

PLANS LIST – 29 APRIL 2009
SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES
FROM POLICY

<u>No:</u>	BH2009/00414	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Full Planning		
<u>Address:</u>	The Old Market 11A Upper Market Street Hove		
<u>Proposal:</u>	Erection of 2no new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	19 February 2009
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	17 April 2009
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton, BN1 2BB		
<u>Applicant:</u>	Mr Stephen Neiman, The Old Market Trust, The Old Market, 11A Upper Market Street, Hove, BN3 1AS		

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 be **MINDED TO GRANT** planning permission subject to:

- i) a Section 106 Obligation to secure £2,000 towards Sustainable Transport Strategy and £2,000 to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development from being eligible for on-street residential parking permits.
- ii) the expiry of the publicity period and the receipt of no new material planning considerations.
- iii) the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. BH12.01 Samples of materials – Cons Area.
3. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential - Code level 3).
4. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential – Code level 3).
5. BH02.07 Refuse and recycling storage
6. BH06.03 Cycle parking facilities to be implemented.
7. No works shall take place until full details of the green wall to the western elevation have been submitted to and approved by the Local Planning Authority. The scheme shall include full specification of plants including densities, distribution and arrangements for future maintenance. All planting comprised in the approved scheme shall be carried out in the

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first planting and seeding seasons following the occupation of the building or the completion of the works, whichever is the sooner. Any plants which within a 5 year period 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 visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

8. No works shall take place until full details of all proposed ventilation ducts and extract units, including 1:20 elevation drawings, have been submitted to and approved by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

9. No works shall take place until full details of the method of framing and opening of windows including 1:20 sample elevations and 1:1 scale joinery profiles have been submitted to and approved by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

10. No development shall take place until full details of constructional methods including method of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

Reason: To ensure the satisfactory preservation of the listed building and conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

11. The opaque glazing panels for the approved terrace, as indicated on drawing 08691/PA/71A, shall be installed before the terrace is brought into use. The screen shall be retained as such thereafter, unless otherwise agreed with Local Planning Authority in writing.

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.

12. The east facing windows as shown on drawing 08961/PA/71B and the south facing windows of the lift shaft shall be obscure glass and fixed shut and thereafter permanently retained as such.

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.

13. Access to the remaining roofs of the building, which are not indicated as proposed roof terraces to the south of the building, shall be for maintenance or emergency purposes only and the remaining flat roofs shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: In order to preserve the appearance of the listed building and

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protect adjoining properties from overlooking and noise disturbance and to comply with policies HE1, QD14 and QD27 of the Brighton & Hove Local Plan.

14. Notwithstanding the Waste Minimisation Statement submitted with the application, no development shall take place until a more detailed Waste Minimisation Statement indicating how the scheme will endeavour to reduce the amount of waste going to landfill, including details of proposed waste contractors, has been submitted to and approved in writing by the Local Planning Authority. The contractors must be registered with the Environment Agency.

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.

Informatives:

1. This decision is based on the Design and Access Statement, Statement of Significance, The Old Market Review 1999-2009, Biodiversity Checklist, Sustainability Checklist, Sustainability Statement and drawing nos. 08691/PA/001, 010, 11, 12, 13, 14, 20, 21, 22, 23, 30, 31, 50A, 51A, 52A, 53A, 54A, 55A, 60A, 61A, 62A, 63A, 70A, 70B, 71A, 71B, 80A, 81A, 82A, 83A & 84A on the 19th & 20th February, 2nd March and the 15th April 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.

Planning Policy Guidance

PPG15	Historic environment
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
SU10	Noise nuisance
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
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations

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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
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG1:	Roof Alterations and Extensions
SPG4:	Parking Standards
SPG13:	Listed Buildings – General Advice

Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Planning Advice Note:

PAN03:	Accessible Housing and Lifetime Homes; and:
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ii) for the following reasons:

The proposed development is appropriate in terms of its design and appearance and preserves the architectural and historic character and appearance of the listed building and surrounding conservation area. The scheme also provides suitable accommodation, does not significantly harm the amenity of any neighbouring properties and is appropriate in terms of its impact on local parking and the demand for travel it creates.

3. 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.brighton-hove.gov.uk).

2 THE SITE

The application site relates to The Old Market building which is large two-three storey listed (grade II) building within the Brunswick Town Conservation Area. The building was designed by Charles Busby in the mid 1820s as part of the first development of Brunswick Town. The building is faced in stucco in a standard cream colour similar to the style for many of the listed buildings in the Brunswick Town area.

It is almost square and contains three parallel sections, with the original single-storey market building in the middle range. This was extended

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upwards and further extensions added, in 1998, when the building was refurbished in connection with its conversion to a conference and performance space. The north elevation is almost symmetrical with giant pilasters punctuating the eaves level to create a flat pediment which marks a simple principal entrance below. Stone ball finials at parapet level add prominence to this feature. The roofs are varied and consist of areas of traditional slating on shallow pitches as well as some leaded flat roofs concealed behind parapets. Whilst the overall character is Victorian, the many alterations and more recent extensions have provided a more eclectic mix which now provides a variety of facades.

The building is primarily used as the Old Market conference and performance space, the former market hall having been converted into an auditorium. The basement is used as changing rooms and storage. The first and second floors of the south and north ranges have recently been renovated to create self contained office suites.

The building is located within a grid pattern of narrow streets between Western Road and the seafront. It is to the immediate east of Brunswick Square which towers above the two-storey mews houses on Brunswick Street East adjacent to the Old Market. To the north, east and south of the building are varied houses and other buildings which are two and three-storey high. The Old Market is positioned axially in views down Upper Market Street, the building's main entrance provided as a centrepiece when approaching the site from the north. The building can also be approached from the south from Lower Market Street and a pedestrian access is provided to the east, into Waterloo Street, through the Market Arch, a grade II listed structure.

It should also be noted that a number of the following buildings in the adjacent streets are also listed, 1-29 Brunswick Square (Grade I), 2-9 Upper Market Street (Grade II), 16-28 Waterloo Street (Grade II) and 6-10 Lower Market Street (Grade II).

3 RELEVANT HISTORY

Planning permission was granted in 1978 for renovations and various internal alterations to enable the use of the building as an Arts Centre (**3/78/0065 & 0572**).

Then in 1986, permission was granted for the conversion of the building into 33 flats with extensions to ground, first and second floors and at roof level (**3/86/0713 & 71**). This permission was never implemented.

In 1996, the Old Market Trust was established and was awarded an Arts Council Lottery grant to upgrade the building. This involved the construction of a roof over the original market hall to create better acoustics, whilst leaving the original roof intact. Listed building and planning permission were granted in 1997 to increase the roof height of the Market Hall and extend existing accommodation to provide recording, rehearsal and recital space for

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orchestra ensembles, ancillary support accommodation, café and lettable space for Arts related organisations (**BH1997/01751/FP & 01750/LB**).

Following this, listed building and planning permission were granted in 2006 to convert the office suites on the first and second floors to 7 self-contained flats (**BH2006/02210 & 2207**).

These permissions were never implemented.

In 2007 listed building and planning permission were granted for the refurbishment of existing office units in the north and southern blocks of the building at first and second floor levels. These permissions included two door openings to the western elevation at first floor level replaced with Juliet balconies and a new rendered parapet wall forming a balcony area to an office suite (**BH2007/03621 & 3620**). These offices are in the process of being leased out.

4 THE APPLICATION

Planning permission is sought for the construction of two penthouse apartments on top of the building and one additional meeting room for the Old Market to the east elevation:

The meeting room is accessed via a new internal stairs in a foyer on the eastern side of the building. The scheme also includes a green wall to the western elevation, a new canopy and the reinstatement of windows to the front elevation. Refuse and cycle storage for the residential units are provided at ground floor level within the building. To access the cycle store, it is proposed to replace an existing window with a new door.

The apartments would be accessed by extending the existing stair / lift on the south side of the building. Each apartment contains three bedrooms, two bathrooms, an open kitchen, dining and reception area as well as an external terrace facing south. The structure has been set back from the south and north sections of the building and is proposed to be built over the performance space in the centre and over the existing east and west auditorium. This provides a simple rectangular plan at roof level. The penthouse flats have a flat sedum roof and fully glazed reflective façade to all elevations.

Amendments to the scheme have been submitted. The amendments involve:

- A reduction of 3.4m from the east elevation which results in the deletion of the proposed east facing terrace and winter garden.
- A reduction in size of proposed meeting room length by 1.6m.
- Lift shaft reduced by 1m.
- A reduction in the size of the south facing roof terraces (1m each).
- Proposed internal staircase arrangement repositioned.
- Reduction in the size of the front canopy. Reduced in length by 2.5m and reduced projection from building by 1.2m.

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5 CONSULTATIONS

External:

Neighbours: 39 emails and letters have been received objecting to the proposal from **Flat 2 no.21, Flat 2 no.6, 20A, Basement Flat 22, Flat 3, Flat 4 & Flat 5 no.22, Flat 4 no.23, no.23, Flat 2 no.47 (x3) & 64 Waterloo Street; Basement Flat 9, Ground Floor 9, 12 & 20B Upper Market Street; 10 Palmeira Square; 10, 37, 39 & 42 Brunswick Street East; 9, Flat 5 no.21, 26 (x2), Flat 1 nos.23-24, Flat 9, Flat 10 & Flat 15 nos.25-26 Brunswick Square; 4 Farman Street; 26 East Drive; 1 (x2) & 34 Lower Market Street (x2); James House no.2 and Flat 2 no.29 Brunswick Terrace; 22 Nizells Avenue; The Bigg Trading Company Ltd (owners of southern and northern office wings of the Old Market) and Xavier Young Photographer (owner / occupier of 12 Lower Market Street and owner / landlord of 1st & 2nd Floors of 13 Lower Market Street). The director of **The Regency Town House Project, Brunswick Square** has also objected to the proposal. The grounds of objections are summarised below:**

- The modern extensions are far too big and will significantly change the character of this historic building. The extension and materials are totally out keeping with the Old Market and the surrounding conservation area. This enormous glass structure would clearly harm the townscape of the Brunswick Town area and is higher than surrounding buildings.
- The extension will be a 'modernist carbuncle'. Accepting the scheme will set a dangerous precedent. The scheme will 'butcher' the building which has been sympathetically restored. The scheme will also negate the value of the Waterloo Arch and patio area.
- Local residents are subject to constraints to their properties including paint colour, roof top extensions and sash windows. It would be unfair to allow this scheme in light of this. An alternative to fund the Old Market should be found.
- The centre is not a main arts facility in the city. It is used more for weddings and social functions. It is not situated in a good location and is unlikely to generate the needed revenue to continue. There is no guarantee that the construction of the flats will not overcome this problem. An independent auditor should be employed by the Council to explore the Old Market's finances.
- It is inappropriate to claim financial stress to justify the scheme and the scheme could lead to further financial difficulties.
- The scheme will devalue property prices in the area.
- Allowing the scheme will set a dangerous precedent and there is no guarantee that the whole building will continue as an arts centre and will not eventually be converted into flats.
- No alternatives have been discussed with local residents who will have their views blocked and privacy compromised. Additionally, no consultation has taken place between the owners of the office space within the upper floors of the Old Market who paid a considerable amount of money for the offices and for their upgrade. The scheme will detract from the offices.

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- There has been insufficient time for neighbours to comment. There is also confusion between the economic and conservation issue.
- The scheme changes the nature of the building from a community use to residential use which is unacceptable.
- It is felt that the statement of significance is poorly researched and inappropriately argued.
- This area is one of the most heavily populated in the Europe and allowing the scheme will lead to difficulties in the area.
- Many people supported the renovation of the building in the 1990s as it ensured a single ownership. There is strong evidence that a building with multiple owners rarely do as well as those in single ownership.
- The construction of the building will put pressure on local infrastructure.
- The scheme will affect the amenity of adjacent properties. The east elevation faces directly face rear windows and balconies to the rear of properties onto Waterloo Street resulting in a loss of privacy and overlooking. The scheme also results in a loss of light and overshadowing due to its size. The glare from the reflective glass could also be a problem.
- The roof top terraces will result in noise disturbance. These terraces cannot be controlled by hours of use as our nearby public houses.
- At night, the light emitted from the extension will also have a negative impact on residential amenity.
- The extension will block sea views.
- The two flats will put further strain on the parking problems in the area.

2 letter of support have been received from **4 Holly Close, Varndean Park and 19 West Drive**. The letters state that the Old Market is valuable and viable asset to the city which has become the victim of the credit crunch. The two penthouse flats are an effort to relieve the Trust of its debt. The design for the penthouse flats is bold and daring and has been skilfully designed by a local architect who already commands much respect for his contemporary additions to the city. Furthermore, tradition suggests that each age has constructed buildings in the style of the time and when they have been added to, such additions reflect the new style of the later period. A contemporary precedent for 21st century intervention at roof level can be seen at British Museum with its glazed roof.

The Regency Society: The society has withdrawn its earlier comments on this application and has decided to make no representations due to strong and differing views within the Society.

Councillors Paul Elgood and David Watkins of the Brunswick & Adelaide ward have objected to the proposal (email attached).

The Friends of Brunswick Square & Terrace: The society has consulted with the occupiers and, where possible, the freehold owners, of 80 units of accommodation within the 12 Grade I Listed Brunswick square buildings most adjacent to the Old Market. The responses are 'universally hostile' on the

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grounds of total inappropriateness of the proposed design and materials in relation to both the building itself and the effect on every aspect of the conservation area, as well as the setting of the adjacent listed buildings. It is believed that this is a 'step too far'. There also objections on the grounds of loss of amenity and concern that further degradation to the rear of Brunswick Square properties.

Some of the objections highlight the need for consistency when compared to smaller applications with tight constraints. Many also feel that the financial argument that the Old Market will close if permission is not granted is unfair and not a proper planning consideration. This building is not at risk, suffering continuing financial difficulties and the figures from 2005-2007 are considered fundamentally unsound. It is also felt that the lack of a car park for the Old Market is an obvious drawback to viability of the business as the old car park was 'released' to provide capital funding.

English Heritage: The building is accretive in nature, originally just a small, single-storey covered market of 1826-8 but extended in the later nineteenth century for a riding school. It is of some significance for the survival of the 1820's market within its fabric and for its attractive north elevation, but it is particularly valuable for the part it plays in the wider townscape of Brunswick Town. Although English Heritage does not object to the principle of further extension to the Old Market, we would oppose the current design solution because of the harm that would be caused to the Grade II listed building and the wider townscape.

There are reservations regarding the penthouse range and extended lift shaft which would result in awkward relationships with roof forms. Also, the use of reflective glass would result in a speckled affect from internal lights at night. The existing set back at the eastern end, which gives prominence to the only surviving external elevation of Busby's market, would also need to be retained. Rather than appearing to have landed on top of the building, a more natural way to extend the building would be to simply raise its central section.

CAG: The group agreed that the proposal would neither preserve nor enhance the Brunswick Town Conservation Area and that the proposal pays insufficient respect to the listed building, by reason of its height and appearance. The group considers that the extension would dominate the existing building, intrude upon the skyline when viewed from the north and be both contrary to English Heritage policy guidance and to the advice within the Council's supplementary planning guidance (SPG1) on roof alterations. For these reasons, the group advise that the proposal should be refused both planning permission and listed building consent.

Internal:

Conservation & Design: The form and appearance of the Old Market has changed considerably over the last 180 years, perhaps more so than any other listed building in the city. The current scheme takes a quite different but

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no less appropriate design approach to the site's future development. The most significant parts of the existing development architecturally are the single-storey Busby façade to the original market hall, viewed from Waterloo Street arch to the east and the decorative 1875 façade to the later northern block. The extended hall space was the key to the successful regeneration of the building in the 1990's after years of decay, which is now an important part of the character of the neighbourhood and to the life of the local community. The central hall seems to the Conservation Officer the logical place to raise the building further. The hall building is sandwiched between various later blocks to north and south and its raised roof and gable ends date from the time of the building's conversion in the 1990s.

The scheme has a clear logic and is positive repose to the brief. This is a unique site meriting an exceptional solution. The architectural approach is unashamedly modern but if carefully detailed this is in my view an entirely appropriate approach. It strikes the right balance and is neither too grand nor too modest. The contrast will lift the building both literally and architecturally and accentuate the key parts of the existing block. The careful use of reflective glass throughout should also ensure the extension reads as a single visual lightweight element that neither overwhelms nor dominates the other parts. With refinement to the scheme and careful attention to detail, the scheme will preserve the character of the building and the overall surroundings. The amendments suggested entail alterations to the internal arrangement to the stairs to the proposed meeting room and the overall size of proposed east elevation which dominates the courtyard area.

Traffic Manager: No objection subject to the cycle parking areas being provided prior to the commencement of development and the applicant to agree to enter into a legal agreement with the Council to contribute £2,000 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

Access Consultant: As originally submitted the Access Consultant commented that the scheme should be amended so that it fully meets Lifetime Homes Standards. The amendments entailed the following:

- There should be a 1500mm turning space outside the lift.
- The new stairs need to be suitable for ambulant disabled people.
- At least one of the bathrooms in Apartment B needs to be arranged (or be able to be altered) to facilitate side transfer to the WC and to provide circulation space.
- The kitchen in Apartment B is too narrow.

Head of Culture and Economy: The Old Market Trust is an important part of the cultural infrastructure in the city, particularly given its location in Hove to the west of the city. The programme has developed well over the last few years and is at a stage now where, in revenue, terms, the facility seems sustainable. What has been difficult for the organisation is the level of historic capital debt that it has had to service. The current economic climate, in terms

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of the attitudes of the banks, has undoubtedly made this harder. It is believed that the Trust has come up with a development plan that, if granted planning permission, will provide a financial solution to an historical problem. It would be a great shame to lose the cultural facility when it is gaining a reputation for its programme of events. The actual development will also highlight the building from the main road and give it more visibility.

Environmental health: No comment.

6 PLANNING POLICIES

Planning Policy Guidance

PPG15 Historic environment

Brighton and 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
SU10 Noise nuisance
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
QD4 Design – strategic impact
QD5 Design – street frontages
QD15 Landscape design
QD27 Protection of amenity
QD28 Planning obligations
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO7 Car free housing
HO13 Accessible housing and lifetime homes
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG1: Roof Alterations and Extensions
SPG4: Parking Standards
SPG11: Listed Buildings – General Advice

Supplementary Planning Document:

SPD03: Construction and Demolition Waste
SPD08: Sustainable Building Design

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Planning Advice Note:

PAN03: Accessible Housing and Lifetime Homes

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of a residential use on this site, the affect upon the appearance of the listed building, conservation area and wider street views, neighbouring residential amenity, transport issues and sustainability.

The applicant has submitted financial information with the application. They have stated that flats are required to finance the Old Market centre. In this instance the financial case is not a significant material planning consideration, as the building is not at risk and has been well maintained.

Principle of residential use:

Permission is sought for the construction of an extension to the roof of the Old Market to form two penthouse flats. The building is currently used primarily as an arts centre and venue facility. Permission was granted in 2007 for the offices in the upper floors to be renovated. This part of the building has been separately purchased and the new owner is in the process of letting out the office space. The proposal will introduce a residential use to the building and there is concern from adjacent properties that this is an unsuitable use. The use of the roof for flats does raise issues regarding overlooking and loss of amenity for adjacent premises as design issues. These concerns are addressed below. Moreover, it is felt in principle that a residential is acceptable on this building. Historically, planning permission was granted for the conversion of the building into flats. Additionally, a mix of uses is appropriate to the scale and character of this building and to the surrounding area.

Design and impact on wider street scene:

Policies QD1, QD2 & HE6 of the Brighton and Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding conservation area. Policy QD1 states that it does not seek to restrict creative design provided that new development can still be integrated successfully into its context. Policy HE1 also states that proposals involving an extension to a listed building will only be permitted where they do not have an adverse effect on the architectural and historic character or appearance of the building.

PPG15 on Planning and Historic Environment states that local authorities should strive to preserve and enhance listed buildings. It states that 'modern extensions should not dominate the existing building in either scale, materials or situations. Successful extensions require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail.'

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Permission is sought for a scheme which is unashamedly modern and bold in a contemporary style which is both sensitive and significant. The extension is effectively a flat roofed box structure which sits on top of the pitched roof of the building. It is 25.5m long, 12m wide and adds approximately 3.5m to the height of the building. The extension is flat roofed with green sedum roof. A green wall is also proposed to the west elevation of the building. All the facing walls of the extension are comprised of reflective glass. To access the flats, it is proposed to extend an existing lift shaft within the south section of the building. This will come out from the roof of the pitched roof to the south elevation in a central position. Two terraces are proposed facing south to allow an external amenity area for the flats. To the east elevation a separate meeting room extension is proposed for the Old Market. This extension is proposed at first floor level in an existing gap over a single-storey foyer. This extension would also have a flat roof and reflective glazing.

The building can be divided into three parts and the extension is proposed to the middle section above the extended hall. Placing the extension in this position sets the extension back from the front and rear elevations. The extension is set 9m back from the front wall and is also behind a pitched roof to the front section of the building. To the rear the building penthouse flats are again 9m away from the rear wall. Setting the extensions back from the front and rear elevations reducing the visual impact of the extensions. From the top of the top of Upper Market Street and the bottom of Lower Market Street, the extension will be visible on top of the roof. The design and reflective finish to the glazing surrounding the extension will give it a striking and bold appearance.

The modern appearance of the extension will be in contrast with the traditional appearance of the Old Market building. The Old Market has been developed over the years and has maintained a Victorian appearance with the many alterations and more recent extensions have provided a more eclectic mix which now provides a variety of facades. The modern extension is a radical design approach but does not compete with the listed building below. The scheme will read as old against new with clean straight lines and reflective glazing. This effect has been successful elsewhere.

The current proposal was conceived taking into consideration the special site and development constraints associated with the Old Market. These include dealing with the service requirements for the performance space and the need to identify an appropriate method of construction above the auditorium roof, both technically and architecturally. One solution would be to utilise the existing volume within the performance space. After investigation, the applicant decided that this was not a feasible option as breaking up the roof structure would be structural expensive and result in adverse acoustic implications for the performance hall. The other roofs were also ruled out as usable spaces due to their limited size and the roofs would have to be significantly raised to allow suitable accommodation. Access to the new development is also restricted by the potential use of the existing stair / lift

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wells. Allowing a new lift / stair access could have potential implications for the interior of the listed building.

The Conservation Officer has commented that the form and appearance of the Old Market has changed considerably over the last 180 years, perhaps more so than any other listed building in the city. It has been extended incrementally to meet changing needs. This has previously been done in a conventional, ad-hoc and low key way, such that the various parts appear to merge. These knit together through the use of the characteristic local stucco and the slated pitched roofs and sit easily within the wider street scene. The scheme takes a quite different but no less appropriate design approach to the site's future development.

The most significant parts of the existing development architecturally are the single-storey Busby façade to the original market hall, viewed from Waterloo Street arch to the east and the decorative 1875 façade to the later northern block. This northern façade is curious in that the classic formality breaks down in places and lacks the anticipated symmetrical formality. The building's principal entrance is off set and understated. In effect it is a piece of 'facadism' designed to respond to and celebrate the street alignment rather than to the built form behind. The other frontages have no features of interest, and the gable end walls to the concert hall are particularly bland and uninteresting. Nevertheless this extended hall space was the key to the successful regeneration of this building in the 1990s after years of decay, and which is now an important part of the character of the neighbourhood and to the life of the local community.

The central hall seems to be the logical place to raise the building further. Whilst its footprint, foundations and the east single storey façade date from the 1820s, its raised roof and gable ends date from the time of the building's conversion to create the Old Market arts and performance centre in the 1990s. The hall building is sandwiched between various later blocks to north and south. A previous draft proposal (described in section 6 of the applicant's Statement of Significance) to wrap a roof extension over the various roofs was discouraged because of the harm that this would cause to the integrity and appreciation of the building as a collection of parts of different ages and forms.

The Conservation Officer considers that this scheme has a clear logic and is a positive design response. This is a unique site meriting an exceptional solution. The architectural approach is unashamedly modern, but if carefully detailed this in my view is an entirely appropriate approach, and one employed successfully elsewhere in the city. It strikes the right balance being neither too grand nor too modest. The contrast will lift the building both literally and architecturally, and accentuate the key parts of the existing block. The careful use of reflective glass throughout should ensure the extension reads as a single visually lightweight element that neither overwhelms nor dominates the other parts. A more traditional approach would in the

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Conservation Officer's view have given a bulkier feel to the development, and blurred the definition of the existing buildings on the site.

Viewed along Upper Market Street only the central part of the extension will be visible, rising above the parapet and roof lines of the north block and providing a simple uncluttered glazed backdrop, which during daylight hours will reflect the sky and appear unobtrusive. It is set back some 9m from the principal façade and would not in the view of the Conservation Officer undermine the architectural primacy of the classical façade, the reading of this northern block as a discrete building, or disrupt the townscape contribution the facade makes when seen as terminating views down Upper Market Street. The reinstatement of windows to the existing blind reveals within the north façade are welcomed and the new glazed canopy will give the desired emphasis to the main entrance.

Viewed from Lower Market Street the extended stair tower will appear as a reflective glass cube rising out from the pitched roofs below. As outlined above, accessing the roof addition has proved challenging. It has been found to be impracticable to set the stair tower behind the ridge line in order to preserve the form and outline of the existing roof. Nevertheless with careful design it could be signed/ illuminated to identify the Old Market venue to good effect.

In relation to the west elevation, the quality of Brunswick Street East is very mixed, and this elevation currently is of no interest. It is considered that that the proposed development will have a positive impact on the oblique views along this mews street.

In relation to the overall context of the street scene, the extension will not be viewed in or obscure any strategic views across the site. Its overall form will be apparent from the backs of housing in Brunswick Square and Waterloo Street; yet from these views it will be seen in the context of the overall mass and form of the Old Market building and in the context of a surrounding built environment of mixed appearance.

The Conservation Officer felt that the scheme was broadly acceptable subject to amendments. The amendments include reducing the size of the terraces to the south elevation so that they are more set back and will be less visible additions to the roof. It was also felt that proposed east facing elevation was excessive and would dominate the small courtyard area which leads to Waterloo Street through Waterloo Street arch. Amended plans were submitted showing a reduction in the size of the penthouse flats leaving a separate meeting room extension at first floor level. This effectively removes a large section from the east facing elevation and reduces the bulk and presence of the east facing elevation.

The scheme also includes a front canopy above the front entrance. The principle was considered acceptable under previous approvals for planning

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permission and listed building consent in 2006. As originally submitted, the scheme proposed a canopy which projected 2.7m from the building with a length of 15m. This was considered to be excessive and amended plans indicate a canopy which projects 1.5m from the building and has a length of 12.5m. This is considered to be an appropriate size. The amended plans also show the extension to the lift shaft reduced so that it is line with the top of the roof of the penthouse flats. This is a more suitable height and reduces the impact of the lift shaft extension.

It cannot be denied that this scheme represents a bold and striking statement which will dramatically change the appearance of the listed building. However, it is felt that the scheme strikes a right balance and will compliment and accentuate the listed building to the visual benefit of the surrounding area. It is therefore felt that the proposal is appropriate in terms of its design, will enhance the character and appearance of the listed building and is in accordance with policies QD1, QD2, HE1 and HE6 of the Brighton & Hove Local Plan.

Impact on Neighbouring Properties

Brighton and Hove Local Plan policy QD27 requires that new development respects the existing amenity of neighbouring properties.

The Old Market is in close proximity to its adjacent neighbours (especially to the east) and the scheme has been designed to minimise its impact on adjacent properties as far as possible. As stated above, the roof extension has been designed so that it is set above the middle section of the Old Market. This sets the extension back from the north and south facing walls of the main building by 9m on either side. Upper Market Street and Lower Market Street are directly to the north and south and are comprised of two-storey houses with all main windows serving habitable rooms facing each other across the streets. None of these windows will be directly facing the proposed extension. Additionally, due to the set back of the extension from the north and south elevation, the extension will not result in a significant loss of privacy to the properties on Upper and Lower Market Street.

The scheme includes roof terraces facing south. To reduce roof clutter, the Conservation Officer recommended that the terraces were reduced in size. The terraces are also set behind the top of pitched roof facing south and will not allow significant overlooking or loss of privacy of any properties to the south of the building.

In relation to the west elevation, the extension is again set back from the west facing wall of the Old Market. There is also a green wall to give this elevation interest. The properties on Brunswick Street East are modest two-storey mews buildings, a number of which are in commercial use. Due to the position of the extension at roof level, the scheme will not allow direct views into these properties.

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The Brunswick Square properties are much taller in comparison and include rear windows which face the roof level flats. The nearest rear facing windows serving the Brunswick Square properties are approximately 25m from the west facing windows serving one of the penthouse flat. Due to this distance, the scheme will not result in significant loss privacy or loss of light to the Brunswick Square properties.

As originally submitted, the east facing elevation raised most concerns regarding its impact on the properties at 19-24 Waterloo Street. These properties are the closest to the Old Market and some of the properties are within 5m of the main building. As originally submitted, the scheme included an east facing terrace and windows which may have resulted in overlooking of rear facing windows serving habitable rooms and balconies. The scheme was revised to remove a section of the penthouse flat facing east in order to reduce its visual impact on this section of the proposal. This results in a set back for the penthouse flat from the adjacent properties. This reduces the impact of the scheme on the Waterloo Street properties. The scheme includes obscure panels on the sides of the east facing elevations of the meeting room extension and the penthouse extension. This will stop any direct overlooking of adjacent properties to the east. To ensure the amenity of the Waterloo Street properties is protected, a condition is recommended that the windows as identified in plan 08961/PA/71B shall be obscure glazed and fixed shut and thereafter retained as such. The scheme also includes an obscure panel for the east facing elevation of the terrace. This will also stop overlooking of the Waterloo Street properties. A condition is also recommended to retain the panel in place to protect residential amenity.

Living Conditions for Future Occupiers

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. Each apartment contains three bedrooms, two bathrooms, an open kitchen, dining and reception area as well as external terraces. Every room will have adequate light and outlook and will provide a suitable 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. For the purposes of this policy, balconies are taken into account. The scheme includes two south facing balconies which will provide suitable outdoor private amenity space for the flats.

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 Council's Access Consultant has commented that amendments were required to ensure the scheme fully complied with Lifetime homes standards. These includes a

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turning circle outside the lift entrance at the apartment level, the new stairs to be suitable for ambulant disabled people, to increase the kitchen size of apartment B and to re-arrange one of the bathrooms in apartment B to facilitate side transfer to the WC. Amended plans were submitted which showed a 1500mm turning space outside the lift entrance at the apartment level. Additionally, one of the bathrooms to Apartment B was amended to allow suitable wheelchair access.

It was not possible to amend the stairs and the scheme was also amended so that the lift shaft was lowered in height. This was to improve the appearance of the scheme in relation to the listed building. Lowering the height of the lift shaft means that stairs have had to be put in and the penthouse flats will no longer be fully accessible for a person in a wheelchair. However, it is important to also consider the overall impact on the character and appearance of the listed building and lowering the lift shaft was considered to be an appropriate compromise between the two considerations for the appearance of the listed building. To overcome the addition of steps, the applicant has stated that a chairlift will be introduced.

Traffic Matters

Brighton and Hove Local Plan policy TR1 requires that new development addresses the arising travel demand and policy TR7 states that new development should not be detrimental to existing levels of highway safety.

The scheme does not include any off-street parking for the development. Cycle parking is included at ground floor level accessed via the south elevation. The Traffic Manager has raised no objection subject to conditions relating to cycle parking and a section 106 agreement for the applicant to agree to enter into a legal agreement with the Council to contribute £2,000 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

The site is within an area which well serviced by local transport and is in close proximity to the town centre. It is also within a controlled parking zone. In accordance with policy HO7, it is therefore considered that the scheme shall be car free. This requires a contribution of £2,000 to fund the amendment of the relevant traffic order to ensure that future occupiers of the flats are not eligible for parking permits. Subject to the above contributions and cycle parking for both flats, the scheme provides for the demand for travel created by the scheme.

Sustainability

Policy SU2 of the Brighton and Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Checklist submitted with the application. This is in accordance with SPD08 on Sustainable Building Design. The checklist is considered acceptable and states that the scheme meet Code Level 3 of the

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Code for Sustainable Homes, as required by the SPD. The applicant has also submitted a further sustainability statement outlining sustainability measures. This includes measures to reduce water consumption. The scheme is therefore considered to be in accordance with above policy and supplementary guidance.

Brighton and Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted a Waste Minimisation Statement. The statement is not deemed detailed enough and does not include details of proposed waste contractors who must be registered with the Environment Agency. Therefore, a condition is recommended requiring the submission and approval of a Waste Minimisation Statement has been prepared specifically in relation to this proposal to be approved by the local planning authority prior to commencement of works.

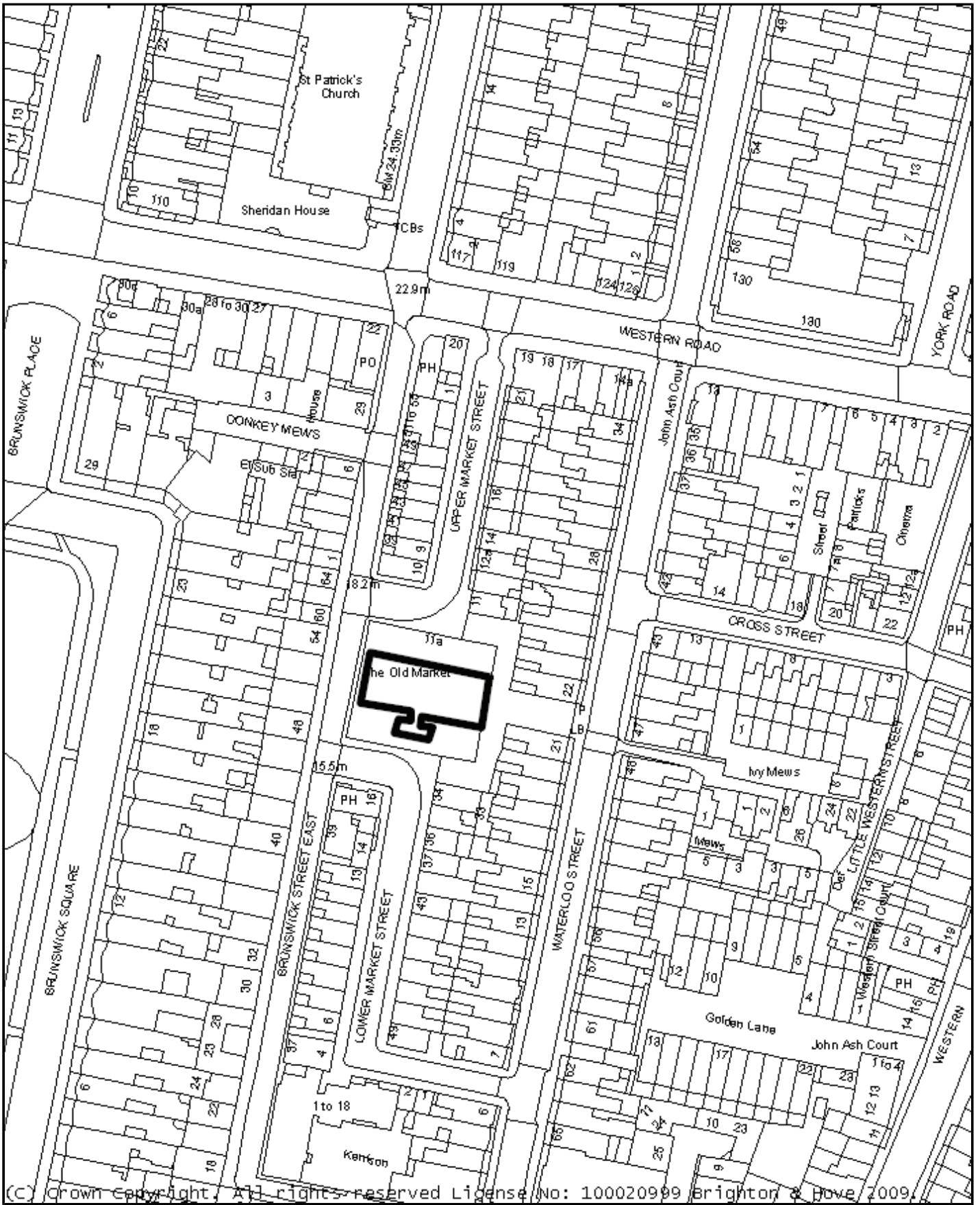
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is appropriate in terms of its design and appearance and preserves the architectural and historic character and appearance of the listed building and surrounding conservation area. The scheme also provides suitable accommodation, does not significantly harm the amenity of any neighbouring properties and is appropriate in terms of its impact on local parking and the demand for travel it creates.

9 EQUALITIES IMPLICATIONS

The new flats are required to comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

BH2009/00414 The Old Market, 11A Upper Market Street



Date: 14/04/2009 04:15:09

Scale 1:1250



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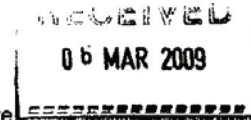


Brighton & Hove City Council

PLANS LIST – 29TH APRIL 2009

COUNCILLOR REPRESENTATION

From: Paul Elgood [Paul.Elgood@brighton-hove.gov.uk]
Sent: 05 March 2009 16:29
To: Planning Applications
Cc: David Watkins
Subject: BH2009/00414 and BH2009/00415, the Old Market, Hove



Dear Sir/Madam

BH2009/00414 and BH2009/00415, the Old Market, Hove

As the ward councillors for the area we would like to express our objections to the above planning applications.

We do not believe that the scheme is acceptable because:

- it represents a gross over development of an important historic building.;
- it will destroy the appearance of the building, especially looking down from Western Road;
- it will dominate the surrounding conservation area, which is mainly made up of two or three storey houses;
- the modern design is out of keeping to the rest of the building;
- it will create unacceptable overlooking of surrounding homes.

As the ward councillors we want to see the Old Market continue to thrive, however, we do not believe that this is the way to achieve that.

I would be grateful if you would take account of these views when considering the application.

Cllr Paul Elgood
Cllr David Watkins
Brunswick and Adelaide ward

<u>No:</u>	BH2009/00415	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Listed Building Consent		
<u>Address:</u>	The Old Market 11A Upper Market Street Hove		
<u>Proposal:</u>	Erection of 2no new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	19 February 2009
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	17 April 2009
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton, BN1 2BB		
<u>Applicant:</u>	Stephen Neiman, The Old Market Trust, The Old Market, 11A Upper Market Street, Hove, BN3 1AS		

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 be **MINDED TO GRANT** listed building consent subject to:

- i) the expiry of the publicity period and the receipt of no new material planning considerations.
- ii) the following Conditions and Informatives:

Conditions

1. BH01.05 Listed Building Consent.
2. BH13.01 Samples of materials – Listed Buildings.
3. No works shall take place until full details of all proposed stairs to the proposed meeting room, including 1:20 elevation drawings, have been submitted to and approved by the Local Planning Authority.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
4. No works shall take place until full details of all proposed ventilation ducts and extract units, including 1:20 elevation drawings, have been submitted to and approved by the Local Planning Authority.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
5. No works shall take place until full details of the method of framing and opening of windows including 1:20 sample elevations and 1:1 scale joinery profiles have been submitted to and approved by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

6. No development shall take place until full details of constructional methods including method of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the Design and Access Statement, Statement of Significance, The Old Market Review 1999-2009, Biodiversity Checklist, Sustainability Checklist, Sustainability Statement and drawing nos. 08691/PA/001, 010, 11, 12, 13, 14, 20, 21, 22, 23, 30, 31, 50A, 51A, 52A, 53A, 54A, 55A, 60A, 61A, 62A, 63A, 70A, 70B, 71A, 71B, 80A, 81A, 82A, 83A & 84A on the 19th February, 2nd March and the 15th April 2009.

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.

Planning Policy Guidance

PPG15 Historic environment

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

Supplementary Planning Guidance:

SPG11: Listed Building interiors

SPG13: Listed Buildings – General Advice

- ii) for the following reasons:

The proposed development is appropriate in terms of its design and appearance and preserves the architectural and historic character and appearance of the listed building.

2 THE SITE

The application site relates to The Old Market building which is large two-three storey listed (grade II) building within the Brunswick Town Conservation Area. The building was designed by Charles Busby in the mid 1820s as part of the first development of Brunswick Town. The building is faced in stucco in a standard cream colour similar to the style for many of the listed buildings in the Brunswick Town area.

It is almost square and contains three parallel sections, with the original single-storey market building in the middle range. This was extended upwards and further extensions added, in 1998, when the building was refurbished in connection with its conversion to a conference and

performance space. The north elevation is almost symmetrical with giant pilasters punctuating the eaves level to create a flat pediment which marks a simple principal entrance below. Stone ball finials at parapet level add prominence to this feature. The roofs are varied and consist of areas of traditional slating on shallow pitches as well as some leaded flat roofs concealed behind parapets. Whilst the overall character is Victorian, the many alterations and more recent extensions have provided a more eclectic mix which now provides a variety of facades.

The building is primarily used as the Old Market conference and performance space, the former market hall having been converted into an auditorium. The basement is used as changing rooms and storage. The first and second floors of the south and north ranges have recently been renovated to create self contained office suites.

The building is located within a grid pattern of narrow streets between Western Road and the seafront. It is to the immediate east of Brunswick Square which towers above the two-storey mews houses on Brunswick Street East adjacent to the Old Market. To the north, east and south of the building are varied houses and other buildings which are two and three-storey high. The Old Market is positioned axially in views down Upper Market Street, the building's main entrance provided as a centrepiece when approaching the site from the north. The building can also be approached from the south from Lower Market Street and a pedestrian access is provided to the east, into Waterloo Street, through the Market Arch, a grade II listed structure.

It should also be noted that a number of the following buildings in the adjacent streets are also listed, 1-29 Brunswick Square (Grade I), 2-9 Upper Market Street (Grade II), 16-28 Waterloo Street (Grade II) and 6-10 Lower Market Street (Grade II).

3 RELEVANT HISTORY

Planning permission was granted in 1978 for renovations and various internal alterations to enable the use of the building as an Arts Centre (**3/78/0065 & 0572**). Then in 1986, permission was granted for the conversion of the building into 33 flats with extensions to ground, first and second floors and at roof level (**3/86/0713 & 71**). This permission was never implemented.

In 1996, the Old Market Trust was established and was awarded an Arts Council Lottery grant to upgrade the building. This involved the construction of a roof over the original market hall to create better acoustics, whilst leaving the original roof intact. Listed building and planning permission were granted in 1997 to increase the roof height of the Market Hall and extend existing accommodation to provide recording, rehearsal and recital space for orchestra ensembles, ancillary support accommodation, café and lettable space for Arts related organisations (**BH1997/01751/FP & 01750/LB**).

Following this, listed building and planning permission were granted in 2006

to convert the office suites on the first and second floors to 7 self-contained flats (**BH2006/02210 & 2207**).

These permissions were never implemented and in 2007 listed building and planning permission were granted for the refurbishment of existing office units in the north and southern blocks of the building at first and second floor levels. These permissions included two door openings to the western elevation at first floor level replaced with Juliet balconies and a new rendered parapet wall forming a balcony area to an office suite (**BH2007/03621 & 3620**). These offices are in the process of being leased out.

