con Area:	N/A	Expiry Date:	17 September 2008
Agent:	NPS Property Consultants, Castle House, Seaview Way, Woodingdean, Brighton		
Applicant:	Mr Ged Cotton, Davigdor County Infants School, Somerhill Road, Hove		

1 RECOMMENDATION

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

Conditions

1. The temporary classroom hereby permitted shall be removed and the land restored to its former condition on or before 30 September 2010 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

2. The south facing windows shall not be glazed otherwise than with obscured glass and 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.

Informatives:

1. The list of approved plans are to be added to the late list.
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:

- | | |
|-----|---|
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU9 | Pollution and noise control |

SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
<u>Supplementary Planning Documents:</u>	
SPD03	Construction and Demolition Waste
SPD07	Trees and Development sites
SPD08	Sustainable Building Design, and

(ii) for the following reasons:

Having regard to the accommodation needs of the school, the proposed classroom is deemed appropriate in terms of its design and impact on adjacent properties for a temporary period only.

3. The siting of the classrooms may have caused some damage to the root system of adjacent trees. The Council's Arboriculturist recommends that a watching brief is commenced for the next five years on the adjacent trees to ascertain their health and act accordingly to maintain their health.

2 THE SITE

The application relates to a temporary classroom which has been placed in the playing fields of Davigdor Infants School. The school shares its playing fields with Somerhill Junior School and is accessed from Somerhill Road. The temporary classroom is adjacent the southern boundary of the playing fields which borders the rear gardens of 19 & 21 Lansdowne Road.

3 RELEVANT HISTORY

Permission was granted for the construction of the school in 1986 (**3/86/0794**). Since then permission has been granted for extensions to the building. Most recently, permission was granted for the installation of lift shaft to the east elevation (**BH2003/02246/CD/FP**) and for a conservatory infill to a classroom patio area (**BH2006/02225**).

Planning permission is currently sought for a 2 storey extension to the front and provision of a temporary classroom to the rear (ref: **BH2008/02655**).

4 THE APPLICATION

Permission is sought retrospectively for the installation of a temporary classroom adjacent the southern boundary of the site. Two classrooms are provided within the portacabin both measuring 63.72 square metres. The unit also includes two stores, a lobby area and toilet facilities. Permission is sought to retain the classrooms for a temporary period of two years (until September 2010) whilst the school is expanded to accommodate an increase

in numbers.

5 CONSULTATIONS

External:

Neighbours: 12 representations have been received objecting to the proposal from **Red House Management, 21 Lansdowne Road, Flat 1, Flat 2 (x2), Flat 3 (x2), Flat 7, Flat 8 (x2), The Red House, 21 Lansdowne Road, 19A Lansdowne Road, 93 Holland Road and 10-11 Upper Square, Old Isleworth** (owner of flat at 21 Lansdowne Road). The following objections have been raised:

- The classrooms result in a noise disturbance disrupting the peace and quiet of the adjacent gardens and those working from home.
- The building is comprised of inappropriate materials for the area and is very 'ugly', spoiling the views and the appearance of the surrounding area.
- The building is too large (1.8 metres higher than the adjacent fence) and industrial looking, positioned too close to the boundary creating a hemmed in appearance and a loss of privacy.
- The building should be further from the boundary or positioned elsewhere within the school's grounds. The mobile classroom will fit in better with the school. It stands out adjacent the greenery of the trees and bushes along the boundary.
- The plans as originally submitted were incorrect.
- This is an unnecessary expansion of the school and is likely to be permanent.
- The scheme may set a precedent for further portacabins along the boundary.
- There are two windows facing south which look directly into adjacent gardens and north facing flat at the Red House creating a loss of privacy and overlooking.
- The need to accommodate additional children is appreciated. However, the position of the portacabin is inconsiderate for adjacent neighbouring properties. A better solution should be found. The school should have also consulted the neighbours prior to installing the mobile classroom.
- The placing of the unit stops residents from sunbathing in their gardens.

Councillor Melanie Davis has expressed concern that this application is retrospective and that the immediate adjacent properties weren't initially notified of the scheme.

Internal:

Environmental Health: Environmental Health have stated that they see no reason to have concerns about additional noise. Classrooms are not in themselves noisy and the hours of use could be controlled by condition to match normal school hours. Also, the rest of the grounds are allocated to school sports areas to which the new classrooms will provide a modest barrier.