4 THE APPLICATION

Listed building consent is sought for the construction of two penthouse apartments on top of the building and one additional meeting room for the Old Market to the east elevation. The meeting room is accessed via a new internal stairs in a foyer on the eastern side of the building. The scheme also includes a green wall to the western elevation, a new canopy and the reinstatement of windows to the front elevation. Refuse and cycle storage are provided at ground floor level within the building for the new flats. To access the cycle store, it is proposed to replace an existing window with a new door.

The apartments will be accessed by extending the existing stair / lift on the south side of the building. Each apartment contains three bedrooms, two bathrooms, an open kitchen, dining and reception area as well as an external terrace facing south. The structure has been set back from the south and north sections of the building and is proposed to be built over the performance space in the centre and over the existing east and west auditorium. This provides a simple rectangular plan at roof level. The penthouse flats have a flat sedum roof and fully glazed reflective façade to all elevations.

Amendments to the scheme have been submitted. The amendments involve:

- A reduction of 3.4m from the east elevation which results in the deletion of the proposed east facing terrace and winter garden.
- A reduction in size of proposed meeting room length by 1.6m.
- Lift shaft reduced by 1m.
- A reduction in the size of the south facing roof terraces (1m each).
- Proposed internal staircase arrangement repositioned.
- Reduction in the size of the front canopy. Reduced in length by 2.5m and reduced projection from building by 1.2m.

5 CONSULTATIONS

External:

Neighbours: 18 emails and letters have been received objecting to the proposal from **11 Upper Market Street (x2), Flat 1 no.6, Flat 2 no.21, 23 Waterloo Street, Flat 9 nos.25-26 Brunswick Square, 10, 37, 39 (x2), 42 Brunswick Street East, 1 (x2), 11 (x2), 12 Lower Market Street, 20 Nizells Avenue (x2) and 31 Aldrington Avenue**. The grounds of objections are summarised below:

- The modern extensions are far too big and will significantly change the character of this historic building. The extension and materials are totally out keeping with the Old Market and the surrounding conservation area. This enormous glass structure would clearly harm the townscape of the Brunswick Town area and is higher than surrounding buildings.
- Accepting the scheme will set a dangerous precedent. The scheme will 'butcher' the building which has been sympathetically restored. The scheme will also negate the value of the Waterloo Arch and patio area. There is no benefit to the community.
- The centre is not a main arts facility in the city. It is used more for weddings and social functions.
- The extension will tower above the building and cast shadows.
- The extensions are not in keeping with the buildings function and will impact on the venue which is the home of the Hanover Band. The building is not meant to be used for a residential use.
- There has been insufficient time for neighbours to comment. There is also confusion between the economic and conservation issue.
- The scheme will affect the amenity of adjacent properties. The east elevation faces directly rear windows and balconies to the rear of properties onto Waterloo Street resulting in a loss of privacy and overlooking. The scheme also results in a loss of light and overshadowing due to its size. The glare from the reflective glass could also be a problem.
- Many people supported the previous renovation of the building as these works were done sympathetically Local residents are subject to constraints to their properties including paint colour, roof top extensions and sash windows. It would be unfair to allow this scheme in light of this. An alternative to fund the Old Market should be found.
- Allowing the scheme will set a dangerous precedent and there is no guarantee that the whole building will continue as an arts centre and will not eventually be converted into flats. This could be only a short term solution to the financial problems of the Old Market.
- The two flats will put further strain on the parking problems in the area.
- It is inappropriate to claim financial stress to justify the scheme and the scheme could lead to further financial difficulties.
- This area is one of the most heavily populated in the Europe and allowing the scheme will lead to difficulties in the area.

2 letter of support have been received from **4 Holly Close, Varndean Park** and **19 West Drive**. The letters state that the Old Market is valuable and viable asset to the city which has become the victim of the credit crunch. The two penthouse flats are an effort to relieve the Trust of its debt. The design for the penthouse flats is bold and daring and has been skilfully designed by a local architect who already commands much respect for his contemporary additions to the city. Furthermore, tradition suggests that each age has constructed buildings in the style of the time and when they have been added

to, such additions reflect the new style of the later period. A contemporary precedent for 21st century intervention at roof level can be seen at British Museum with its glazed roof.

The Regency Society: The society has withdrawn its earlier comments on this application and has decided to make no representations due to strong and differing views within the Society.

The Brighton Society: The society object to the scheme on the grounds that the scheme will have a severe detrimental impact effect on the appearance of the listed building and a similar detrimental effect on the setting of the building on this historic part of Hove. The proposed additional structure at roof level will bring an overbearing presence on the building and its surroundings. The scheme will destroy the front elevation and result in the appearance of random boxes stuck on the roof. Also, the juxtaposition of plate glass stuck on the roof of a delicate detailed historic building is also inappropriate.

Councillors Paul Elgood and David Watkins of the Brunswick & Adelaide ward have objected to the proposal (email attached).

The Friends of Brunswick Square & Terrace: The society has consulted with the occupiers and, where possible, the freehold owners, of 80 units of accommodation within the 12 Grade I Listed Brunswick square buildings most adjacent to the Old Market. The responses are 'universally hostile' on the grounds of total inappropriateness of the proposed design and materials in relation to both the building itself and the effect on every aspect of the conservation area, as well as the setting of the adjacent listed buildings. It is believed that this is a 'step too far'. There are also objections on the grounds of loss of amenity and concern that further degradation to the rear of Brunswick Square properties.

Some of the objections highlight the need for consistency when compared to smaller applications with tight constraints. Many also feel that the financial argument that the Old Market will close if permission is not granted is unfair and not a proper planning consideration. This building is not at risk, suffering continuing financial difficulties and the figures from 2005-2007 are considered fundamentally unsound. It is also felt that the lack of a car park for the Old Market is an obvious drawback to viability of the business as the old car park was 'released' to provide capital funding.

English Heritage: The building is accretive in nature, originally just a small, single-storey covered market of 1826-8 but extended in the later nineteenth century for a riding school. It is of some significance for the survival of the 1820's market within its fabric and for its attractive north elevation, but it is particularly valuable for the part it plays in the wider townscape of Brunswick Town. Although English Heritage does not object to the principle of further extension to the Old Market, we would oppose the current design solution because of the harm that would be caused to the Grade II listed building and

the wider townscape.

There are reservations regarding the penthouse range and extended lift shaft which would result in awkward relationships with roof forms. Also, the use of reflective glass would result in a speckled affect from internal lights at night. The existing set back at the eastern end, which gives prominence to the only surviving external elevation of Busby's market, would also need to be retained. Rather than appearing to have landed on top of the building, a more natural way to extend the building would be to simply raise its central section.

CAG: The group agreed that the proposal would neither preserve nor enhance the Brunswick Town Conservation Area and that the proposal pays insufficient respect to the listed building, by reason of its height and appearance. The group considers that the extension would dominate the existing building, intrude upon the skyline when viewed from the north and be both contrary to English Heritage policy guidance and to the advice within the Council's supplementary planning guidance (SPG1) on roof alterations. For these reasons, the group advise that the proposal should be refused both planning permission and listed building consent.

Internal:

Conservation & Design: The form and appearance of the Old Market has changed considerably over the last 180 years, perhaps more so than any other listed building in the city. The current scheme takes a quite different but no less appropriate design approach to the site's future development. The most significant parts of the existing development architecturally are the single-storey Busby façade to the original market hall, viewed from Waterloo Street arch to the east and the decorative 1875 façade to the later northern block. The extended hall space was the key to the successful regeneration of the building in the 1990's after years of decay, which is now an important part of the character of the neighbourhood and to the life of the local community. The central hall seems to the Conservation Officer the logical place to raise the building further. The hall building is sandwiched between various later blocks to north and south and its raised roof and gable ends date from the time of the building's conversion in the 1990s.

The scheme has a clear logic and is positive repose to the brief. This is a unique site meriting an exceptional solution. The architectural approach is unashamedly modern but if carefully detailed this is in my view an entirely appropriate approach. It strikes the right balance and is neither too grand nor too modest. The contrast will lift the building both literally and architecturally and accentuate the key parts of the existing block. The careful use of reflective glass throughout should also ensure the extension reads as a single visual lightweight element that neither overwhelms nor dominates the other parts. With refinement to the scheme and careful attention to detail, the scheme will preserve the character of the building and the overall surroundings. The amendments suggested entail alterations to the internal arrangement to the stairs to the proposed meeting room and the overall size

of proposed east elevation which dominates the courtyard area.

Head of Culture and Economy: The Old Market Trust is an important part of the cultural infrastructure in the city, particularly given its location in Hove to the west of the city. The programme has developed well over the last few years and is at a stage now where, in revenue, terms, the facility seems sustainable. What has been the difficult for the organisation is the level of historic capital debt that it has had to service. The current economic climate, in terms of the attitudes of the banks, has undoubtedly made this harder. It is believed that the Trust has come up with a development plan that, if granted planning permission, will provide a financial solution to an historical problem. It would be a great shame to lose the cultural facility when it is gaining a reputation for its programme of events. The actual development will also highlight the building from the main road and give it more visibility.

6 PLANNING POLICIES

Planning Policy Guidance

PPG15 Historic environment

Brighton and Hove Local Plan:

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

Supplementary Planning Guidance:

SPG11: Listed Building interiors

SPG13: Listed Buildings – General Advice

7 CONSIDERATIONS

The consideration in the determination of this application is whether the scheme preserves or enhances the historical and architectural character and appearance of the listed building.

Some financial information has been submitted with the application. It has not been presented as a case for enabling development. The building is not at risk and has been well maintained.

Policy HE1 also states that proposals involving an extension to a listed building will only be permitted where they do not have an adverse effect on the architectural and historic character or appearance of the building.

PPG15 on Planning and Historic Environment states that local authorities should strive to preserve and enhance listed buildings. It also states that 'modern extensions should not dominate the existing building in either scale, materials or situations. Successful extensions require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail.'

Permission is sought for a scheme which is unashamedly modern and bold in

a contemporary style which is both sensitive and significant. The extension is effectively a flat roofed box structure which sets on top of the pitched roof of the building. It is 25.5m long, 12m wide and adds approximately 3.5m to the height of the building. The extension is flat roofed with green sedum roof. A green wall is also proposed to the west elevation of the building. All the facing walls of the extension are comprised of reflective glass. To access the flats, it is proposed to extend an existing lift shaft within the south section of the building. This will come out from the roof of the pitched roof to the south elevation in a central position. Two terraces are proposed facing south to allow an external amenity area for the flats. To the east elevation a separate meeting room extension is proposed for the Old Market. This extension is proposed at first floor level in an existing gap over a single-storey foyer. This extension will also have a flat roof and reflective glazing.

The building can be divided into three parts and the extension is proposed to the middle section above the extended hall. Placing the extension in this position sets the extension back from the front and rear elevations. The extension is set 9m back from the front wall and is also behind a pitched roof to the front section of the building. To the rear the building penthouse flats are again 9m away from the rear wall. Setting the extensions back from the front and rear elevations reducing the visual impact of the extensions. From the top of the top of Upper Market Street and the bottom of Lower Market Street, the extension will be visible on top of the roof. However, it is felt the design and reflective finish to the glazing surrounding the extension will give it a striking and bold appearance.

The modern appearance of the extension will be in contrast with the traditional appearance of the Old Market building. The Old Market has been developed over the years and has maintained a Victorian appearance. The many alterations and more recent extensions provide a more eclectic mix which now provides a variety of facades. It is considered that the modern extension is radically bold but does not compete with the listed building below. The scheme will read as old against new with clean straight lines and reflective glazing. This effect has been shown to work in other examples of modern extensions to listed building such as the Tate gallery extension and the British Museum glazed roof. These schemes are similarly daring and innovative.

The current proposal was conceived taken into consideration the special site and development constraints associated with the Old Market. These include dealing with the service requirements for the performance space and the need to identify an appropriate method of construction above the auditorium roof, both technically and architecturally. One solution would be utilise the existing volume within the performance space. After investigation, the applicant decided that this was not a feasible option as breaking up the roof structure would be structural expensive and result in acoustic implications for the performance hall. The other roofs were also ruled out as usable spaces due to their limited size and the roofs would have to be significantly raised to

allow suitable accommodation. Access to the new development is also restricted by the potential use of the existing stair / lift wells. Allowing a new lift / stair access could have potential implications for the interior of the listed building.

The Conservation Officer has commented that the form and appearance of the Old Market has changed considerably over the last 180 years, perhaps more so than any other listed building in the city. It has been extended incrementally to meet changing needs. This has previously been done in a conventional, ad-hoc and low key way, such that the various parts appear to merge. These knit together through the use of the characteristic local stucco and the slated pitched roofs and sit easily within the wider street scene. The scheme takes a quite different but no less appropriate design approach to the site's future development.

The most significant parts of the existing development architecturally are the single-storey Busby façade to the original market hall, viewed from Waterloo Street arch to the east and the decorative 1875 façade to the later northern block. This northern façade is curious in that the classic formality breaks down in places and lacks the anticipated symmetrical formality. The building's principal entrance is off set and understated. In effect it is a piece of 'facadism' designed to respond to and celebrate the street alignment rather than to the built form behind. The other frontages have no features of interest, and the gable end walls to the concert hall are particularly bland and uninteresting. Nevertheless this extended hall space was the key to the successful regeneration of this building in the 1990s after years of decay, and which is now an important part of the character of the neighbourhood and to the life of the local community.

The central hall seems to be the logical place to raise the building further. Whilst its footprint, foundations and the east single storey façade date from the 1820s, its raised roof and gable ends date from the time of the building's conversion to create the Old Market arts and performance centre in the 1990s. The hall building is sandwiched between various later blocks to north and south. A previous draft proposal (described in section 6 of the applicant's Statement of Significance) to wrap a roof extension over the various roofs was discouraged because of the harm that this would cause to the integrity and appreciation of the building as a collection of parts of different ages and forms.

The Conservation Officer considers that this scheme has a clear logic and is a positive response to the brief. This is a unique site meriting an exceptional solution. The architectural approach is unashamedly modern, but if carefully detailed this in the Conservation Officer's view is an entirely appropriate approach, and one employed successfully elsewhere in the city. It strikes the right balance being neither too grand nor too modest. The contrast will lift the building both literally and architecturally, and accentuate the key parts of the existing block. The careful use of reflective glass throughout should ensure

the extension reads as a single visually lightweight element that neither overwhelms nor dominates the other parts. A more traditional approach would in the Conservation Officer's view have given a bulkier feel to the development, and blurred the definition of the existing buildings on the site.

Viewed along Upper Market Street only the central part of the extension will be visible, rising above the parapet and roof lines of the north block and providing a simple uncluttered glazed backdrop, which during daylight hours will reflect the sky and appear unobtrusive. It is set back some 9m from the principal façade and would not in the view of the Conservation Officer undermine the architectural primacy of the classical façade, the reading of this northern block as a discrete building, or disrupt the townscape contribution the facade makes when seen as terminating views down Upper Market Street. The reinstatement of windows to the existing blind reveals within the north façade are welcomed and the new glazed canopy will give the desired emphasis to the main entrance.

Viewed from Lower Market Street the extended stair tower will appear as a reflective glass cube rising out from the pitched roofs below. As outlined above, accessing the roof addition has proved challenging. It has been found to be impracticable to set the stair tower behind the ridge line in order to preserve the form and outline of the existing roof. Nevertheless with careful design it could be signed/ illuminated to identify the Old Market venue to good effect.

In relation to the west elevation, the quality of Brunswick Street East is very mixed, and this elevation currently is of no interest. It is considered that that the proposed development will have a positive impact on the oblique views along this mews street.

In relation to the overall context of the street scene, the extension will not be viewed in or obscure any strategic views across the site. Its overall form will be apparent from the backs of housing in Brunswick Square and Waterloo Street; yet from these views it will be seen in the context of the overall mass and form of the Old Market building and in the context of a surrounding built environment of mixed appearance.

The Conservation Officer felt that the scheme was broadly acceptable subject to amendments. The amendments include reducing the size of the terraces to the south elevation so that they are more set back and will less be visible additions to the roof. It was also felt that proposed east facing elevation was excessive and would dominate the small courtyard area which leads to Waterloo Street through Waterloo Street arch. Amended plans were submitted showing a reduction in the size of the penthouse flats leaving a separate meeting room extension at first floor level. This effectively removes off a large section from the east facing elevation and dramatically reduces the bulk and presence of the east facing elevation.

The scheme also includes a front canopy above the front entrance. The principle was considered acceptable under previous approvals for planning permission and listed building consent in 2006. As originally submitted, the scheme proposed a canopy which projected 2.7m from the building with a length of 15m. This was deemed excessive and amended plans indicate a canopy which projects 1.5m from the building and has a length of 12.5m. This is deemed an appropriate size and the addition of the canopy is deemed acceptable. The amended plans also show the extension to the lift shaft reduced so that it is line with the top of the roof of the penthouse flats. This was deemed a more suitable height and reduces the impact of the lift shaft extension.

Internally the scheme includes a new staircase to access the proposed meeting room on the east side of the building. The staircase was originally a winding stairway. This was deemed inappropriate for the appearance of the listed building and was amended to a staircase which is flush to the back wall of the foyer. This leaves more space in the foyer. A condition is recommended that further details of the stairs are submitted to the Local Planning Authority for approval prior to commencement of works.

It cannot be denied that this scheme represents a bold and striking statement which will dramatically change the appearance of the listed building. However, it is felt that the scheme strikes a right balance and will compliment and accentuate the listed building to the visual benefit of the surrounding area. It is therefore felt that the proposal is appropriate in terms of its design, will enhance the character and appearance of the listed building and is in accordance with policy HE1 and HE3 of the Brighton & Hove Local Plan.

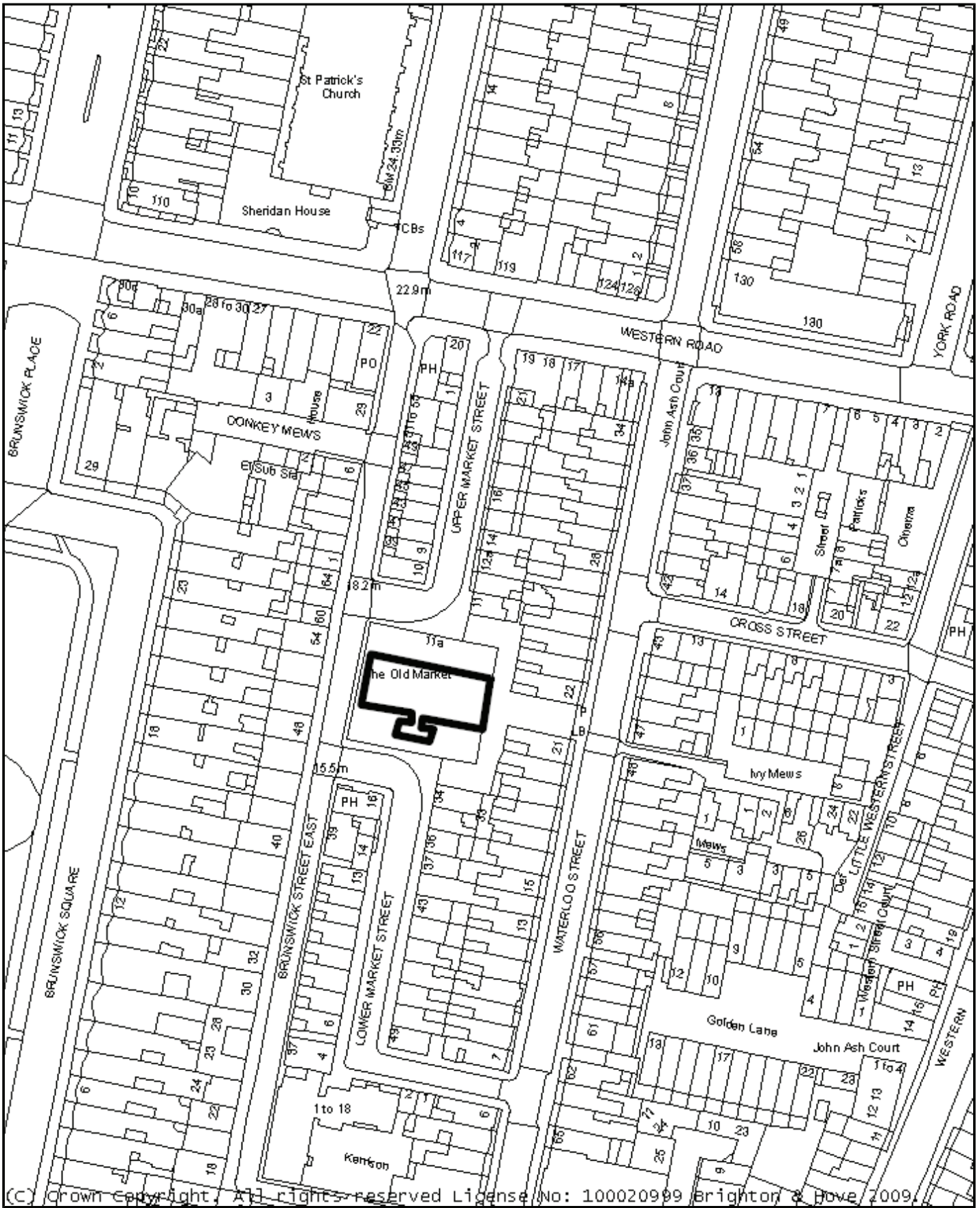
8 REASONS FOR RECOMMENDATION TO GRANT CONSENT

The proposed development is appropriate in terms of its design and appearance and preserves the architectural and historic character and appearance of the listed building.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/00415 The Old Market, 11A Upper Market Street



Date: 14/04/2009 04:16:04

Scale 1:1250



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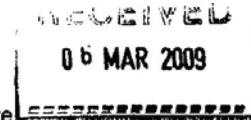


Brighton & Hove City Council

PLANS LIST – 29TH APRIL 2009

COUNCILLOR REPRESENTATION

From: Paul Elgood [Paul.Elgood@brighton-hove.gov.uk]
Sent: 05 March 2009 16:29
To: Planning Applications
Cc: David Watkins
Subject: BH2009/00414 and BH2009/00415, the Old Market, Hove



Dear Sir/Madam

BH2009/00414 and BH2009/00415, the Old Market, Hove

As the ward councillors for the area we would like to express our objections to the above planning applications.

We do not believe that the scheme is acceptable because:

- it represents a gross over development of an important historic building.;
- it will destroy the appearance of the building, especially looking down from Western Road;
- it will dominate the surrounding conservation area, which is mainly made up of two or three storey houses;
- the modern design is out of keeping to the rest of the building;
- it will create unacceptable overlooking of surrounding homes.

As the ward councillors we want to see the Old Market continue to thrive, however, we do not believe that this is the way to achieve that.

I would be grateful if you would take account of these views when considering the application.

Cllr Paul Elgood
Cllr David Watkins
Brunswick and Adelaide ward

<u>No:</u>	BH2008/01148	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Full Planning		
<u>Address:</u>	Block K, Brighton Station Redevelopment, Brighton		
<u>Proposal:</u>	Proposed office development including public open space and landscaping (Amended proposals).		
<u>Officer:</u>	Katherine Rawlins, tel: 292232	<u>Received Date:</u>	07 April 2008
<u>Con Area:</u>	Adjoining West Hill, Valley Gardens and North Laine	<u>Expiry Date:</u>	25 May 2009
<u>Agent:</u>	DMH Stallard, Gainsborough House, Regler Way, Crawley		
<u>Applicant:</u>	McAlear & Rushe Group Ltd, 17-19 Dungannon Road, Cookstown, BT80 8TL, Northern Ireland		

1 SUMMARY

The report considers an application for full planning permission on land to the east of Brighton Station. The application site is located within an area of land known as the Brighton Station Site, or New England Quarter (NEQ). Planning permission was granted in 2003 for the redevelopment of the entire area with certain reserved matters approved. A regulatory Masterplan was approved with the outline consent, which set the framework for the redevelopment of the site. Development approved as part of the Masterplan commenced on site in 2004. Further full planning permissions for separate blocks have been granted and these permissions implemented. To date, the Station Carpark (Blocks OR), the Core Site (Blocks ABCD), the Language School (Blocks LM), the Jurys Inn Hotel (Block Kb) and Block G comprising 31 townhouses and apartments are complete and occupied. Block EF (One Brighton) is currently under construction and is due for completion by July 2009. The Northern SNCI, which runs parallel to the rear of Block G, is complete but not yet open to the public. The approved Masterplan with the signed S106 Agreement is a material consideration in the determination of this application.

Full planning permission was granted in 2006 for a mixed use development on Block K, incorporating a 5/6 storey, 3 star hotel and a 4 storey office building (class B1) with public open space, piazza and landscaped garden (ref. BH2005/05142). Since the 2006 permission, the application site has been sold to separate landowners affiliated to the developer and the development implemented in phases. Construction of the Jurys Inn Hotel in the north of the site commenced in November 2006 and was completed in November 2007.

The current application seeks consent for a larger office block in the south of the site on Block K. The approved scheme granted consent for 2,793 sq m B1 commercial offices; the proposed scheme seeks consent 3,428 sq m of B1 commercial offices with public open space and landscaping. The revised application seeks permission for an amended design, which includes a fourth storey glazed 'penthouse', and a recessed sun terrace on the rear elevation,

overlooking public open space and Southern Site of Nature Conservation Interest to the rear. The proposed development seeks an increase in floor area of 635 sq m and a height increase of 2.4 metres from 55 metres to 57.4 metres AOD (parapet of main roof). A summary of the proposed floor areas and height increase in relation to the 2006 permission and the Masterplan is given in section 5 of this report.

Both the outline application and the approved scheme BH2005/05142 were supported by an environmental statement. A screening opinion was conducted before this application was submitted, and it was concluded that a further environmental statement was not required. This was on the basis that a new application would not generate significant environmental impacts to warrant a third environmental statement.

The key issues on the application include:

- the principle of B1 commercial office space on this site;
- the proposed height increase of the proposed office block;
- the visual impact of the proposed increase in height of the building on adjoining conservation areas and listed buildings;
- the quality of the public realm, ecology, sustainability and accessibility;
- the impact on transport and parking.

The report concludes that the proposal is acceptable and is considered to be in general conformity with the Supplementary Planning Guidance, approved Masterplan and relevant planning policies.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to:

i) **A Section 106 Obligation to secure the following:**

- Sustainability Measures including: 40% reduction in Co2 emission savings in accordance with the already agreed base case, bespoke BREEAM Excellent, green procurement procedure in accordance with Framework Green Procurement Procedure, grey water and rainwater recycling;
- Training and Employment Strategy for the provision of on site training and employment during the construction phase in association with City College;
- Provision and implementation of a Travel Plan for the office block, in accordance with the already agreed Framework Travel Plan, to include the monitoring of the use of the disabled parking spaces;
- A Sustainable Transport Contribution of £5,000;
- Implementation of the Southern Site of Nature Conservation Interest prior to occupation of the office block;
- Secure public access to the Local Area of Play (LAP) and informal

public open space;

- Secure access for disabled workers via the internal lift within the basement carpark of the hotel to the office;
- Secure access for disabled members of the public via the internal lift within the basement car park of the hotel to the Local Area of Play (LAP) and informal Public Open Space (POS);
- Mitigation measures during construction phase to be in accordance with those currently in operation under the Masterplan S106 Legal Agreement.

ii) Conditions

1. BH01.01 Full Planning Permission.
2. Notwithstanding the details hereby approved, no development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - i) samples of the external building finishes;
 - ii) details of the proposed building lighting schemes;
 - iii) details of the metal frame attached to the southern façade of the building;
 - iv) detailed drawings at a scale of 1:20 showing surface finishes, junctions between materials, panelling, cill arrangements and window treatments.

The development shall be carried out in accordance with the details hereby approved.

Reason: To secure a satisfactory external appearance and to preserve the character and appearance of adjacent Conservation Areas and Listed Buildings, and to comply with policies QD1, QD2, QD3, QD4, QD25, HE3, HE6 and EM13 of the Brighton & Hove Local Plan.

3. Notwithstanding the details hereby approved, no development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) details of the hard and soft landscaping, surfacing materials and lighting within the proposed area of Public Open Space;
 - ii) detailed specification for the provision of the proposed Local Area of Play (LAP) and protective barrier adjacent to the LAP;

The development shall be carried out in accordance with the details hereby approved prior to the occupation of the office.

Reason: To secure a satisfactory external appearance and to comply with policies QD1, QD2, QD3, QD4, QD15, QD25, HO6 and EM13 of the Brighton & Hove Local Plan.

4. No part of the development hereby approved shall exceed the roof heights as shown on the approved plans.

Reason: In the interests of visual amenity and to safeguard the appearance of the development, to comply with policies QD1, QD2, QD3, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.
5. Notwithstanding the details hereby approved, no development shall commence until details of the green walls, green roof terraces and sedum roof, have been submitted to and approved in writing by the Local

Planning Authority. The details shall include a specification for construction, maintenance, irrigation, soil quality, plants, dimensions of soil pits to be created for the green walls and future maintenance. The development shall be implemented and maintained in accordance with the approved details.

Reason: In the interests of nature conservation and to comply with policy QD17 of the Brighton & Hove Local Plan.

6. Notwithstanding the details hereby approved, no development shall commence until details of the nest boxes, bat boxes, bat tubes and bumble bee boxes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of nature conservation and to comply with policy QD17 of the Brighton & Hove Local Plan.

7. BH11. 02 Landscaping / planting (implementation/maintenance)
8. Vehicular movements for the purposes of loading and unloading shall only take place between the hours of 07.00 to 19.00 Monday to Friday, 08.00 to 19.00 hours on Saturdays and not at any time on Sundays or Bank Holidays.

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

9. The area marked and outlined as Southern SNCI on the site area plan hereby approved (L20 Rev E) shall be retained as a wildlife area/green corridor and amenity space. The area shall not be used for any other purpose and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or amendments or re-enactments thereof) no buildings, fences, walls or other structures shall be erected upon, or hard surfaces laid within the prior written consent of the Local Planning Authority.

Reason: To conserve and enhance the wildlife and nature conservation interest of the site and in the interest of visual amenity and to comply with policies QD19 and EM13 of the Brighton & Hove Local Plan.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

11. BH15.06 Scheme for Surface Water Drainage
12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

i) A preliminary risk assessment which has identified:

- All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination of the site.
- ii) A site investigation scheme, based on i) to provide information for assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment ii) and based on these, an options and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that works set out in iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- iii) A verification report, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The scheme shall be implemented in accordance with the approved details.

Reason: Previous historical activities associated with this site may have potentially caused, or have potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

13. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating level and existing background noise levels are to be determined, as per the guidance provided in BS 4142:1997.

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

14. BH05.07 Site Waste Management Plan

15. Notwithstanding the details hereby approved, no development shall take place until details of the construction and location of retaining walls (shown on Site Area Plan L20 Rev E) have been submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be constructed in accordance with the approved details.

Reason: To protect the landscape and ecological value of the site and the stability of the embankment, in accordance with policies QD16, QD17 and SU8 of the Brighton & Hove Local Plan.

16. BH02.07 Refuse and Recycling Storage (facilities).
17. BH06.02 Cycle Parking Details to be Submitted.
18. The development hereby permitted shall not be occupied until the vehicle parking area and the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities and parking area shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that adequate parking provision is retained and satisfactory facilities for the parking of cycles are provided, to comply with policies TR14 and TR19 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. OS Extract Site Location Plan submitted on 23 February 2009; L03 Rev i – Proposed First Floor Plan, L04 Rev i – Proposed Second Floor Plan, L05 Rev J – Proposed Third Floor Plan, L06 Rev L – Proposed Fourth Floor Plan, L07 Rev D – Proposed Roof Plan, L08 Rev E – Northern Elevation, L10 Rev F – Southern Elevation, L11 Rev F – Station Road elevation (western façade), L22 Rev B - Current Approved Site Area Analysis, L23 Rev B – Block Site Plan submitted on 20 February 2009; L01Rev J – Proposed Lower Ground Floor; L02 Rev M – Proposed Ground Floor Plan; L09 Rev F – Eastern Elevation, L20 Rev E - New Proposed Site Area Plan, L24 Rev D – Southern Site of Nature Conservation Interest Plan with Levels submitted on 5 March 2009; IMA-07-128-003 Rev A Proposed Parking Layout submitted on 8 April 2009; 3D Perspective Proposed View along Stroudley Road, 3D Perspective Southern View Into Courtyard submitted on 20 February 2009.
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 1991-2011, Brighton & Hove Local Plan 2005 set out below, and to all relevant material considerations, including Supplementary Planning Guidance.

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

S1	Twenty One criteria for the 21 st Century
S29	Implementation
E1	Economy and Employment (General)
E3	Land and premises (Quantity)
E4	Land and premises (Quantity)
E7	Regeneration of Existing Land and Premises
TR1	Integrated Transport and Environmental Strategy
TR3	Accessibility
TR4	Walking
TR5	Cycling - facilities
TR9	Public Passenger Transport – improved access
TR13	Redundant or Disused Transport Routes
TR16	Parking Standards for Development

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TR18	Cycle Parking
EN1	The Environment (General)
EN17	Nature Conservation – protection
EN18	Nature Conservation - enhancement
EN20	Habitat Compensation
EN21	Urban Wildlife
EN26	Built Environment
<u>Brighton & Hove Local Plan 2005</u>	
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network;
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD19	Greenways
QD20	Urban open spaces
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
EM1	Identified employment sites (industry and business)
EM2	Sites identified for high-tech and office uses
EM9	Mixed use and key mixed use sites
EM13	Brighton Station – mixed uses

NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important
<u>East Sussex and Brighton & Hove Waste Local Plan</u>	
WLP11	Reduction, re-use and recycling during demolition and design and construction of new developments
<u>Supplementary Planning Guidance Documents:</u>	
SPGBH 3:	Brighton Station Site Brief
SPGBH4:	Parking Standards
SPGBH15:	Tall Buildings
SPGBH9	Draft: A guide for residential Developers on the Provision of Outdoor Recreation Space (Draft)
SPD08:	Sustainable Building Design
SPD03:	Construction and Demolition Waste; and

ii) for the following reasons:

The principle of B1 commercial offices on Block K is established under the Brighton Station Site Masterplan approval for the New England Quarter and the subsequent mixed scheme on Block K, approved in 2006. The provision of high quality B1 commercial offices on Block K in a strategic City Centre location would meet Adopted Local Plan policies.

The amended office scheme on Block K would deliver a socio-economic benefit with an increased provision of skilled jobs. The proposal would make an efficient and effective use of land and would be sustainable. The design is of a high quality that would complement and reflect the character and appearance of the wider New England Quarter. The proposal would have no adverse impact on the character or appearance of the site, the wider street scene, or the amenities of neighbouring properties. The amended scheme is not considered to unacceptably harm the setting of adjacent listed buildings, the character and appearance of adjoining Conservation Areas, or long distance views. The principle of low parking provision and adequate compensatory measures to provide for more sustainable modes of transport is considered acceptable. The proposal makes adequate provision for nature conservation features within the site and the Southern Site of Nature Conservation Interest. Public open space provision is adequate. The development generally accords with Central Government Guidance, Adopted Local Plan policies and the Supplementary Planning Guidance for the Station Site SPGBH3.

3. IN05.08 Informative–Site Waste Management Plans / Waste Minimisation Statements.

4. The following Informative is required by the Environment Agency:

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires a Waste

Management Licence or Pollution Prevention and Control Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted at an early stage to avoid delays.

It is recommended that developers should refer to the Environment Agency's

- Remediation position statements outlining its regulatory position on remediation processes;
- Guidance on Definition of Waste: for assisting those involved in construction work in deciding whether or not they are handling waste;
- Website at www.environment-agency.co.uk for further guidance.

This type of site is often impacted by asbestos and this is a hazardous waste and must be disposed of in accordance with relevant requirements.

This site lies within a sensitive groundwater area. Groundwater is therefore potentially at risk from activities at the site.

All precautions should be taken to avoid discharges and spillages to the ground both during construction and subsequent operation. 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 discharged to ground.

All Pollution Prevention Guidelines information may be freely viewed and downloaded from our website at <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

3 THE SITE

The Brighton Station site known as New England Quarter comprises an area of 8.9 hectares in total and is located to the east of the Grade II* listed Brighton Station. The site was the subject of an outline application and regulatory Masterplan, which granted consent for a mixed-use, sustainable urban quarter, including retail, residential, office, food and drink, hotel, language school and community facilities. Outline consent with the approval of certain reserved matters was granted in 2003 (reserved matters for Blocks A-D and O-R). Since then, further consents have been granted for separate blocks (Blocks EF, K, G).

The site referred to as Block K forms one block within the larger Masterplan area. The New England Quarter (NEQ) has two main levels and Block K is situated on the upper plateau, adjacent to the station car park.

Planning permission was granted in 2006 (BH2005/05142/FP) for the construction of a 3* hotel and employment uses (B1) together with public open space and recreation facilities on Block K. The site is being developed in phases. Construction of the Jurys Inn Hotel, in the northern part of the site commenced in 2006 and was completed in November 2007. The approved office scheme located in the southern part of Block K has not been implemented. This application now seeks consent for a larger office building with a revised design and layout.

The application site is enclosed by hoardings and has been used as a site compound during the construction of the Jurys Inn Hotel. There is a change in ground levels across the site, with the ground falling from west to east towards Stroudley Road. A pedestrian walkway forms the northern boundary, providing access from the rear entrance of Brighton Station to Stroudley Road and London Road beyond. This link has the status of an unadopted public highway.

The land comprising the entire NEQ generally falls from west to east away from the station towards New England Street and down to London Road.

Site Surroundings:

Immediately to the north of the application site is the Jurys Inn Hotel. Block LM is located further north and is occupied by Bellerby's Language College. To the northeast is Block G, comprising 31 townhouses and apartments, and 1100 sq m B1 offices. To the south is Block J, which is currently undeveloped. To the east is Block E-F, referred to as 'One Brighton', comprising 172 apartments, 1,206 sq m B1 offices and a new community facility. Construction of 'One Brighton' commenced in January 2008 and is due for completion in 2009. To the west lies Blocks O-R, the main carpark for Brighton Station.

Further east and at a lower level are Blocks A, B, C and D, referred to as the 'Core Site'. This comprises 247 residential units, Sainsbury's Supermarket, retail units and a training centre. Occupation of the Core Site is in progress and Sainsbury's opened for trading in March 2007.

The majority of the highways infrastructure is complete to a practical level before its formal adoption by the Highways Authority. The construction of the Northern Site of Nature Conservation Interest, including a new pedestrian link from New England Road to the centre of New England Quarter, is implemented but not yet open to the public.

The NEQ site is adjoined at its southwest corner by the West Hill Conservation Area, which includes Brighton Station, and along part of the southern side of Cheapside by the Valley Gardens Conservation Area. To the

south of Trafalgar Street lies the North Laine Conservation Area. St Bartholomew's Church, a Grade I listed building, is located to the east of the application site. The Grade II* listed Brighton Station building is located to the southwest of the application site.

4 RELEVANT HISTORY

The site has an extensive planning history, summarised below:

BH2008/03317: (Listed building consent). Installation of public art feature "ghost train" (part retrospective). Application approved 18 March 2009.

BH2008/03424: Installation of public art feature "ghost train" (part retrospective). Application approved 18 March 2009.

BH2007/04527: Installation of 6 metre high Walter Bailey carved oak sculpture on the corner of Cheapside (revised siting to that approved under reference BH2006/02942). Application approved 6 March 2008.

BH2007/01377: Block K: Variation of conditions 3,4,5,6,8,12,14,15 and 17 of BH2005/05142/FP to allow for submission of details in phases and the phased development of the property and deed of variation to S106 Agreement. Application approved 10 July 2007.

BH2006/03335: Block K: Variation of conditions 3,4,5,6,8,12,14,15 and 17 of BH2005/05142/FP to allow for submission of details in phases and the phased development of the property and deed of variation to S106 Agreement. Application refused 29 January 2007.

BH2006/01430: Block G: Development of Block G for 21 townhouses and 14 apartments with 1,138 sq m of B1 office/workshop development with associated access and parking. Application approved 30 June 2006.

BH2006/01761: Blocks E - F: Mixed-use development comprising 172 residential units (Class C3), 1,206 sq m office space (Class B1) and 972 sq m community space (Class D1), accommodated within two blocks (Block E seven to ten storeys in height and Block F six to eight storeys in height) together with private and public open spaces and additional landscaping – application agreed for approval on 21 February 2007 and the section 106 signed on 27 September 2007. The decision notice was issued on 1 October 2007.

BH2006/00137: Construction of a pedestrian walkway and guard rails across the listed bridge to link the Brighton Station Northern Site of Nature conservation interest walkway to New England Road (via a new path to the New England Road embankment). Application approved 4 July 2008.

BH2005/06229: Construction of a 'Ranger Style' path on the embankment plus ramp to the New England Road footpath to form part of pedestrian link

from Brighton Station to New England Road. Application approved 4 July 2008.

BH2005/05142: Block K: Mixed use development incorporating a 5/6 storey 3 star hotel in the northern part of the site, providing 234 bedrooms and ancillary facilities (class C1) and a 4 storey office development (class B1), a public open space, a piazza and a formally landscaped garden. (Amended Scheme). Application agreed for approval in January 2006 and the section 106 signed on 3 April 2006.

BH2005/00463/FP: Block K: Mixed use development incorporating a 5/6 storey 3 star hotel in the northern part of the site, providing 262 bedrooms and ancillary facilities (class C1) and a 4 storey office development (class B1), a public open space, a piazza and a formally landscaped garden. Application withdrawn on 24 May 2005.

BH2005/00136/FP: Block J: Mixed-use development incorporating a public square; a 42 storey northern building comprising 146 residential units (class C3) and a hotel and ancillary facilities including restaurant, cafes, conference facilities and health and fitness centre (class D2); a 6 storey southern building comprising retail (class A1) and café (class A3) uses and 25 residential units (class C3), the enhancement of a site of nature conservation interest; provision of a station link; and associated landscaping and conservation features, servicing, access and parking. The Application was refused on 29 April 2005. An appeal was subsequently lodged and the appeal was dismissed following a Public Inquiry on 15 May 2007.

BH2004/01236/RM: Block L – M: Reserved matters for design, external appearance and landscaping for school and office facility including student residential and refectory pursuant to outline planning permission BH2001/01811/OA. Application approved 1st July 2004.

BH2004/00138/OA: Variation of Condition 26 of BH2001/01811/OA to permit the use of **Blocks L – M** for mixed use residential school, college or training centre and office (Class B1(a)) uses. Application approved 26th August 2004.

BH2002/02533/FP: Erection of a combined heat and power (CHP) unit, including thermal store, chimneys, improving vehicle access, boundary fencing and associated site works. The application was refused on 11/02/04.

BH2001/01811/OA: In August 2001, an application for a Masterplan Outline planning permission, with certain reserved matters approved was submitted for the redevelopment of the site. The mixed use scheme included retail, hotels, offices, food and drink, community facilities, housing, a training centre, public open space and associated highway works. Application approved 9th September 2003 following the signing of a S106 Legal Agreement.

BH1997/00244/OA and **BH1997/01178/OA:** Two applications for Outline

Planning Permission were submitted in 1997 by J Sainsbury Developments and Railtrack (now Network Rail) for a superstore of 5,740 sq. m gross (3,530 sq. m net) floor space, with 325 space surface car park, together with 50 residential units on 3 storeys north of the proposed store (all affordable in 3-storey building) and 4,645 sq. m of B1 floor space on 2 levels with 80 car park spaces. **BH1997/00244/OA** was withdrawn and **BH1997/01178/OA** was refused on 27/01/98 and subsequently dismissed at appeal.

84/1941/OA and **84/1942/OA**: On 17/09/85 two applications for Outline Planning Permission were refused for shopping facilities including unit shops, a department store and superstore with ancillary uses, the Preston Circus relief road and associated highway improvements, access roads and service areas, pedestrian malls and bridges, British Rail customer car parking, public and other parking, public transport facilities, housing, education facilities and light industrial uses.

5 THE APPLICATION

The application seeks full planning permission for the construction of a five storey office building, including public open space and landscaping on Block K within the Brighton Station Site/New England Quarter. It follows an earlier approved application (BH2005/05142/FP) on Block K for a mixed use scheme, comprising a 234 bed hotel and 2,793 sq m of B1 commercial office space. The construction of Block K is being phased: the Jurys Inn Hotel located in the north of the site is built and occupied. The current planning application seeks planning permission for a larger office building in the south of Block K, to include public open space and landscaping. The site area under this current application is 1,206 sq m (0.12 ha).

This application seeks a departure from the approved regulatory Masterplan application (BH2001/01811/OA). As such, the 2006 planning permission and Masterplan are material considerations in the determination of this planning application.

The key changes from the approved Masterplan and 2006 consent are summarised in the table below:

	Proposed scheme	2006 Consent	Masterplan approval
No. of Blocks	1	1	1
No. Storeys	5 + lower ground floor level	4 + lower ground floor level	4
Employment Floorspace	3,428 sq m	2,793 sq m	3,159 sq m
Maximum indicative Height	57.4 metres AOD	55 metres AOD (parapet	53.9 metres AOD

	(parapet of main roof)	of main roof)	
	57.7 metres AOD (timber nibs)	56.5 metres AOD (plant roof)	

The proposed office block would be five storeys with a height of 57.4 metres AOD to the main parapet roofline. The building would be located on a plateau fronting directly onto Stroudley Road, with public open space, including an informal children’s play area and the Southern Site of Nature Conservation Area, located to the rear. The public realm would be accessible from a pedestrian walkway to the north of the site.

The building footprint reflects the 2006 approved scheme, but the building line would be punctuated with a series of projecting, glazed bays, notably on the rear elevation, and the addition of a glazed, attic storey. The proposed increase in floor area is 635 sq m to create a building with a floor area of 3,428 sq m.

At ground floor level, the main pedestrian entrance to the building would be on the west elevation of the building fronting Stroudley Road. The revised scheme incorporates an enclosed sun terrace on the eastern (rear) elevation of the building accessible for office workers, which overlooks the public open space at the rear. The scheme proposes a series of balconies and green roof terraces at the fourth floor level. Windows would be inserted on the eastern (rear) elevation at lower ground floor level to overlook the Southern SNCI.

The proposed design of the office block is contemporary to reflect the wider New England Quarter. The proposed building incorporates a significant amount of glazing. The palette of materials is a mixture of white rendered walls, cedar cladding, and grey/silver metal cladding at the main entrance to the building.

Parking provision would be provided in the basement of the adjacent Jurys Inn Hotel with vehicular access from Stroudley Road. The parking provision comprises 18 car parking spaces and 16 cycle parking stands. Nine parking bays are for disabled use, with one allocated for the hotel. The remaining 9 parking bays would be operational parking bays for the proposed office block.

The proposed public open space within the application site amounts to 151 sq m and includes the proposed informal local area of play (LAP) amounting to 100 sq m, located to the rear of the office block. The proposed Southern Site of Nature Conservation Interest would be located on a steep embankment sloping towards Stroudley Road to the east and would cover an area of 298 sq m.

Amendments to the Scheme

Amended plans were received during the course of the application and have been subject to re-consultation. The amendments follow negotiations with the Head of Design and Conservation regarding a reduction in the scale and height of the building, notably the attic storey at fourth floor level, and revisions to the southern and western elevations of the building. The amendments incorporate the inclusion of green walls and the addition of solar shading on the proposed south and east elevations of the building and an increase in the area of Southern SNCI.

6 CONSULTATIONS

External:

Neighbours (Original scheme): None received.

(Amended scheme): Two representations to the amended scheme received from **38 Mayflower Square** and **36 Sheffield Court, 24 Kingscote Way**, raising the following objections:

- Road access to this area is already very limited and overcrowded;
- Proposed development will block sun (overshadowing) to mine and my neighbours properties [Sheffield Court].

Conservation Advisory Group (Original scheme): The group noted that the proposed increase in roof height would further obscure the view of the Grade I listed St Bartholomew's Church from the adjoining Conservation Areas. It considers that the general increase in height of the various developments above those set by the Masterplan, has swamped the Church. The design could be improved without increasing the roof height or adding the additional storey and recommend that the application should be refused planning permission. The group request that in the event of this application being recommended for approval that the application is determined by the Planning Committee.

(Amended scheme): None received.

East Sussex Fire Brigade (Original scheme): None received.

(Amended scheme): None received.

EDF Energy (Original scheme): No objection.

(Amended scheme): No objection.

English Heritage (Original scheme): We do not wish to comment in detail, but offer the following general observations. We looked at the site last week and noted how the development around the site had been implemented so far and how this could affect the current application.

The proposal appears to be an improvement on the previous scheme, with better engagement and interest at street level and the public faces of the scheme. It remains however that the height of the proposed development still cuts off views of St Bartholomew's Church from higher ground overlooking the

station from the west side, although it appears more of the roof can be seen. A built form that was more strongly articulated at high level with lower sections of height could allow more substantive views through from the Buckingham Place, Howard Place and Terminus Road area, thereby retaining the townscape relationship between Brighton Station and the church across the valley. English Heritage would therefore encourage further change to address this.

Recommendation: We would urge you to address the above issues and recommend that the application be determined in accordance with national and local policy guidance. It is not necessary for us to be consulted again.

(Amended scheme): None received.

Environment Agency (Original scheme) (Initial comments): Objects. The applicant has not submitted adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis.

(Original scheme) (final comments): Further to received supporting information (see prior correspondence also) we can now remove our prior objection subject to the following planning conditions: protection of groundwater from contaminated land, a scheme for surface water drainage, piling/foundation design.

(Amended scheme): No objection.

Natural England (Original scheme): No comment to make concerning the application.

(Amended scheme): If representations from other parties highlight the possible presence, or if the Council is aware of a protected or Biodiversity Action Plan (BAP) species on the site, the Council should request survey information before determining the application. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The Council should consider securing measures to enhance the biodiversity of the site if it is minded to grant permission for this application.

Network Rail (Original scheme): None received.

(Amended scheme): No comment.

North Laine Community Association (Original scheme): None received.

(Amended scheme): None received.

SEEDA (Original scheme): Supports the application which will provide modern, high quality office space close to the city centre, providing additional employment opportunities within the city, during construction and occupation, complementing target 8 of the RES. We note that the application complements policies EM1 and EM2 of the Brighton & Hove Local Plan.

Additionally, welcomes the development being designed to achieve a BREEAM 'excellent' rating.

(Amended scheme): No objection. We do not feel that these amendments affect SEEDA's previous stance on the application and therefore refer you to our earlier comments.

Southern Water (Original scheme): No objection to the proposal.

(Amended scheme): No objection.

Southern Gas Networks (Original scheme): Supplied extracts from the mains records, together with a comprehensive list of precautions for guidance. Notes presence of low/medium/intermediate pressure gas main in proximity to the site and advises that no mechanical excavations are to take place above or within 0.5 metres of the low and medium pressure system and 3 metres of the intermediate pressure system.

(Amended scheme): None received.

Sussex Police (Original scheme):

- All external glazing to the lower ground and ground floor should be laminated;
- The final exit doors to the ground floor and lower ground floor windows should all conform to LPS1175 SR3;
- The doors accessing to the protected fire shaft and from the sun terrace are both outward opening and would benefit from hinged bolts;
- The reception area will be the focal point and should be designed with health and safety in mind. Would prefer to see a double set of doors controlled electronically from the reception desk. An alternative would be access controlled turnstiles with staff having swipe cards/close proximity tags and visitors obtaining the same from reception staff. The visitor cards could be limited by time and the offices they are visiting;
- This would need a reading facility outside each office suite;
- Balcony support to southern elevation causes me some concern making each level vulnerable to entry. On that basis, I would ask for LPS1175 SR3 and laminated glass to all four levels affected;
- Lighting will be an important element for this project and I am satisfied with the solutions specified.

(Amended scheme): None received.

Internal:

Access Officer (Original scheme): The compartment size of the toilets is acceptable. The lifts are fire protected; therefore these could be used for evacuation purposes. There is provision for a Means of Escape refuge area on the escape stair landing, should this ever be needed. The lift cars should be 1400mm x 1100mm internally.

(Amended scheme): None received.

Arboriculture (Original scheme): None received.

(Amended scheme): None received.

City Clean (Original scheme): As this will be for commercial use, City Clean will not be involved in collections. In terms of the surrounding environment, we would state that no waste or recyclable receptacles can be left out on the highway. They must be kept in a storage area to prevent their waste becoming a source of street litter. The refuse storage area is small and they will be reliant on a daily collection. The area appears far from an access route but this will be negotiated with a commercial waste company.

(Amended scheme): None received.

Design & Conservation: (Original scheme) (initial comments): When considering the original Masterplan for the railway land (New England Quarter) views from Albion Hill and from Buckingham Place were identified as key views and height constraints were imposed on the outline scheme to maintain views across the valley. From Buckingham Place, the concern was to maintain a visual connection between the station, valley floor, St Bartholomew's and the hillside opposite.

The subsequent full planning permission for the hotel and offices agreed some additional height to both blocks and the hotel has of course been built in accordance with this approval.

Having reviewed these points, I have concluded that development that exceeds the height of the main façade of Jurys Inn (55.75 metres AOD) would be inappropriate on site K(a) and that the previously approved height of 55 metres should remain the maximum acceptable height of this development. Viewed from Albion Hill/Jersey Street junction, both the attic storey and plant room of Jurys Inn breach the ridge. Viewed from Buckingham Place/Terminus Street, the roof design of Jurys Inn is very visible and unattractive.

Having regard to this wider context and the above objectives, my preference in townscape terms would therefore be for a 4 storey block on this site. I do not consider the silhouette of the proposed office block of sufficient interest to justify the extra storey proposed.

(Original scheme) (final comments): The trimming back of the attic storey is a welcome improvement in providing greater visual permeability from West Hill. However, this alone has not in my view addressed fully the concerns of English Heritage. The photomontages supplied of the impact when viewed from West Hill appear to maintain views through to St Bartholomew's Church, but the attic storey does appear oversized when compared to the scale of the façade below as does the stair tower when read beside the small scale windows either side. Further adjustment to the street elevation to make for a more coherent and harmonious whole would be encouraged.

(Amended scheme): The silhouette of the proposed block as amended appears to read reasonably well beside the neighbouring blocks, as existing and as proposed, and I am satisfied that the setting of both the station and St Bartholomew's Church, when seen in key views, will be preserved.

Ecologist (Original scheme) (initial comments): Objects Insufficient information has been provided to give assurance that this development would adequately address the biodiversity requirements of policy. Further information is therefore required and without it, the application should be refused.

The following issues are of concern:

SNCI Area

Paragraph 1.33 of the Sustainability Statement submitted in support of the application states: “In our view, the increase the increase in the office floor area has no material effect on the SNCI”. A plan should be submitted showing the previously agreed boundary of the SNCI within Block K and the proposed revised boundary, clearly showing where losses and gains have been made.

Green Roof

Paragraph 3.13 of the application states that a “green roof shall incorporate a grassed turfed surface” within the site. No plans illustrate these features and plan U079 L20_B shows glass bays with a ‘sun terrace’ and decking.

Green Walls

The new scheme avoids establishing green walls on the building. Greened retaining walls are introduced into the SNCI. In my view, there is no clear ecological advantage in doing so (in preference to a simple slope). Green walls on the building itself, if properly constructed and managed, would deliver an improvement. The western (Station Road) elevation would appear to offer opportunities to do this between windows.

Ecology Report

Paragraph 5.3 lists various nest boxes. These are welcome and appear appropriate for the development. However, their locations and manufacturing details would need to be secured by condition, as would the details of the landscaping proposed for the SNCI and the proposed management plan.

(Original scheme) (final comments): Having seen the latest submitted drawings, I agree with the applicant’s analysis that a net increase in SNCI area would be delivered by this scheme over that previously approved. The location and extent of the sedum roof and green roofs is now agreed. If it is considered that the green walls on the SNCI would be better aesthetically than a simple slope, then I have no objection to them, provided they are not regarded as a substitute for green walls on the building itself. Having looked at the elevation drawings in more detail, it may be the western elevation is not the most appropriate for a green wall since the central area (between the windows) is proposed for metal cladding. However, the southern elevation has areas of white, acrylic render that might be suitable to support a green wall.

(Amended Scheme): The introduction of a green wall on the southern elevation; the increase in area of the SNCI and the incorporation of the

retaining walls within the SNCI into the land form are all welcome and in conformity with planning policy. I recommend that a condition is attached to any planning approval requiring the submission of relevant details of the green wall, including: the dimensions of the planting pit to be created, the soil to be used, the plants, suitable irrigation, the supporting frame.

Economic Development (Original scheme): Supports the application, as it provides modern office development in a location well suited to the needs of businesses looking to expand in the city or relocated to the city for a business location. This application provides 3,554 sq m (38,250 sq ft) of office space, increasing the development size by 761 sq m (8,250 sq ft).

The Planning Statement states that , *'the offices will be in the form of free standing development on four floors'*, however the plans submitted show that the offices are over five floors (including ground and then four floors). Notwithstanding the above, the application is fully supported as the size ranges of the floors (between 360 sq m and 540 sq m) are of range to meet business needs in the city.

No information is provided with regards to the letting arrangements proposed and it is hoped that some flexibility will be introduced offering development on either a floor by floor basis up to the whole development to a single occupier. With regard to employment levels, the applicant states that the proposal has the opportunity to provide employment space for 250 jobs. Based on the offPAT employment densities for office development of 5.25 to 7.8 jobs per 100 sq m, this equates to 187-277 jobs.

(Amended scheme): None received.

Environmental Health (Original scheme) (initial comments): Refuse due to insufficient information. As a major application, I would expect the developer to provide a commitment in a S106 Agreement to implement a construction and environmental management plan, or to submit a scheme in accordance with S61 of the Control of Pollution Act 1974. I am satisfied that construction noise may be dealt with through a Section 106 Agreement and/or a s61 Agreement.

Potentially contaminated land

Note the Ashdown Site Investigation Report reference LW15288 dated December 2004 identifies that the made ground has elements of contamination that require addressing in terms of lead, zinc, copper, nickel and poly aromatic hydrocarbons. The report is historic. Further details are required of how the applicant proposes to deal with contamination issues and additionally a commitment to carry out the works, and validating/verifying that such works have been carried out.

Noise

Note the FR Mark and Associates Environmental Impact Assessment, dated

July 2008. The document fails to demonstrate that the specified 5dB(A) below background is capable of being achieved for nearby residential, hotel and office accommodation. Whilst the target levels are realistic, the report does not show that local receptors are calculated with a 'windows open' scenario. Given that there are already noise issues in the immediate area with plant and machinery, which is roof mounted and intermittent, the report does not provide sufficient confidence or tonal calculations.

Environmental Health (Original scheme) (final comments): Having reviewed further correspondence and extra information from Ashdown Site Investigation, addressing issues of site contamination, and FR Mark and Associates with regards to noise and acoustic concerns, I am happy to deal with the application by means of condition(s) to address contaminated land and noise.

(Amended scheme): My earlier comments remain unchanged.

Planning Policy (Original scheme): No planning policy objections in principle. Noted that the provision of the Local Area of Play was subject to a condition attached to the previous permission, which is now under consideration for a variation.

Increase in Employment

The Local Plan identifies the Brighton Station site as a mixed use site including employment uses (both offices and workshop), housing (mixed tenures and live work), public open space, retail and community (including education/training). Policies EM1 and EM2 provide an indicative figure of 19,843-26,941 sq m for business/industrial uses, including workshops, starter units and live work provision. The approved Masterplan fell short of this provision so, subject to impacts upon the surrounding area and detailed considerations, it is felt an increase in employment provision is in general welcomed and supported.

The Brief for the site states that the site can and must fulfil a major role in meeting the employment needs of Brighton & Hove. It notes that Brighton has limited site opportunities to attract major new investors to the City and the station site is one of the largest and best accessed sites in the City. However, it also raises the need to balance local and inward investment so proposals do need to be checked by the Economic Development Team to ensure they meet current and future demands and requirements. B1 offices are encouraged by SPG3. The brief suggested this could best be located on the upper tier and expected low level car parking provision in view of the location. Subject to confirmation from the Economic Development Team, this proposal is not felt to conflict with SPG3.

The Employment Land Study noted that the City will probably have sufficient quantity of employment land identified to meet its needs up to 2016; this is dependent upon the delivery of all its identified sites. It advised that the City

ideally needs a higher quality of offer than currently possesses in order to attract high quality inward investment. In total, the City is estimated to need a net addition of at least 20,000 sq m of quality office space over the period 2016-2026. Two approaches were suggested in the study: either develop a City Centre Office Quarter or an Out of Town Business Park. The city centre option was considered to be the one most likely to help the city identify its role at a 21st century city region.

The Emerging Core Strategy has adopted a city centre office quarter approach and identified the New England Street area as the appropriate location (CP16 Strategic Employment Sites and DA4 New England Quarter and London Road). It also seeks to safeguard and promote office and high tech business in the New England Quarter which assists the city centre office quarter provision. The principle of the current proposal is not therefore felt to conflict with emerging policy.

Landscaping

Whilst the landscaping proposals do not raise any planning policy objections (indeed they are essential in addressing the identified open space requirements of the Brighton Station site/Masterplan) the type and timing of provision was secured by condition attached to previous approval (BH2005/05142). This proposal should therefore be carefully considered in conjunction with the current application to vary the respective condition (BH2008/01279).

Other Issues

Design, transport and sustainability policies and Supplementary Planning Guidance and Documents will be key in the consideration of the detail of this proposal.

(Amended scheme): No further comments.

Public Art (Original scheme): In light of the contribution to public art made in the context of the previous application for this site, no further contribution will be required for this application.

(Amended scheme): None received.

Quality of Life and Open Spaces (Original scheme): None received.

(Amended scheme): None received.

Sustainability Officer (Original scheme):

- Improvements over Part L of Building Regulations would be welcome to reduce energy demand in particular improved U values, thermal bridging and air tightness;
- Energy demand to be reduced to a minimum by improving building fabric beyond Building Regulations and to what is considered possible to build;
- Details of the final predicted energy use would be welcome for space heating, water heating and electricity use for appliances;

- An estimate of what percentage of the energy demand will be met by different technologies should be submitted;
- Sustainability Statement mentions future proofing so that PV and wind turbines can be added at a later date;
- Details of proposed materials would be welcomed as would an improvement in the number of credits gained in this section of the BREEAM report for material specification;
- The absence of solar shading on the west and some south facing and east facing windows causes concern. Solar gain is welcomed in winter, but needs to be controlled by shading and ventilation in the summer to avoid overheating;
- Green wall in the SNCI is noted. There is no attempt to use green walls on the building. Green roof terrace on the building is welcomed. Plants on the balconies and terraces should be detailed along with a rainwater harvesting scheme for their watering;
- A detailed report of the suggested rainwater harvesting scheme and grey water scheme would be welcomed. This should include the location of storage tanks on and around the building;
- The use of permeable surfaces at ground level is welcomed.

(Amended scheme): None received.

Transport Planning (Original scheme): General parking: No additional car parking is proposed for the additional office floorspace. This is consistent with national and local policy, the master plan consent for the New England Quarter as a whole, and the extreme difficulty of providing extra parking within the site.

Disabled parking: SPG4 requires at least 8 additional parking spaces for the additional floorspace but no extra spaces are proposed. This worsens the under provision which was conditionally accepted as part of the earlier application for this site (i.e. 8 spaces proposed compared to 28 required). It would be very difficult in practice to provide extra parking and a high proportion of spaces in the underground car park is already for disabled people. Although for these reasons the shortfall should be accepted, this makes the requirement for monitoring established for the previous application more important, and it is proposed that this should be attached to the current application. This would mean that (1) 8 spaces are provided initially (for the whole office development) (2) As the building is occupied spaces are allocated to each blue badge holder and 2 additional spaces are allocated for disabled visitors (3) The office owners are required to advise all new employees who are blue badge holders that they are entitled to a parking space and provide one (4) The use and availability of disabled spaces is monitored as part of the travel plan process (which operates throughout NEQ) and adjustments to practice/ provision are made if felt to be necessary by the Council in the light of monitoring information.

Cycle parking: The increased floorspace requires an extra 4 cycle parking spaces and the applicants have submitted a revised car park layout which

shows how these will be provided.

Contributions: Application of the standard contributions formula to the increase in floorspace in this application suggests that a contribution of £20,547 would be appropriate. This could enable the continuation of the subsidy enabling the extension of bus service 21 so as to provide a direct link between East Brighton and Brighton Station. The contribution should be incorporated in a S106 agreement required as part of any consent.

(Amended scheme): The revised plan for cycle parking is acceptable. The proposed initial provision of disabled parking is appropriate and the monitoring arrangements for this should be as set out in my previous comments. In view of the history of the site and previous sustainable transport contributions under application BH2005/05142/FP, a contribution of £5,000 is acceptable.

7 PLANNING POLICIES

Planning Policy Guidance (PPG's) and Planning Policy Statements (PPS's):

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPS9	Biodiversity and geological conservation
PPG11	Regional Planning
PPG 13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPG17	Planning for Open Space, Sport and Recreation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

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

S1	Twenty One criteria for the 21 st Century
S29	Implementation
E1	Economy and Employment (General)
E3	Land and premises (Quantity)
E4	Land and premises (Quantity)
E7	Regeneration of Existing Land and Premises
TR1	Integrated Transport and Environmental Strategy
TR3	Accessibility
TR4	Walking
TR5	Cycling - facilities
TR9	Public Passenger Transport – improved access
TR13	Redundant or Disused Transport Routes
TR16	Parking Standards for Development
TR18	Cycle Parking
EN1	The Environment (General)
EN17	Nature Conservation – protection
EN18	Nature Conservation - enhancement

EN20	Habitat Compensation
EN21	Urban Wildlife
EN26	Built Environment

Brighton & Hove Local Plan 2005

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network;
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD19	Greenways
QD20	Urban open spaces
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
EM1	Identified employment sites (industry and business)
EM2	Sites identified for high-tech and office uses
EM9	Mixed use and key mixed use sites
EM13	Brighton Station – mixed uses
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Reduction, re-use and recycling during demolition and design and construction of new developments

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 3: Brighton Station Site Brief

SPGBH4: Parking Standards

SPGBH 15: Tall Buildings

SPGBH9 Draft: A guide for residential Developers on the Provision of Outdoor Recreation Space (Draft)

SPD08: Sustainable Building Design

SPD03: Construction and Demolition Waste

Brighton Station Site (SPGBH3)

The Brighton Station Site brief was adopted in 1998 as supplementary planning guidance (SPGBH3) to be read in conjunction with policy EM13 of the Brighton & Hove Local Plan Second Deposit Draft. As such, the SPG is a material consideration in the determination of the planning application.

8 CONSIDERATIONS

The main planning considerations relevant to this application are:

1. The principle of employment use on the site and change in nature of employment provision;
2. The design and visual impact of the proposed building on adjoining conservation areas, listed buildings and strategic views;
3. Public realm and amenity space;
4. Sustainability;
5. Ecology;
6. Transport and Accessibility;
7. Environmental Matters;
8. Impact on Amenity;
9. Other Issues: refuse, recycling and storage facilities, public art.

1.Principle of Employment Use and Change in Nature of Employment Provision

National and local planning policies seek to attract a mixture of large scale B1 uses as part of the redevelopment of Brighton Station, in order to retain existing employment and to attract inward investment to the City. The potential of the site for attracting major B1 investment is identified as a key objective in the original Development Brief for the site, "*Brighton has limited site opportunities to attract major new investors to the town, and the site is one of the largest and best accessed in the City*". The Brief adds, "*....major B1 office accommodation could be accommodated, most probably on the upper tier of the station site. The site can and must fulfil a major role in meeting the employment needs of Brighton & Hove.*" This is reflected in policies EM1, EM2, EM9 and EM13 of the Local Plan, which identifies the station site as an employment site and for a mix of uses.

The principle of B1 employment uses on Block K is established by policy and under the Masterplan for the New England Quarter. The Masterplan application originally secured 7,191 sq m B1 commercial office space across the entire station site and approved 3,159 sq m B1 offices on Block K. This was less than Local Plan policies EM1 and EM2, which identified the whole site for 19,843–26,941 sq. m of business/industrial floorspace. However, the smaller amount of B1 floorspace was justified at the time, in order to meet the requirements of the Development Brief, which sought to secure an integrated mixed-use development. Planning permission was subsequently granted in 2005 for a decrease in B1 office floorspace on Block K of 2,793 sq m (BH2005/05142/FP).

The current proposal seeks to increase the amount of B1 commercial office accommodation on Block K by an additional 635 sq m to create a building with a floor area of 3,428 sq m.

This increase in floor area is justified in order to provide a larger, higher quality office development, which is more attractive to inward investment and for existing companies within Brighton wishing to expand. The applicant has indicated that there is demand from prospective tenants for an office block of this size, in spite of the economic downturn. The applicant has submitted an assessment of the office market within Brighton & Hove, which highlights a shortage and availability of Grade A, quality office space in Brighton & Hove, particularly in City Centre locations. The report highlights that demand is high, but only 2% of the existing office stock is Grade A commercial office space.

This demand is further supported by marketing evidence from two commercial property agents. The evidence illustrates demand from potential occupiers requiring new office space of 5,000 sq ft or more (with a total requirement for 300,000 sq ft) with tenants wishing to relocate to the City into properly specified modern day premises. The proposed larger office block would therefore meet some of the identified demand for much needed high quality office space in Brighton & Hove for companies either seeking to expand or relocate to the City.

The additional floor area is supported in principle by SEEDA and Economic Development through the creation of additional employment opportunities within the city during construction and occupation phases. The proposed larger office block would deliver an increase in the number of jobs above the approved scheme. During the operational phase, the Socio-Economic Assessment submitted with the application predicts that the proposed office accommodation has the potential to create 222 direct jobs (assuming full occupancy rates). This equates to 185 full time equivalent posts. In relation to the 2006 scheme, this created 175 direct jobs, approximately 146 full time equivalent posts.

The additional jobs created and the nature of these jobs would provide higher paid skilled jobs, with opportunities to bring those currently out of work into

employment. Given the current downturn in the economy and the impact of recession on local employment opportunities, this is considered to be an economic benefit to the City.

A series of mitigation measures were secured previously under the 2006 permission: a Training Strategy for the provision of on site training (during the construction phase) in association with City College and an Employment Strategy for the construction and operational phases in association with Constructing Futures at City College. During the construction period for the hotel and office, the applicant predicts that 150 jobs would be created. The applicant has advised that much of the direct labour force employed on the construction of the Jurys Inn Hotel was from Brighton. The provision of a Training and Employment Strategy during the construction phase is agreed by the applicant and would be secured via the new S106 Legal Agreement.

In summary, the proposal meets strategic objectives of the Masterplan and Local Plan policies with the provision of high quality B1 commercial offices in a strategic City Centre location. The proposed scheme would provide an additional socio-economic benefit compared to the 2006 scheme, through the delivery of a greater proportion of professional and skilled jobs.

2. Design, Visual Impact and Conservation

The Development Brief for the Brighton Station Site identifies roofscape as an important consideration in preserving strategic views into, out of and within the site. The Brief specified that plant and machinery should be incorporated into roof voids where possible. No prescriptive height schedule was outlined in the original Development Brief, but the approved Masterplan secured a height schedule and storey height for respective Blocks across the entire NEQ. In relation to Block K, this was 53.9 metres AOD.

The mixed use scheme approved in 2005 on Block K, granted consent for a height increase of between 55.75-59.45 metres AOD for the Jurys Inn Hotel and 55-56.5 metres AOD for the office. The impact on adjoining Conservation Areas, listed buildings and strategic views across the valley was fully tested, and the height increase found to be acceptable, in accordance with policies QD4, HE3 and HE6.

The current application seeks an increase in the height of the office block to 57.4 metres AOD to the main parapet roofline (57.7 metres to the timber nibs). This is approximately 0.9 metres taller than the approved scheme taken from the top of the roof plant (56.5 metres AOD) or 2.4 metres from the main parapet roofline (55 metres AOD).

The Brighton Station Site is identified as a Tall Buildings Node under Supplementary Planning Guidance 15. In the context of the Station site, the impact of tall buildings on North Laine Conservation Area, St Bartholomew's Church, the viaduct, railway station and views of Valley Gardens Conservation Area, and across the valley need to be critically assessed. The proposed office block would have a height in excess of 18 metres (18.4

metres) and therefore qualifies as a tall building. Given the proposed height increase and in accordance with SPG15, the applicant has submitted a Tall Buildings Statement to demonstrate that the site is suitable for a tall building and to ensure that the proposed design is of sufficient quality. A Visual Impact Assessment and Heritage Statement are also submitted in support of the application.

The proposed design of the office building would be contemporary to reflect the wider New England Quarter. In its favour, it is noted that the applicant has sought to create greater variety and distinction in the external appearance of the office building, with building set backs at the attic storey, the introduction of roof terraces at fourth floor level. The building incorporates a significant amount of glazing, notably on the rear (east) elevation. However, there is considered to be greater variety and distinction in the elevations, which creates a more attractive and interesting building.

The enlarged window treatment at ground floor level on the west elevation and the creation of the covered sun terraced on the east elevation would create an active frontage. The relationship of the office block to the walkway and the pedestrian footway along Stroudley Road, and the continuation of the building line is considered acceptable. English Heritage considers the current proposed scheme to be an improvement in design terms on the previous scheme, with better engagement and interest at street level and the public faces of the development.

The palette of materials is a mixture of white rendered walls, cedar cladding, and grey/silver metal cladding at the main entrance tower to the building on Stroudley Road. The precise detailing of the external materials, including samples, would be secured by condition. The proposed development would provide an attractive frontage to the street, and is considered to have sufficient design quality and materials, as required by Local Plan policies QD1 and QD5.

In relation to the impact on long distance views and adjoining listed buildings and conservation areas, CAG notes the proposed increase in the height of the building would obscure views of the Grade I listed St Bartholomew's Church from the adjoining West Hill Conservation Area. The group advise that the design quality could be improved without increasing the roof height.

English Heritage notes the height of the proposed building restricts some of the views of St Bartholomew's Church from higher ground overlooking the station from the west, although it appears more of the roof can be seen. English Heritage recommended that the silhouette of the building is re-defined with lower sections of height to create views through from the Buckingham Place, Howard Place and Terminus Road area, in order to retain the townscape relationship between Brighton Station and the church across the valley.

The Head of Design and Conservation considered that the silhouette and the increase in the roofline of the building in the original scheme were not considered to be of sufficient quality to justify the increase of an additional storey. It is noted that the roofline of the neighbouring Jurys Inn Hotel (specifically the attic storey and plant room) breaches the Dyke Road ridge and is visible in strategic views from Albion Hill/Jersey Street junction and Buckingham Place/Terminus Street junction.

In response, the applicant's architect has submitted amended plans and elevations, and additional visual material to assess the relationship of the revised building in strategic views from West Hill Conservation Area towards the listed Church and from Albion Hill. The key changes are summarised below:

- The northern section of the proposed office building would be lowered by one floor (4 metres) to retain more of the view of St Bartholomew's Church from higher ground to the west of the station;
- The revised eastern elevation indicates a wider aperture at high level between the proposed office and the Jurys Inn Hotel, to retain views towards St Bartholomew's Church;
- The majority of the plant equipment on the office would be located at lower ground floor level out of sight;
- A small area of roof plant would be concealed behind a glazed, screening system integrated into the curtain walling at fourth floor level.

The Head of Design and Conservation notes that the additional visual material submitted by the applicant appears to demonstrate that views through to St Bartholomew's Church would be maintained. The revisions to the attic storey are welcome and would enable greater visual permeability from West Hill Conservation Area across the valley towards St Bartholomew's Church. The Head of Design and Conservation has requested further revisions to reduce the scale, massing and bulk of the attic storey and the stair tower, as this appears oversized in relation to the western façade of the building.

In response, the applicant has submitted a series of further revisions to refine the design and reduce the visual impact of the attic storey and the fifth storey entrance tower. These revisions would improve the street elevation (proposed western façade) and south elevation of the building:

- A further reduction in the height of the attic storey by 300mm and a reduction in width of the attic storey of 600mm;
- A reduction in the height and width of the fifth storey entrance tower;
- Removal of the projecting entrance canopy on the fifth storey tower;
- Adjustments to the main masonry parapet by increasing the height of the render and reducing the height of the balustrade (the handrail is at the same height as before);
- Adjustments to the southern elevation facing the Grade II* listed station.

The applicant has responded to and addressed concerns raised by the Local

Planning Authority in an attempt to refine the silhouette of the building in long distance views, reduce the visual impact of the building, and improve the setting of adjacent listed buildings and Conservation Areas. The Head of Design and Conservation considers that the silhouette of the proposed block as amended appears to read reasonably well beside the neighbouring blocks, and the setting of both the station and St Bartholomew's Church, when seen in key views, will be preserved. It is considered that the amendments negotiated would improve the western and southern façades of the building, reduce the scale and bulk of the attic storey, and maintain some of the views across the valley and site towards St Bartholomew's Church and beyond. The design and visual impact are now considered acceptable.

3. Public Realm and Amenity Space

The principle of recreational open space on Block K was established under the original Masterplan application for New England Quarter (BH2001/01811/OA). This secured 1000 sq m of public open space on Block K, with the intention that half the space would be used as a Children's Play Area and the other half, a proposed a kick-about space to provide on site recreational provision.

The 2006 scheme provided the same level of public realm as the Masterplan (1000 sq m) but divided the open space provision into distinct areas with distinct functions: informal public open space to the north of the Jurys Inn Hotel and in a courtyard arrangement surrounded by the hotel, walkway running through the site incorporating a viewing platform, informal children's play space adjacent to the office and sloping amenity land. A contribution of £45,000 was also secured to compensate for the change in the nature of provision, and the non-provision of the kick about space for specific recreational projects at The Level.

The public realm in the north of Block K around the Jurys Inn Hotel, amounting to 849 sq m, is implemented. This includes the walkway, the internal piazza, the viewing platform and an area of public open space to the north of the Hotel opposite the Language School (Block LM).

The revised office scheme shows an area of public open space of 151 sq m, which would be located on a plateau at the rear of the office block. This would be accessible from the walkway and includes the informal play space (LAP) of 100 sq m, previously agreed under the 2006 consent, which is the minimum size permissible under the Draft SPG9: Open Space. Secure public access to the play area and surrounding public realm would be secured through the S106 Legal Agreement.

Planning policy welcomes the provision of the LAP, as this would provide some of the identified open space requirements across the site and an important element of on site recreational provision for occupiers and residents of the New England Quarter. The detailed specification for the play area, the lighting scheme, and the implementation of the play area prior to the

occupation of the office block, would be secured by condition.

In terms of the timing and delivery of the Local Area of Play, the local area of play previously permitted was due to be implemented prior to the occupation of the Jurys Inn Hotel to comply with condition 4 of planning permission BH2005/05142. This has not been delivered and is subject to separate enforcement action. The Planning Authority is in the process of pursuing enforcement investigation, with a long compliance period of 9-12 months, to account for the current contamination of the site.

4. Sustainability

Sustainability is identified as one of the key objectives in the original Development Brief for the redevelopment of the Station site. The Brief required an imaginative approach in creating new standards of excellence in environmental design, whilst effectively protecting the environment and adopting a prudent approach to the use of natural resources.

The Masterplan approval secured the commitment to delivering improved environmental design by committing to a reduction in carbon emissions from primary energy use by at least 40%. This was to be achieved through a variety of measures: building standards, low and zero carbon technologies, energy efficient design and specification. In addition, a commitment was made to minimise the environmental impacts of construction materials through green procurement strategies. All retail, office and industrial buildings were required to meet a BREEAM 'Very Good' standard, with reviews/certificates to be submitted at the design and post construction stages.

The sustainability measures approved as part of the 2006 permission and the S106 legal agreement on Block K include a 40% reduction in carbon emissions savings, green procurement strategy, with the Jurys Inn Hotel achieving a Bespoke BREEAM 'Excellent' at both the design and post construction stage.

A Sustainability Statement is submitted in support of the planning application for the revised office scheme. The application was originally submitted prior to the formal adoption of the Supplementary Planning Document (SPD08: Sustainable Building Design). The applicant has therefore submitted a supplementary statement to demonstrate how the proposal complies with SPD08, following its formal adoption. The application is also accompanied by a BREEAM Pre Assessment Estimator completed by an accredited BRE Assessor, as well as the completed sustainability checklist.

SPD08 recommends the following for a major development for a non-residential scheme of this type, this is used as a guide only:

- BREEAM Excellent with a score of 60% in the water and energy section;
- Rainwater harvesting and grey water recycling system feasibility studies;
- Membership of the Considerate Constructors Scheme.

The Statement confirms that the revised office development would meet the 40% reduction in CO2 emissions, as specified in the original Masterplan Legal Agreement. There is a commitment to achieving a Bespoke BREEAM 'Excellent' rating for the office block. The revised scheme incorporates a range of sustainability measures including:

- Design and orientation of the building to maximise passive solar gain with areas of glazing on the south and east elevations;
- Solar shading on the south and east elevations of the building to minimise overheating;
- The use of solar reducing glass;
- The integration of rain water harvesting and grey water recycling – the proposed scheme seeks to maximise all available rainwater and re-use within the development;
- A range of ecology measures including sedum roof at fourth floor level and green walls on the south elevation of the building;
- The use of porous surfacing in public areas to reduce surface water run-off;
- A score in excess of 60% in energy and water sections of the BREEAM assessment with a minimum overall rating of Excellent. The credits for this scheme in relation to energy and water are 77.8% and 83.33% respectively;
- Commitment by the applicant to undertake construction works in compliance with the Considerate Constructors Scheme;
- An assessment and comparison of a range of renewable technologies, including bio-fuel, solar photovoltaics, solar water heating, wind energy in relation to the proposed office building.

The Council's Sustainability Officer has requested additional solar shading to be provided on the south and east facades of the building and the inclusion of green walls on the building. The amendments to the scheme incorporate these recommendations. Limited details of the grey water and rainwater recycling are submitted with the application. The Sustainability Officer has advised that gravity fed grey water and rainwater schemes with storage facilities at high level are preferable, as they use less energy. Further investigation into the use of preferred renewable technologies is also recommended. There is also a need to ensure that there is a post-construction review of the predicted BREEAM scores. These details would be secured via the S106 Legal Agreement.

The submitted scheme performs well in respect of the Council's Adopted Supplementary Planning Document (SPD08) and is considered to comply with the Development Brief, Masterplan and Adopted Local Plan policies.

5. Ecology

Local Plan policies QD17 and QD18 seek to protect and integrate nature conservation features within development schemes, and to conserve and enhance rare and protected species. The Masterplan established the integration of biodiversity features with the creation of the Site of Nature

Conservation Interest (SNCI) which runs from north to south through the 8ha redevelopment site. This is a designated Site of Nature Conservation Interest under policy NC4 of the Adopted Local Plan and serves as a green linear ecological corridor of local nature conservation importance. The Northern Site of Nature Conservation Interest, located to the rear of Blocks G and One Brighton (Blocks EF), is now implemented, but not yet formally open to the public.

The approved mixed use scheme on Block K gave consent for a range of biodiversity measures, including greenwalls, nest boxes, and the extension of the Southern SNCI into the proposed informal open space area at the rear of the office block. Overall, an area of 375 sq m as Southern SNCI was approved under application BH2005/05142.

The current application is supported by an Ecological Assessment, which seeks to retain existing remnants of habitat and to enable new habitat creation and biodiversity measures, in accordance with policies NC4 and QD17. There are limited areas of existing habitat within the application site, mainly arable and urban weeds and scrub. Habitats of the plant *white ramping fumitory* would be retained and re-established on the embankment within the proposed Southern SNCI.

In terms of biodiversity and new habitat creation, there are a number of revisions proposed under the amended scheme. These are summarised as follows:

- Omission of the green wall on the north elevation of the office as approved (75 sq m) owing to poor lighting conditions;
- Integration of green walls, 54.5 sq m metres in total, as a series of three green terraces against retaining walls within the Southern SNCI;
- Incorporation of green roof terraces at fourth floor level (108.6 sq m), providing areas of external soft landscaping. It is intended that the fourth floor roof terrace on the east elevation of the building would be a sedum roof (62.6 sq m);
- Inclusion of ten nest boxes to attract species including sparrows, wagtails, kestrels, in addition to sixteen bat tubes/boxes and four bumble bee nest boxes. These would be externally mounted within the built fabric of the building and within open ground;

The Council's Ecologist has requested further justification to in relation to the removal of green walls on the building, and their incorporation within the Southern SNCI as a series of retaining walls. The Ecologist sees no ecological advantage in this approach and recommends that green walls are introduced on the elevations of the building.

In response, the applicant has introduced green walls on the southern façade of the building and removed retaining walls within the SNCI, in preference for a sloping embankment. The applicant has also submitted indicative details of the proposed sedum roof regarding construction and maintenance. Details of

nest boxes, green walls, bat boxes, and sedum roof would be secured by condition.

An area of 375 sq m was secured as Southern SNCI on Block K under the 2006 permission. This area would be increased to 454 sq m as a whole across the entire Block K site. Within the application site itself, the area designated as Southern SNCI would be 298 sq m. The Ecologist welcomes the net increase of the Southern SNCI across Block K.

The proposed measures for ecological enhancement and biodiversity outlined above would form part of a detailed nature conservation and ecology management plan to be secured through the S106 Legal Agreement. This would be implemented over a five year period, whereupon the SNCI would be managed and maintained by the Countryside Management Team. The developer has previously made a contribution of £25,000 towards the ongoing management of the Southern SNCI. In view of this existing contribution, no additional financial contribution is requested.

Natural England has requested survey information of any identified protected species and the incorporation of biodiversity measures into the scheme. No protected species have been identified on the site and the range of ecological measures is considered satisfactory. The Council's Ecologist is satisfied with the amendments to the scheme. The proposed measures for ecology and biodiversity are considered to be in accordance with policies QD17, QD19 and NC4 of the Local Plan.

6. Transport and Accessibility

The priorities identified in the original Development Brief for the Brighton Station site include the overall reduction of traffic impact, through a reduction in the use of the private car and a modal shift towards more sustainable forms of transport: walking, cycling and public transport. This is amplified by policy TR1, which stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. A Travel Plan Framework for the entire New England Quarter was secured through the S106 Legal Agreement signed in connection with the Masterplan, the purpose of which is to ensure that more sustainable modes of transport are positively promoted and implemented.

In terms of parking provision, the general provision for parking on Block K under the Masterplan approval showed 30 on site parking spaces for the offices, of which 6 were disabled bays.