Arboricultural Officer: The siting of the portacabin may have caused some

damage to the trees. However, this is uncertain and Arboricultural recommends an informative stating that the applicants should conduct a watching brief on the conditions of the next five years and take action accordingly to maintain the health of the trees.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD07	Trees and Development sites
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main considerations in this application are whether the scheme is appropriate in terms of its design in relation to the surrounding area and if the scheme has a detrimental impact on the amenity of any adjacent properties.

The classroom accommodation is required for the intake of additional students (aged 4 and 5). There is a current application for a permanent extension to the front of the building (application BH2008/02655). This extension will be able to house the additional intake of children. Consequently, the classrooms are only required for a temporary period until September 2010.

Design and siting:

The portacabin has been placed adjacent the southern boundary of the site. A number of considerations were taken into account by the school when placing the accommodation in this location. Placing the classrooms on the boundary of the site leaves the schools able to maximise the use of the play area. The play area is used by both Davigdor County Infant School and Somerhill Junior School. Due to the age of the children using the classrooms, toilet facilities were required within the unit and this required the need for accessible drainage. It was also felt that the position on the southern boundary allows easy access from the school.

The portacabin is 16.7m long, 9.8m wide and 3.5m high. It includes steps facing north and is composed of powder coated metal cladding in a cream colour with profiled metal sheet roof. The unit has UPVC windows on all elevations. The elevation facing into the playing fields contains 4 windows, the side elevations each have one window and the rear south facing elevation includes two windows.

The portacabin is to the rear of the school and is not visible from any street scene. However, as the playing fields are surrounded by residential properties, the portacabin is visible from the adjacent properties. Portacabins are normal additions within school grounds and it is not felt that the unit significantly detracts from the appearance of the school, which is modern in design, or significantly detract from the character and appearance of the surrounding area. Additionally, the portacabin is only required for a temporary period and its position on the boundary of the site lessens its visual impact to some degree. Having regard to the position of the portacabin and siting for a temporary period only, it is felt that the scheme is appropriate in terms of its design and appearance.

Impact on adjacent properties:

Policy QD27 of the Brighton & Hove Local Plan aims to protect the amenity of adjacent residents. The properties most affected are those located directly to the south of the site at 19 and 21 Lansdowne Road. These properties have rear gardens adjacent the site and windows facing the site which serve habitable rooms.

The classrooms straddle the boundaries of 19 and 21 Lansdowne Road. 19 Lansdowne Road includes an outbuilding at the end of its garden which forms a barrier between the portacabin and the property at no.19. Therefore, this property will not be significantly affected by the proposal. No.21 Lansdowne Road, known as the Red House, is comprised of 8 flats and is more affected by the proposal, as is reflected in the representations received. The portacabin is within 2.5m of the boundary and is 3.5m high. The portacabin is clearly visible from the garden of no.21 and from the north facing windows within the Red House. There are two substantial trees and a smaller tree along the boundary which do partly shield the portacabin. Due to the distance between the structure and the north facing windows at 21 Lansdowne Road, it is felt that the structure does not result in a significant loss of light or overshadowing to any habitable rooms within this property.

There was concern that the classrooms may result in a noise disturbance for adjacent properties. Environmental Health have commented that they see no reason to have concerns about additional noise. Classrooms are not in themselves noisy and the hours of use will match normal school hours. Also, the rest of the grounds are allocated to school sports areas to which the new classrooms will provide a modest barrier.

There was also concern that the windows in the south facing elevation lead to

overlooking into the adjacent garden and habitable rooms of 21 Lansdowne Road. To overcome this concern, the windows have been fitted with opaque film. This prevents any overlooking from the classrooms. To protect the amenity of adjacent properties, a condition is recommended that the south facing windows shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

The accommodation is needed for an intake of additional children and is only required for a temporary period, until September 2010. On this date, the portacabin will be removed and the ground restored to its original condition. It is hoped that the additional children will be able to be accommodated in a new extension to the school. If not, alternative solutions will be considered for providing the necessary number of school places in this part of Hove.

Overall, it is felt that having regard to the temporary need for additional accommodation and the lack of a suitable alternative site for the portacabin, the siting of the classrooms in this location is appropriate for a temporary period only and will not lead to a significant impact on the amenity of any adjacent properties.

Impact on trees:

The classroom accommodation is within close proximity of substantial trees along the southern boundary. The Council's Arboricultural Officer has commented that the siting of the unit may have caused damage to the root system of these trees. As it is not certain whether any damage has been done, it is not felt that the scheme can be recommended for refusal on these grounds. The Arboricultural Officer has recommended an informative that the applicants should conduct a watching brief on the conditions of the next five years is recommended and take action accordingly to maintain the trees.