The scheme approved in 2006 granted consent for 18 car parking spaces and 12 cycle stands within the basement of the hotel to be shared between the office and the hotel. Nine spaces were allocated for disabled space - one for the hotel and eight for the office complex. The low level of parking provision approved was considered to be consistent with the overall rationale agreed at the time of the Masterplan application and the level of cycle parking in

accordance with SPGBH04: Parking Standards and policy TR14. A contribution of £40,000 was also secured to enable the extension of the local bus services.

A full transport assessment is submitted with the current planning application, to comply with policy TR1. The submitted Transport Assessment notes that the proposed office block would be located less than 300 metres from the mainline Brighton Station, 400 metres from the bus interchange at the front of the Station and within easy walking distance of shops, services and buses along the London Road (approximately 800 metres). It is anticipated that movements to and from the site would therefore be split primarily between pedestrians, cyclists, bus and rail.

No additional car parking is provided for the additional 635m² of floorspace proposed. This is consistent with national and local plan policies, the Masterplan consent for New England Quarter as a whole, and the extreme difficulty of providing additional on site provision.

In relation to disabled parking provision, 8 additional parking spaces would be required for the additional floorspace proposed. An under provision of disabled parking was accepted on the 2006 approval (8 spaces proposed compared with 28 spaces as required under SPG4). However, a high proportion of spaces in the basement carpark (9 of the 18 spaces) are already allocated as disabled bays.

The 2006 approved scheme on Block K made provision for monitoring the use and availability of disabled parking bays after an initial provision of 8 disabled spaces. This shortfall therefore makes the requirement for monitoring disabled parking provision more important. The monitoring and provision of additional disabled parking bays (blue badge holders) would still be appropriate and adjustments to practice and provision made accordingly. This would be secured through the S106 Legal Agreement as part of the Travel Plan Agreement to comply with policies TR2 and TR18. There would be a controlled access to the basement carpark via a security gate. Access from the basement carpark to the office and hotel for disabled workers would be provided by an internal lift, leading across the hotel courtyard to the office and surrounding public realm.

In relation to cycle parking, the proposed increase in office floorspace requires an extra 4 cycle parking spaces. The applicant has submitted a revised car park layout in the basement carpark of the Jurys Inn Hotel, which shows how these would be provided. Sixteen secure, covered cycle stands would be provided under this amended scheme. The proposal complies with policy TR14.

The comments made in respect of road access are noted, however, the Principal Transport Officer makes no adverse comments on the application. In view of the previous sustainable transport contribution made under the 2006

approval, an additional contribution of £5,000 has been agreed by the developer and this would be secured via the S106 Legal Agreement. It is suggested that the contribution could be used for a variety of measures: either continue the subsidy enabling the extension of the bus service 21 to provide a direct link between East Brighton and Brighton Station, or to promote a range of other improvements for pedestrians and cyclists in the vicinity of the development.

7. Environmental Matters

The use of the entire NEQ site for over 150 years as a railway depot and engineering works raised potential for localised contamination. Planning conditions were imposed on the Masterplan approval requiring validation and remediation in respect of any potential land contamination. Additionally, the S106 Agreement signed in connection with the Masterplan, secured a series of mitigation measures to control the impacts of potential noise, air pollution, and short term impacts of likely traffic generation on air quality during the construction process. These mitigation measures have been transferred to subsequent S106 Legal Agreements as development has come forward on separate blocks.

The applicant has submitted supporting information to assess the possible noise impact of the development on the surrounding area arising during construction and operational phases. A light impact assessment and contaminated land assessment are also submitted in support of the application. This reflects the requirements of Local Plan policies SU3, SU9, SU10, SU11 and QD25.

The Environment Agency had raised an objection to the scheme on the basis that the submitted contaminated land assessment pre-dated current policy and guidance on the protection of groundwater. Extensive negotiations have taken place between the applicant and the Environment Agency to address this issue. The applicant has submitted further information to address these concerns and the Environment Agency has now formally withdrawn its objection, subject to further investigations and remediation of potentially contaminated land prior to development commencing on site. This would be secured by condition. The Environment Agency has also requested conditions to deal with methods of piling foundations, foundation design and surface water drainage.

The Council's Environmental Health Team has assessed the application with respect to noise and potential land contamination. Further information is requested from the applicant to show how contamination would be dealt with. Additional information is also sought with respect to the impact of noise from the proposed development on surrounding residential and office accommodation and the adjacent hotel.

The additional information supplied by the applicant to address contaminated land and noise issues is now considered acceptable by Environmental Health.

Conditions would be imposed to ensure that adequate remediation of contaminated land is completed to the satisfaction of the Planning Authority prior to commencement of development. Conditions would also be imposed to control the level of noise from plant equipment during the operational phase of the proposed development. The proposal is in accordance with policies SU3, SU9, SU10 and SU11 of the Local Plan.

The concept of light trespass into neighbouring residential, commercial and the adjacent hotel is a material consideration. This issue has been addressed by the applicant with the submission of a Light Impact Assessment. This demonstrates that there would be no significant increase in light pollution to the adjoining occupied properties, as a result of the development. There may be some perceptible increase mainly on Block EF (One Brighton) to the east of the application site, but overall, no adverse impacts would arise from the development on neighbouring residential, commercial or hotel uses. Environmental Health raises no objection. The proposal complies with policy QD25.

The Mitigation Measures to control noise, impact on traffic and air quality, during the construction phase, secured as part of the Masterplan Agreement and subsequent 2006 approval, would be transferred into the new S106 Legal Agreement.

8. Impact on Amenity

Policy QD27 requires developments to preserve the amenities of adjacent users, and occupiers with regard to daylight, outlook, privacy and sunlight. SPG15: Tall Buildings also requires the climatic effects of tall buildings on surrounding development to be assessed.

The applicant has submitted a Daylight and Sunlight Assessment, which critically examines the extent to which the proposed development would affect sunlight and daylight levels to surrounding properties. The assessment reflects best practice and guidance from the Building Research Establishment (BRE).

The nearest neighbouring properties are located approximately 50 metres to the east at One Brighton (Block E) and the residential apartments in the Core Site (Blocks C and D) at Stepney Court and Horsted Court on Fleet Street. The apartments in the Core Site are located at a distance of approximately 75-70 metres respectively on lower ground to the east. The Assessment focuses specifically on these properties.

The assessment concludes that the proposed height of the revised office would not cause a reduction in the amount of daylight and sunlight these properties receive.

Potential overshadowing as a result of the proposed development may affect a small number of balconies on Block E (54 metres to the east) and part of

the amenity area adjacent to Block E. A few balconies on the lower floor of Block E and 5% of the total amenity space in front of Block E would be overshadowed for an hour or less in late afternoon. This is not considered to be significant. The findings indicate that overshadowing may occur to a small area of the courtyard area of the hotel between the hours of 12 and 2 o'clock in the afternoon. Due to the location of Stepney Court and Horsted Court and their distance from Block K, there would be no overshadowing of amenity space or gardens associated with these residential properties.

The representation regarding loss of daylight and overshadowing from a resident of Sheffield Court is noted. A further site visit was undertaken to consider the impact on this property. Sheffield Court is a block of residential flats located within the Core Site, behind Horsted Court and Stepney Court. The first and second floor balconies referred to are north facing and are located at a significant distance from the application site (approximately 100 metres to the east). This block is therefore set well back from the application site. At time of site inspection (4pm) these balconies were overshadowed. Given the distance and location, the proposed scheme is not considered to have any worse impact on the residential amenity of these properties than currently exists.

Due to the proposed siting of the proposed office block, there may be some loss of outlook to four windows in the southern elevation of the hotel. These windows serve a stairwell. The proposed development is therefore not considered to materially harm the amenities of neighbouring properties in accordance with policy QD27.

Conditions would be imposed which control the hours of use and hours of deliveries to the office block in the interest of amenity.

9. Other Issues:

Public Art

In accordance with Local Plan policy, the original Development Brief for the site sought the provision of new public art in all new major developments, in order to create a sense of local distinctiveness and identity. It specified that schemes should involve the local community and local artists.

The S106 Legal Agreement signed in connection with the Masterplan established a Public Art Steering Group that comprises local artists, developers and is chaired by the Head of Arts and Creative Industries. A financial contribution of £150,000 was secured for public art to be provided throughout the New England Quarter. Subsequently, a further financial contribution was secured under policy QD6 towards public art with the 2006 approval on Block K. In light of the previous contribution of £10,000 made towards public art by the applicant, no further contribution is requested for this re-submission.

Refuse/Recycling/Waste

The facilities for refuse and recycling, shown at ground floor level to the rear of the proposed office block have been enlarged in response to comments from City Clean. The provision of refuse/recycling facilities would be secured by condition prior to the occupation of the development.

The applicant has submitted a site waste management data sheet with the application. The submission of a full site waste management plan to minimise construction waste would be secured as a pre-commencement condition in accordance with policy SU13.

9 CONCLUSIONS

The principle of B1 commercial offices on Block K is established under the Brighton Station Site Masterplan approval for the New England Quarter and the subsequent mixed scheme on Block K, approved in 2006. The provision of high quality B1 commercial offices on Block K in a strategic City Centre Location would meet Adopted Local Plan policies.

The amended office scheme on Block K would deliver a socio-economic benefit with an increased provision of skilled jobs. The proposal would make an efficient and effective use of land and would be sustainable. The design is of a high quality that would complement and reflect the character and appearance of the wider New England Quarter. The proposal would have no adverse impact on the character or appearance of the site, the wider street scene, or the amenities of neighbouring properties. The amended scheme is not considered to unacceptably harmful to the setting of adjacent listed buildings, the character and appearance of adjoining Conservation Areas, or long distance views. The principle of low parking provision and adequate compensatory measures to provide for more sustainable modes of transport is considered acceptable and has been established through a Masterplan process. The proposal makes adequate provision for nature conservation features within the site and the Southern Site of Nature Conservation Interest. Public open space provision is adequate. The development generally accords with Central Government Guidance, Adopted Local Plan policies and the Supplementary Planning Guidance for the Station Site SPGBH3.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The principle of B1 commercial offices on Block K is established under the Brighton Station Site Masterplan approval for the New England Quarter, and the subsequent mixed scheme on Block K, approved in 2006. The provision of high quality B1 commercial offices on Block K in a strategic city centre location would meet Adopted Local Plan policies.

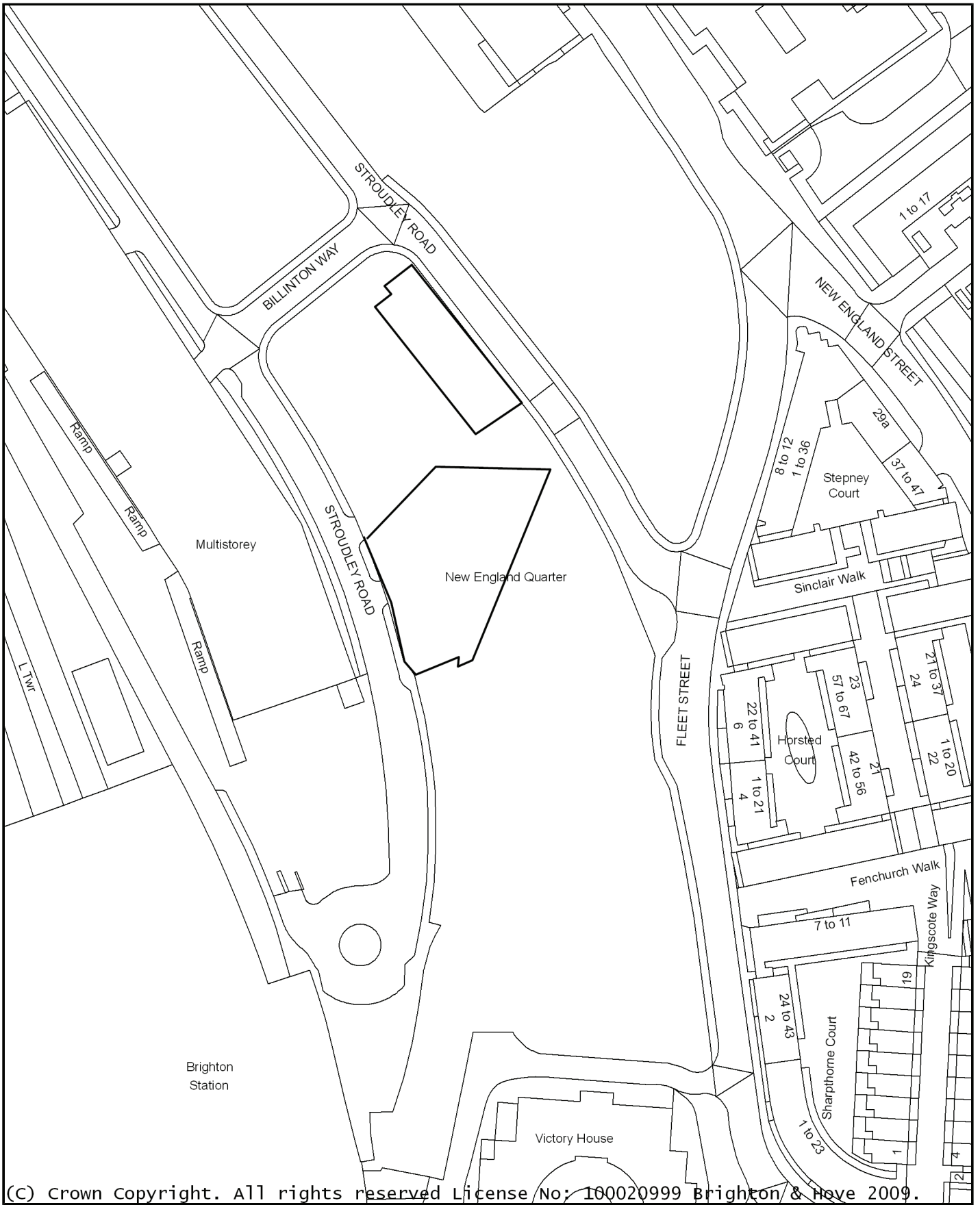
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adverse impact on the character or appearance of the site, the wider street scene, or the amenities of neighbouring properties. The amended scheme is not considered to unacceptably harm the setting of adjacent listed buildings, the character and appearance of adjoining Conservation Areas, or long distance views. The principle of low parking provision and adequate compensatory measures to provide for more sustainable modes of transport is considered acceptable. The proposal makes adequate provision for nature conservation features within the site and the Southern Site of Nature Conservation Interest. Public open space provision is adequate. The development generally accords with Central Government Guidance, Adopted Local Plan policies and the Supplementary Planning Guidance for the Station Site SPGBH3.

11 EQUALITIES IMPLICATIONS

Access into and around the office for people with disabilities would be dealt with under Part M of the Building Regulations. The lift within the basement of the adjacent Jurys Inn Hotel would enable access for disabled employees to the office, public realm and play area. Ongoing monitoring and the provision of disabled parking spaces for blue badge holders is to be secured in a Travel Plan through a Section 106 Agreement.

BH2008/01148 Block K, Brighton Station Redevelopment



Scale 1:1250



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<u>No:</u>	BH2008/03893	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land Adjoining Brighton Health & Racquet Club, Village Way Falmer		
<u>Proposal:</u>	Erection of 2-storey building for sport, recreation and social facilities, with associated plant, access, disabled, coach and cycle parking - University of Brighton, Falmer Campus.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	11 December 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 April 2009
<u>Agent:</u>	King Sturge LLP, 30 Warwick Street, London, W1		
<u>Applicant:</u>	University Of Brighton, C/o King Sturge LLP		

1 SUMMARY

The application is for full planning permission for the erection of over 3,100sqm of teaching and sports accommodation in connection with the University of Brighton campus. The application is required as the university's existing facility is to be demolished to make way for the nearby Brighton & Hove Albion Community Stadium. The application follows on from a now expired outline approval for a building in this location, although smaller in footprint.

The earlier outline planning application for campus wide development in several phases was accompanied by an Environmental Statement. A screening opinion issued prior to this current application found no Environmental Statement was required for this smaller application solely for sports facilities.

This proposal is for a two storey building constructed with a design which creates a stepped building with a higher element to house the sports hall itself and lower building to house all other facilities across two levels. A part green roof is proposed on the lower part of the building. A Pre-Assessment BREEAM report has been submitted confirming that the site meets an excellent rating and a pre-occupation condition is also recommended.

This application has been submitted with a design statement and sustainability checklist, as such the applicant has demonstrated the high quality design and sustainability credentials of the scheme.

The impact of the scheme on the AOB and the proposed national park have been assessed. The impact is considered to be acceptable.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to

GRANT planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. BH02.07 Refuse and recycling storage.
3. BH03.01 Samples of Materials Non-Cons Area (new buildings).
4. BH05.06 BREEAM – Pre-Occupation (New build non-residential) ['Excellent'/70% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'].
5. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).
6. BH05.10 Hardsurfaces.
7. BH06.03 Cycle parking to be implemented.
8. BH07.11 External lighting.
9. BH15.01 Surface Water Drainage.
10. BH15.02 Use of clean uncontaminated material.
11. BH15.06 Scheme for surface water drainage.
12. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
13. The measures for the protection of the group of Beech trees adjacent to the site covered by Tree Preservation Order (No. 20) 1974 in accordance with BS 5837 (2005) shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To ensure the protection of the trees and to comply with policy QD16 of the Brighton & Hove Local Plan.
14. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter.
Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.
15. Prior to the new access being brought into use the new access roads shall be appropriately road marked and signed in accordance with details submitted to and approved in writing by the Local Planning Authority. The

road markings and signs shall be retained in accordance with the details approved.

Reason: To mitigate for the potential conflict of the road layout, to ensure a proper and safe access and to accord with policies TR1 and TR7 of the Brighton & Hove Local Plan.

16. No development shall commence until the positioning of new fire hydrants are provided to and approved in writing by the Local Planning Authority.

Reason: To ensure there is an adequate water supply in case of emergencies, to secure public safety and to comply with policy SU3 of the Brighton & Hove Local Plan.

17. No development shall take place until details of a green or biodiverse roof have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development and shall be retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.

18. Details of a Sports Development Plan should be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The Sports Development Plan shall be implemented in full and be applied thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide enhanced sports facilities in accordance with policy EM17 in the Brighton & Hove Local Plan.

19. Prior to development commencing on site, a plan detailing how the layout of the facility complies with Sport England/NGB Technical Design Guidance Notes shall be submitted to and approved in writing by the Local Planning authority and thereafter retained as such.

Reason: To ensure the proposal provides for an acceptable inclusive layout and to comply with policy QD3 of the Brighton & Hove Local Plan.

20. Prior to development commencing on site, a Community Use Agreement Statement shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be run in full accordance with the details within the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the facility provides benefit for the wider community and to comply with policy SR20 of the Brighton & Hove Local Plan.

21. No development shall commence on site until full details confirming that the site will be developed under the Considerate Constructors Scheme has been submitted to and approved in writing by the Local Planning Authority.

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

22. No development shall commence until a scheme for nature conservation enhancement as part of the site landscaping scheme has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details to include: the choice

of plant species to be used and the number, type and locations of bird and bat boxes to be erected.

Reason: To ensure the protection and enhancement of the ecological interest of the site, to promote its use by bats and birds and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

23. Details of the renewable energy measures to be incorporated into the building shall be submitted to and approved in writing by the Local Planning Authority prior to the building being occupied. The approved measures shall be implemented in full and be applied thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives:

1. This decision is based on Waste Minimisation Statement and Design and Access Statement submitted on 11.12.08, drawing, drawing no. (08) PL008 A submitted on 30.12.08, Planning Statement, Sustainability Checklist, Site Waste Management Plan, Sport and Recreation Service Report and Corporate Plan submitted on 06.01.09, drawing no. (08) PL009 A submitted on 28.01.09, Updated Responses to Brighton and Hove Sustainability Checklist Report submitted on 05.03.09 and Phase 6 Falmer Campus Transport Statement submitted on 13.03.09, drawing nos. (08) PL001 B, (08) PL002 A, (08) PL003 A, (08) PL004 A, (08) PL005 A, (08) PL006 A, (08) PL007 A and (08) PL010 A submitted on 30.03.09, Rainwater Harvesting Brochure and drawing no. 2884-D-001 A submitted on 06.04.09 and BREEAM Pre-Assessment Estimator Report submitted on 14.04.09.

2. This decision to grant Planning Permission has been taken:

- i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials

SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU14	Waste Management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species Protection
QD19	Greenways
QD20	Urban open space
QD28	Planning obligations
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space
SR23	Community Stadium
EM18	University of Brighton
EM20	Village Way North
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
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Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPD08:	Sustainable Building Design

Supplementary Planning Guidance Notes:

SPGBH4:	Parking standards; and
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ii) for the following reasons:

The scheme exhibits a high standard of design and sustainability and will provide a replacement teaching and sports accommodation at the University of Brighton Falmer Campus. The scheme also provides good access and will not negatively impact upon the AONB, the quality of the environment within the campus and is considered to be in accordance with development plan policies. Conditions to ensure a travel plan, green roofs and a high sustainability rating are recommended.

3. IN05.06 Informative: BREEAM

4. IN05.08 Informative: Site Waste Management Plans.
5. IN05.10 Informative: Hardsurfaces.
6. IN07.11 Informative: External lighting.
7. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.
8. As a potential social venue, the applicant will also need to consider and ensure that all appropriate licences are in place in accordance with the Licensing Act 2003. Further details may be obtained from the Brighton and Hove City Council licensing team on 01273 294429.

3 THE SITE

The application relates to land adjacent to the health and racquet club (operated by Esportia) and the phase 4/5 buildings currently being erected on the University of Brighton campus at Falmer. It is located upon an existing sports field (set up as a football pitch). The campus lies on the north-eastern fringe of the city within an Area of Outstanding Natural Beauty (AONB). However, the campus is not within the current proposed South Downs National Park boundaries.

The campus comprises a number of buildings, some of which date from the original 1960's campus and others such as the library and adjacent medical school which are more recent. These comprise initial phases of a long-term redevelopment strategy by the university.

4 RELEVANT HISTORY

BH2008/01744: Erection of new teaching accommodation set over five floors with associated plant and machinery (Revised scheme of those previously permitted under Reserved Matters Approval - BH2005/05962) – approved 22.09.08.

BH2006/02464: Reserved Matters application to determine Means of Access and Landscaping in relation to Outline application BH2003/00659/OA, for the erection of phases 4/5 for the provision of new teaching accommodation on five floors. Resubmission and minor revisions to previously approved Reserved Matters application BH2005/05962 to be determined in respect of Siting, Design and External Appearance – approved 03/11/2006.

BH2005/5962: Reserved Matters application for the erection of phase 4/5 for the provision of new teaching accommodation set over five floors, associated plant machinery, access and open space following on from Outline application BH2003/00659/OA. Not to include landscaping subject to further reserved matters – approved 16/01/2006.

BH2003/00659/OA: Demolition of 6 buildings in the north east corner of the

site at Turnpike Piece. Construction of Phase 4/5 – Academic accommodation, Phase 6 – replacement gymnasium, Phase 7 – Replacement of sports pavilion, Phase 8 – Relocated floodlight netball and tennis courts, Phase 9 – All weather floodlight sports pitch and replace existing football pitch. Provision and relocation of car parking associated earthworks, landscaping and access roads – approved 14/01/2004.

BH2003/00204/FP: Demolition of Great Wilkins and erection of student accommodation – approved 03/04/2002.

BH2002/00121/FP: Demolition of Patcham House and erection of medical school, teaching and office facilities - approved 28/02/2002.

BH1999/00846/RM: Erection of new library - approved 07/09/1999.

5 THE APPLICATION

The proposal is an application for full planning permission for the erection of a new sports block incorporating gym, indoor courts, and ancillary office facilities set over two floors, with new access road and associated plant machinery at the University of Brighton Falmer Campus.

The works are part of an overall estate strategy for the campus and the relocation of the existing sports facility is required to ensure the existing site can provide for the Brighton and Hove Albion Community Stadium.

The building will be set over a total of two floors, with a design which is angular and provides a two tiered height, with green roofs. The building would be constructed and faced with a glazed, rendered, panelled and hung tile exterior.

The new access road is to be taken from the existing road which runs to the rear of the existing Library building, and would wrap around the east and north elevations of the proposed building.

The building itself is to measure approximately 58m wide x 40m deep x 12m to its highest point (being flat roofed) and 8.4m to the lower part of the building (again being flat roofed).

6 CONSULTATIONS

External:

Neighbours:

7 letters of support have been received from the occupiers of **41 Hollingdean Terrace Brighton, 35 Thornbush Crescent Portslade, 113 Surrenden Road Brighton, 70 Warren Avenue Nottingham, 33 Stafford Way Hassocks, 6 Wayland Avenue Hove and 34 Silver Lane Billingshurst** on the following grounds:

- The building has been designed to be in sympathy with its surrounding area;
- A new sports hall has already received permission in 2003, so the principle has already been established;
- The building replaces an existing facility which must be demolished before

the new football stadium can be built – an essential feature for the future of the community;

- The proposal provides better facilities for Brighton University and a proper sporting arena in the Sussex area; and
- The scheme is an essential part of the university's masterplan.

South Downs Joint Committee:

Contrary to the planning and Design and Access Statements submitted, the site is actually just within the AONB, the boundary of which runs along a track to the west/southwest, although the character and appearance of this part of the AONB has been completely transformed by the University development. Consequently, this land has been excluded from the area of the South Downs National Park (designated but not yet confirmed).

The concerns raised are therefore based only on the impact on views from elsewhere in the AONB (i.e. Stanmer Park) rather than on the immediate surroundings.

We note that the principle of a building on this site was previously established through the (now expired) masterplan and, notwithstanding that the current proposal is larger, we have no objection to the principle of development of this site.

However, we do have concerns regarding the design proposed. We appreciate that the nature of the use requires a 'boxy' layout within the building, but do not see why this has to follow through to the external appearance, which is very angular and block-like. A gently curving roof for the main block would be preferable, as it would soften the appearance and would reflect the wider Downland setting. We therefore object to the form of the building as proposed.

With regard to the cladding of the main building, the vertical striping effect may be acceptable, given that the building would be glimpsed through/above trees in views from Stanmer Park. However, we would consider it essential that the colours were kept to muted shades – grey, green etc, ideally incorporating sections of wood cladding.

Notwithstanding our objection to the design, we would welcome a condition relating to the materials used, should permission be granted.

We are also concerned that this has been registered as a full application, but that the Climate Change and Energy Checklist and the Energy section within the Design and Access Statement seem somewhat vague, referring to issues that would be addressed at the detailed design stage. These issues should be covered in full detail prior to a granting of full consent – in particular the chosen form of sustainable/renewable energy, as this could affect the external appearance.

Accordingly, we object to the application due to the angular, block like form of the proposed building, and due to the seeming lack of conclusions regarding the sustainable aspects of the design.

Natural England:

We have no comments to make on this planning proposal. However, we would like to stress that the absence of comments or direct involvement on individual plans or proposals is simply an expression of our priorities. It should not be taken as implying a lack of interest or indicating either support for, or an objection to, any proposal.

However, we would expect the Local Planning Authority to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

AONB

If the proposal site is within an Area of Outstanding natural Beauty (AONB) or potential National Park boundary, we recommend that you contact the relevant AONB unit or the South Downs Joint Committee, as appropriate, to ensure that planning issues regarding this proposal take into account any issues that may arise from this development as a result of this designation.

Local wildlife sites

If the proposal site is on or adjacent to local wildlife sites, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the county ecologist and/or local Wildlife Trust should be contacted.

Protected species

If representations from other parties highlight the possible presence, of the Council is aware of a protected or Biodiversity Action Plan (BAP) species on the site, the Council should request survey information from the applicant before determining the application. Paragraphs 98 and 99 of ODPM Circular 06/2005 and Paragraph 16 of PPG9 provide information on BAP and protected species and their consideration in the planning system.

Biodiversity enhancements

The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird next boxes. The Council should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or

habitat’.

Sport England:

The site of the proposed development forms part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817). Sport England’s adopted Playing Fields Policy, *A Sporting Future of the Playing Fields of England* (1996), sets out a policy presumption against development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field.

The proposed new sports centre comprises a sports hall (6 badminton courts), fitness suite, studio, class room, café and administration offices. The facility is intended to replace the existing (and not fit for purpose) gymnasium that would be lost as a result of the Brighton and Hove Albion community stadium development.

The proposal forms part of a comprehensive 9-Phase masterplan for the redevelopment of the University of Brighton Falmer campus. Phases 4 to 9 were granted outline planning permission in January 2004 (application no. BH/2003/0659/OA). Although this development resulted in the loss of playing pitches on site, recognising the ‘knock-on’ effects of the Brighton and Hove Albion community stadium development and subject to the certain conditions, Sport England did not object to the application. Phases 1 to 3 and Phase 9 are now complete while Phases 4 and 5 are currently under construction. This current application relates to Phase 6 (replacement gymnasium); as the time limits on the outline permission have now expired, a full application has been submitted.

As envisaged by the 2004 outline permission, it is proposed to locate the new facility on an area of playing field land to the north of the health club car park. This area is currently used as a sports training area and casual kick-about space for students. Sport England understands that alternative training facilities are available on campus and this provision has recently been enhanced with the completion of a new all weather sports pitch (Phase 9).

The applicant also advises that:

- The new facilities will replace an existing, not fit for purpose building – the sporting experience of students and staff will, therefore, be enhanced;
- The new facilities will complement the existing provision of a 3G artificial pitch and grass pitch provision on the campus allowing the University to fulfil its wider plan for sport to increase participation opportunities in a quality environment;
- The facilities will be utilised to accommodate academic needs (of the University and other academic schools), then to meet the student sporting

programme and some University and external community use (a schedule for the proposed use of the facility is submitted with the application);

- The Sport and Recreation Service contributes to community programmes that target local schools and encourage use of facilities at non-peak times by local community clubs. The University's facilities are also used for sport talent camps, regional and disability sports festivals and as a centre for sporting excellence in triathlon; and
- Some sports governing bodies have expressed a desire to use the new facilities.

Although the current proposal is for a larger development (i.e. 6 court sports hall, fitness suite, studio, etc) than that envisaged by Phase 6 of the 2004 outline permission (4 court sports hall), no additional playing field land is lost or compromised. The current proposal represents an enhanced facility offering greater opportunity for participation and benefit to sport. In this regard, the development could contribute to meeting an identified need (current and future) for sports hall and fitness provision in Brighton and Hove as highlighted in the Open Space, Sport and Recreation Study (Draft Report May 2008). It is considered that the new facilities could provide benefits to the University and the wider community as envisaged in the application details; these benefits would be greater than envisaged at the outline application stage.

The University's stated commitment to contributing to community sports development within the host community is welcomed. In order to achieve this long-term benefit to sport, Sport England requests that a community use scheme be secured through a planning condition or planning obligation, as appropriate. The scheme should be agreed with the planning authority in consultation with Sport England before the facilities are brought into use. Example community use scheme agreements are available on the Sport England website.

It is noted that, as part of the overall enhancement of sports facilities on the University campus, condition 13 of the outline permission required details of a Sports Development Plan to be submitted to the Council and approved in consultation with Sport England prior to works commencing on site. If approved, this current application should be subject to a similar condition.

In addition, to ensure continuity of sports provision, the new sports hall should be provided and made available for use before the demolition of the existing gymnasium.

Sport England also requests that an appropriately worded condition be imposed to ensure the design and layout of the development is fit for purpose and of an appropriate standard and quality design in accordance with the relevant Sport England/NGB Technical Design Guidance Notes (available via

our web site), including:

- Access for Disabled People (2002);
- Sports Halls: Sizes and Layouts (2000);
- Sports Halls: Design (1999);
- Fitness and Exercise Spaces (2008); and
- Changing Rooms and Lockers.

In view of the above, Sport England is satisfied that the proposed development could meet the policy exception criterion E5, in that the proposed indoor sports facility would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields. Subject to the above conditions, Sport England does not raise an objection to the proposed development.

Notwithstanding the above, with regard to the phased implementation of the site masterplan, Sport England notes that condition 12 of the 2004 outline planning permission required the proposed new sports hall and artificial pitch to be provided and ready for use at the same time as the proposed re-sited netball courts. This was to ensure an overall benefit to sports development. In order to achieve the overall benefit to sport envisaged by the phased masterplan development, it is important that all three elements are implemented within an appropriate timescale. In this regard, the artificial turf pitch has been implemented and the current application relates to the sports hall. It is understood that University is currently progressing the re-sited netball court phase of the development and Sport England awaits the opportunity to formally comment on this proposal.

Southern Water:

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. An informative to this effect is recommended.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Recommend that details are secured by condition.

Southern Gas Networks:

Low/Medium/Intermediate Pressure gas mains are present in proximity to the site. No mechanical excavations are to take place above or within 0.5m of the Low pressure and Medium pressure system and 3 metres of the intermediate pressure system. Where required, the positions should be confirmed using hand dug trial holes.

EDF Energy Networks:

No objection to the proposed works providing our rights are maintained as

they are at present.

East Sussex Fire Brigade:

No objection to the scheme with regard to access for Fire Appliances but without the provision of suitable water supplies for firefighting purposes the building may be at risk while delay is encountered by the firefighters in obtaining sufficient water before tackling any fire. It is requested that a condition is placed on any approval that the developer must provide Fire Hydrants in accordance with current British Standard in the vicinity of the building.

Internal:

Urban Design:

The site for this application lies in the area defined in the Urban Characterisation Study as the Universities character area of the University neighbourhood, which are described as follows:

- The Universities: compact, low rise self-contained educational campuses on the edge of the Downs, with mixed late 20th century building styles and a strong landscape focus.
- University neighbourhood may be classified as suburban downland fringe with educational use. Compact, low rise self-contained campus development with strong landscape focus.

The site itself is on a plateau, at a level above the health and racquet club, but below the level of the library and new phases of the university, which are currently under construction. The site is currently used as a training pitch for outdoor sports. As part of the university campus, the building would be expected to face onto and have strong pedestrian links from and to the university buildings, as well as routes to Falmer Station. Further, the entrance would be expected to face the university.

The Design and Access Statement provides a clear rationale for the form and layout of the building, as well as an exploration of other options. This is useful for understanding the Applicant's intentions and accessing the robustness and quality of the proposal. There are however concerns about the proposed layout.

The Applicant's design objectives for the external spaces are laudable, but these will need conditions to ensure the quality which is promised in the text and images.

Although overlooked pedestrian routes are stated as an intention, it is not considered this has been achieved in the layout. The animated entrance is welcome and the entrance is considered to be well placed. The route to the station is not overlooked at ground level, and instead a blank unanimated façade is shown along all but the entrance area at ground level. There are some windows, from the first floor dance studios, but this is a space which would not be expected to be in continual use. Although the sports hall needs

to be windowless, other uses within the building e.g. the office, meeting room, fitness suite are all potential uses which could be sited to assist with animating the façade. Users of the fitness suite and the offices would derive greater benefit from looking out over trees and open space, than the dance studios, plant rooms and storage. The storage space, plant room and changing rooms could all be placed adjacent to and/or wrapped around the sports hall, which has no possibility of windows.

Rearranging the accommodation could achieve active surveillance of the pitches and all the routes, as is stated in the design statement.

Traffic Manager:

The applicants have submitted a Transport Statement as suggested by DfT guidance. However this is largely dedicated to demonstrating that no adverse traffic impact will arise provided that the development does not generate any new trips. This fact itself is simply asserted. It is not immediately clear that the new gymnasium will generate no more trips than the facility which it is replacing- the proposed floorspace is over 3 times as large. The applicants should have sought to address this issue e.g. by comparing the scale of activities at the new and old facility and /or the trip generations predicted by TRICS for this facility alone.

There are no positive proposals other than the intention to produce a travel plan to promote the use of sustainable modes of transport. The quality of pedestrian routes to the nearest bus stops and the value of possible improvements to these routes or the bus stops and / or services themselves are not considered. Contributions or implementation of measures to improve these and / or other facilities would normally be appropriate if new trips are generated.

No general parking is proposed. This is consistent with policy provided that alternative sustainable modes provision is available and no displaced parking problem arises. Again there has been no justification of this proposal in the Transport Assessment. It is immediately clear that no displaced parking problem will arise. However it is not demonstrated in the TA that it is unnecessary to improve sustainable transport provision for the site or that the application will maximise the use of sustainable modes as required by policy TR1.

The travel plan should be required by condition. This should be subject to approval by the Council prior to initial occupation. The condition can only refer to this development but in practice it is likely that a campus wide plan which includes this new facility will be prepared and this is clearly satisfactory.

The number and layout of the cycle and disabled parking provision is consistent with SPG4 as required.

For the reasons in the first 3 paragraphs of this note it is considered that the

application does not comply with local plan policy TR1 and should therefore be refused.

Comments on revised Transport Statement

The applicants have submitted a Transport Statement as suggested by DfT guidance. Much of the traffic impact analysis in it assumes that there will be no additional trip generations from the development and this is not demonstrated in the application. However, sensitivity tests have been carried out which consider the impact of extra vehicular trips being generated in proportion to the increased floorspace as suggested by the TRICS database. In practice most of any extra trips would be contained within the campus site so the sensitivity tests are appropriately cautious. The traffic work does demonstrate that with or without assuming extra generations capacity problems would not be expected to arise as a result of the development at the B2123/ Village Way/ Park Street junction. This junction is in any case to be improved as part of the highways works necessitated by Falmer Stadium.

No general parking is proposed and there are no positive proposals other than the intention to produce a travel plan to promote the use of sustainable modes of transport. The Transport Statement does not comprehensively consider the scope for improvements in local provision for sustainable modes. However, given the low number of potential trip generations, the fact that most of these would be expected to be contained within the campus, and the fact that there are no uncontrolled residential areas locally to which parking could be displaced, it would be unreasonable to require S106 funding for off site improvements to the transport network.

The travel plan should be required by condition to encourage the use of sustainable modes and comply with policies TR1 and TR4. This should be consistent with the travel plans for other parts of the campus and subject to approval by the Council prior to initial occupation. The condition can only refer to this development but in practice it is likely that a campus wide plan which includes this new facility will be prepared and this is clearly satisfactory.

The number and layout of the cycle and disabled parking provision is consistent with SPG4 as required.

Environmental Health:

Note that the development contains a number of potential noise sources, with items such as plant and machinery being dominant and as a gymnasium, would anticipate an air handling system to heat and cool the premises. There is no evidence of noise sources or mitigation measures within the application.

Would welcome further details of what is proposed in terms of drawing 08 PL010 the roof plan showing on site energy generation.

No objection subject to a condition addressing noise from plant/machinery and an informative covering other licences.

Planning Policy:

Summary

This enhanced, replacement gymnasium relates to the University of Brighton's Falmer Campus masterplan redevelopment and is supported by policy EM18. The proposed Community Stadium (Policy SR23) requires this relocation, as it is to be partly located on the site of the current gymnasium. Thus the principle of the replacement of the gymnasium to the proposed location is a justifiable exception to policy QD20, as it actively supports the development objectives of the Brighton & Hove Local Plan in allowing Policy SR23 to come forward. Policy SR20d is applicable and the proposal should be of benefit to the local community,

Main comments

The University of Brighton is currently implementing a masterplan at their Falmer Campus, submitted under outline application BH/2003/00659/OA (now time expired). This planning application relates to Phase 6 of the outline application, although the proposal is now larger than originally envisaged. Many of the masterplan phases have been completed or are currently underway. This proposal is supported by policy EM18 (University of Brighton).

The existing gymnasium lies within the proposed Community Stadium site, SR23. The Community Stadium is of strategic importance and requires the gymnasium to relocate rather than simply upgrade its existing facilities. Whilst there is a policy concern over the loss of open space the unique circumstances of this proposal could, on balance, justify an exception to QD20.

Policy SR20 protects the loss of public and private outdoor recreation space. SR20 d. specifies that there should be provision of an appropriate alternative site. This has already been compensated for in previous masterplan phases through the provision of an artificial surface on an existing outdoor football pitch to the south of nearby student accommodation, which allows for an intensification of its use. Secondly, SR20 d. also requires that the proposal is of benefit to the local community and provides similar community and amenity facilities. To this end, a Community Use Agreement using the Sport England template should be made to ensure that this gymnasium is available for bookings and use by the community. The new facility should offer an increased amount of indoor sports provision.

PPG17 Planning for Open Space, Sport and Recreation paragraph 15, part ii, and iv. need to be considered. To this end, the existing site would not form a full size sports pitch, and the proposal is of good benefit to the provision of sport, especially with a Community Use Agreement. This proposal will continue to provide a sports/recreation use albeit indoors but which could be considered a better offer.

Policy QD19 Whilst the loss of this open space is also regrettable in relation to the impact on the indicative Greenway (QD19) again on balance it is felt an

exception could be justified.

Arboricultural:

There are no trees on the proposed development site itself, however, immediately to the west is a group including fine over-mature Beech trees. These are covered by Tree Preservation Order (No. 20) 1974.

The arboricultural section would not wish to object to this proposal, however, we would like it made a condition of any consent granted that they are protected to BS 5837 (2005) Trees in Relation to Construction prior to any development commencing.

Ecology:

It appears the development is proposed for an area of amenity grassland with no obvious biodiversity implications. The biodiversity section of the Sustainability Checklist appears to be missing, but other than no particular biodiversity issues.

City Clean:

As a commercial premise, Cityclean would not be operating a collection from the development and therefore do not have any concerns or comments with this application.

Sustainability Advisor:

SPD08 recommendations:

Zero annual net CO₂ from energy use

Membership of the Considerate Constructors Scheme

70% in energy and water sections of BREEAM assessment with an overall result of Excellent

Feasibility studies on rainwater harvesting and grey water recycling systems

SU2 recommendations:

SU2 asks for measures that seek to reduce fuel use and green house gas emissions.

The use of materials that minimise overall energy use and space for refuse, waste recycling and composting. And measures that seek to reduce water consumption.

Assessment of SPD08 recommendations:

Zero CO₂ emissions from energy use

A reduction of 26% of CO₂ emissions is indicated by using low and zero carbon technologies.

Zero CO₂ emissions are not achieved as recommended in SPD08. Brighton and Hove City Council (BHCC) like to see that energy demand has been minimised further by reducing heat loss by using an efficient building envelope with efficient building services. The response report suggests roof insulation might be built beyond regulations but other elements will be built to

just pass building regulations. The actual efficiency of the building services have not been submitted to enable comment on this element of the building fabric to be made.

Further details of the air pump fuelled by gas would be welcomed.

BHCC welcome passive means to heat, cool, ventilate and light buildings before active measures are used. The use of thermal mass is welcomed to regulate temperatures throughout the day. Further details of where the thermal mass will be placed would be welcomed. There appears to be limited natural daylight in the sports hall. Consideration should be given to high level windows as well as roof lights to reduce dependence on artificial lighting.

There is no indication that membership of the Considerate constructors scheme will be undertaken.

The report indicates BREAAAM very good will be achieved. BHCC's recommendations are for BREAAAM excellent. There is also no indication of the levels that will be achieved in energy and water.

BHCC welcomes the rainwater harvesting for WCs and for plant irrigation.

Assessment of SU2 recommendations:

There is no indication that materials with low environmental impact will be used and there is no allowance for refuse or for encouraging composting on site. The café could be encouraged to compost by providing a facility in the kitchen. Where is the kitchen?

Public Art:

No public art contribution will be sought in this instance.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance

SU13	Minimisation and reuse of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD19	Greenways
QD20	Urban open space
QD28	Planning obligations
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space
SR23	Community stadium
EM18	University of Brighton
EM20	Village Way North
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
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Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPD08:	Sustainable Building Design

Supplementary Planning Guidance Notes:

SPGBH4:	Parking standards
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8 CONSIDERATIONS

The main considerations in the determination of this application are the principle of the development, including planning history; the design and appearance of the building; landscaping; the impact of the proposal on the AONB (and proposed National Park); the impact on highways issues; sustainability issues; waste management and ecology issues.

Principle of the development

Policy EM18 relates to the University of Brighton. It confirms that planning permission will be granted for university uses including at Falmer, the redevelopment of the campus for a medical school, enhanced sports facilities and student accommodation. Any development should take into account the cumulative effect of the other development proposals in the area, in particular

the cumulative effect on transport and the natural environment of development proposals set out in policies SR23 The Community Stadium, EM2 Falmer Business Park, EM19 Sussex University and EM20 Village Way North.

The application seeks to provide a new, updated sports building for use by the University of Brighton. This is to replace the existing, out-dated facility which is currently located elsewhere on the campus. The existing facility is to be demolished as part of the Brighton and Hove Albion Community Stadium, and thus a replacement elsewhere within the campus is required.

The application proposal clearly conforms to policy EM18, as it seeks to provide enhanced sports facilities for the university.

Policy QD20 relates to urban open space. It confirms that planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value.

The loss of an area of open space important to people will only be considered in exceptional circumstances. For example where it can be demonstrated that the proposal is of national importance or essential to meet social, environmental and/or economic needs which cannot be located elsewhere. Where such exceptional circumstances apply, the planning authority will require alternative appropriate open space provision of a suitable size, type, layout character, appearance and location.

The relocation of the sports block for the university, as stated above, is required to allow for the development of the community stadium, which is considered to be of national importance, as confirmed in the Secretary of State's decision letter for that development. Therefore, it is considered that the proposal allows for a nationally important scheme to proceed, and the replacement facility is essential to meet the needs of the university.

Therefore, the application proposal has the exceptional circumstances required to be treated as an exception to policy QD20.

Policy SR20 relates to the protection of public and private outdoor recreation space. It confirms that planning permission will not be granted for development on areas of outdoor recreation space, other than that which is incidental and appropriate to the respective recreation uses, unless, it can be demonstrated that the land is not an important open space under the terms set out in the Urban Open Space Policy (QD20); and

- a. There is not an existing deficiency in accessible outdoor recreation space in the respective locality and it will not create a deficiency in outdoor recreation space;

- b. The land physically cannot be made accessible to the public;
- c. The sports, recreation and amenity facilities can best be retained and enhanced, including, where appropriate, the creation of suitable access to the public, through the redevelopment of a small part of the site; or
- d. The proposal is of benefit to the local community and includes the provision of an appropriate alternative site, which is accessible to the public, provides similar community and amenity facilities, and, is in a suitable location so as to serve the original catchment area.

Particular attention will be paid to the need to retain playing fields.

With regard to criteria c and d, where planning permission is granted for development or an area of outdoor recreation space, conditions will be imposed or a planning obligation will be sought in order to ensure that the onsite facilities are retained and enhanced or similar facilities are provided on an appropriate alternative site.

The wider university redevelopment masterplan provides for enhancements to other areas of open space. Most notably the creation of a floodlit all weather pitch elsewhere on the campus. This pitch has already been developed, and is in active use.

As confirmed in the comments from planning policy, a community use agreement, utilising the Sport England template, should be made to ensure that the gymnasium is available for bookings and use by the community. Therefore, the facility would offer an increased amount of indoor sports provision.

It is considered that the proposal therefore complies with policy SR20.

Policy QD19 relates to Greenways and confirms that development within the setting of a greenway will be required to contribute to the provision and/or enhancement of the network, proportional to the development and its potential impact on the greenway. Planning permission will not be granted for proposals that are likely to hinder the provision of a proposed diction or harm the existing greenway network or its objectives.

It is considered that, on balance, an exception to this policy can be made having regard to the strategic importance of the requirements of this replacement facility. The proposal would not significantly restrict existing pedestrian movement through the campus.

Notwithstanding the justification in planning policy terms above, it is also relevant that the site has a, now expired, outline planning consent for the erection of a sports facility in the same location. This was approved under planning reference BH2003/00659/OA. Whilst it is noted that this facility was smaller than the current proposal, it does nevertheless confirm that the principle of a replacement sports facility in this location is acceptable.

The previous application sought consent for a gym facility across 2 floors, being a total of 885sq.m. This would have been contained in a building with a footprint of approximately 37m wide x 25m deep. As the application was in outline form only, thus there was no indication of height given at this time.

Design and appearance of the building

Policy QD1 relates to design – quality of development and design statements. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. In areas of drab and uninteresting character, the planning authority will expect the opportunity to be taken to create new buildings and areas of distinction on suitable sites.

Unless a development proposal is within an area featuring a distinctive historic style of architecture, replication on existing styles and pastiche designs will be discouraged. The following design aspects will be taken into account in all developments:

- a. Scale and height of development;
- b. Architectural detailing;
- c. Quality of materials;
- d. Visual interest particularly at street level; and
- e. Appropriate levels and type of landscaping.

A 'Design Statement' will be required with all large scale development proposals, sites in prominent locations, significantly smaller sites in conservation areas or sensitive sites within the setting of major or listed buildings.

Policy QD2 relates to design – key principles for neighbourhoods. It confirms that all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of streets and spaces;
- f. Linkages with surrounding areas, especially access to local amenities e.g. shops, community facilities, open spaces;
- g. Patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
- h. Natural landscaping.

In addition to the above, the development should take the opportunity to

minimise the opportunities for crime to take place, through the integration of its design into the neighbourhood.

Policy QD4 relates to design – strategic impact. It confirms that in order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted.

The following features and buildings are considered to be of strategic importance:

- a. Views of the sea from a distance and from within the built up area;
- b. Views along the seafront and coastline;
- c. Views across, to and from the Downs;
- d. Views across valleys;
- e. Views into and from within conservation areas;
- f. The setting of listed buildings and locally well known landmark buildings of townscape merit;
- g. Vistas along avenues, boulevards and steeply rising streets; and
- h. Initial views of Brighton & Hove from access points by all modes of transport.

As mentioned above, the proposed building is of a significant size, measuring approximately 58m wide x 40m deep x 12m to its maximum height (being flat roofed) and 8.4m high to the lower part of the roof (again, being flat roofed).

The building has a number of internal uses, including indoor sports hall, which necessitates the roof height of the higher part of the building, changing facilities, teaching space, office space, fitness suite and dance studios.

The design of the building has followed an evolutionary process, with 10 different design options being considered. The final design, as per the application proposal, was chosen as it was considered by the University the most suitable.

The design evolution process is shown within the Design and Assess Statement submitted with the application, and shows that many of the initial design proposals have larger floor areas than the current proposal.

The design is split into two distinct elements. The sports hall itself (the higher part of the building) to be located furthest east, with the remainder of the building (being the lower part) located to the west, fronting onto the new access road and provides the main entrance to the building.

Firstly is the sports hall block, which externally measures 28m wide x 37.5m deep x 11.9m high. This element has limited openings within it, due to the

nature of the building being utilised as a sports hall. There are a number of double doors at ground floor level.

This part of the building has been detailed in a visually simple manner, in order to reflect the nature and use of this part of the building. This element is to be clad with insulated panelling, with a palette of three colours. The application drawings show these as being muted green, grey and cream tones. The panelling will be placed in a striped effect, with the three colours being used in a random order to visually break up the large expanses of blank wall. In addition, the random effect of the panels, combined with their colour palette, ensures that this part of the scheme would more effectively blend in with the changing landscape throughout the seasons, than a blank façade in one colour.

The lower part of the building has a more varied appearance, to provide visual interest to the building, and to make the entrance a prominent feature of the building.

This element is approximately 29.5m wide x 41m at its deepest point x 8.4m to roof height. The footprint of this section is more varied, and includes steps in and out, and an angled southern wall to provide visual interest to the building.

The main entrance itself sits within an inverted square and incorporates a two storey glazed façade covering approximately 11m of the eastern elevation, and 5.5m of the southern elevation. This has been designed to incorporate glazed panels, of similar size and colouring to the cladding to the sports hall. This glazed structure ensures that the entrance is clearly visible and legible to users of the building, whilst breaking up the elevation treatment and providing visual interest.

The ground floor element, other than the window openings, are to be rendered in a grey colour. This provides a visual contrast to the upper floor, which is to be rendered in white, with panels of reclaimed hung tiles and a number of large window openings which break up the elevation and again, provide visual interest to the building.

The roof to the lower section is to be a “Green” roof, which will be hidden behind a parapet.

Although the building has two distinct elements to it, it clearly reads as a single building when viewed within its surroundings. It is considered that these elements link together effectively, through the use of the cladding appearance within the glazed entrance, and throughout the ground floor of the lower section where the grey rendered element uses different shades, with a profile similar to that of the sports hall element.

The Phase 4/5 buildings of the University are situated at a higher level, and to

the west of the proposed building. These are currently under construction, and will provide updated teaching accommodation for the University. The design of this building is modern, as are the other replacement university buildings which have already been constructed. This new facility follows the theme of modern design incorporating fit for purpose buildings within the university campus.

The design incorporates features which can be found within the buildings of the other redevelopment buildings, such as the introduction of reclaimed tile panels and green roofs. It can therefore be seen that the design of the building would integrate effectively with the remainder of the campus.

Other buildings within the vicinity of the site include the Esportia Health and Racquet club. This is a large building which has plain white walls with two curved roof profiles. This is a fairly basic building in design terms, and the application proposal is considered to provide significant additional visual interest in this area, particularly when viewed against the existing buildings.

Comments have been received from the Council's urban design officer that do not raise any concern regarding bulk, scale and general design of the building. However, the use of the rooms within the lower two storey element of the building has been raised as a potential area of concern, due to the level of natural surveillance that would be provided over the pedestrian footpaths to Falmer train station.

Whilst these comments are noted, it is considered that there would be adequate natural surveillance of these pathways from the first floor windows of the dance studio and corridor. Clearly, no surveillance would be possible from the sports hall element of the building, as it is not desirable or practical to include window openings.

At ground floor level, it is noted that north facing accommodation comprises facilities for plant, services and refuse storage. These have been located on this elevation to ensure that the east and south elevations retain an active frontage, as these are the most sensitive in terms of legibility and as they face the existing university campus and associated buildings. Their relocation to the north or west elevations would clearly be unacceptable in these terms. Likewise, the relocation of these facilities closer to the existing blank facades of the sports hall would not be practical due to the location further away from the main facilities, as there would be a vast expanse of open space above these facilities within the hall itself which would not be an efficient use of space. The alternative would be to 'tack' these onto the side of the existing building, which would project further out from the building, and would no doubt then be unacceptable in design terms. It is therefore considered that on balance, the internal layout would be acceptable.

Landscaping

Policy QD15 relates to landscape design. It confirms that all proposals for

development must submit details to show that:

- a. Adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
- b. The proposal includes suitable open space provision;
- c. High quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
- d. Effective use has been made of existing landscape features;
- e. Where appropriate, existing nature conservation features have been retained and new suitable ones created; and
- f. If the location is appropriate, the site contributes to the Brighton and Hove Greenway Network.

Planning conditions may be imposed or a planning obligation sought in order to secure the provision of landscaping and future maintenance.

The siting of the proposed building is on an existing sports pitch, which is surrounded by other open sports pitch facilities. The surrounding open space is predominately open sports pitches also, which are in use by the University. There is existing natural vegetation, including mature trees within the vicinity of the site, but the site is mainly open and laid to grass to facilitate the playing of outdoor sports on the surrounding sites.

In order to limit the impact on the surrounding open space, the facility has been designed on as small a footprint as possible, and contained within the proposed new access road. This leaves little space for substantial additional landscaping, in the form of grassed areas. That said, there is potential for good quality hard landscaping surrounding the building itself and along the new access road.

The Design and Access Statement submitted with the application provided some detailing on the proposed hard landscaping, and confirms that the objectives are for contemporary outdoor amenity spaces, to tie in with the existing campus environs, to increase legibility and strengthen circulation routes, to allow ease of access and use and to add visual interest and compliment the proposed building itself.

A condition is proposed to ensure that details of the proposed landscaping are submitted to and approved by the Council prior to development commencing on site. This will ensure that the proposed landscaping is of sufficient high quality and integrates effectively with its surroundings.

Impact on the AONB/proposed National Park

Policy NC7 relates to the Sussex Down Area of Outstanding Natural Beauty. It confirms that development will not be permitted within or adjacent to the Sussex Downs AONB. Exceptions will only be made where:

- a. The proposal conserves and enhances the visual and landscape quality

and character of the AONB and complies with Policy NC6 ‘Development in the countryside/downland’ and other policies in the Development Plan; or

- b. It can be demonstrated that the development is in the national interest and that there are no alternative sites available elsewhere.

Where exception ‘b’ applies, development will be required to keep the adverse effects on the AONB to a minimum and to demonstrate positive environmental enhancements.

In considering development proposals within the AONB, particular attention will be paid to the:

- i. Siting;
- ii. Scale;
- iii. Design;
- iv. Landscaping;
- v. Colour and type of external materials;
- vi. Screening;
- vii. Avoidance of noise disturbance and light pollution;
- viii. Integration of nature conservation features;
- ix. Improvement of public access where it is appropriate to the area and where it does not increase the need to use private motor vehicles; and
- x. Opportunities to enhance or reinstate the natural beauty and distinctive character of the area and wider landscape.

Policy NC8 relates to the setting of the Sussex Downs AONB and confirms that development within its setting will not be permitted if it would be unduly prominent in, or detract from views into, or out of the AONB (particularly from roads, rights of way or other public places), or would otherwise threaten public enjoyment of the AONB.

The site is located within the South Downs AONB, yet is outside the recently confirmed boundaries of the South Downs National Park (which is yet to be brought into effect). The University of Brighton Campus has been excluded from the National Park boundaries due to the harm it caused to this part of the character and appearance of this part of the AONB.

This, combined with the presence of the now expired outline consent for a building in this location (as detailed above) confirms that the principle of a building in this location, within the AONB is acceptable. Thus the application conforms to the requirements of policy NE7.

However, the proposal must also comply with policy NC8, which relates to the setting of the AONB.

The site is located on a level piece of land, which is located to the east of the main university campus buildings. It is also located at a significantly lower

level than these buildings, being at the bottom of the slope which leads up to the educational uses. It is located on a similar level as the adjoining Esportia Health Club to the east, including its associated car park to the south, and the halls of residents buildings beyond.

Therefore the site is not as prominent within the landscape as the main university campus, including the new Phase 4/5 building.

To the north of the proposed buildings is a group of mature trees which would assist in screening the proposal in longer views, particular in summer when the leaves are in season.

The proposal is most sensitive when longer views are taken from the surrounding area, such as from Stanmer Park. The applicants have addressed this issue in the Design and Access Statement submitted with the application, by providing a 'before' and 'after' image from Stanmer Park. This shows that the proposed building would be visible; however this is taken with the remainder of the university campus in the background, and thus does not obscure any long views of open countryside.

The proposed building would be viewed as significantly lower than the existing campus buildings, which is assisted by the fact that the site is situated at a lower level. The halls of residents building to the south of the proposed building will still be visible behind the new building, due to them being higher than the proposed sports building.

The adjacent Esportia health club would be equally prominent, if not more so due to the fact this has a larger footprint than the proposed building. The proposal would have the added benefit of screening the majority of car park to the Esportia health club, effectively hiding the large number of parked cars which are usually present, from the AONB at Stanmer Park.

As stated above, the chosen colour palette of materials helps to ensure that the building would blend, as far as possible, into the landscape. A condition is recommended regarding the submission of sample materials to ensure that this occurs in practice.

Highway issues

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

A 'Transport Assessment' will be required where a development proposal is above government advisory thresholds.

Below the advisory thresholds, a TA may be required where it is considered that there could be an adverse impact on transport.

Where the TA indicates that the development will have an unacceptable impact on transport, that is not addressed by remedial measures set out as part of the planning application, then planning permission will be refused.

Policy TR4 relates to travel plans and confirms that they will be required for developments that are likely to have significant transport implications. These include:

- Major developments for employment, shopping, leisure and recreation, new or expanded education proposals;
- Smaller developments, below the advisory thresholds where a travel plan would alleviate local traffic or air quality problems, associated with traffic generated by the proposed development.

Policy TR14 relates to cycle access and parking. It confirms that in all proposals for new development and changes of use, applicants should provide facilities for cyclists in accordance with the parking guidance. These include:

- Safe, clearly defined and well lit access and approaches to, and circulation within, the development site; and
- Secure, convenient, well lit, well signed and wherever practical, sheltered cycle parking, close to the main entrance of premises, in accordance with the Council's approved parking standards.

Policy TR19 provides advice for parking standards, and confirms that planning permission will be granted for new developments and changes of use, where parking levels meet the parking standards set out in the Supplementary Planning Guidance 4 'Parking Standards'.

The applicants have submitted a Transport Statement with the planning application. This has subsequently been revised following the comments from the Council's Transport Planning department on the initial document submitted.

The revised document now provides detailed information regarding the accessibility of the new facility from public transport modes, as well as detailing information regarding the potential transport impact when assessed against that of the existing facility. Specifically, it confirms that the proposed building is sited 280m from the closest bus stop and 460m from Falmer Train Station.

The scheme provides parking for 5 no. dedicated disabled parking spaces. There will be facilities for coach parking also, for the instances when this would be required.

It is noted that the existing sports facility does not have any dedicated user parking, and that parking is provided for within the main university campus car

park. Therefore users will be able to, as existing, park within the main campus car park, if travelling to the facility by car. As the facility is providing a replacement sports block, and the number of visitor numbers is to remain broadly unchanged, the existing parking facilities for the campus are considered to be acceptable to serve the new sports facility.

Concern was raised was previously raised by the Council's Transport Planning department regarding an assumption that the new facility will not be providing any greater visitor trips than the existing facility. This was due to the proposed facility being larger, and offering more facilities than the existing one. However, the revised TA covers this point adequately, as it confirms proposed increases in student numbers for the forthcoming years being marginal increases compared to the existing and also that the new facility will have larger more spacious facilities rather than providing an large increase in the number of facilities being provided. These measures back up the claims by the applicants that the new facility is unlikely to increase visitor numbers over and above those visiting the existing facility to any significant degree.

Sustainability issues

Policy SU2 relates to efficiency of development in the use of energy, water and materials. It confirms that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials, provided that they are otherwise in accordance with the other policies of the development plan.

Proposals will be required to demonstrate how the following factors have been integrated into their siting, layout and design:

- a. Measures that seek to reduce fuel use and greenhouse gas emissions;
- b. The incorporation/use or the facilitation of the use, of renewable energy resources;
- c. Measures that seek to reduce water consumption;
- d. Measures that enable the development to use grey-water and rainwater; and
- e. The use of materials and methods to minimise overall energy and/or raw material inputs.

When considering these factors, particular regard should be given to the following:

- i. Daylight/sunlight;
- ii. Orientation;
- iii. Building form;
- iv. Materials;
- v. The use of natural ventilation;
- vi. Fenestration;
- vii. Landscaping;
- viii. Provision of space within each planning unit and general facilities for

- refuse, water recycling and composting; and
- ix. Suitable space for occupier and visitor cycle parking.

For developments of this type and scale, SPD08 requires 70% in energy and water sections of the relevant BREEAM assessment within overall 'Excellent' and the submission of a feasibility study on rainwater harvesting and grey water recycling systems.

The applicant has submitted the Brighton and Hove Sustainability Checklist, as well as completing their own report titled 'Updated responses to Brighton & Hove Sustainability Checklist' and dated 30.03.09.

A pre-assessment BREEAM has been submitted as part of the application which confirms that the development would meet 73.39% in the energy and water sections with an overall rating of 'Excellent' to be achieved, and thus conforms to the requirements of SPD08.

A pre-occupation BREEAM condition is recommended to ensure that the measures as stipulated within the pre-assessment report are fully implemented within the development.

With regard to the feasibility study on rainwater harvesting and the use of grey water systems it is noted that both these options have been fully considered within the 'Updated Responses' Report. It confirms that the use of grey water harvesting within the showers was considered, however the potential risk of Legionella proliferation means that this would not be possible within the proposed building. However, rainwater is to be harvested, and stored within an underground collection tank, with an overflow to the storm water drain. This will then be used for WC flushing.

In order to reduce the reliance on energy use, the following measures have been incorporated within the design of the building:

- Passive lighting where possible;
- Exploitation of thermal mass opportunities;
- The use of low flow water fittings including showers;
- Dual flush toilets;
- Low flow taps;
- Space heating and cooling demands will be reduced by the use of heat pump technology and high efficiency condensing gas boilers;
- Where mechanical ventilation is required this will be via a low energy heat recovery exchanger;
- The incorporation of a partial green roof;
- Low energy light fittings will be used;
- Solar water heating has been incorporated;
- A 26% Low Zero Carbon contribution is projected for the proposed building;

- Real-time displays of gas, electricity and water consumption will be provided in the reception area, to be visible by visitors to the facility. This will encourage reductions in energy and water consumption by users,

Comments regarding Zero CO₂ are noted. However the mechanism within the Council for dealing with this issue is still being developed.

The comments from the sustainability advisor are noted. Subject to conditions requiring the applicant to meet the relevant BREEAM levels required and that they join the Considerate Constructors Scheme, it is considered that the scheme is acceptable with regard to sustainability and would meet the requirements Local Plan policy SU2 and SPD08.

Waste management

Policy SU13 relates to the minimisation and re-use of construction industry waste. It confirms that planning permission will be granted for developments which reduce the amount of construction waste, which are otherwise in accordance with the other policies of the development plan.

The applicants have produced a site waste management plan, although its content is limited. However, it does confirm that a detail Site Waste Management Plan will be prepared once a Design and Build contractor has been appointed. It is considered that a detailed site waste management plan can be dealt with by condition, providing that no work commences prior that it being submitted and approved in writing by the Local Planning Authority.

Policy SU14 relates to waste management. It confirms that applicants proposing large-scale developments, or developments that employ or attract large numbers of people, such as supermarkets or industrial units, will be required to provide appropriately designed facilities for the recycling or re-use of the waste that they, their customers and staff generate. Hard surfaced, screened and landscaped areas will be required to be provided by developers in safe and convenient locations in substantial new housing developments within which recycling facilities, appropriate for waste generated by households, can be located if adequate facilities do not exist in the vicinity.

The applicants have provided a waste management section within their design and access statement. This confirms that the proposed facility will have refuse and recycling storage within a dedicated secure, well lit store, which is accessible directly from the side of the building. The development will, as per the existing, incorporate sufficient dedicated refuse and recycling provision and collection.

The Waste Management Statement submitted with the application confirms that waste management performance across the university campus is monitored by the Sustainable Development Policy Management Group. Waste Services (part of the Verdant Group) are the waste contractor dealing with the university campus, and have been since 2007. Since then, the

university has been successful in sending 81 tonnes of waste for recycling.

Ecology issues

Policy QD18 relates to species protection. It confirms that where it is evident that a proposal could directly or indirectly affect a species of animal or plant, or its habitat (including feeding, resting and breeding areas) protected under national legislation, European legislation or categorised as a declining breeder, endangered, extinct, rare or vulnerable in the British Red Data books, the applicant will be required to undertake an appropriate site investigation.

The use of the land as a sport pitch currently ensures that there is very little probability of the site being home to any protected species.

The comments from the Council's Ecologist are noted, in that there would be no adverse impact on ecology issues. On this basis the application is acceptable in these terms although ecological enhancement measures will be secured by condition in accordance with policy QD17.

9 CONCLUSIONS

The development will provide a high quality teaching space for the university and provide an improved sports facility which is required due to the demolition of the existing facility to make way for the Brighton & Hove Albion Community Stadium. The project displays a very high standard of design, architecture and the impact of the building is considered to be acceptable bearing in mind its present AONB designation. Subject to conditions requiring additional demonstration of sustainability issues, the scheme would have an acceptable level of sustainability also.

The vehicular access and servicing of the building is from a private road with minimal traffic levels. The road layout will be mitigated to prevent potential conflicts with road markings and signage to raise driver awareness.

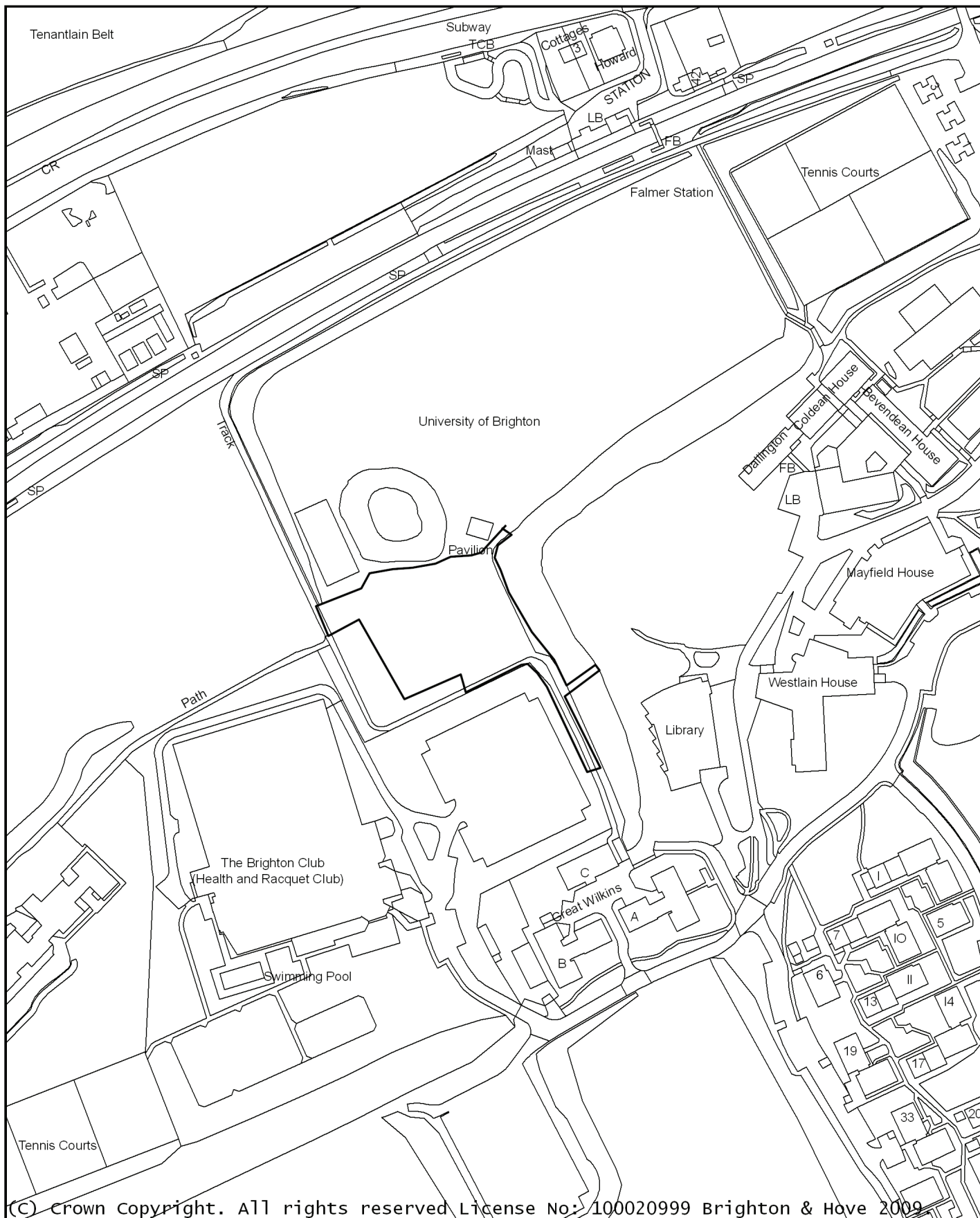
10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The scheme exhibits a high standard of design and sustainability and will provide a replacement teaching and sports accommodation at the University of Brighton Falmer Campus. The scheme also provides good access and will not negatively impact upon the AONB, the quality of the environment within the campus and is considered to be in accordance with development plan policies. Conditions to ensure a travel plan, green roofs and a high sustainability rating are recommended.

11 EQUALITIES IMPLICATIONS

The building provides 5 new disabled parking spaces, has a level access to the main entrance, a lift with access to all floors, and sufficient disabled access within the circulation spaces and changing areas, including separate disabled changing facilities.

BH2008/03893 Land Adjoining Brighton Health & Racquet Club, Village Way



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<u>No:</u>	BH2007/04125	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning		
<u>Address:</u>	Lawncroft Nursing Home, 155 Kingsway		
<u>Proposal:</u>	Construction of four/five storey, 30 bed nursing home with basement car park and ancillary staff accommodation. (Amended design)		
<u>Officer:</u>	Nicola Hurley, tel: 292114	<u>Received Date:</u>	06 November 2007
<u>Con Area:</u>	Pembroke & Princes	<u>Expiry Date:</u>	05 February 2008
<u>Agent:</u>	DWA Architects Ltd, 39 Blossom Street, York		
<u>Applicant:</u>	Mrs Holliday-Welch, Lawncroft Nursing Home, Princes Crescent, Hove		

1 SUMMARY

The proposal is for the demolition of the existing two storey, 9 bedroomed, nursing home and erection of a three to five storey building which provides a 30 bedroom nursing home.

The site is situated on a prominent corner in the Pembroke and Princes Conservation Area, on the north side of Kingsway at the junction with Princes Crescent. The proposed building is stepped from 3 to 5 storey and it is considered that it relates well to adjacent buildings in terms of height, detailing and materials and would make a positive contribution to the character and appearance of the conservation area and street scene, and sits well in its context. Whilst, the proposed development would represent an increase in the bulk and scale of the building compared to the existing building and will undoubtedly result in an increased sense of enclosure for the occupiers of no. 3 Princes Crescent, the set back introduced between the proposed development and the boundary to the north, compared to the existing separation distance between the existing building and the northern boundary, will assist in reducing the predominance of the building. Moreover, the level of obstruction and building bulk which would be caused is considered to be acceptable within the context of a development which would achieve a coherent frontage to Kingsway.

The development would achieve a BREEAM rating of “very good”. In terms of traffic the development incorporates adequate cycle and parking provision.

The application is recommended for approval subject to the signing of a section 106 to secure contributions towards the sustainable transport strategy and the conditions set out below.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to:

- i) A Section 106 Obligation to secure £6,300 towards Sustainable Transport Strategy
- ii) the following Conditions and Informatives:
 - 1. BH01.01 Full Planning Permission.
 - 2. The windows in the north facing elevation shall not be glazed otherwise than with obscured glass. The windows serving the stairwell shall be fixed shut whilst the windows serving bathrooms at first floor level and second floor level shall be top hung opening outwards and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
 - 3. BH02.06 No cables, aerials, flues and meter boxes.
 - 4. BH02.08 Satisfactory refuse and recycling storage.
 - 5. BH05.05 BREEAM – Pre-commencement (New Build Non-Residential).
 - 6. BH05.06 BREEAM – Pre-occupation (New Build Non-Residential).
 - 7. BH05.07 Site Waste Management Plan.
 - 8. BH05.10 Hardsurfaces.
 - 9. BH06.02 Cycle parking details to be submitted.
 - 10. BH07.02 Restrict use of premises (Residential Care Home/Nursing Home with Use Class C2).
 - 11. BH11.01 Landscaping/planting scheme.
 - 12. BH11.02 Landscaping/planting (implementation/maintenance).
 - 13. BH12.01 Samples of materials (Conservation Areas).
 - 14. No development shall take place, until a revised plan for the basement car park, which increases the provision of disabled parking to two spaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
Reason: To ensure the scheme provides a suitable level of disabled parking spaces and to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4: Parking Standards.
 - 15. No development shall take place until details of screening for the third floor balcony and the roof terrace at fourth floor level has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
 - 16. BH07.03 Odour Control Equipment.
 - 17. BH07.04 Odour Control Equipment (sound insulation)
 - 18. BH07.07 Soundproofing plant/machinery.
 - 19. No development shall take place until detailed drawings and construction details of the works to the highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

20. No development shall take place until details of the wall to be reinstated along Princes Crescent to the northern boundary with 3 Princes Crescent have been submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in strict accordance with the agreed details and thereafter permanently retained as such.

Reason: To ensure a satisfactory appearance to the development and in the interests of protecting the character and appearance of the conservation area and residential amenities of the occupiers of the adjacent property, and to comply with policies QD2, QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. A full list of drawing numbers will be added to the additional representations 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:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise Nuisance
SU11	Polluted and noise control
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
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building

- HE6 Development within or affecting the setting of conservation areas
- HE8 Demolition in conservation areas.
- Supplementary Planning Guidance:
- SPGBH4 Parking Standards
- SPGBH9 A guide for Residential Developers on the provision of recreational space
- Supplementary Planning Document:
- SPD03: Construction and Demolition Waste
- SPD06: Trees and Development Sites
- SPD08: Sustainable Building Design
- Planning Advisory Notes
- PAN03: Accessible housing and Lifetime Homes; and

ii. for the following reasons:

The proposed development to create a 30 bed nursing home is considered to accord with local plan policies. The scale and proportions of the existing house is not considered to enhance the character and appearance of the Conservation Area and there is no objection to the demolition of the building and replacement with a high quality building. The amended scheme is considered to represent a scale of development that respects the scale of development to the east whilst recognising the scale of the residential properties to the north. The brick elevations propose a base of materials that respects the prevailing character of the Pembroke and Princes Conservation Area and the introduction of render, assists in reducing the dominance of the brick façade as originally submitted. As amended, the corner feature responds to the stepped approach whilst visually providing the building with presence as a result of the prevailing views of the site from the west. In terms of neighbouring amenity, the proposed development, subject to compliance with the above conditions, will not result in overlooking and loss of privacy. The set back introduced along the northern boundary will assist in reducing the bulk of the building for occupiers to the north. The level of obstruction and building bulk which would be caused is considered to be unavoidable in the pursuit of a development which would present a coherent frontage to Kingsway. In addition, the proposal is considered acceptable in respect of sustainability and transport.

3. IN05.06 Informative: BREEAM.
4. IN05.08 Informative: Site Waste Management Plan.
5. IN05.10 Informative: Hardsurfaces.

3 THE SITE

The application relates to the Lawnscroft Nursing Home, a former residential care home, which is located on the north side of Kingsway at the junction with Princes Crescent. The site is located within the Pembroke and Princes

Conservation Area.

The building is a two storey detached property, which is rendered with a large feature veranda at first floor level on the front elevation. The roof is a steep red tiled pitched roof.

The area is predominantly residential in character, although the adjacent building to the east, a five storey flat roofed red bricked building, forms the Princes Marine Hotel and the building to the west, no. 157 Kingsway is a Grade II Listed Building is a nursing home. The neighbouring building to the north, no. 3 Princes Crescent, is a large two storey single dwelling house.

4 RELEVANT HISTORY

BH2007/01639: An application for Conservation Area Consent to demolish the existing building was withdrawn on the 23 July 2007.

BH2007/01160: An application for the construction of a new 4/5 storey 31 bed nursing home with basement car park, access widened and ancillary staff accommodation was withdrawn on the 19 July 2007.

5 THE APPLICATION

Planning permission is sought for the construction of a residential care home in a four/five storey building with a basement car park. As originally submitted, the scheme proposed a 29 bed residential care home, with the basement car park providing six car parking spaces. Two further car parking spaces were to be provided at ground floor level.

During the course of the application, the scheme has been amended, which included amendments to the design and increasing the number of bedrooms to 30. The design changes comprise of introducing a corner feature, and introducing increased areas of render to reduce the prominent brick elevations that were introduced in the scheme as originally submitted. Additional detailing, in the form of obscure glazed fenestration was introduced on the north facing elevation to reduce the dominance of this particular elevation on the occupiers of no. 3 Princes Crescent.

At basement level the accommodation would comprise of six car parking spaces in the basement, one disabled space with a large store, plant room, water tank store and laundry room. The ramped access to the basement is located along the northern boundary of the site. At ground floor level, the accommodation would comprise of a 96 square metre lounge/dining room, staff facilities, kitchen and office. Nine bedrooms with ensuite toilet facilities and an assisted shower room and assisted bathroom would be provided at first floor level. Three of the rooms at first floor level would have access to individual balconies (one would be internal), whilst three rooms would have access to a shared balcony. At second floor level, nine additional rooms would be provided at second floor level, each with assisted ensuite toilet facilities with an assisted shower room and assisted bathroom. Similar to the first floor level, three rooms would have access to balconies (one would be

internal), whilst three rooms would have access to a shared balcony area. Eight rooms would be provided at third floor level with assisted ensuite toilet facilities with an assisted bathroom and shower room. Four rooms would have access to balconies (one would be internal), whilst three rooms would have access to a shared balcony area. At fourth floor level, four additional bedrooms with toilet ensuite facilities are to be provided, with an assisted toilet and shower room. An additional 39.8 square metre lounge/dining room and 91.8 square metre terrace is provided at fourth floor level.

The design and access statement accompanying the application advises that the “new building would be pulled forward towards Kingsway, compared to the existing building, this siting nevertheless recognises the building line to Kingsway.” This is due to the fact that the neighbouring building to the east is positioned further forward in the site compared to the existing building.

There is a concurrent Conservation Area Consent seeking the demolition of the building (ref: **BH2007/04126**).

6 CONSULTATIONS

External:

Neighbours:

As originally submitted:

Letters of representation have been received from the occupiers of **17 Princes Court, Princes Avenue; 3 Princes Crescent** objecting to the proposal for the following reasons:

- the building is one storey too high and totally out of keeping in the conservation area;
- the windows to the rear should be obscure glazed to avoid direct overlooking of adjacent properties;
- the boundary wall adjoining 3 Princes Crescent should be at least 2.5m in height to avoid overlooking and limit noise and exhaust pollution from vehicles entering and leaving the site;
- the terrace at third floor level will overlook garden of 3 Princes Crescent. This area could be used as a smoking area for staff and visitors which will encroach on privacy. It is requested that the area be deleted or a screen erected at a height of no less than 2m to afford privacy;
- the terrace at fourth floor level will also cause overlooking;
- neighbouring residents have experienced problems with ventilation ducting from Princes Marine Hotel. Any ventilation from the kitchen should be run up the east side of the building.

A letter of support has been received from the occupier of **16 Walsingham Road** raising the following points:

- a new nursing home which will benefit the community.
- the design will smarten up the area and be a wonderful landmark.

Brighton & Hove City Teaching Primary Care Trust: The PCT support the scheme.

CAG: As originally submitted: The Group recommends refusal on grounds of overdevelopment of the site, having regard to the relationship of this proposal to the setting of the dwellings immediately to the north. They consider the design uninspiring, particularly at street level, and the mix of materials to be of questionable merit.

Comments following amendments to the scheme: Concern was expressed over the type and colour of brick to be used; that illustrated in the computer images looked much too dark. Otherwise the group considered the design acceptable and the height entirely appropriate. For these reasons the group raise no objection to the demolition of the existing building and agreed to recommend that both applications be approved but subject to a condition requiring samples of the materials for the new development to be submitted for later approval.

Hove Civic Society: As originally submitted: The Society wishes to object to the proposal for a nursing home on the above site on the following grounds: i) overdevelopment of the site; and ii) overbearing on the house to the north with consequent loss of light.

Internal:

Conservation & Design: As originally submitted: This is a very prominent corner seafront site. There is no objection to the demolition of the existing building, which is of no merit, and it is acknowledged that redevelopment with a building of greater height, scale and presence has the opportunity to improve the mixed townscape of Kingsway and enhance the appearance of the conservation area, as set out in the applicant's Design Statement. A number of design concerns were raised in respect of the previous, withdrawn scheme. These related to footprint/building line, the elevations/proportions, the materials, the blank north elevation and the widened access to the boundary wall in Princes Crescent. Whilst the design of the current scheme is not inspiring, it largely overcomes the concerns about the elevations/proportions by making the Kingsway elevation more formal, with a simpler series of planes that relates better to the prevailing formality of the Kingsway buildings. This scheme also overcomes the previous concerns about materials – the use of red brick as the predominant material, contrasted by render and reconstituted stone, helps the design to relate better to its context and reflect the typical materials of the conservation area. The mix of materials also relates well to the existing boundary wall. The choice of brick will, though, be crucial to the scheme. The north elevation has been improved by the revised materials and the insertion of stairwell windows and the enlargement of the windows to the communal corridor, though the north west corner remains rather bland in the perspective from the north.

The proposed building line remains set forward of the common building line that exists in this whole block (from Sackville Road to Princes Crescent) and this will be particularly evident in views along Kingsway from the east. The scheme also still includes the significant widening of the entrance in Princes

Crescent, by partial demolition of the boundary wall. Tall boundary walls are an important feature of the Pembroke and Princes Conservation Area and the loss of a further section is a harmful alteration. The width of this opening should be kept to the minimum size to satisfy highway requirements.

Comments following amendments: The amended plans have evolved positively over a series of draft revisions and are now considered to satisfactorily address the original concerns. The quality of the design is considered to be an improvement over the previous scheme. The massing is less block-like, the proposed building now turns the corner in a more interesting manner and steps down more coherently in scale from Kingsway to Princes Crescent. The proportions of the building are well balanced and the mix of materials and disposition of windows and balconies respond well to the context. Additionally, the principal ground floor elevations are better articulated. The retention of the entire boundary wall in Princes Crescent and the removal of ground floor car parking are very welcome.

Contracts Unit: The Contracts Unit support the application as the city is short of nursing home provision. Currently over 60 older people and older people with mental health needs are placed outside Brighton & Hove as a direct result of lack of provision within the city.

Environmental Health: No objection subject to the imposition of conditions regarding odour control equipment; soundproofing, refuse storage.

Public Art: The application is below the threshold for contributions in respect of policy QD6.

Traffic Manager: No objection subject to conditions to ensure that car and cycle parking is provided prior to the occupation of the building and that the crossover is constructed to approved standards. The use as a nursing home will not generate demand for traffic that cannot be catered for on the existing road network in terms of parking capacity and safety.

7 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
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise Nuisance
SU11	Polluted and noise control
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
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas.

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design

Planning Advisory Notes

PAN03: Accessible housing and Lifetime Homes

8 CONSIDERATIONS

The determining issues in respect of this application relate to firstly, whether the proposed development accords with local plan policies; secondly, whether the scale and design of the proposed development is considered acceptable; thirdly, whether the proposal preserves or enhances the character and appearance of the Conservation Area; fourthly, whether the scheme achieves an acceptable sustainability level; fifthly, whether the proposal will be detrimental to neighbouring amenity; and finally, whether the scheme is considered acceptable in respect of traffic.

Planning Policy:

Policy HO11 relates to a residential care and nursing homes and states planning permission will be granted for new residential care and nursing homes and extensions to existing residential care and nursing homes where it can be demonstrated that the proposal:

- a) will not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking;
- b) provides adequate amenity space (a minimum depth of 10m and not less

than 25m² per resident – although a lower standard may apply for nursing homes where residents are less mobile)

- c) is accessible to people with disabilities;
- d) provides for operational parking in accordance with the council's standards.

In principle, the redevelopment of a nursing home from a 10 bed facility to a larger facility, creating a modern nursing home is welcomed. Considerations relating to part a) and d) will be dealt with later in the report.