Sustainability:

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. A suitable statement has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with policy SU13 and the supplementary planning document.

Conclusion:

On balance, having regard to the need for additional accommodation for the school for a temporary period only, the scheme is deemed appropriate and will not result in a significant impact on the amenity of any adjacent properties or significantly affect the visual amenity of the surrounding area.

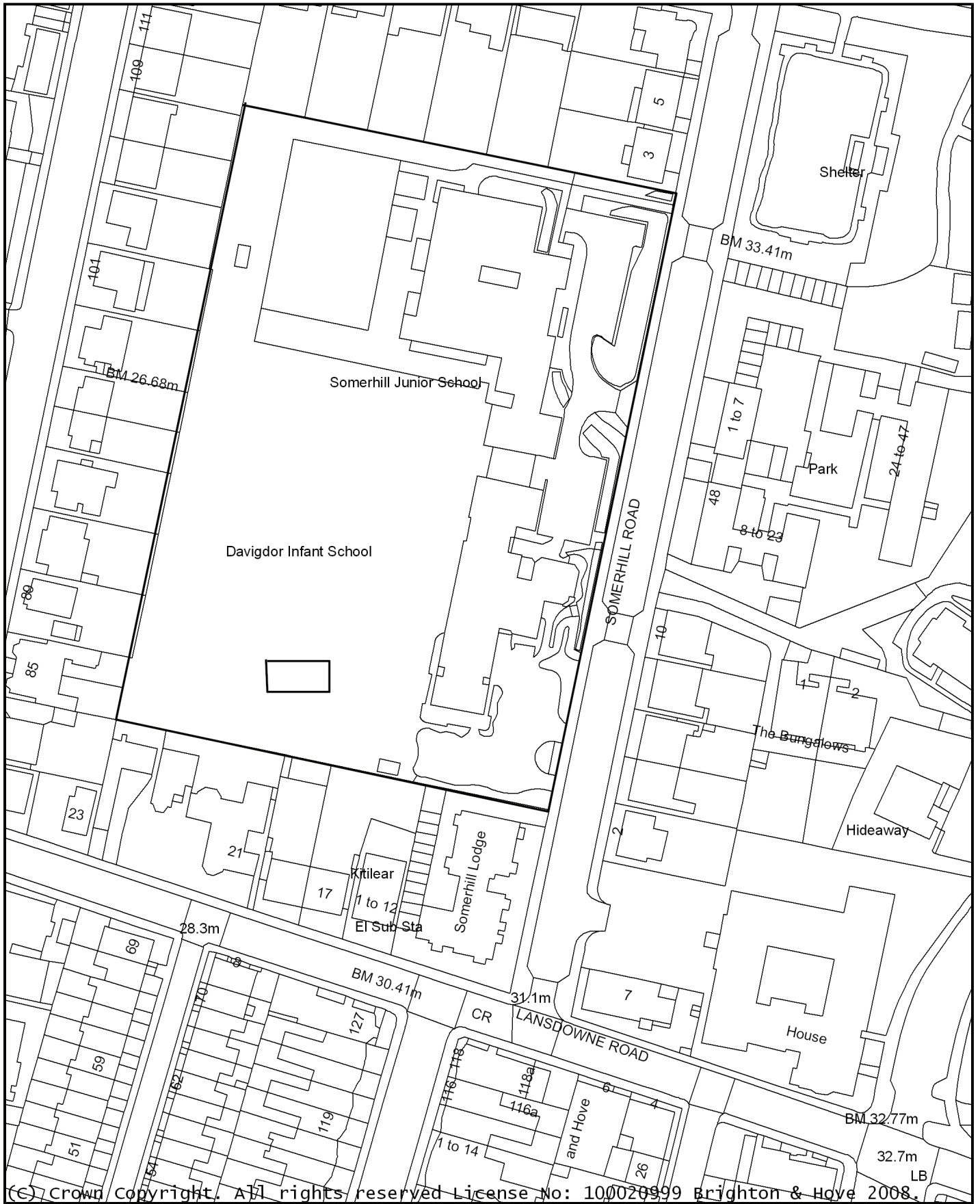
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Having regard to the accommodation needs of the school, the proposed classroom is deemed appropriate in terms of its design and impact on adjacent properties for a temporary period only.

9 EQUALITIES IMPLICATIONS

The scheme includes steps which will prohibit the use of the classroom by students with disabilities. However, the applicants have stated that the use of the classroom has been assessed and a ramp is not required for the temporary period proposed.

BH2008/02169 Davigdor Infant School, Somerhill Road



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