The supporting statement accompanying the application advises that a “combination of ground floor patio and individual and communal terracing at first floor and above produces a level of provision of 23m² per resident.” The applicant has advised that this is “not a significant shortfall, when measured against the level prescribed by Policy HO11”. Since the policy requires a provision of 25m² per resident. However, this standard was inaccurate. As originally submitted the scheme would have provided 280m² of amenity space, which would have provided 9.3m² per resident, which is far below the required 25m² per resident.

As amended, the amenity space has been increased. This is as a result of the changes in the design, which has created a more prominent corner feature and a larger roof terrace. In creating the corner feature, the two parking spaces previously at ground floor level have been deleted. As a result of the amendments, the amount of amenity space has increased from the original 280m² to 330m². This figure includes all of the internal lounge/dining spaces that are located at ground floor level and fourth floor level and the external balconies that are to be provided with a number of the rooms. The increased figure of 330m² would equate to 11m² per resident. Whilst, this is still far short of the required 25m², part b attached to policy HO11 does advise that a lower standard may apply for nursing homes where residents are less mobile.

The supporting documentation accompanying the application advises that “residents of the new care home, typically are relatively frail and elderly and no longer able to make use of conventional amenity areas.” Whilst the scheme would not meet the 25m² provision of amenity space per resident as required by policy HO11, the proposed development is considered acceptable in this respect since the residents are likely to be less mobile.

Turning to part c) of policy HO11, the supporting statement accompanying the application details the access arrangements around the building, which include a 13 person lift, ramps to entrances, wide corridors and assisted bathrooms, showers and disabled toilets. It is therefore considered that the scheme accords with part c) of policy HO11.

Design & Impact on Conservation Area:

The demolition of the existing two storey building on the site requires

conservation area consent due to its location within the Pembroke and Princes Conservation area and a separate conservation area consent application accompanied this application. National planning policy concerning the historic environment (PPG15), states that where demolition within a conservation area is proposed, the prime consideration is the preservation or enhancement of the character or appearance of the area. It states that account should be taken of the part played in the architectural or historic interest of the area by the buildings for which demolition is proposed. It also advises that the wider effects of demolition on the building's surroundings and on the conservation area as a whole should be taken into consideration and that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of the area. Policy HE8 of the Brighton & Hove Local Plan also states that buildings which make a positive contribution to the character or appearance of a conservation area should be retained. Conservation officers have commented on the application and consider that the existing building is a weak element of the townscape, due to its scale and proportions particularly compared to the scale of the neighbouring hotel to the east, therefore its loss and replacement with a high quality building is welcomed.

Concerns were raised in respect of the scale and design of the previous withdrawn scheme. The Conservation Officer commenting on the previous withdrawn scheme advised that the scheme did not successfully address the constraints and opportunities of the site, by virtue of its inappropriate footprint/building line, elevation proportions and materials. There is a strong consistent building line to this seafront block, from Viceroy Lodge on the corner of Kingsway with Hove Street to the Princes Marine Hotel. This strong building line assists to bring some coherence to a townscape of buildings of very different scales and styles. The withdrawn scheme, however, would have projected forward of the prevailing building line which created an unduly prominent feature. The existing buildings in this block facing Kingsway, despite differences in scale and style, are all generally formal and symmetrical in design which provides a consistent feature to the buildings. In contrast, the withdrawn scheme had irregular, asymmetrical elevations which contrasted with the formality of the neighbouring buildings. In terms of materials, the previous withdrawn scheme proposed a building that would be predominantly pale render, with small areas of timber cladding, which would have appeared in stark contrast to the predominant materials in the surrounding area, which comprise of brick and tile.

As originally submitted, the proposed development proposed a predominantly brick built building. The Conservation Officer commenting on the application advised that "whilst the design of the scheme is not inspiring, it largely overcomes the concerns about the elevations/proportions by making the Kingsway elevation more formal, with a simpler series of planes that relates better to the prevailing formality of the Kingsway buildings." The materials proposed were also considered to relate better with the surrounding area, using red brick as the predominant material. Some concern was raised in

respect of the building line. Since, the proposed building line of the scheme as originally submitted remained set forward of the common building line that existed in the block. The Conservation Advisory Group, similarly raised concerns regarding the relationship of the proposal to the setting of the dwellings immediately to the north.

Further concerns were raised in respect of the design, the Conservation Advisory Group and the Conservation officer advised that the design, particularly at street level, was uninspiring. The Conservation Advisory Group additionally considered that the mix of materials was of questionable merit. Whilst, the introduction of brick compared to the withdrawn scheme was more consistent with the prevailing materials present in the Pembroke and Princes Conservation Area, the dominance of the brick elevations would have created a heavy, overly dominant façade. The design lacked articulation and detailing which would have extenuated the dominance of the building further. The design was considered contrary to policy QD1 of the Brighton & Hove Local Plan, which requires proposals to demonstrate a high standard of design. Given the longer views from the west which this site affords, the presence of a corner feature was considered important, yet the two rendered bays on the south facing and west facing elevations were the dominant features on the building. Moreover, the rendered bays on the south facing and west facing elevations did not extend to the ground floor, which created a top heavy appearance. The introduction of a more distinctive corner feature would assist the scheme to create a scale of development that suited the taller building to the east whilst respecting the domestic scale of the residential properties to the north. Additional concerns were raised in respect of the positioning of fenestration on some parts of the building, which lacked symmetry.

The scheme was subsequently amended, to address the concerns raised in respect of the poor design; the amendments comprise the introduction of render and brick, a corner feature, greater symmetry in respect of the articulation and increased interest on the rear elevation. In terms of the materials, whilst the building will maintain a predominantly brick façade, render has been incorporated into the design, therefore introducing relief to the elevations. The corner feature creates a step between the height of the neighbouring building to the east and the residential dwellings to the north and also creates increased interest given the long views of the building from the west. Relief in the form of windows has been introduced to the north facing elevation, breaking up the dominance of this elevation.

Following the amendments to the scheme, the Conservation Officer has advised that the quality of the design has improved, since the massing of the proposed building is less block-like and turns the corner in a more interesting manner and steps down more coherently in scale from the higher buildings along Kingsway to the two storey properties along Princes Crescent. The Conservation Officer has further advised that the “proportions of the building are well balanced and the mix of materials and disposition of windows and

balconies respond well to the context. Additionally, the principal ground floor elevations are better articulated.” The amended scheme was presented to the Conservation Advisory Group. Whilst concern was expressed regarding the type and colour of the brick to be used, as the computer images looked too dark, the group considered the design acceptable and the height appropriate. For these reasons the group raise no objection to the demolition of the existing building and agreed to recommend that both applications be approved, subject to a condition requiring samples of the materials for the new development to be submitted for later approval.

Turning to the boundary wall, the previous scheme proposed enlarging the vehicular access. As a result of concerns raised by the Conservation Officer regarding the enlarged vehicular access. The vehicular access was reduced in the revised scheme, whilst the opening will be relocated to align with the ramp leading to the basement, the access will be no larger than presently, since the proposal relocates the access but does not impact on the size of the access. According to the letter accompanying the amended plans, this states that the applicant proposes to “take down part of this wall panel, clean and retain all the existing bricks and re-build a new matching panel on the other side of the access.” The Conservation Officer has advised that the “retention of the entire boundary in Princes Crescent and the removal of ground floor car parking are very welcome.”

Sustainability:

This application was submitted prior to the adoption of SPD08: Sustainable Building Design. At the time of the submission of the application, the relevant guidance was Supplementary Planning Guidance Note 21: Sustainability Checklist, and a checklist accompanied the submission. Of the twenty-two criteria, 10 would be fully met, 6 would be partially met and 6 are classified as not met. However, the applicant’s agent merely highlighted the standard responses provided in the checklist, which are meant to be a guide to responding to the questions. The applicant has failed to provide any additional supporting information on how each of the criteria has been met. Additional information is expected at the time of writing the report. A completed pre-assessment has been submitted confirming that the scheme will achieve a BREEAM rating of very good. A condition is recommended to ensure that the scheme will achieve a BREEAM rating of very good.

Since the proposal results in a net gain of five units a Site Waste Management Plan should be submitted in compliance with SPD 03 Construction and Demolition Waste. No information has been submitted relating to measures for waste management proposals or relating to waste reduction, reuse and recycling of materials. However, a condition can be attached requiring the submission of a Site Waste Management Plan.

Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan seeks to protect neighbouring residential amenity. The application site is a corner plot, with a five storey

hotel abutting the site to the east and a two storey property to the north along Princes Crescent. The dwelling to the north will be most affected by the proposed development since the development will represent a significant increase in the scale and bulk compared to the existing two storey building.

In terms of the residential property to the north, there are no windows on the south facing elevation fronting the application site, except a large window serving a porch and a small window at ground floor level. Given that the porch is a non habitable room this is not considered to be unduly affected by the development. Similarly, given the position of the small south facing window, this is considered likely to serve a hallway, which is a non habitable room. Whilst there are no windows fronting onto the application site which would be affected by the development, the increase in bulk could, however, have a detrimental impact on the rear garden of no. 3 Princes Crescent.

The existing building projects in close proximity to the boundary to the north of the application site, with a 1 metre separation distance, increasing to a depth of 3 metres. As proposed, there would be an increased separation distance between the proposed development and the northern boundary of the application site to provide the ramped access to the basement. At ground floor level there would be a separation distance of 4.6 metres increasing to 5.2 metres closest to Pembroke Crescent between the proposed building and the boundary with no. 3 Pembroke Crescent. At first floor level and second floor level, whilst the proposed building will project within 1.3 metres of the boundary with no. 3 Princes Crescent, this element is staggered. The part of the building that projects within 1.3 metres is adjacent to the existing dwelling and there is an increased separation distance of 4.7 metres increasing to 7.6 metres. The proposed building steps away from the northern boundary of the site 4 metres from the rear wall of no. 3 Princes Crescent. So that there is increased separation distance between the proposed development and the boundary to the north adjacent to the rear garden of no. 3 Princes Crescent. A greater set back is introduced at third floor level and fourth floor level, with an additional 2.5 metre set back introduced at third floor level at the front of the building. At fourth floor level, the development will be set back along the western edge of the building to create a roof terrace.

Whilst the proposed development will represent an increase in bulk for the occupiers of 3 Princes Crescent, it is important to note that the proposed scheme is no different to other relationships along Kingsway and neighbouring properties to the north. Furthermore, the increased set back between the proposed development and the boundary to the north compared to the existing house will assist in reducing the bulk. Whilst, it is recognised that the proposed development will undoubtedly result in an increased sense of enclosure experienced by occupiers to the north compared to the existing building, which is only two storey in height and would not be an ideal scenario, BRE guidance on site layout planning for daylight and sunlight advises that a high degree of obstruction may be unavoidable in historic areas if new developments are to match the height and proportions of existing

buildings. The scale of the existing building is not considered to respect the prevailing heights of surrounding buildings along Kingsway, whereas the proposed scheme is considered to be in keeping with the height of the neighbouring building to the east.

Turning to the hotel to the east, the building would have a flank wall facing the development site and the proposed scheme will project a further 3 metres than the hotel to the east at ground floor level, however, at first floor level the arrangement of the building extends to the same point as the hotel to the east at the corner nearest the hotel, however, the footprint is staggered so that the corner feature projects four metres further than the south west corner of the hotel. Whilst the proposed building will project further forward than the existing hotel to the east, since the front elevation is south facing, it is not considered that the proposed development will result in loss of amenity in respect of loss of light, overshadowing or building bulk. The proposed development will not project further north than the hotel to the east and therefore will not have a detrimental impact on the north facing windows in the rear elevation of the hotel. Turning to the building to the west, whilst the proposed development represents a significant increase in the height and scale of the built development compared to the existing building, the proposed development will not have a detrimental impact on neighbouring amenity due to the separation distances between the application site and 157 Kingsway.

Turning to overlooking, windows are proposed in the north facing elevation of the proposed building which front onto 3 Princes Crescent. Given the limited separation distances, the windows, whilst providing relief to the rear elevation, assist in reducing the bulk of the building, would undoubtedly result in overlooking to the occupiers of no. 3 Princes Crescent. Concerns have been raised by the occupiers of no. 3 Princes Crescent regarding overlooking and loss of privacy in respect of the scheme as originally submitted. The windows in the rear elevation, however, do not serve main habitable bedrooms but serve either the staircase or bathrooms. It is therefore considered appropriate that a condition should be imposed requiring these windows to be obscure glazed. The windows serving the bathrooms are top hung and conditions can be attached to ensure that the windows are limited opening with the windows serving the stairwell fixed shut to ensure that the occupiers to the north are not overlooked. Balconies are proposed on the west facing elevation and a roof terrace at fourth floor level. Sufficient distances would separate many of the west facing balconies and the dwelling to the north to prevent overlooking. However, one of the balconies at third floor level is located in close proximity to the northern boundary of the site and the fourth floor roof terrace could provide elevated views across no. 3 Princes Crescent. Conditions requiring screening along the northern edge of the third floor balcony and fourth floor roof terrace would reduce the potential for overlooking.

In terms of future occupiers of the care home, main bedroom windows are located in either the south or west facing elevations, with some of the windows along the west elevation angled towards the south to maximise

views of the sea. It is considered that the scheme complies with policy QD27 in respect of the amenity of future occupiers.

Transport:

The application would provide off-street car parking for six vehicles (including one disabled space) in the basement. The provision of secure cycle storage has not been identified on the plans, however, provision for secure cycle storage could be provided either at ground floor level or within the basement. A condition can be imposed requiring the provision of cycle storage.

The Traffic Manager has commented on the application and does not raise an objection to the level of car parking provided with the scheme. Supplementary Planning Guidance Note 4: parking Standards, outlines the maximum level of parking required for various use classes. The proposed application falls within C2 of the Use Classes Order. Parking standards relating to C2 uses require a maximum provision of 1 car parking space per 6 residents plus 1 car space per residential staff, plus 1 car space per two other staff. This would result in a provision of between 16 – 17 car parking spaces. More recent survey work, however, indicates that the car parking demand for nursing homes is considerably less than the standards required by Supplementary Planning Guidance Note 4: Parking Standards. The Traffic Manager has advised that on this basis the peak demand of car parking of between 9 – 11 spaces. The applicant is proposing six spaces, one of which is allocated as a disabled space.

The disabled parking provision as set out in Supplementary Planning Guidance Note 4: Parking Standards for this type of development is 1 space per 20 beds. On this basis the scheme should provide two disabled parking spaces. A condition is attached requiring this provision to be increased.

Policy TR1 of the Brighton & Hove Local Plan requires developments to provide for the demand for travel that is created and maximise the use of public transport, walking and cycling. It is the case, that where a development does not provide off-street car parking spaces due to the resultant increased demand on public transport, applicants are expected to pay a contribution towards the Sustainable Transport Strategy in accordance with policy QD28 of the Brighton & Hove Local Plan. The Traffic Manager has requested a contribution of £6,300.

The application was also accompanied by a Travel Plan, which details staff numbers and shift patterns as existing. Insufficient information has been submitted regarding the proposed and a condition is attached requiring additional information in respect of the travel plan.

9 CONCLUSIONS

The site, between a two storey dwelling and 5 storey hotel, occupies a prominent position along the seafront and is within the Pembroke and Princes Conservation Area. The proposed building relates well to the adjacent

buildings and whilst of a modern design, the scale and character reflects that of development in the area. The proposal makes efficient use of the site by providing a new nursing home with an increased number of bed spaces than the existing. Whilst representing an increase in bulk, the set back from the northern boundary will assist in reducing the resulting impact on amenity. Moreover, it is important to recognise BRE guidance on site layout planning for daylight and sunlight, which advises that a high degree of obstruction may be unavoidable in historic areas if new developments are to match the height and proportions of existing buildings. For these reasons the application is recommended for approval.

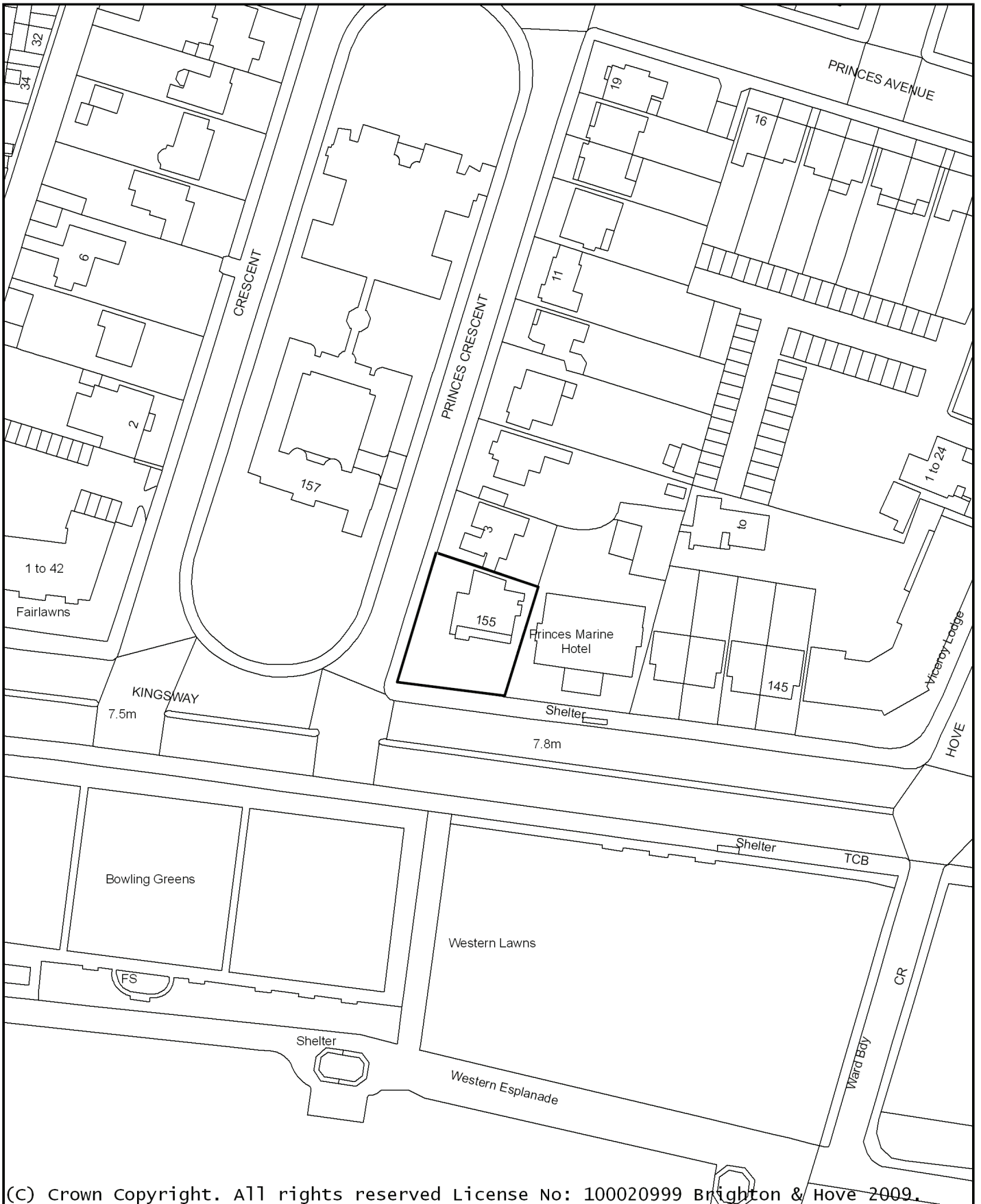
10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development to create a 30 bed nursing home is considered to accord with local plan policies. The scale and proportions of the existing house is not considered to enhance the character and appearance of the Conservation Area and there is no objection to the demolition of the building and replacement with a high quality building. The amended scheme is considered to represent a scale of development that respects the scale of development to the east whilst recognising the scale of the residential properties to the north. The brick elevations propose a base of materials that respects the prevailing character of the Pembroke and Princes Conservation Area and the introduction of render, assists in reducing the dominance of the brick façade as originally submitted. As amended, the corner feature responds to the stepped approach whilst visually providing the building with presence as a result of the prevailing views of the site from the west. In terms of neighbouring amenity, the proposed development, subject to compliance with the above conditions, will not result in overlooking and loss of privacy. The set back introduced along the northern boundary will assist in reducing the bulk of the building for occupiers to the north. The level of obstruction and building bulk which would be caused is considered to be unavoidable in the pursuit of a development which would present a coherent frontage to Kingsway. In addition, the proposal is considered acceptable in respect of sustainability and transport.

11 EQUALITIES IMPLICATIONS

Policy HO11 requires the internal layout to be accessible to people with disabilities.

BH2007/04125 Lawnscroft, 155 Kingsway



<u>No:</u>	BH2007/04126	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Conservation Area Consent		
<u>Address:</u>	Lawncroft Nursing Home, 155 Kingsway, Hove		
<u>Proposal:</u>	Demolition of existing building.		
<u>Officer:</u>	Nicola Hurley, tel: 292114	<u>Received Date:</u>	06 November 2007
<u>Con Area:</u>	Pembroke & Princes Area	<u>Expiry Date:</u>	22 January 2008
<u>Agent:</u>	DWA Architects, 39 Blossom Street, York		
<u>Applicant:</u>	Mrs Holliday-Welch, 136 Old Fort Road, Shoreham by Sea		

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 existing unnumbered drawings and photographs submitted on 27 November 2007.
2. This decision to grant Conservation Area Consent has been taken:
 - i. having regard to the policies and proposals Brighton & Hove Local Plan set out below:
HE8 Demolition in Conservation Areas; and
 - ii. for the following reasons:
The loss of the two storey building is considered acceptable and the provision of a replacement building would enhance the character and appearance of the Pembroke and Princes Conservation Area.

2 THE SITE

The application relates to the Lawncroft Nursing Home, a former residential care home, which is located on the north side of Kingsway at the junction with Princes Crescent. The site is located within the Pembroke and Princes Conservation Area.

The building is a two storey detached property, which is rendered with a large feature veranda at first floor level on the front elevation. The roof is a steep red tiled pitched roof.

The area is predominantly residential in character, although the adjacent building to the east, a five storey flat roofed red bricked building, forms the Princes Marine Hotel and the building to the west, no. 157 Kingsway is a Grade II Listed Building is a nursing home. The neighbouring building to the north, no. 3 Princes Crescent, is a large two storey single dwelling house.

3 RELEVANT HISTORY

BH2007/01639: An application for Conservation Area Consent to demolish the existing building was withdrawn on the 23 July 2007.

BH2007/01160: An application for the construction of a new 4/5 storey 31 bed nursing home with basement car park, access widened and ancillary staff accommodation was withdrawn on the 19 July 2007.

4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the existing building.

There is a concurrent Planning Permission seeking the construction of a residential care home in a four/five storey building with a basement car park (ref: **BH2007/04125**).

5 CONSULTATIONS

External:

Neighbours:

A letter of support has been received from the occupier of **3 Princes Crescent** stating that the demolition of the building following 15 months of break ins, vandalism, threat of fire, squatters and dumping of rubbish is welcomed.

CAG: As originally submitted: The Group recommends refusal on grounds of overdevelopment of the site, having regard to the relationship of this proposal to the setting of the dwellings immediately to the north. They consider the design uninspiring, particularly at street level, and the mix of materials to be of questionable merit.

Comments following amendments to the scheme: Concern was expressed over the type and colour of brick to be used; that illustrated in the computer images looked much too dark. Otherwise the group considered the design acceptable and the height entirely appropriate. For these reasons the group raise no objection to the demolition of the existing building and agreed to recommend that both applications be approved but subject to a condition requiring samples of the materials for the new development to be submitted for later approval.

Internal:

Conservation & Design: As originally submitted: This is a very prominent corner seafront site. There is no objection to the demolition of the existing building, which is of no merit, and it is acknowledged that redevelopment with

a building of greater height, scale and presence has the opportunity to improve the mixed townscape of Kingsway and enhance the appearance of the conservation area, as set out in the applicant's Design Statement. A number of design concerns were raised in respect of the previous, withdrawn scheme. These related to footprint/building line, the elevations/proportions, the materials, the blank north elevation and the widened access to the boundary wall in Princes Crescent. Whilst the design of the current scheme is not inspiring, it largely overcomes the concerns about the elevations/proportions by making the Kingsway elevation more formal, with a simpler series of planes that relates better to the prevailing formality of the Kingsway buildings. This scheme also overcomes the previous concerns about materials – the use of red brick as the predominant material, contrasted by render and reconstituted stone, helps the design to relate better to its context and reflect the typical materials of the conservation area. The mix of materials also relates well to the existing boundary wall. The choice of brick will, though, be crucial to the scheme. The north elevation has been improved by the revised materials and the insertion of stairwell windows and the enlargement of the windows to the communal corridor, though the north west corner remains rather bland in the perspective from the north.

The proposed building line remains set forward of the common building line that exists in this whole block (from Sackville Road to Princes Crescent) and this will be particularly evident in views along Kingsway from the east. The scheme also still includes the significant widening of the entrance in Princes Crescent, by partial demolition of the boundary wall, though no elevation drawing existing showing the revised wall and the computer generated images conflict with the site plan. Tall boundary walls are an important feature of the Pembroke and Princes Conservation Area and the loss of a further section is a harmful alteration. The width of this opening should be kept to the minimum size to satisfy highway requirements.

Comments following amendments: The amended plans have evolved positively over a series of draft revisions and are now considered to satisfactorily address the original concerns. The quality of the design is considered to be an improvement over the previous scheme. The massing is less block-like, the proposed building now turns the corner in a more interesting manner and steps down more coherently in scale from Kingsway to Princes Crescent. The proportions of the building are well balanced and the mix of materials and disposition of windows and balconies respond well to the context. Additionally, the principal ground floor elevations are better articulated. The retention of the entire boundary wall in Princes Crescent and the removal of ground floor car parking are very welcome.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE8 Demolition in Conservation Areas

7 CONSIDERATIONS

The demolition of the existing building requires conservation area consent due to the site's location within the Pembroke and Princes Conservation Area. National planning policy concerning the historic environment (PPG15), states that where demolition within a conservation area is proposed, the prime consideration is the preservation or enhancement of the character or appearance of the area. It states that account should be taken of the part played in the architectural or historic interest of the area by the buildings for which demolition is proposed. It also advises that the wider effects of demolition on the building's surroundings and on the conservation area as a whole should be taken into consideration and that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of the area. Policy HE8 of the Brighton & Hove Local Plan also states that buildings which make a positive contribution to the character or appearance of a conservation area should be retained. Conservation officers have commented on the application and consider that the two storey building is a weak element of the townscape along Kingsway, due to its scale and proportions being in contrast to its neighbours, therefore its loss and replacement with a high quality building is welcomed. It is considered that the current proposal of BH2007/04125 presents a development that would preserve and enhance the character and appearance of the Pembroke and Princes Conservation Area. Given the above considerations it is recommended that conservation area consent is granted.

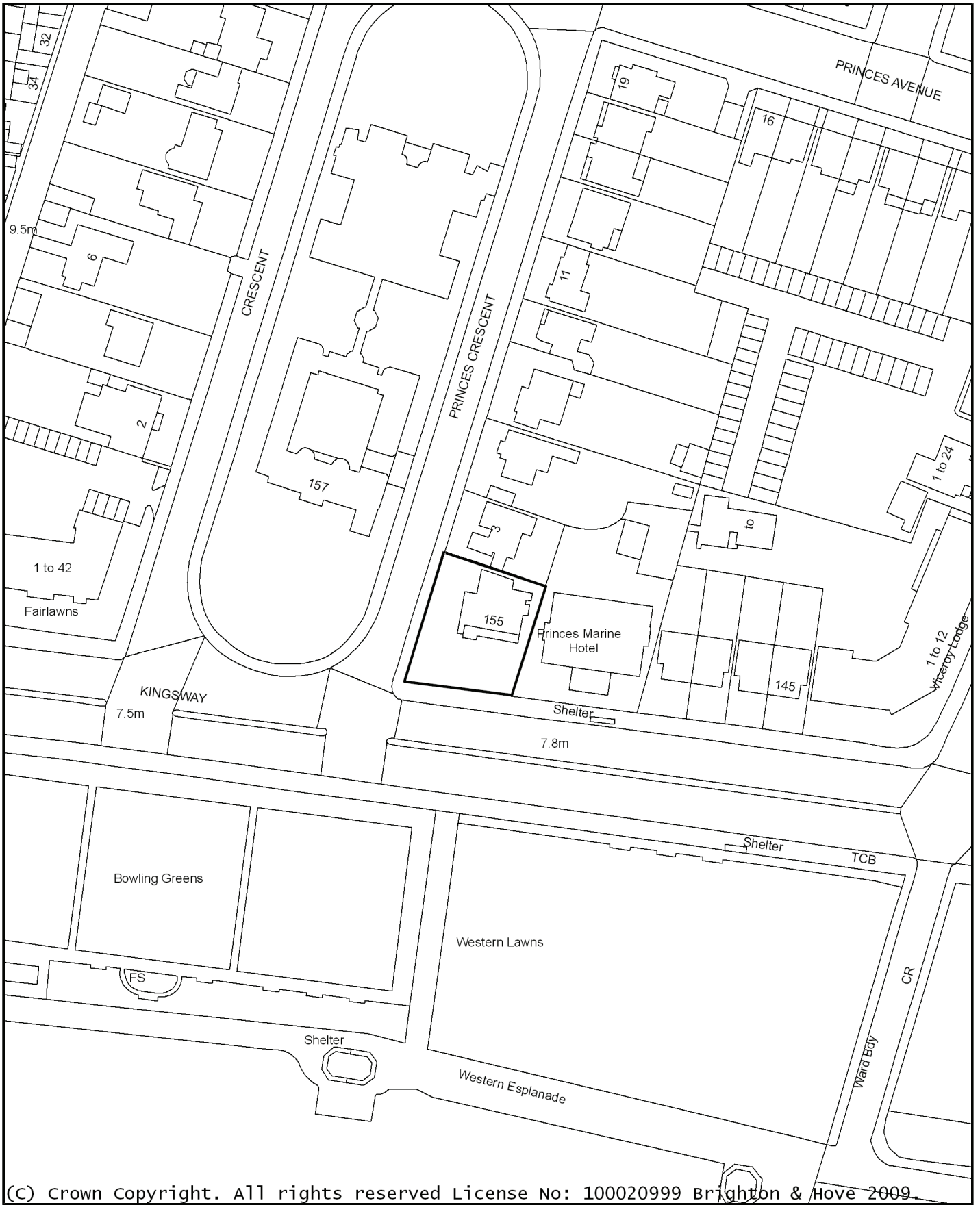
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The loss of the two storey building is considered acceptable and the provision of a replacement building would enhance the character and appearance of the Pembroke and Princes Conservation Area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2007/04126 Lawnscroft, 155 Kingsway



<u>No:</u>	BH2009/00036	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type</u>	Full Planning		
<u>Address:</u>	112-113 Lewes Road, Brighton		
<u>Proposal:</u>	Demolition of existing building with redevelopment to provide for replacement of 2 no. retail units on ground floor (A1) and 16 self-contained flats on ground, first, second, third and fourth floors. Refuse and recycling at ground floor level.		
<u>Officer:</u>	Kate Brocklebank	<u>Received Date:</u>	07 January 2009
	tel: 292175		
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 May 2009
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Mr William Packham, WP Properties Ltd, 25 Berriedale Avenue, Hove		

1 SUMMARY

The site is situated to the east of the Lewes Road gyratory, to the south of Newmarket Road and to the north of the access to the crematorium. The surrounding development is a mix of commercial and residential uses, with the commercial uses focused around the Lewes Road area. The site is currently occupied by a two storey warehouse style building with a pitched roof. The elevations are clad with blue metal weatherboarding and render. The building is currently occupied by a bed store utilising the ground and first floors.

The application seeks planning permission for a 5 storey development with two commercial units on the ground floor and 16 residential units above.

The main considerations of the proposal are: principle of development; visual impact; impact on neighbouring amenity; standard of accommodation to be provided; highway impacts; sustainability; contaminated land; air quality and infrastructure.

The proposed development by reason of its design, height, bulk, elevational treatment is an overdevelopment of the site that would relate poorly to development in the surrounding area and will appear overly dominant in the street scene. The scheme would result in a cramped form of development with an unsatisfactory level of amenity and recreational space provided. The applicant has failed to demonstrate that the retail units will be viable. Insufficient provision for cycle parking has made and insufficient information has been submitted with regard to the levels of ground contamination. The accommodation does not accord to Lifetime Homes Standards. The application is therefore recommended for refusal.

2 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 and Informatives:

Reasons:

1. Cumulatively the proposal, by virtue of the design, height and scale of the building, cramped internal residential accommodation, limited external amenity space, insufficient area for cycle parking and poor access to refuse/recycling facilities, represents a development which is an overdevelopment of the site which would be of detriment to the character and appearance of the surrounding area and would be detrimental to the future living conditions of future residents of the scheme. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4, HO5, HO6, SU2 and TR14 of the Brighton & Hove Local Plan.
2. The proposed development by reason of its design, height, bulk and elevational treatment is an overdevelopment of the site that would relate poorly to development in the surrounding area and will appear overly dominant and incongruous in the street scene. As such the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
3. The proposal would result in a cramped form of development with an unsatisfactory level of private amenity space and outdoor recreation space which would fail to meet the needs of future occupiers of the scheme and would be detrimental to their living conditions. As such the proposal is contrary to policies HO5, HO6 and QD27 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that the retail units, by reason of their small size, would equate to viable retail units, and has therefore failed to demonstrate that the proposal complies with policy SR5 of the Brighton & Hove Local Plan.
5. The applicant has failed to demonstrate that adequate cycle parking provision could be accommodated on site contrary to policy TR14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 'Parking Standards'.
6. Insufficient information has been submitted to take account of contaminated land issues contrary to policy SU11 of the Brighton & Hove Local Plan and guidance set out in PPS23 Planning and Pollution Control.
7. The applicant has failed to demonstrate that the internal layout of the proposed residential units would fully comply with Lifetime Homes Standards and that 'flat 1' is fully accessible for wheelchair users. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.
8. Insufficient information has been submitted to demonstrate that the development can achieve the appropriate level of sustainability. In addition, the visual impact of the proposed renewable energy technology cannot be assessed as insufficient information has been submitted with regard to design, location and technical specification of the energy

technology, which is needed in order to assess their visual impact. As such the proposal cannot be fully judged against policies QD1, QD2 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08 'Sustainable Building Design'.

9. The site falls within an 'Air Quality Hotspot', the applicant has failed to demonstrate that development of the site would not result in an adverse impact on the health of the future residents of the scheme, as a result of exposure to poor air quality levels. As such the proposal is contrary to policy SU9 of the Local Plan.

Informative:

1. This decision is based on job number 07092 drawing nos. 16, 22, 23, 24 and 25 submitted on 9th January 2009 and 04, 11, 13, 21 and shadow path studies drawing nos. 28, 29 and 30 submitted on 5th February 2009.

3 THE SITE

The site is situated to the east of the Lewes Road gyratory, to the south of Newmarket Road and to the north of the access to the crematorium. The surrounding development is a mix of commercial and residential uses, with the commercial uses focused around the Lewes Road area. The surrounding residential development is characterised predominantly by terraced properties, those on Newmarket Road and two storey dwellings with basement level accommodation, there is a large flatted development to the north of the site, sited around The Bear public house, on Bear Road known as Bear Cottages. The surrounding development is predominantly two and three storeys in height, however there are some anomalies, namely Bear Cottages which has a 5 storey frontage onto Lewes Road and the Sainsbury's supermarket building.

The site is currently occupied by a two storey warehouse style building with a pitched roof. The elevations are clad with blue metal weatherboarding and render. The building is currently occupied by a bed store utilising the ground and first floors as show rooms with storage to the rear and a small service yard to the eastern end accessed via Newmarket Road.

4 RELEVANT HISTORY

BH2008/01612: Demolition of existing building with redevelopment to provide for replacement retail unit on ground floor and lower ground floor and 17 self contained flats on first, second, third and fourth floors. Refuse and recycling at ground floor level. Withdrawn by the applicant on 07/10/2008.

BH1999/00319/FP: Change of use to sale of motorcycles and accessories with repairs/servicing of motorcycles (variation to condition 2 of permission BH1998/02429/FP to allow the shop to be opened on Sundays and Bank Holidays). Approved 28/04/1999.

BH1998/02428/FP: Change of use of motorcycles and accessories with repairs/servicing of motorcycles. Elevational Alterations. Approved 28/01/1999.

95/1202/FP: Erection of garage in rear yard. Approved 27/11/1995.

5 THE APPLICATION

The proposed building comprises a part three, part four, part five storey building which would accommodate 2 commercial units and 9 x one bedroom units, 6 x two bedroom units and 1 x three bedroom units (16 units in total). The following accommodation would be provided over the different floors:

Ground floor

- Two retail units, one fronting Lewes Road (124 sq metres) and one fronting Newmarket Road (70 sq metres);
- Bin/recycle storage and cycle store;
- 1 x Three bedroom flat.

First floor

- 3 x one bedroom unit;
- 2 x two bedroom unit.

Second floor

- 3 x one bedroom unit;
- 2 x two bedroom unit.

Third floor

- 1 x one bedroom unit;
- 2 x two bedroom unit.

Fourth floor

- 2 x two one bedroom unit.

The building would be five storeys at the corner of Lewes Road and Newmarket Road decreasing down to four and then three storeys in an eastern direction along Newmarket Road. The building would mainly consist of brick and render materials, it is not clear from the information submitted what material is proposed to clad the exterior of the penthouse accommodation.

The building would have the appearance of a three storey bay fronted dwelling adjacent to 8 Newmarket Road with a width of 4.6 metres and a height of 9.8 to 10 metres above pavement level. The building would then appear as a more modern terrace with a higher eaves height and a width of 6 metres and a height of 10 to 10.1 metres above pavement level.

The next section of the building fronting Newmarket Road would be four storeys with a shopfront at the ground floor with recessed balconies at the first and second floors. At the third floor would be two dormers with a small roof terrace area. The ridge height is 11 metres.

The building would then rise to 5 storeys with the fourth floor being set back slightly from the Newmarket and Lewes Road building lines. This element of

the building would have the appearance of an apartment block. The tallest section would be approximately 14 metres above pavement level.

The west elevation which fronts Lewes Road would be five storeys in height with a retail shopfront at the ground floor and a mixture of juliet balconies and windows above. In the south western corner of the building recessed balconies would be present.

The south elevation would consist of brick façade at ground floor with no openings with the upper sections being mainly render and glazing.

6 CONSULTATIONS

External

Neighbours: Two representations have been received from the residents of **GFF 43 Gladstone Place and 5 Newmarket Road** which raise the following objections:

- Parking in Newmarket Road and Gladstone Place is very difficult at present, the development in what is already a high density area will only make matters worse;
- 16 units suggests tiny aspect 'open plan' boxes;
- Air quality is poor on the Lewes Road Gyratory section;
- Proposal will block light to houses opposite;
- The application states that this is not a good area for retail, so seems strange that the proposal includes two retail units. Two empty retail units would be of no benefit to the area.

Sussex Police: No objections to the scheme, make recommendations with regard to the standard of external glazing and entrance doors.

Southern Water: Have no objections to the proposal.

East Sussex Fire & Rescue Service: No comments to make regarding the proposal.

EDF Energy Networks: No objections to the proposal.

Southern Gas Networks: No objections to the proposal.

Internal

Planning Policy: The principle of development is acceptable in policy terms, however there are a number of concerns relating to the detail of the proposal. The site lies within the SR5 policy area, Outside Prime Retail Frontage. Although there is a proposed loss of 60% of the overall floorspace of retail (and its ancillary uses) the A1 retail unit is to be retained at ground floor level to allow for the retention of the mix of uses. The main policy concern here is that the proposed development does not show any storage or staff facilities for the retained A1 use. These issues need to be addressed by the applicant.

Cycle parking standards are minimum ones and the target provision should be one per occupant i.e. one per bed space (Local Plan policy TR14).

Local Plan policy TR18 should be addressed regarding the wheelchair accessible adapted units. It is not clear how the requirements of TR18 will be met.

As a new build mixed use major development, this scheme should meet the sustainable building design criteria set out in the SPD Sustainable building design - there should be zero net annual carbon dioxide from energy use, with a feasibility study on rainwater harvesting and grey water recycling systems, Level 4 standards of the Code for Sustainable Homes as well as Lifetime Home Standards, which are also required by Local Plan policy HO13. Comments should be sought from the Accessibility and Lifetime Homes Officer to ensure compliance.

With regard to the proposed residential use, Local Plan policy HO5 applies and, in view of this being a new build scheme, each dwelling should have access to outdoor usable private amenity space. However, this proposal does not meet this requirement. Difficulties achieving 100% private amenity space provision can be one indicator of a development that is too intensive. Provision of private amenity space contributes to the quality of life for residents and to the sustainability of the scheme.

Local Plan policy HO6 should be applied with reference to draft SPGBH9 and the accompanying Open Space Ready Reckoner. If the amount of casual/informal recreation space generated by this development exceeds the minimum active area for a LAP it should be provided on-site, suitably designed and welcoming to young children. This is important because such space caters for young children who would not normally be allowed to go to a playground without an adult. It should not be assumed that when changing the use of a site (especially to one that includes residential) the same built footprint is appropriate.

Design & Conservation:

Summary

The principle of redeveloping the site is welcomed as an opportunity to provide a building of architectural quality that would positively enhance the appearance of the area by restoring some coherence to the currently very mixed context. This revised proposal (following the previously withdrawn application) is considered to be a distinct improvement over the previous scheme. The fifth storey element of the development has been significantly reduced in size and moved westwards so that the height and massing of the scheme is appropriately concentrated towards the Lewes Road frontage. The development then steps down much more appropriately to respect the scale of the Victorian terraces to the east, with a concomitant transition in design approach. Overall the elevations are now simpler and more ordered but some concerns remain regarding the resolute informality and complexity of the

prominent north elevation.

The site is a prominent one that lies within the “central fringe” of the Lewes Road Corridor neighbourhood identified in the Urban Characterisation Study. The central fringe area is characterised as “An architecturally mixed retail and residential area of two to four storey buildings hard onto the street. Mainly Victorian but with poor quality 20th century infill. An uncoordinated public realm”. The site is adjacent to the entrance to the Extra-Mural Cemetery, which contains a number of listed buildings, but it is not considered that the proposal would have any adverse impact on their setting. The existing 2 storey building is of no architectural merit and makes no positive contribution to the area in visual terms, though its general scale and outline are consistent with the terraced streets either side of the site.

The proposed building is up to 5 storeys high. As stated in the Urban Characterisation Study, the prevailing height is between 2 and 4 storeys. The only taller buildings in the vicinity are Melbourne House which is set well back to the south east, the Sainsburys supermarket opposite and the new development on the bus garage site to the north. The application documents refer to the identification of Lewes Road as a Tall Building Corridor. However, the Tall Buildings SPG makes clear that this corridor is centred on the University of Brighton’s Moulsecoomb campus and the Preston Barracks site and the Tall Buildings Study on which the SPG was based suggests Hollingdean Road as the southern limit of the corridor. The Design and Access Statement refers to the Inspector’s appeal decision letter on the former Covers Yard site in Melbourne Street as evidence that the site lies within the Tall Building Corridor. However, the Inspector did not specifically refer to the SPG and did not give any analysis of the corridor boundary. Moreover, the Inspector considered that a 6/7 storey building would be too tall on that site due to its proximity to small scale Victorian terraces.

On that basis it is clear that 5 storeys is the maximum height appropriate on this site. This application confines the fifth storey to the Lewes Road end of the site and sets it back from the parapet, with the exception of the stair and lift towers on the north elevation. The massing of the development has been refined so that it steps up in height from the east, making a transition between the two storey Victorian terrace and the larger scale of Lewes Road. This transition in scale is accompanied by a transition in design treatment, with a more resolutely modern approach to the taller element.

The Lewes Road elevation is more appropriately formal in design and proportion than the previous scheme and is considered to be acceptable. The north elevation to Newmarket Road would be particularly prominent from Lewes Road and has evolved positively from the original scheme but nevertheless has a degree of informality and complexity in its planes and proportions that is uncharacteristic of its context. However, the ground floor frontage provides much greater visual interest than the existing building and in this respect is also greatly improved from the previous scheme. The south

elevation by contrast offers a simpler, more ordered elevation which more successfully integrates with its context and is largely unchanged from the previous application.

There are some amendments which could be made to improve the proposals:

- The bedroom windows at the west end of the north elevation could be wider;
- The 3rd floor balcony in the pitched roof would have a better appearance with a single door, centred over the double doors below, so that it is pulled away from the 'party wall' upstand;
- The wall between the lift shaft and shop front at ground floor level could be removed so that the view along Newmarket Road is of the glazed return to the shopfront rather than the blank wall, making the blank projecting return less prominent overall;
- Greater information should be provided on the proposed materials – e.g. it is not clear whether brick is proposed for the ground floor and lift shaft or what material is proposed for the top storey.

There are also some discrepancies between the drawings that need resolving:

- The windows on the north elevation to the landing lobby by the liftshaft are wider on plan than on elevation (except for the 4th floor one).
- The stairwell window to the 3rd floor is shown in a different position at third floor level on the floor plan.
- The 1:20 scale shopfront drawing shows a projecting 'canopy' over the shopfront that is not shown on the overall elevation drawings.

Housing Strategy:

Under Policy HO2 the council should be seeking 40% of the units as affordable housing. We are pleased that we are being offered the required quota of 7 units

Under Policy HO3 the Council will seek to secure a tenure mix of 55% affordable housing units for rent and the remaining 45% for shared ownership. This scheme seeks to deliver all the affordable units as rented- to which we would not object, given the current market conditions, tenure mix in the area and local priorities/ housing need.

Design

The affordable housing units should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy.

They should be tenure blind - fully integrated with the market housing/ distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

Private outdoor amenity space should be provided in the form of balconies

and terraces, plus ideally access to ground floor space including play areas.

At least 10% of the affordable units built for wheelchair users and should comply with the PAN 03 Accessible Housing & Lifetime Homes. We note the provision of one x three bed unit- We would strongly advise that the Access Officer is consulted on this scheme.

Affordable housing mix:

The preferred mix of 40% one beds/ 50% two beds/10% three beds. Broadly speaking this equates to 3 x one beds, 3 x 2 beds and 1x 3 bed. The 3 bed wheelchair unit with private amenity space is welcome.

Education: Capital Strategy: The site is in an area where we have pressure particularly on secondary school places. With regard to the position of the primary places there is sufficient surplus capacity not to warrant a contribution for a development of this size. Consequently education contributions are only sought in respect of secondary education under any section 106 agreement to the sum of £7,249.

Highways Authority: Would not wish to restrict grant of consent of this Planning Application subject to conditions to require cycle parking, improvements to pavements adjacent to the site, and a requirement that the applicant enters into a legal agreement to contribute towards the rescinding of the existing Traffic Regulation Order for the motorcycle parking bay.

The general findings of the Transport Statement that the proposed use of the site would reduce the overall transport impacts are correct.

Vehicular Parking

The Transport Statement notes that the potential increase in on street parking would be for 12 cars. This assessment has been based on a methodology agreed in advance with the Highway Authority and is therefore considered robust.

A recent appeal decision established that any more than roughly a 2% increase in parking would be considered as introducing a material decrease in public safety. The increase generated as a result of the proposal would be a percentage decrease of less than 2%. The proposal will also remove some under used solo cycle bays creating an additional 3 to 4 car parking spaces. It is therefore considered that the proposal would not lead to an increase in on street parking demand to an extent that public safety would be affected and would therefore comply with Local Plan policy TR7.

Cycle Parking

The area shown for the proposed cycle parking does not appear large enough for 21 cycles. Design standards indicate that depending on the time and style of cycle parking facility they should be at least 1 metre apart. Given that the proposal is relying heavily sustainable modes to accommodate the transport

demand that will be created consideration should be given to improving the proposed cycle parking area for the residential as well as the shorter term cycle parking for the retail elements.

Highway Works

Although the Transport Statement suggests that “no other highway improvements are required or proposed” the Highway Authority disagree. The pavement materials surrounding the site are in poor condition and detract from the quality of the street scene. There are a number of different materials that make the immediate surrounding look unattractive and in need some upgrading. Also there are historic dropped kerbs that are no longer on use so should be reinstated as footway as a part of this proposal. It is recommended that to improve the quality of the surfacing materials surrounding the site condition 1 noted above is included and the Applicant is required to submit a plan showing the areas to be repaved and kerbed prior to a decision being made.

Financial Contribution

This change of use, to include residential, would clearly alter the pattern of travel needs and demand generated by the site and would normally require a financial contribution towards sustainable modes of transport. However, in light of the above noted requirement to improve the street scene and remove the motorcycle parking provision it is the Highway Authority’s considered view that this requirement can be waived in this instance as these proposed works would benefit the wider community.

Private Sector Housing: The middle bedroom in the proposed ground floor flat 1 does not appear to comply with the Housing Act space standards. The minimum size for a single bedroom should be between 6.5 and 8.3 sq metres. Assume that means of escape would be dealt with under the Building Regulations. However, point out that a 5 storey property must have an alternative means of escape route in case of fire from the upper levels – this building only has one staircase accessible by all flats.

Environmental Health: There is insufficient information detailed on the application for officers to be able to comment fully with regard to the layout and construction of the retail units. Should these units be retail use only officers would have limited comments, however if they were to be used for A3, A4 or A5 would need much more detail including type of food sales, layout design and construction of the units and storage for recycling and food waste.

Land Contamination: Historic trade directories list the site from 1908-1914 as a coal and coke merchants with the potential to cause localised contamination. Historical mapping from 1951-1979 shows the site consistently between mapping layers as a sawmill, also with the potential to cause localised contamination.

Such uses were not declared or not known about on the application form. It is

considered that such previous uses would have been known and that under PPS23, the application should have been submitted with a desk top survey at the very minimum to take into account land contamination. Therefore recommend refusal on the grounds of insufficient information.

Air Quality:

Locations of property likely to be affected:

First floor residential space at the Lewes Road end of the development. Air intakes (ventilation, opening windows and balconies) at the northern end of the proposed building i.e. air intakes in close proximity to the heavily traffic Lewes Road and Vogue Gyratory.

Potentially first floor facades along Newmarket Road and ground floor residential space at the southern end of the development.

Problems envisaged/comments/observations:

Exposure to unacceptable levels of chronic airborne pollution at permanent residential locations.

Refusal of the proposal in its current form is recommended.

Risk of exposing future residence to poor ambient air quality detrimental to long-term human health. In accordance with:

- Local Plan, Pollution Policy: SU9
- NSCA Guidance 2006, Development Control Planning for Air Quality
- LAQM (Local Air Quality Management) Action Planning Process 2009 and beyond
- Defra's LAQM Policy Guidance PG (2009)
- Defra's LAQM Technical Guidance TG (2009)

Section 6.4.10 of the statement on behalf of Lewis and Co Planners states: The windows in the rooms which front onto the Lewes Road should be non opening and provide a sealed unit. Lack of information to determine with confidence outdoor air quality concentrations with distance from the Lewes Road i.e. along Newmarket Road and at the rear of the property.

Conclusion:

Mitigation measures include hard engineering measures (e.g. non-opening windows & ventilation). It is recommended that a detailed assessment of future outdoor air quality at the proposed site.

Sustainability Consultant:

Assessment of meeting SPD08 Sustainable Building Design

There has been no commitment to join the Considerate Constructors Scheme.

Whilst a commitment has been made to reach Code level 4 there has been no

commitment to try to achieve zero net annual CO2 emissions from energy use.

Brighton & Hove City Council (BHCC) would like to see that energy demand has been minimised by reducing heat loss by using an energy efficient building envelope with efficient building services. Passive means should be used where possible to heat ventilate and cool the building. The envelope should be designed beyond the requirements of building regulations (U values, airtightness and thermal bridging) to reduce energy demand. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce running costs (fuel bills) for occupants and improve thermal comfort levels for the occupants. There is no indication of improved building fabric beyond building regulations in the application.

The final energy demand should be minimised before low or zero carbon technologies are assessed to meet the remaining energy demand. An assessment of different technologies that could be used to meet remaining energy demand should be submitted along with reasons why some have been discounted and others chosen.

The inclusion of PV as mentioned in the planning statement in section 5.25 and solar thermal as mentioned in question 1.8 in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. However there is no indication of these technologies on the plans and elevations and no roof plan could be found.

Feasibility studies have not been undertaken for rainwater harvesting or grey water recycling and both have been marked as not applicable on the checklist. There is no explanation as to why they are not applicable.

The application indicated that lifetime homes standards have been met. It appears that only unit 1 has wheelchair access and none of the units seem to have bathrooms designed to meet this standard and corridors are narrow.

Assessment of meeting SU2 recommendations

Measures have been indicated in the application that reduce fuel use, carbon dioxide emissions and water consumption. Composting facilities will be located in each flat.

There is a communal waste collection/recycling area on site in the east side of the building.

It seems that this waste collection is some distance from the flats in the west side of the block which are accessible by a separate corridor. There is also little indication in the application that low environmental impact material will be used and whether modern methods of construction have been considered including kitchen and bathroom pods to minimise waste and improve the thermal efficiency of the building.

Other comments on the design of the site

Kitchens seem cramped as does the small bedroom in the ground floor flat.

Solar shading may be required to prevent overheating on the south facing windows on the end of the south elevation where there are no overhangs from balconies.

Stairwells particularly the one located on the east end has minimal day lighting due to small windows. This will increase dependence on artificial lighting. Sun pipes could be considered to bring light in from the roof.

Bathrooms on the south facing external wall can have windows or sun pipes?

There is no mention of the type of lighting that will be used and whether PIR lighting will be used in communal areas.

The cycle store, like the refuse store, is some distance from flats accessible from the stairwell on the west side of the building. Has enough space been allocated in the bike store for visitors bikes?

A low score has been achieved in the ecology section of the checklist. Green walls could be incorporated using planters off balconies or planters on balconies with an irrigation system to enhance biodiversity on site. There could be a green roof which could compliment the PV and Solar thermal as these panels improve the biodiversity of a green roof.

Condensing boilers in each unit have been proposed. Has any consideration been given to a communal plant room on a new basement or on the ground floor? As it seems that the commercial space is unlikely to be easily rented some of the space may be better used for a plant room and fuel storage. Flues required also need to be indicated on the plans.

Kitchens and bathrooms do not appear to be directly above each other to reduce pipe runs and heat loss from these runs.

Could the residents use a car club in the areas?

Accessibility Consultant:

Wheelchair accessible housing

At least one wheelchair accessible unit which meets the requirements of Planning Advice Note PAN03 will be required. (nothing currently identified) As there will presumably be only one unit, it should be in the affordable sector in a development of this size. The wheelchair accessible unit should have a car parking space.

Lifetime Homes

The entrance should have a level threshold. The elevations and the plans seem to show a step.

The 300mm clear space required at the leading edge of doors opening towards the user is missing in several of the kitchens and some bedrooms.

The same appears to be true of some entrance doors although an accurate assessment is not possible because the entrance door swings are not shown.

Some doors do not seem to be sufficiently wide in relation to the associated corridor widths - for example Unit 3 entrance. (NB only an example, not the only one)

There should be a 1500mm x 1500mm landing outside the lift, unobstructed by door swings. It currently looks like the stair doors will obstruct the landing and it also seems to scale 1450mm although that may just be the print.

There is no space for side transfer in any of the bathrooms. In some of the layouts, it seems that it would be possible to relocate the basin but there are others where that would not be possible. e.g. Unit 2, 15, 16. (NB only examples – there are others.)

City Clean: verbal response – the refuse store appears large enough however the corridor and door access appears too narrow which is likely to cause damage to the internal walls.

Economic Development: The proposal will meet the needs of the City and will contribute towards the aims and objectives of the LR2 regeneration study. Request a contribution of £300 per residential unit (total contribution of £4,800), towards the Construction Futures Model which has been successful in providing accredited training places, work placements and employment, and is set to provide job matching services and training for local builders wishing to tender for sub-contracts on major sites.

7 PLANNING POLICIES

Brighton & 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
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance

SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR5	Town and district shopping centres

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
SPG BH9	A guide for residential developers on the provision of recreational space.

Planning Advisory Notes

PAN03	Accessible Housing and Lifetime Homes
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8 CONSIDERATIONS

The main considerations of the proposal are:

- Principle of development
- Visual impact
- Impact on neighbouring amenity
- Standard of accommodation to be provided
- Highway impacts
- Sustainability
- Contaminated land
- Air Quality
- Infrastructure

Principle of development

The application site falls within the secondary frontage of the District Shopping Centre of Lewes Road. Policy SR5 will permit the loss of retail only when it can be provided that a healthy balance and mix of uses (including A1 retail) is retained and concentrations of uses other than A1 use are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area. Residential uses should not be permitted as such uses would not draw pedestrian activity to the centre.

A commercial unit with a floor area comprising 124 sq. metres is proposed on the Lewes Road frontage. A smaller unit comprising 70 sq. metres is proposed on the Newmarket Road frontage. The Planning Statement submitted with the application contains conflicting information; paragraph 1.1 refers to the second unit fronting Newmarket Road as providing an A1/A2/B1 unit however paragraphs 5.3 – 5.5 refer to the uses as retail and the Design and Access Statement refers to retail as does the description of the application. The unit is currently occupied by a retailer and very limited evidence has been submitted with the application to justify the reduction in retail floor space.

The overall loss of retail floor space on the site is significant as it proposes the loss of the whole of the first floor in retail use and some of the storage and offices on the ground floor. Appendix 1 of the Planning Statement contains a letter from Graves Son and Pilcher regarding provision of retail units on the site, contained within the statement in support of the application. The letter however fails to justify the further reduction in retail floor area and instead raises concerns over the letting of the site as either a large or small unit and in fact further discourages the viability of two smaller units stating that, ‘...one or two smaller units would be far more difficult to let than a larger unit...the smaller units would be virtually impossible to let...’. It is not clear how such a letter is meant to support the application, instead it adds to the concerns raised by Officers regarding the reduction in retail floor space and the viability of the proposed units.

Planning policy have expressed concern over the lack of storage or staff facilities which would need to be addressed by the applicant in order to demonstrate the viability of the units. It is considered that the small size of the retail unit fronting Newmarket Street, which would be further reduced in floor area if staff and storage accommodation were to be provided, could result in the unit being unviable, and it is considered that the applicant has failed to demonstrate that this unit could accommodate such facilities whilst still maintaining a sufficient floor area for retail. It is also not clear where the commercial refuse store will be accommodated.

In addition, the entrance to the Newmarket Road retail unit is 14 metres from the junction with Newmarket Road and Lewes Road, resulting in a break in the retail frontage which could further harm the viability of the Newmarket

Road unit.

It is considered that the applicant has therefore failed to demonstrate the acceptability of the additional loss of retail floor space on the ground floor, and the provision of 2 smaller units with the submitted information suggests they will not be viable due to their small size.

Visual impact

Although PPS1 and PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. PPS1 seeks amongst other things to protect and enhance the quality, character and amenity value of urban areas including the historic environment.

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities. Policy HO4 relates to the acceptability of higher dwelling densities in areas where it can be demonstrated that the proposal exhibits high standards of design and architecture.

When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area.

To the north of the site is 110 – 111 Lewes Road which is two storeys in height with a pitched roof and accommodation within the roofspace.

To the east of the site on Newmarket Road are two storey traditional terraces with basement floors. To the south of the site is the entrance to the Crematorium and the caretaker's dwelling which is two storey.

The site has a narrow frontage to Lewes Road and the width of the building

would be 11.4 metres with a height of 14 metres above pavement level. The fourth floor is set back from the front building line by 3 metres. This elevation is mainly render at the first, second and third floors with a glazed shop front at the ground floor, it is not clear from the information submitted what is proposed to clad the exterior of the penthouse. Recessed balconies are present at the southern corner of the building with juliet balconies on the northern side.

It is considered that the height of the building would be out of character with its surroundings, with the caretaker's dwelling and 110-111 Lewes Road both being two storey in height. This is heightened by the narrow width of the Lewes Road frontage. 110-111 Lewes Road is 6 metres to eaves height and 10 metres to ridge height. The caretaker's cottage has a ridge height of 7 metres. The predominant character of the area is two and three storey development. It is noted that the scheme aims to address a transition in heights from the Newmarket Road development to the 5 storey element fronting Lewes Road however it is considered that adequate justification for a five storey development has not been provided.

It is recognised that there is a five storey apartment block to the north within 60 metres of the application (Bear Cottages). However this is adjacent to a The Bear public house which is larger in scale than the buildings surrounding the application site. In addition the Bear Cottages building is larger in width, and it is considered that the site could accommodate a building of this height.

The Newmarket Road frontage (northern elevation) is approximately 33 metres in width. The building would have the appearance of a three storey bay fronted dwelling adjacent to 8 Newmarket Road with a width of 4.6 metres and a height of 9.8 to 10 metres above pavement level. The building would then appear as a more modern terrace with a higher eaves height and a width of 6 metres and a height of 10 to 10.1 metres above pavement level. There is an overhang as the ground floor is recessed from the upper floors.

The next section of the building fronting Newmarket Road would be four storeys with a shopfront at the ground floor with recessed balconies at the first and second floors. At the third floor would be two dormers with a small roof terrace area. The ridge height is 11 metres.

The building would then rise to 5 storeys with the fourth floor being set back slightly from the Newmarket and Lewes Road building lines. This element of the building would have the appearance of an apartment block. The tallest section would be approximately 14 metres above pavement level.

It is important to maintain a transition between the two storey plus basement buildings present on Newmarket Street and the taller part of the building fronting Lewes Road. However, it is considered that whilst the scheme does allow for a transition in height, there are too many differing designs within this elevation.

A number of different contrasting styles are used for the building, ranging from traditional bays, pitched and flat roofs, dormers and roof terrace areas and recessed balconies. The Conservation & Design Team have raised a number of concerns with this elevation and consider that it has a degree of informality and complexity in its planes and proportions which is uncharacteristic of its context. It is considered that the design is overcomplicated and too busy. The varying window styles lack architectural rhythm and relate poorly to one another. The openings on the west elevation although more ordered than the previous submission and generally relate to one another vertically, do not appear to relate well horizontally with irregular spacing between the horizontal lines giving the openings in this elevation the appearance of being bunched up to the southern corner. In addition to this, the windows in the penthouse elevation do not appear to relate particularly well either.

Amendments recommended by Design and Conservation relate to the size of the bedroom windows in the west end of the north elevation, stating they could be widened. On assessment of this element of the scheme the result of having small window openings results in there being large areas of quite blank unrelieved elevation, this part of the scheme is considered to be of particular importance due to its prominence in views while travelling south along the adjacent one way section of the gyratory one of the major routes into the City.

In addition to advice on amendments to the window openings described above, Conservation and Design also recommended that the third floor balcony was amended; the openings appear overly dominant in the roof slope as proposed. The wall between the lift shaft and the shopfront at ground floor level was recommended to be removed so that the view down Newmarket Road was of the glazed return of the shopfront rather than a blank wall, thus making the blank projecting return less prominent overall. Further clarity was also requested on the use of materials, the Design and Access Statement does not describe materials.

Views west down Newmarket Road have not been supplied. A section has been provided however it is not clear where this section is taken from as it is not shown on the plans. The section also has some of the lines in red, this may be an error, it is not clear why or what the change in colour is demonstrating as no key is provided. The section shows in part the varying depths in this elevation with one of the overhanging elements shown in red.

The overhang to the modern three storey section with pitched roofs would also appear as an incongruous feature within the street scene. The overhanging feature does not appear to have architectural value and instead appears to have been included to gain more internal floor area while retaining the set back which is characteristic a ground floor, the external appearance as a result is bulky and disjointed and poorly relates to the building as well as the street scene. The varying styles to the three and four storey sections would be of harm to the street scene and the five storey section would appear over-

dominant to its surroundings which is of further harm as it would also be prominent in views from Lewes Road.

The south facing elevation is a simpler more ordered elevation and the Conservation and Design Team consider it successfully integrates within its context. The window opening to one of the bedrooms in flat 13 however does not relate particularly well to the openings below and the spacing between the openings on the floor plans do not appear to match the elevations.

For the reason stated above the design of the scheme is considered unacceptable and will result in having a negative impact on the character of the street scene and will appear overly dominant in the area.

Impact on neighbouring amenity

Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers.

No.116 Lewes Road is located to the south of the application site which is the caretaker's house to the Crematorium. Half the north facing elevation of the caretaker's house would be 7 metres from the south elevation of the three storey section of the building, with the other half of the elevation facing towards 8 Newmarket Road. The caretaker's house has a number of smaller windows on the north elevation which appear to be secondary and are obscure glazed. With regard to privacy, the relationship between the proposed scheme and the existing dwelling would be similar to the existing interface distance between 8 Newmarket Road and the caretaker's house and is therefore considered acceptable. The proposed building then comes right up to the boundary and rises up to 3 storeys in height, which is similar in height to the eaves and ridge to that of the existing building. It is likely that some oblique overlooking will occur to the Caretaker's house and garden area. However the garden area most likely to be overlooked is a very narrow side garden area which is not the main amenity space, the windows on the north elevation which are obscure glazed and those on the west elevation which are readily visible from the public highway and access into the crematorium, and as such the impact is considered acceptable.

It is not considered that the proposed building would cause any loss of sunlight or overshadowing to the caretaker's building, as the proposed building is sited due north. Nor is it considered likely to have an overbearing impact as where the building neighbours the Caretaker's house, it is of a similar scale and siting to the existing building. It is not considered that the proposed building will have an adverse impact on the neighbouring dwellings to the east of the site by way of overshadowing, loss of light, overlooking or causing an overbearing impact.

To the north of the proposed building on the other side of Newmarket Road are 110-112 Lewes Road which is a funeral directors at the ground floor with residential above at the first and second floors and 1 – 3 Newmarket Road

which are two storey residential terraced properties the majority of which have basement accommodation. These properties would be a distance of between 12 and 15 metres from the proposed building, in addition to this shadow path studies have been submitted with the application and it is considered that this distance is sufficient and would not result in a significant loss of light or aspect and there would be no significant loss of privacy.

Standard of residential accommodation to be provided

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development. HO6 relates to provision of outdoor recreation space in housing schemes.

Private sector housing have commented that the middle bedroom in the proposed ground floor flat 1 does not appear to comply with the Housing Act space standards. The minimum size for a single bedroom should be between 6.5 and 8.3 sq metres; however the room is only approximately 5.4 sq metres. Although the rest of the accommodation meets the standards within the Housing Act, it is considered that the accommodation is a cramped form of development and is a reflection that 16 units is an overdevelopment of the site.

Two of the units have no private amenity space (units 2 and 5). Two units (units 4 and 7) would have recessed balconies which are north facing and would receive limited sunlight. Unit 12 has a small roof terraced area which is again north facing.

The applicant refers to 2 applications within the submitted Planning Statement which in their view establishes that the Council considers that a 75% provision of amenity space in flatted development is acceptable, and it is not necessary to provide amenity space for each flat. The applicant lists the King Alfred development and 323-325 Mile Oak Road (BH2007/02497) as being examples of this. However, the Mile Oak Road development was recommended for refusal by planning officers (with one of the reasons being concerned with insufficient provision of amenity space), which was overturned at Planning Committee. A similar scheme for Mile Oak Road (BH2008/03117) has recently been refused by Planning Committee, and one of the reasons for refusal is related to insufficient provision of amenity space.

The King Alfred development was an entirely different scheme and cannot be easily compared with this proposal. The King Alfred scheme was directly adjacent to the seafront where residents would benefit from the recreational opportunities associated with this.

Some flats do have adequate amenity space provision provided in the form of recessed balconies on the south elevation, and the 2 flats within the fourth

floor would have roof terrace areas. The ground floor three bedroom flat would have access to a small garden. However, the scheme does not provide private amenity space for each of the units, and the amenity space for 3 of the flats will be of a poor standard due to the recessed nature of the balconies, north facing aspect and small size. There is also no shared amenity space or children's play areas proposed which could be utilised by those flats which have no private amenity space or sub-standard space.

Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This is not provided within the site. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site.

The Council's Policy Officer has stated that the amount of casual/informal recreation space generated by this development exceeds the minimum active area for a LAP and should therefore be provided on site. The Planning Statement states that the site is too small and would therefore not accommodate provision and recommends a contribution towards Saunders Park to address HO6.

Saunders Park Rise situated on the west side of Lewes Road which due to the distance and poor access having to cross Lewes Road, it too is considered unsuitable for independent play by young children. This site is not within a central city location and the proposed housing mix would include family accommodation. There is therefore an expectation that the development would, as a minimum, provide sufficient amenity space on site in relation to the needs of the future occupiers rather than wholly relying on a contribution. In addition to the lack of provision in respect of a LAP no communal space has been provided by way of roof terraces and the overall provision of external amenity space on the site is not considered to be sufficient to meet the needs of future occupiers. While it is accepted that flatted development would not provide individual garden areas for each unit, the proposed provision is overly constrained in both quantitative provision and the usability of space.

The balconies would provide a positive contribution to the general living conditions of the units. However, these balconies would not provide for anything other than passive use.

In the absence of such provision on-site, children would be required to seek alternative supervised play area in the local area. This is not considered to be sufficient provision for external amenity space needs given the site location and surrounding context and the proposal for family accommodation. It is therefore considered that the proposed development fails to provide adequate external amenity space and outdoor recreation space to meet the needs of

future occupiers and this would be to the detriment of the living conditions of any future residents of the scheme and contrary to policies HO5, HO6 and QD27 of the Brighton & Hove Local Plan.

Brighton & Hove Local Plan policy HO13 requires that all new residential development is constructed to Lifetime Homes standard, and that a proportion of new dwellings are constructed to wheelchair accessibility standards.

At least one of the units should be wheelchair accessible and this should be made available for the affordable housing, the designated flat is the three bedroom unit on the ground floor labelled 'flat 1'. The Council's Accessibility Consultant has commented that the wheelchair accessible flat should also have a disabled parking space. The units do not meet the standards with regard to side transfer in bathrooms, unobstructed landing area outside of the lift, width of doors in relation to the corridor width, and 300mm clear space at the leading edge of doors. The entrance should also have a level threshold however the elevations and the plans seem to show a step. There are also discrepancies between the floor plans on drawing number 16 and the larger scale drawing of the wheelchair accessible unit; on the larger scale drawings the corners of two of the bedrooms have been removed to provide access along the corridors, it is considered that this is a demonstration of how cramped the flat is and how poor the layout and circulation would be for the occupants.

The applicant has failed to demonstrate that Lifetime Homes standards can be achieved contrary to Local Plan policy HO13 and does not meet the guidance contained within Planning Advisory Note 03 Accessible Housing and Lifetime Homes.

Highway impacts

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

Car parking

Policy HO7 will grant permission for car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term. The most practical way of achieving this is to restrict residents parking permits within Controlled Parking Zones. No vehicular parking spaces are proposed. However, the site is not within a Controlled Parking Zone, so residents would therefore be able to park on the surrounding residential streets.

The submitted Transport Statement notes that the potential increase in on street parking would be for 12 cars. The Council's Highway Officer agrees

with this, and doesn't consider that the proposal would lead to an increase in on street parking demand to an extent that public safety would be affected, especially given as proposal will also remove some under used solo cycle bays creating an additional 3 to 4 car parking spaces. It is therefore considered that the proposal would comply with policy TR7 of the Local Plan.

Cycle Parking

Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. A small area is shown for cycle parking within the building at the ground floor which would equate to just under 12 square metres. The application forms state that parking for 20 cycles will be provided whilst the Transport Statement states that parking for 22 cycles will be provided. No cycle parking is provided for customers of the retail units.

The minimum standard contained within SPG4 Parking Standards, would be for a minimum provision of 21 spaces for the residential element and 1 space for the retail development. It is considered that the size of the designated cycle store would be insufficient for this number of cycles and that the applicant has failed to demonstrate how they could be successfully accommodated within this space.

Although the Transport Statement suggests that "no other highway improvements are required or proposed" the Highway Authority disagree. The pavement materials surrounding the site are in poor condition and detract from the quality of the street scene. There are a number of different materials that make the immediate surrounding look unattractive and in need some upgrading. Also there are historic dropped kerbs that are no longer on use so should be reinstated as footway as a part of this proposal. The highway Authority recommend that to improve the quality of the surfacing materials surrounding the site a condition should be included requiring the applicant to submit a plan showing the areas to be repaved and kerbed, and for the applicant to carry out this work. If the application were acceptable a condition in this respect would be imposed.

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. SPD08 – Sustainable Building Design requires the scheme to meet Code Level 4 of the Code for Sustainable Homes (CSH) for the residential element and 'Excellent' BREEAM for the commercial element achieving 60% in the energy and water sections, be Lifetime Homes compliant and submit a Sustainability Checklist. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and grey water recycling systems.

The applicant submitted a Sustainability Checklist with the application and has detailed a commitment to reach Code Level 4 of the CSH for the residential element and 'Excellent' BREEAM with 60% in the energy and water sections; there has been no commitment to try to achieve zero net annual CO2 emissions from energy use or to commit joining the Considerate Constructors Scheme.

As stated by the Council's Sustainability Consultant, The Council would like to see that energy demand has been minimised by reducing heat loss by using an energy efficient building envelope with efficient building services. Passive means should be used where possible to heat ventilate and cool the building. The envelope should be designed beyond the requirements of building regulations (U values, airtightness and thermal bridging) to reduce energy demand. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce running costs (fuel bills) for occupants and improve thermal comfort levels for the occupants. There is no indication of improved building fabric beyond building regulations in the application.

The final energy demand should be minimised before low or zero carbon technologies are assessed to meet the remaining energy demand. An assessment of different technologies that could be used to meet remaining energy demand should be submitted along with reasons why some have been discounted and others chosen. The inclusion of PV as mentioned in the Planning Statement and solar thermal as mentioned in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. However there is no indication of these technologies on the plans and elevations and no full roof plan was submitted, the elements of the roof plan submitted do not contain such detail either.

Very limited information has been submitted in support of the scheme achieving the required levels and the checklist contains very limited justification. In the transport section for example it refers to provision of a pool car/car club which does not appear anywhere in the Transport Assessment. Doubt is therefore cast on whether the development can achieve the levels required and insufficient information has been submitted in this respect.

Feasibility studies have not been undertaken for rainwater harvesting or grey water recycling and both have been marked as not applicable on the checklist. There is no explanation as to why they are not applicable.

In relation to policy SU2, measures have been indicated in the application that reduce fuel use, carbon dioxide emissions and water consumption. Composting facilities will be located in each flat and there is a communal waste collection/recycling area within the building, the access corridor and door to the refuse area does however appear too small and its use is therefore likely to result in causing damage to the interior.

Solar shading may be required to prevent overheating on the south facing windows on the end of the south elevation where there are no overhangs from balconies.

Stairwells particularly the one located on the east end has minimal day lighting due to small windows. This will increase dependence on artificial lighting. Sun pipes could be considered to bring light in from the roof.

There is no mention of the type of lighting that will be used and whether PIR lighting will be used in communal areas. Kitchens and bathrooms do not appear to be directly above each other to reduce pipe runs and heat loss from these runs.

A low score has been achieved in the ecology section of the checklist. Green walls could be incorporated using planters off balconies or planters on balconies with an irrigation system to enhance biodiversity on site. There could be a green roof which could compliment the PV and Solar thermal as these panels improve the biodiversity of a green roof.

Insufficient information has been submitted with regard to the location and design of the renewable energy technologies, and their visual impact cannot therefore be fully assessed. In addition to this insufficient information has been submitted to demonstrate that the scheme can achieve the relevant standards as such the scheme cannot be fully assessed against policies QD1, QD2 and SU2 and the guidance set out in SPD08.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature, a plan was submitted and if the application were acceptable a condition requiring a full submission would be recommended by condition.

Contaminated land

PPS23 states that Local Planning Authorities should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, the Local Planning Authority should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation should be required.

Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land

uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.

A contamination desk study has not been submitted, and an objection to the proposal has been received from the Council's Contaminated Land Officer. Previous historic uses on the site include a coal and coke merchants and a sawmill, both of which have the potential to cause contamination. It is therefore considered that insufficient information has been submitted with regard to the levels of contamination for the proposal to be properly assessed against policy SU11 of the Local Plan.

Air Quality

Local Plan policy SU9 permits development's within an air quality 'hotspot' where the effect on the development's occupants and users will not be detrimental and will not make the pollutions situation worse and where practical helps to alleviate the existing problems.

An air quality assessment has been submitted by the applicant which recommends that there are no openings on the Lewes Road frontage at first floor due to the poor air quality in the vicinity of the Lewes Road gyratory. There are a number of openings present on this elevation including a Juliet balcony and a recessed balcony in the southern corner. It is therefore considered that the applicant has failed to demonstrate that the health of future occupiers of the scheme would not be compromised as a result of this poor air quality and the design of the scheme.

Accuracy of plans

There are a number of discrepancies on the plans for example, some of the windows on the north elevation to the landing lobby by the liftshaft are wider on plan than on elevation; the stairwell window to the third floor is shown in a different position at third floor level on the floor plan; and the 1:20 scale 'shopfront' drawing shows a projecting 'canopy' over the 'shopfront' that is not shown on the overall elevation drawings and the north point is shown pointing in the wrong direction on drawing number 04.

9 EQUALITIES IMPLICATIONS

The development does not accord to Lifetime Homes standards.

BH2009/00036 112-113 Lewes Road



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LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2008/02077	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	79 - 80 Western Road, Hove		
<u>Proposal:</u>	Change of use to mixed A3 / A4 use (restaurant / bar) on ground, first and second floors and variation of condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 08.30 and 01.45 (part retrospective).		
<u>Officer:</u>	Guy Everest, 293334	tel: <u>Received Date:</u>	17 June 2008
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	05 September 2008
<u>Agent:</u>	Jarmain Associates, Step Cottage, Freshfield Lane, Danehill		
<u>Applicant:</u>	Mr Essam Shawki, 79 to 80 Consecutive Western Road, Hove		

This application was deferred at the last Committee meeting on 8th April 2009 in order for members to visit the site. The report has been updated to reflect late items received in the interim.

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 ground and first floor windows to the rear elevation, as indicated on hereby approved drawing no. 09-01 J, shall be obscurely glazed and fixed shut and shall thereafter be permanently retained as such.
Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
2. The premises shall be in operation only between the hours of 08.30 and 01.45 Monday to Sunday.
Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
3. Amplified music or other entertainment noise from within the premises shall not be audible at any noise sensitive premises during hours of operation.
Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 01-01 C submitted 5th June 2008; a Design & Access Statement submitted 30th June 2008; drawing no. 02-03 E submitted 11th July 2008; a Noise Assessment submitted 10th September 2008; and drawing nos. 02-01 J & 09-01 J submitted 30th October 2008.
2. This decision to grant Planning Permission has been taken:
 - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 - SU10 Noise nuisance
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
 - SR5 Town and District Shopping Centres
 - HE3 Development affecting the setting of a listed building
 - HE6 Development within or affecting the setting of conservation areas; and
 - ii. for the following reasons:-

The development, subject to compliance with the above conditions, will not result in harmful noise or disturbance for occupiers of adjoining properties.
3. The applicant is advised that in order to prevent future enforcement action the existing French doors at first floor level to the rear elevation should be removed and replaced with window openings, as indicated on approved drawing no. 09-01 J, within 2 months of the date of this decision.
4. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

2 THE SITE

The application site relates to a two storey plus basement mid-terraced property on the south side of Western Road, close to the junction with St John's Road. This building is within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

Planning permission was granted in 2006 for a change of use from print shop (A1) to cafe/ restaurant (A3) at ground floor level and installation of ventilation ducting to rear elevation (ref: **BH2006/02429**). Condition 2 of this permission stated:-

2. *The premises shall not be in use except between the hours of 10.00 and 23.00 Monday to Sunday (including Bank Holidays).*

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

4 THE APPLICATION

The application seeks consent for the change of use at first and second floor levels to an A3 use in conjunction with the ground floor of the premises. This element of the scheme is retrospective. It is also proposed to vary condition 2 of the above planning permission to allow use of the premises between the hours of 08.30 and 01.45.

The following additional applications have also been submitted at the application site:-

- **BH2008/01986:** Proposed three new rooflights to front and rear (part retrospective).
- **BH2008/01985:** Six air conditioning units to the rear of property (retrospective).

5 CONSULTATIONS

External:

Neighbours: letters have been received from **18 (flat 1), 20 (GFF x2), 21 (flats 1 x2, 5 x2 & 7), 24 Palmeira Square** and **28A & 39 St John's Road** objecting to the proposal for the following reasons:-

- increased light pollution;
- a restaurant and bar of this size will automatically generate substantial noise;
- the three French doors are an integral part of the upper floor and mean that anyone has a clear and uninterrupted view of the gardens and living rooms of those living nearby;
- concern that the area of roof at first floor level will be used as a terrace with resulting noise and privacy problems;
- there are already bars / restaurants in the adjoining area backing onto residential properties
- the proposal will generate extra traffic to the immediate neighbourhood.

Cllr Watkins and **Cllr Elgood** object (letter attached).

Celia Barlow MP objects on behalf of residents who are concerned over the proposed use of the premises, with their already being a significant number of restaurants in the area. Furthermore there are justified concerns over the privacy of neighbouring homes along with obvious issues of noise and general disturbance to residents.

Sussex Police: The premises are outside the cumulative impact zone. The overall floor space for public use exceeds 150 sq metres so policy SR12 applies. So far as opening hours are concerned the policy states that opening hours should be staggered to avoid customers leaving at the same time.

Internal:

Environmental Health: Recommend conditions to control noise levels. When an application is made to vary the Premises License to include use of the first floor further controls may be stipulated. This may result in further conditions applied to the license to satisfy the objective of the Prevention of Public Nuisance. Furthermore whilst the suggested conditions should result in nearby neighbours not being disturbed in the event that noise complaints are received they will be investigated under the Environmental Protection Act 1990 and powers with regard to statutory noise nuisance.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

SR5 Town and District Shopping Centres

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main issues of determination in the determination of this application relate to the impact of the change of use on the Hove Town Centre, amenity for occupiers of adjoining properties, and the demand for travel in the area.

The ground floor of the application site is in use as a restaurant following the granting of planning permission in 2006 with the first and second floors providing ancillary floorspace. The use of the property as a mixed use restaurant and bar would not entail the loss of a retail unit and the vitality and shopping function of the Hove Town Centre will not be harmed. The proposed use would potentially attract pedestrian activity to the centre in compliance with the aims of local plan policy SR5.

The application site abuts residential properties on Palmeira Avenue and St Johns Road and there is potential for increased noise and disturbance for occupiers of these properties. A number of local residents have objected to the proposal on this basis. The Council's Environmental Health Officer is satisfied that subject to suitable conditions satisfactory noise mitigation and control would be provided to protect neighbouring residents and recommends that opening be allowed until 01.45 each day: Sussex Police have raised no objection to the proposed opening hours. On this basis it is considered the extended opening hours would not necessarily result in harmful noise or disturbance for occupiers of adjoining properties and conditions are recommended requiring first floor windows be obscurely glazed and fixed shut, and that noise from within the premises shall not be audible at any noise sensitive premises during hours of operation.

It should be noted that Environmental Health have advised that further conditions may be attached to the Premises License, under the provisions of

the Licensing Act 2003, and that whilst the planning conditions outlined above will reduce the potential for disturbance to nearby neighbours any future complaints can be investigated under the provisions of the Environmental Protection Act 1990.

The application seeks consent for a mixed restaurant / bar use which, for the above reasons, is considered unlikely to result in undue noise or disturbance for occupiers of adjoining properties. Western Road already has some late activity from existing establishments in the vicinity of the site and there is no evidence to suggest that this proposal will result in an increase in crime. The total public floorspace within the premises (excluding lobbies, stairwells, WC's and staffed areas) would not exceed 150 sq metres and as such local plan policy SR12, which relates to large restaurant / bars, is not considered relevant in this instance.

It is noted that three double door openings have been created at first floor level to the rear elevation in place of window openings. This alteration does not benefit from planning permission and the applicant has been advised that having regard to their impact on neighbouring amenity planning permission is unlikely to be granted. The proposed plans indicate the reinstatement of the original window openings and an informative is recommended advising the applicant that these works should be completed within 2 months of the date of this decision in order to prevent future enforcement action: condition 1 also requires the windows once reinstated to be obscurely glazed and fixed shut.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development, subject to compliance with the above conditions, will not result in harmful noise or disturbance for occupiers of adjoining properties.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/02077 79-80 Western Road, Hove



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Brighton & Hove City Council

PLANS LIST – 29TH APRIL 2009

COUNCILLOR REPRESENTATION

From: Paul Elgood [Paul.Elgood@brighton-hove.gov.uk]
Sent: 02 April 2009 12:49
To: Guy Everest; Penny Jennings
Cc: David Watkins
Subject: Late Objections - 79 - 80 Western Road, Hove

Dear Guy and Penny,

BH2008/02077
BH2008/01985
BH2008/01986

79 - 80 Western Road, Hove

As Ward Councillors, we would like to object to the stated applications. Cllr David Watkins would also like to speak to these objections at the Planning Committee on Wednesday.

In addition we would strongly recommend a site visit for the committee to see how close the site is to neighbouring homes

Residents have expressed concern to us over this application in terms of:

1. Increased light and noise pollution and loss of privacy for surrounding homes;
2. The French doors will mean a clear and uninterrupted view of the gardens and living rooms of those living nearby;
4. The roof area at first floor level could be used as a terrace with resulting noise and privacy problems;
5. There are already bars / restaurants backing onto residential properties (and one is currently unused) and a new application is not necessary;
6. The proposal will generate extra traffic to the immediate neighbourhood, which already has limited parking.
7. Tables and chairs on the pavement to the front of the building, and the likelihood of exterior gathering of smokers due to the smoking ban.
8. The poor enforcement of unauthorised work which considerably altered the building and has led to severe disturbance to residents.
9. We do not believe that the operating hours are at all acceptable, and would propose a limit of 12 midnight rather than 1.45am.

We would also propose that if the committee is minded to go ahead, that only temporary planning permission is agreed so that it can be reviewed in a year's time.

We do not believe that this is an acceptable development for the building.

Cllr Paul Elgood
Cllr David Watkins
Brunswick & Adelaide ward

No:	BH2008/01985	Ward:	BRUNSWICK AND ADELAIDE
App Type:	Full Planning		
Address:	79 - 80 Western Road, Hove		
Proposal:	Six air conditioning units to the rear of property (retrospective).		
Officer:	Guy Everest, 293334	tel:	Received Date: 05 June 2008
Con Area:	Brunswick Town	Expiry Date:	05 September 2008
Agent:	Jarmain Associates, Step Cottage, Freshfield Lane, Danehill		
Applicant:	Mr Essam Shawki, 79 to 80 Consecutive Western Road, Hove		

This application was deferred at the last Committee meeting on 8th April 2009 in order for members to visit the site. The report has been updated to reflect late items received in the interim.

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 1 month, unless otherwise agreed in writing by the Local Planning Authority, of the date of this decision details of soundproofing measures to the installed chiller units shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed within 1 month of such written approval, unless otherwise agreed in writing by the Local Planning Authority, in accordance with the agreed details and shall thereafter be retained as such.
Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
2. The units hereby approved shall be serviced and maintained to ensure that noise associated with this units is controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, does not exceed a level 5dB(A) below the existing L_{A90} background noise level: rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 01-01 C submitted 5th June 2008; a Design & Access Statement submitted 30th June 2008; drawing no.

02-03 E submitted 11th July 2008; a Noise Assessment submitted 10th September 2008; and drawing nos. 02-01 J & 09-01 J submitted 30th October 2008.

2. This decision to grant Planning Permission has been taken:
 - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 - SU10 Noise nuisance
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
 - HE3 Development affecting the setting of a listed building
 - HE6 Development within or affecting the setting of conservation areas; and
 - ii. for the following reasons:-

The installed units, by reason of their siting, preserve the appearance of the building and wider Brunswick Town Conservation Area and, subject to compliance with conditions 1 and 2 above, will not cause significant harm to neighbouring amenity.
3. The applicant is advised that in order to prevent future enforcement action the existing French doors at first floor level to the rear elevation should be removed and replaced with window openings, as indicated on approved drawing no. 09-01 J, within 2 months of the date of this decision.

2 THE SITE

The application site relates to a two storey plus basement mid-terraced property on the south side of Western Road, close to the junction with St John's Road. This building is within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

Planning permission was refused in April 2008 for the retention of 4 air conditioning units to the rear of the premises (ref: **BH2008/00065**) for the following reason:-

1. *The external cabling associated with the installed air conditioning units are unduly prominent additions to the building which harms its character and appearance and that of the surrounding area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.*
2. *The installed air conditioning units are sited in close proximity to adjoining residential properties, and associated amenity space, and have potential to impact on neighbouring amenity by way of noise and general disturbance. The applicant has failed to demonstrate that the installed units will not have a detrimental effect on amenity for occupiers of surrounding properties. In the*

absence of such information the proposal is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan which seek to protect residential amenity.

Planning permission was granted in 2006 for a change of use from print shop (A1) to cafe/ restaurant (A3) and installation of ventilation ducting to rear elevation (ref: **BH2006/02429**).

4 THE APPLICATION

The application seeks retrospective consent for the retention of six air conditioning units at ground floor level to the rear of the property.

The following additional applications have also been submitted at the application site:-

- **BH2008/02077**: Change of use from A1 to A3 on first and second floors and variation of condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 08.30 and 01.45.
- **BH2008/01986**: Proposed three new rooflights to front and rear (part retrospective).

5 CONSULTATIONS

External:

Neighbours: letters have been received from **20 (GFF x 2), 21 (flats 1, 5 & 7) and 24 Palmeira Square;** and **39 St John's Road** objecting to the proposal for the following reasons:-

- noise and light pollution;
- loss of privacy;
- a restaurant use is not suitable for the area. It is close to several food outlets and there should be a variety of businesses in the area, especially close to a large residential area. It is likely a more reasonable restaurant use would not be opposed;
- the building has already been altered without planning permission and should be restored to conservation standards (the installed French doors at first floor level to the rear elevation);
- inadequate parking facilities.

Cllr Watkins and **Cllr Elgood** object (letter attached).

Celia Barlow MP objects on behalf of residents who are concerned over the proposed use of the premises, with their already being a significant number of restaurants in the area. Furthermore there are justified concerns over the privacy of neighbouring homes along with obvious issues of noise and general disturbance to residents.

Internal:

Environmental Health: The applicant has submitted a noise assessment which concludes:

'From the results of the assessment, the operation of the A/C/ chiller

units at the rear of the Square will not have any adverse noise impacts on the nearest residential receptors. From the measurements taken at the site, the noise impact from the chillers should be more than 5dB(A) below background at the nearest unobstructed residential receptors. A/C chiller units can become increasingly noisy with wear over time and should be maintained to preserve their present quiet operation.'

The noise from the functioning of the air conditioning units has been assessed using the appropriate methods and equipment and there is no reason to disagree with the conclusions made in the acoustic report; the functioning of the units does not constitute a statutory noise nuisance under the provisions of the Environmental Protection Act 1990.

As recommended in the conclusion of the noise assessment the air conditioning external chiller units should be routinely serviced and maintained. This should be done to ensure that noise associated with them be controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main issues of consideration in the determination of this application relate to the visual impact of the installed units on the character and appearance of the building and surrounding area; and the impact on amenity for occupiers of adjoining properties.

Design and appearance

The air conditioning units have been installed in a passageway between a single-storey rear section of the property and the shared boundary wall with 20 Palmeira Square. The units are not visible from any public highway or open space and therefore have a limited impact on the character and appearance of the conservation area. Similarly when viewed from adjoining properties whilst the upper section of the units are visible the overall visual impact is sufficiently reduced by the existing boundary wall to prevent any significant harm to the character or appearance of the building and those adjoining, which on Palmeira Square are grade II listed. Following a previous refusal for the units (see section 3) external cabling has been

removed and repositioned internally within the premises.

Impact on amenity

The installed units are in close proximity to the rear gardens of 20 Palmeira Square and 39 St John's Road and as such there is potential for increased noise disturbance for occupiers of adjoining properties.

The applicant has submitted a Noise Assessment assessing the impact of the four air conditioning units on the nearest residential properties. The assessment states that the installed units are designed to operate in close proximity to residential uses and concludes that the air conditioning units will not have any significant adverse noise impacts on the nearest residential properties. The Council's Environmental Health Officer has advised that based on measurements taken at the site there are no reasons to dispute the Noise Assessment findings and recommend approval, subject to a condition restricting future noise levels from the units (no. 2).

A further two chiller units have also been installed and were not measured as part of the above Noise Assessment. The Environmental Health Officer has identified a statutory noise nuisance in relation to these units and soundproofing works are required in order to overcome this. However, there are no reasons why adequate soundproofing cannot be achieved in relation to these units and a condition (no. 1) is recommended to require further details of the proposed soundproofing and its subsequent installation. It is considered that subject to compliance with this condition no significant harm will result for occupiers of adjoining properties.

Other considerations

It is noted that three double door openings have been created at first floor level to the rear elevation in place of window openings. This alteration does not benefit from planning permission and the applicant has been advised that having regard to their impact on neighbouring amenity permission is unlikely to be granted. The proposed plans indicate the reinstatement of the original window openings and an informative is recommended advising the applicant that these works should be completed within 2 months of the date of this decision in order to prevent future enforcement action.

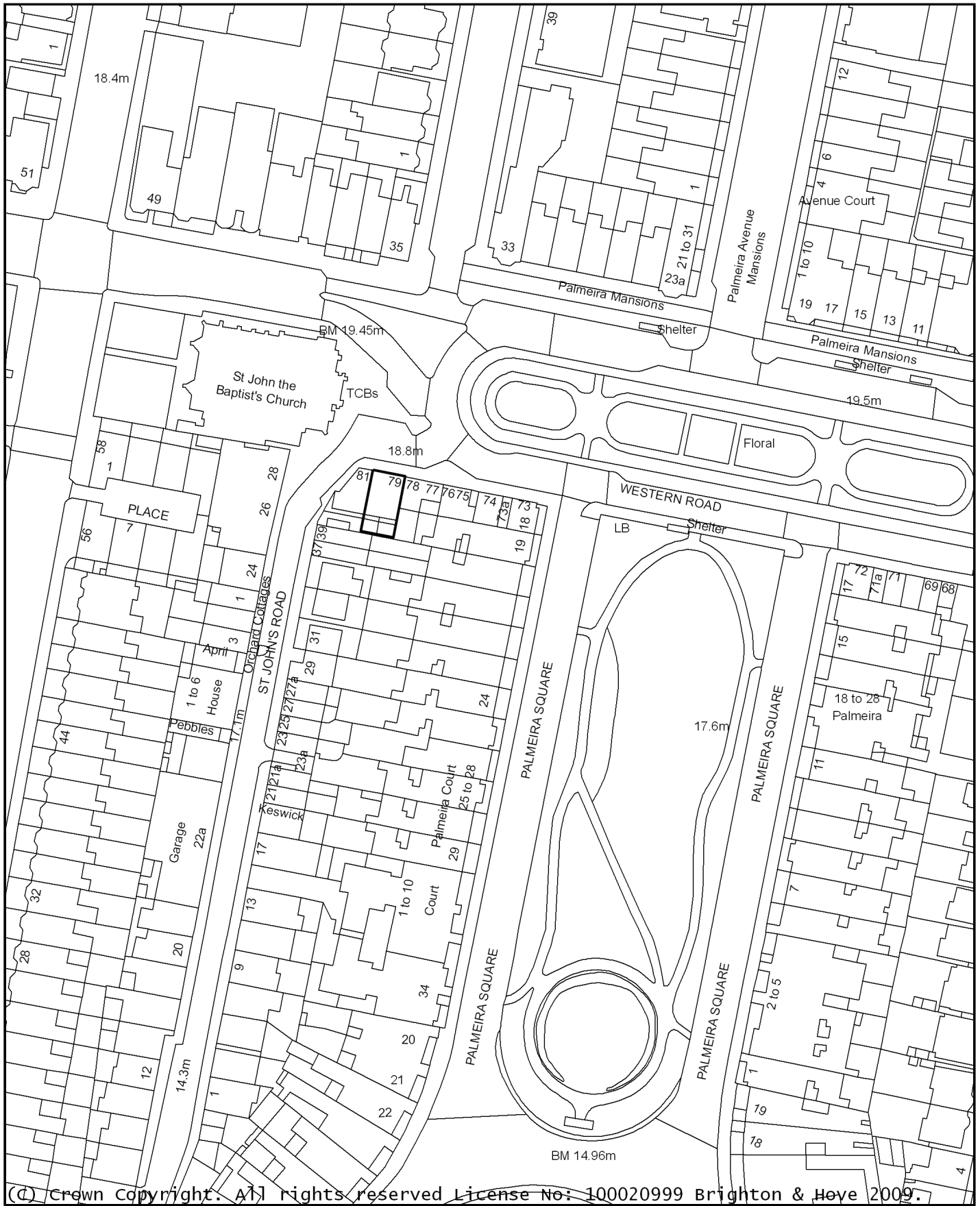
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The installed units, by reason of their siting, preserve the appearance of the building and wider Brunswick Town Conservation Area and, subject to compliance with conditions 1 and 2 above, will not cause significant harm to neighbouring amenity.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/01985 79-80 Western Road, Hove



Date: 25/03/2009 01:30:20

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Brighton & Hove City Council

PLANS LIST – 29TH APRIL 2009

COUNCILLOR REPRESENTATION

From: Paul Elgood [Paul.Elgood@brighton-hove.gov.uk]
Sent: 02 April 2009 12:49
To: Guy Everest; Penny Jennings
Cc: David Watkins
Subject: Late Objections - 79 - 80 Western Road, Hove

Dear Guy and Penny,

BH2008/02077
BH2008/01985
BH2008/01986

79 - 80 Western Road, Hove

As Ward Councillors, we would like to object to the stated applications. Cllr David Watkins would also like to speak to these objections at the Planning Committee on Wednesday.

In addition we would strongly recommend a site visit for the committee to see how close the site is to neighbouring homes

Residents have expressed concern to us over this application in terms of:

1. Increased light and noise pollution and loss of privacy for surrounding homes;
2. The French doors will mean a clear and uninterrupted view of the gardens and living rooms of those living nearby;
4. The roof area at first floor level could be used as a terrace with resulting noise and privacy problems;
5. There are already bars / restaurants backing onto residential properties (and one is currently unused) and a new application is not necessary;
6. The proposal will generate extra traffic to the immediate neighbourhood, which already has limited parking.
7. Tables and chairs on the pavement to the front of the building, and the likelihood of exterior gathering of smokers due to the smoking ban.
8. The poor enforcement of unauthorised work which considerably altered the building and has led to severe disturbance to residents.
9. We do not believe that the operating hours are at all acceptable, and would propose a limit of 12 midnight rather than 1.45am.

We would also propose that if the committee is minded to go ahead, that only temporary planning permission is agreed so that it can be reviewed in a year's time.

We do not believe that this is an acceptable development for the building.

Cllr Paul Elgood
Cllr David Watkins
Brunswick & Adelaide ward

<u>No:</u>	BH2008/01986	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	79 - 80 Western Road, Hove		
<u>Proposal:</u>	Proposed three new rooflights to front and rear (part retrospective).		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	05 June 2008
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	05 September 2008
<u>Agent:</u>	Jarmain Associates, Step Cottage, Freshfield Lane, Danehill		
<u>Applicant:</u>	Mr Essam Shawki, 79 to 80 Consecutive Western Road, Hove		

This application was deferred at the last Committee meeting on 8th April 2009 in order for members to visit the site. The report has been updated to reflect late items received in the interim.

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. BH12.05 Rooflights - Cons Area.
2. The hereby approved rear rooflights shall be fixed shut and shall be permanently retained as such.

Reason: To safeguard the amenity of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 01-01 C submitted 5th June 2008; a Design & Access Statement submitted 30th June 2008; drawing no. 02-03 E submitted 11th July 2008; and 02-01 J & 09-01 J submitted 30th October 2008.
2. This decision to grant Planning Permission has been taken:
 - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance Note: Brighton & Hove Local Plan
 - SU10 Noise nuisance
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
 - HE3 Development affecting the setting of a listed building
 - HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance
SPGBH1 Roof Alterations and Extensions, and

- ii. for the following reasons:
The rooflights will preserve the character and appearance of the building and Brunswick Town Conservation Area, and subject to compliance with condition 2 will not result in harm to neighbouring amenity through increased noise or disturbance.
3. The applicant is advised that in order to prevent future enforcement action the existing French doors at first floor level to the rear elevation should be removed and replaced with window openings, as indicated on approved drawing no. 09-01 J, within 2 months of the date of this decision.

2 THE SITE

The application site relates to a two storey plus basement mid-terraced property on the south side of Western Road, close to the junction with St John's Road. This building is within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

Planning permission was refused in April 2008 for the installation of 3 rear rooflights (ref: **BH2008/00064**) for the following reason:-

1. *Notwithstanding inaccuracies on the submitted plans the proposed rooflights by virtue of their size and non-traditional proportions would harm the character and appearance of the property and surrounding Brunswick Town conservation area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).*

Planning permission was granted in 2006 for a change of use from print shop (A1) to cafe/ restaurant (A3) and installation of ventilation ducting to rear elevation (ref: **BH2006/02429**).

4 THE APPLICATION

The application seeks consent for the installation of two conservation rooflights to the rear of the property measuring approximately 0.66m x 1.1m (w x h). Retrospective consent is also sought for the retention of a front conservation rooflight measuring approximately 0.55m x 0.98m (w x h).

The following additional applications have also been submitted at the application site:-

- **BH2008/02077**: Change of use from A1 to A3 on first and second floors and variation of condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 08.30 and 01.45.
- **BH2008/01985**: Six air conditioning units to the rear of property (retrospective).

5 CONSULTATIONS

External:

Neighbours: letters have been received from **20 (GFF), 21 (flats 1, 5 & 7) & 24 Palmeira Square** and **28A & 39 St John's Road** objecting to the proposal for the following reasons:-

- noise and light pollution;
- loss of privacy;
- a restaurant use is not suitable for the area. It is close to several food outlets and there should be a variety of businesses in the area, especially close to a large residential area. It is likely a more reasonable restaurant use would not be opposed;
- the works have taken a considerable length of time;
- the building has already been altered without planning permission and should be restored to conservation standards (the installed French doors at first floor level to the rear elevation);
- inadequate parking facilities;
- pedestrian congestion as a result of tables on pavement.

Cllr Watkins and **Cllr Elgood** object (letter attached).

Celia Barlow MP objects on behalf of residents who are concerned over the proposed use of the premises, with their already being a significant number of restaurants in the area. Furthermore there are justified concerns over the privacy of neighbouring homes along with obvious issues of noise and general disturbance to residents.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

7 CONSIDERATIONS

The main issues of consideration in the determination of this application relate to the visual impact of the installed units on the character and appearance of the building and surrounding area; and the impact on amenity for occupiers of adjoining properties.

Design and appearance

In conservation areas, supplementary planning guidance on roof extensions and alterations, SPGBH1, advises that rooflights should lie flush with the roof covering; be of traditional proportions, design and construction; and have slim steel or cast iron frames. The proposed rooflights are of conservation style,

modestly sized, positioned above openings at first floor level, and not readily visible from any public highway or open space. For these reasons the proposal will preserve the character and appearance of the building and Brunswick Town Conservation Area. A condition is recommended requiring the rooflights be flush with the adjoining roof surface.

As existing the rear elevation of the property incorporates three French door openings which do not benefit from planning permission and as such are unauthorised. The proposed plans indicate the removal of the French doors and reinstatement of the original windows. An informative is recommended to advise the applicant that to avoid enforcement action the windows should be reinstated within 2 months of the date of the decision notice.

Impact on neighbouring amenity

There is potential for noise breakout through the proposed rooflights which could cause increased noise and disturbance for occupiers of adjoining properties, particularly those on St John's Road and Palmeira Square. To mitigate the impact of the rooflights a condition is recommended requiring the windows be fixed shut, which in conjunction with the proposed use at second floor level (as ancillary offices and storage) is considered sufficient to ensure no significant noise or disturbance will result from the proposal. Due to the location of the site in a busy mixed commercial / residential area no significant harm to amenity will result through increased light pollution.

It should be noted that a previous planning application for rear rooflights (ref: BH2008/00064) was not refused for reasons relating to neighbouring amenity.

Other considerations

It is noted that three double door openings have been created at first floor level to the rear elevation in place of window openings. This alteration does not benefit from planning permission and the applicant has been advised that having regard to their impact on neighbouring amenity permission is unlikely to be granted. The proposed plans indicate the reinstatement of the original window openings and an informative is recommended advising the applicant that these works should be completed within 2 months of the date of this decision in order to prevent future enforcement action.

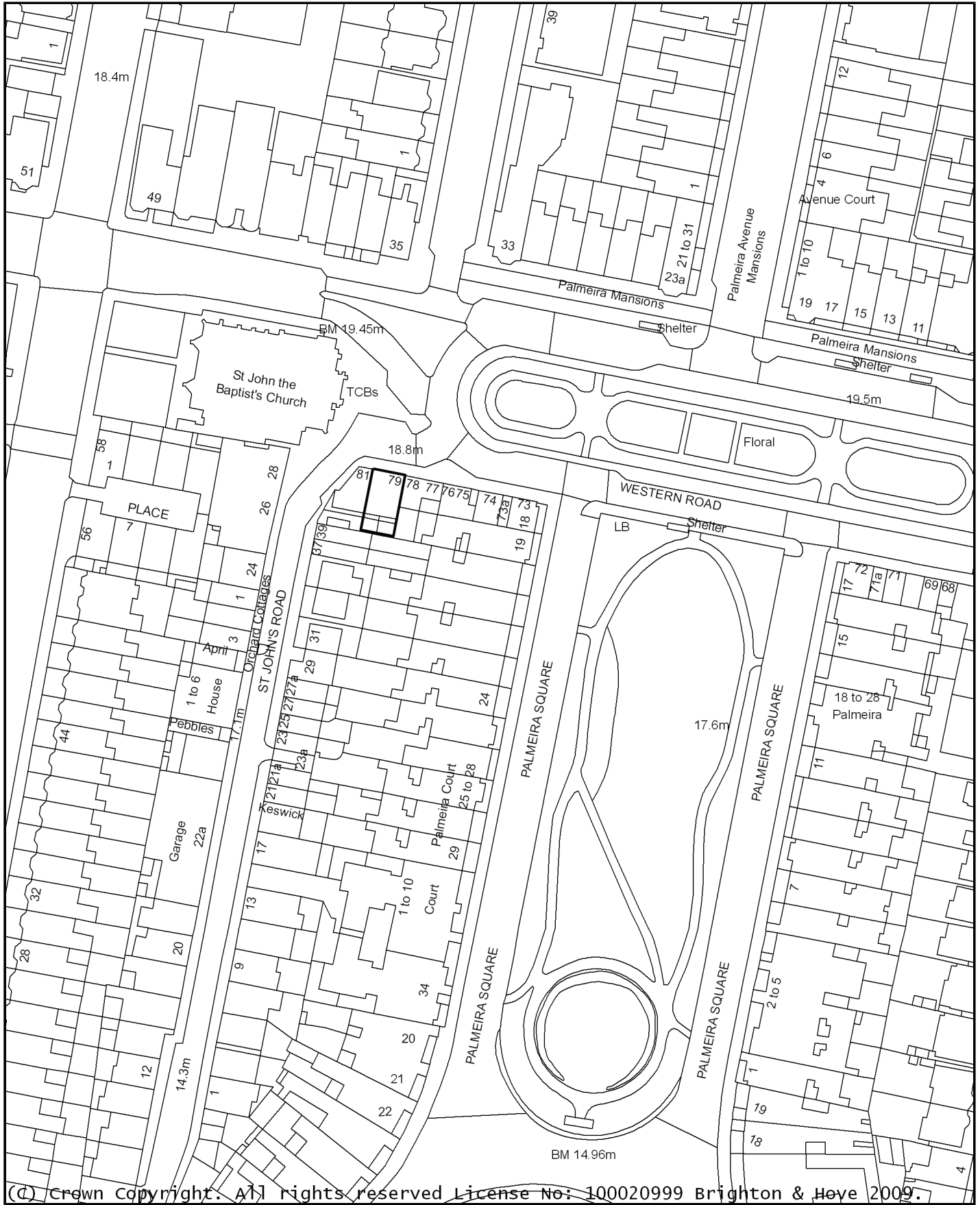
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The rooflights will preserve the character and appearance of the building and Brunswick Town Conservation Area, and subject to compliance with condition 2 will not result in harm to neighbouring amenity through increased noise or disturbance.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/01986 79-80 Western Road, Hove



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Brighton & Hove City Council

PLANS LIST – 29TH APRIL 2009

COUNCILLOR REPRESENTATION

From: Paul Elgood [Paul.Elgood@brighton-hove.gov.uk]
Sent: 02 April 2009 12:49
To: Guy Everest; Penny Jennings
Cc: David Watkins
Subject: Late Objections - 79 - 80 Western Road, Hove

Dear Guy and Penny,

BH2008/02077
BH2008/01985
BH2008/01986

79 - 80 Western Road, Hove

As Ward Councillors, we would like to object to the stated applications. Cllr David Watkins would also like to speak to these objections at the Planning Committee on Wednesday.

In addition we would strongly recommend a site visit for the committee to see how close the site is to neighbouring homes

Residents have expressed concern to us over this application in terms of:

1. Increased light and noise pollution and loss of privacy for surrounding homes;
2. The French doors will mean a clear and uninterrupted view of the gardens and living rooms of those living nearby;
4. The roof area at first floor level could be used as a terrace with resulting noise and privacy problems;
5. There are already bars / restaurants backing onto residential properties (and one is currently unused) and a new application is not necessary;
6. The proposal will generate extra traffic to the immediate neighbourhood, which already has limited parking.
7. Tables and chairs on the pavement to the front of the building, and the likelihood of exterior gathering of smokers due to the smoking ban.
8. The poor enforcement of unauthorised work which considerably altered the building and has led to severe disturbance to residents.
9. We do not believe that the operating hours are at all acceptable, and would propose a limit of 12 midnight rather than 1.45am.

We would also propose that if the committee is minded to go ahead, that only temporary planning permission is agreed so that it can be reviewed in a year's time.

We do not believe that this is an acceptable development for the building.

Cllr Paul Elgood
Cllr David Watkins
Brunswick & Adelaide ward

<u>No:</u>	BH2009/00023	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Full Planning		
<u>Address:</u>	36 North Gardens		
<u>Proposal:</u>	Replacement of existing steel mezzanine, including new umbrella and new lean - to polycarbonate roof. New paving to basement yard. (retrospective).		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Received Date:</u>	05 January 2009
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	04 May 2009
<u>Agent:</u>	Shepherd Neame Ltd, 17 Court Street, Faversham, Kent		
<u>Applicant:</u>	Mr Ben White, c/o Agent		

1 RECOMMENDATION

That the Sub-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

- The mezzanine floor at ground floor level and basement courtyard shall not be open to customers outside the hours of 09.00 and 23.30 hours each day.
Reason: To safeguard the amenities of the nearby residents and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

- This decision is based on a set of photographic images and a design and access statement submitted on 5 January 2009, drawing no.1780-11, a heritage statement a waste minimisation statement and a biodiversity checklist submitted 9 March 2009.
- This decision to grant Planning Permission has been taken:
 - 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 nuisance control
 - SU10 Noise nuisance
 - SU13 Minimisation and re-use of construction industry waste
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD3 Design – efficient and effective use of sites

- QD14 Extensions and alterations
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no significant adverse impact on the character and appearance of the existing building and surrounding conservation area. There is not considered to be any significant adverse impact on the amenity of residents/occupiers of neighbouring properties.

2 THE SITE

The application relates to the Caxton Arms public house situated to the Eastern side of North Gardens. There is a courtyard area to the rear which due to the level change across the site is at basement level and is substantially enclosed by walls on all sides. A steel platform extends out at ground floor level with steps down to the basement level courtyard below. The steel platform affords views to the rear of the properties on Queen's Road, in particular 43-46, (Lyndean House). The property is located within the West Hill Conservation Area.

3 RELEVANT HISTORY

BH2007/03315: Proposed covered bar and mezzanine floor for smoking area (re-submission of application BH2007/00624). Refused 12/12/2007.

BH2007/00624: Formation of external mezzanine floor providing smoking area and covered bar area to rear courtyard. Refused 26/04/2007.

4 THE APPLICATION

Planning permission is sought for a steel platform to the rear of the property at ground floor level with staircase leading down to basement level and other associated alterations including fixed umbrella and polycarbonate roofing.

5 CONSULTATIONS

External

Neighbours: Objections have been received from the occupiers of **No.42, No.43(x2), Flat 2 No.44, No.45 and No.47 North Gardens** on the grounds of increased noise disturbance and that the application is retrospective.

Cllr Pete West objects to the application (comments attached).

Internal

Environmental Health: The previous application involved extending the mezzanine level to the back wall of the premises and provided significantly more table space at a level which was likely to affect neighbours by noise intrusion. In the current retrospective application, the eastern edge of the mezzanine remains as it was historically i.e. it does not move closer to the back wall. The side of the mezzanine is marginally extended to the north

taking advantage of a supporting wall but does not provide significantly more outside table space. The size of the new umbrella has little significance in containing acoustic breakout and is so high that it provides limited weather protection on the lower floor. The projecting canopy at lower ground level will provide a limited barrier for sound travelling upwards. Our records show that the last complaint about noise from the pub was received in September 2007.

A licence condition requires that the courtyard is cleared and closed by 23.30hrs.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

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
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

Consideration must be given to the impact of the development upon the character and appearance of the existing building and surrounding conservation area and the impact on the amenity of occupiers/residents of neighbouring properties. At the date of the site visit (6 April 2009) the alterations as shown on the plans had been completed and the application is therefore retrospective.

Design and Visual Impact

The application is a resubmission of application BH2007/03315 that proposed a substantial mezzanine level covering most of the basement level courtyard which while deemed acceptable on design grounds was refused due to potential noise disturbance to neighbouring occupiers.

The steel platform as built is not considered to detract significantly from the appearance or character of the building. It extends approximately 0.6m further to the north than the previous timber balcony with steel steps that lead down into the basement courtyard below. The covered walkway has been removed and this results in the new mezzanine floor covering a larger area than the previous structure. A substantial umbrella is fixed in place over the terrace and is not considered to be of significant detriment to the appearance and character of the building. Polycarbonate roofing (1m in depth) covers the courtyard on the eastern boundary though it is not considered to detract significantly from the character or appearance of the building. Large grey paving slabs have been set at basement floor level and these are considered

to be appropriate for the building.

The terrace and associated alterations, while visible from the rear elevations of the properties in Queen's Road, but would not be visible from any street scene or public area and are not considered to be detrimental to the appearance or character of the building or the West Hill Conservation Area.

Impact on Residential Amenity

There is not considered to be any significant detrimental impact on the residential amenity of neighbouring properties.

Approximately 10m separation would be provided between the terrace and the rear of the office building to the east. The proposed terrace area would allow for views across to the rear elevation of the office building to the rear, No. 43-46 Queens Road. The loss of privacy to the office accommodation would be acceptable given the site location and tight layout between developments.

Concern regarding the noise impact on neighbouring development resulted in the refusal of the two previous applications. The applicant has sought to address these concerns by a reduction in the size of the terraced area.

The terraced area as built is larger than the original terrace as it extends a further 0.6m to the north and includes the covered walkway that has been opened up. Despite this increase in size over the previous terrace it covers a much reduced area than the previously refused proposal which involved extending the mezzanine floor right up to the rear boundary wall and would have had over double the floor area.

As the terraced area is only marginally larger than the previous terraced area the intensity of the use has not been significantly increased and therefore there is not considered to be a significant increase in noise disturbance over previous levels. The polycarbonate roofing that has been installed will also have a minor mitigating effect on any noise disturbance.

Environmental Health have raised no concerns with the application stating that the terrace is only marginally larger than the previous terraced area and secondly that they have had no recent noise disturbance complaints from nearby occupiers.

Environmental Health have commented that as the Premises Licence condition requires that the courtyard is cleared and closed by 23.30, a planning condition of this nature could also be used as part of this application. It is considered that the restriction on the use of the courtyard and mezzanine areas up to 23.30 would be appropriate to safeguard the amenities of the occupiers of nearby residential properties.

The five letters of objection that have been received are all from properties to

the south of the Caxtons Arms. The closest one of these properties is located 30m away from the terraced area and it is not considered that there is any significant noise disturbance to these properties.

Overall the terraced area and associated alterations are not considered to have a significant adverse impact on neighbouring properties in way of noise disturbance.

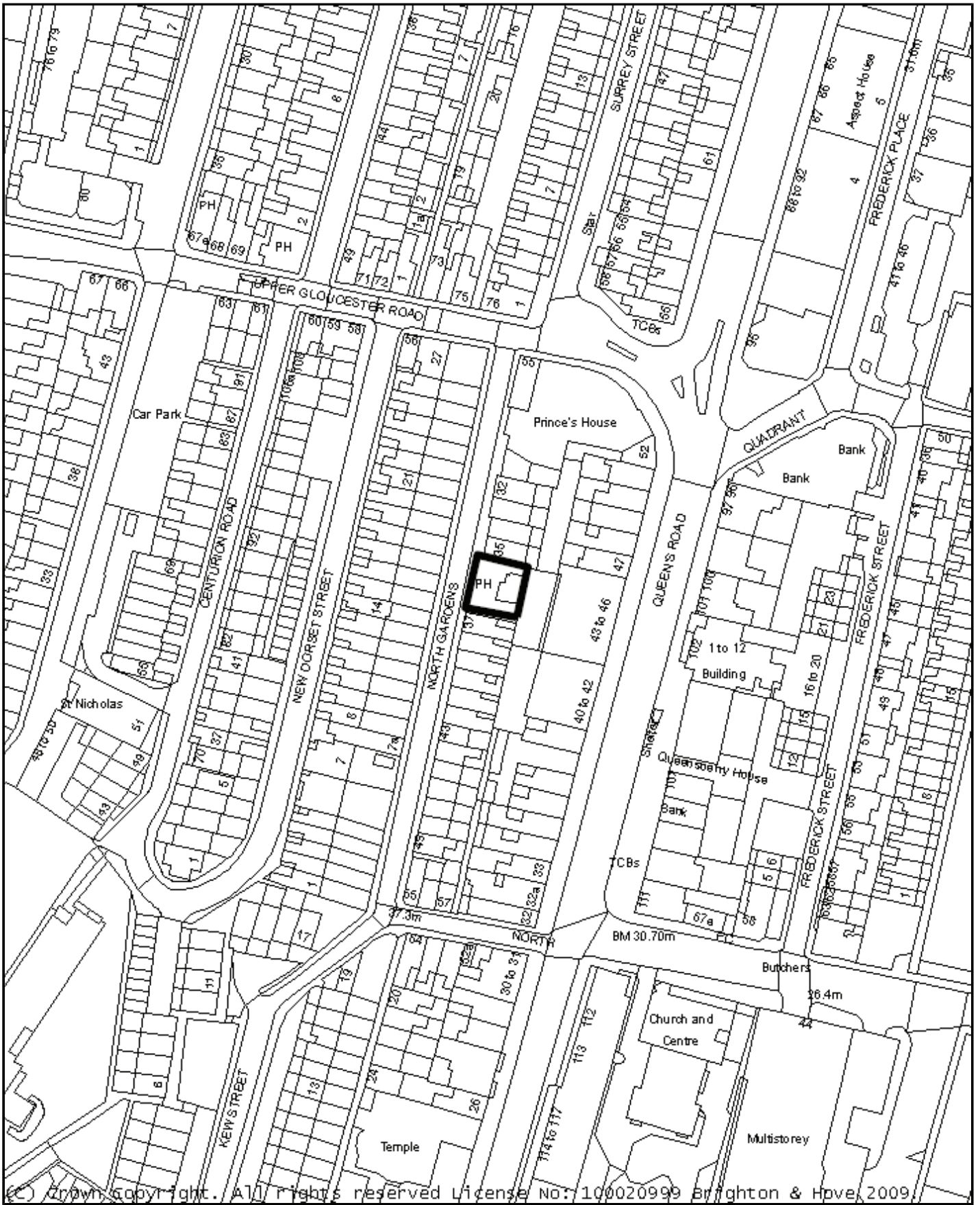
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and appearance of the existing building and surrounding conservation area. There is not considered to be any significant adverse impact on the amenity of residents/occupiers of neighbouring properties.

9 EQUALITIES IMPLICATIONS

There is no wheelchair access to the basement level courtyard.

BH2009/00023 36 North Gardens (Caxton Arms)



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Date: 14/04/2009 04:04:49

Scale 1:1250



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Brighton & Hove City Council

PLANS LIST – 29TH APRIL 2009

COUNCILLOR REPRESENTATION

From: Pete West [mailto:Pete.West@brighton-hove.gov.uk]
Sent: 16 March 2009 18:05
To: Chris Swain
Subject: Caxton Arms

Dear Chris,

I note that the retrospective application for works at the Caxton Arms received in January is now being consulted upon. I have looked at the documents on-line. Residents, as you will be aware, are concerned by the potential for noise impact, grounds upon which the previous application in 2007 was turned down. My fellow ward councillors and I share the resident's dismay that following engagement with the planning system on that occasion Sheperd Neame have proceeded with works and only retrospectively applied for planning permission.

I would be very interested in receiving a briefing from you as to your likely recommendations.

Many thanks

<u>No:</u>	BH2009/00394	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Police Box, Between No 20 & 22 Margery Road, Hove		
<u>Proposal:</u>	Conversion of former Police Box (B1) to a one bedroom Studio Dwelling (C3) with side conservatory extension.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	17 February 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 April 2009
<u>Agent:</u>	Martin Szczerbicki Associates, 128 Hollingbury Road, Brighton		
<u>Applicant:</u>	Mr Patrick Glasser, 138 Aldsworth, Goring By Sea		

1 RECOMMENDATION

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

1. The proposal would be contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of twelve months or more. Insufficient information has been submitted with the application to demonstrate that the use of the office space is no longer viable. Furthermore the applicant has failed to demonstrate that specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental. As such the principle of residential, development of this site is considered to be unacceptable.
2. The existing building is a utilitarian structure which detracts from the appearance and character of the street scene. If the police box is redundant it should be removed and replaced by a building of much higher design standard and more appropriate scale and detailing. The proposal to convert the existing building to residential use, with the proposed external alterations, is inappropriate and would give this building an undue degree of permanence. Consequently it is considered that the proposal would fail to make a positive contribution to the visual amenity and character of the area and would compound the harm to the street scene caused by the existing building. The proposal is therefore contrary to policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on drawing nos. 08.06.02 / 2a, 2 and 6 and supporting information received on the 17th February 2009.

2 THE SITE

The application relates to a former police office located on the west side of Margery Road, close to Old Shoreham Road. The vacant building is single storey with a flat roof and occupies much of the curtilage of the property. There is a hardstanding area at the front of the property. The site is located within an area predominately residential in character and lies outside the controlled parking zone.

3 RELEVANT HISTORY

A proposal for a two storey house has now be resubmitted and is currently under consideration at the same time as this proposal under a separate application reference: **BH2009/00393**.

BH2008/02489: Demolition of former police box (B1) and the erection of a two-bedroom house – withdrawn 21/10/2008. This previous application to redevelop the site was withdrawn last year when officers expressed concern over the principle of the redevelopment of the site with a two storey house, issues of outdoor amenity space, and design.

BH2005/00594/FP: Demolition of former police box (B1) and erection of 2 no flats withdrawn 21/04/2005.

4 THE APPLICATION

Planning permission is sought for the conversion of a former Police Box (B1) to a one bedroom Studio Dwelling (C3) with side conservatory extension. The premises is vacant and has been for a number of years.

5 CONSULTATIONS

External:

Neighbours:

Letters have been received from **19, 20, 24, 25 and 29 Margery Road** expressing support for the application

19 Margery Road also comment that they are not keen for commercial use, and a house is more suitable for the site.

A letter has been received from **22 Margery Road** objecting to the proposal expressing concern that a residential use on the site would result in the loss of part of the garden belonging to 22 Margery Road.

Internal:

Planning Policy: The proposal would be contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period no less than twelve months or more. As the application stands the proposal fails to demonstrate that the existing B1 use is redundant, as well as the availability of similar office uses

elsewhere in the area at a comparable rental.

Transport Team: No objection subject to cycle parking and financial contribution to the sustainable transport infrastructure.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

EM5	Release of redundant office floor space and conversions to other uses
EM6	Small industrial, business and warehouse units
TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
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
QD14	Extensions and alterations
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

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations relate to the loss of the office accommodation, the suitability of the site to accommodate the proposed dwelling having regard to the amenity requirements for occupiers of the proposed dwelling, the impact of the development upon the character and appearance of the host property and surrounding street scene and any affect upon neighbouring amenity. Regard will also be given to sustainability and transport issues.

Principle

The last known use for the property is B1 office space. Local plan policies

seek the retention of office/industrial uses and policy EM6 of the Brighton & Hove Local Plan states that alternative uses will not be permitted unless the site has been assessed and found to be genuinely redundant, specially built or converted starter units are available elsewhere, continued use of the premises for business purposes would cause undue disturbance to residential neighbours and access to the premises is unsuitable. Applicants are expected to demonstrate the use is no longer viable and show the site has been actively marketed locally at a price which reflects its condition and commercial value.

Policy EM5 of the Brighton & Hove Local Plan relates specifically to the change of use of redundant office floorspace and states planning permission will not be granted for the change of use of offices premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest. Redundancy is determined on the following factors:

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

The building is currently vacant and the applicant states that it has been vacant for at least 4 years. This is actually considered to be a fairly conservative estimate. There is no doubt that the unit has been vacant for many years and it is clear that the police no longer require the unit. However, despite requests to the applicant, no evidence has been submitted to demonstrate that B1 use is no longer in demand to address policies EM5 or EM6. As such the principle of the proposal is considered to be unacceptable until such times as redundancy of the office has been established by a suitable marketing plan. In this case, the Council would seek an alternative employment generating use on this site rather than market housing.

Visual impact

Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of

height, scale, bulk and design whilst providing an interesting and attractive street frontage.

The existing building is a utilitarian structure which detracts from the appearance and character of the street scene which is characterised by two storey houses. The existing building was constructed as functional premises for the police authority, the building was considered to be fit for purpose at the time of construction. It is not considered to have any design merit as currently constructed. However, an application to erect a building of that design for residential purposes would not be regarded favourably when judged against current planning policies. With this in mind, if the police office is redundant it should be removed and replaced by a building of much higher design standard and more appropriate scale and detailing. The proposal to convert the existing building to residential use, with the proposed external alterations, is inappropriate and would give this building an undue degree of permanence. The incongruity of the existing building would also be more pronounced with the addition of side extensions. Consequently it is considered that the proposal would fail to make a positive contribution to the visual amenity and character of the area and in fact would compound the harm to the street scene caused by the existing building. As such the proposal would be contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

No information has been submitted regarding the treatment of the front boundary of the site. Currently this is open, with hard landscaping. If the change of use of the property is considered acceptable, further detail would be required.

Overall it is not considered that the applicant has taken the opportunity to enhance or improve the visual appearance of development on this site.

Standard of accommodation

The proposed internal layout of the residential unit is considered to be acceptable. The applicant has stated that the development will comply with Lifetime Home Standards as much as practically possible for a conversion. Whilst there is little detail on this at present, the layout of the internal accommodation would be broadly acceptable and a condition could be attached to secure further information in this regard.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The available space on this site is very limited but is considered just adequate for a studio property. Notwithstanding the above objections to the overall principle and design of the scheme it is considered that adequate amenity space could be provided for a residential unit of this size if the proposal were acceptable in all other respects.

Transport issues

There are no objections to the proposal on highway grounds. As previously

discussed landscaping would be required for the front of the building. This would also restrict any possibility for cars to park on the front hardstanding, thereby eliminating the potential for vehicles to overhang the highway. The parking in Margery Road is unrestricted although on-street spaces appear to be in high demand.

Proposed cycle storage facilities are indicated on the plans and further information would have to be submitted should other aspects of the scheme be considered acceptable and in accordance with policy TR14.

Sustainability

Policy SU2 requires all development to be efficient in the use of energy, water and materials. Part of this consideration relates to the internal layout of developments. The proposed internal layout of the unit is considered to be acceptable, as all rooms would have the benefit of natural light and ventilation.

Bearing in mind that this application proposes a conversion to an existing building rather than a new build with minimal alterations it is not considered appropriate to require the development to meet a Code for Sustainable Homes rating. However, the applicant should demonstrate that the development will make efficient use of energy, water and materials as much as practically possible. A planning statement accompanied this application which detailed some sustainability measures.

For residential conversions involving existing buildings, the Supplementary Planning Document on Sustainable Building Design (SPD08) requires the submission of a Sustainability Checklist for the proposed development. The submitted sustainability checklist scored 72% (good) overall. In addition the SPD states that the proposal should include an Energy Saving Trust Home Energy Report; demonstrate a reduction in water consumption; and the minimisation of surface water run-off. Further information on the above would be required should demonstrate full compliance with the SPD.

This development was accompanied by a Waste Minimisation Statement in accordance with policy SU13.

Neighbouring amenity

It is not considered that the level of noise and activity likely to be generated by a residential unit would result in unacceptable harm to neighbouring occupiers. Indeed there is a general support for future residential use on the site from some neighbouring properties. The additional extensions to the police box would be up to the boundaries, however they are single storey and modest in size. There are no side windows on the adjoining properties and the extensions will have a negligible impact on neighbouring occupiers.

The comment from no.22 Margery Road regarding the loss of garden area has been noted. However the proposed development would not result in a

loss of garden to this property. It is understood that the applicant has made approaches to try and purchase the land to the rear of the site, but this has been unsuccessful. This proposal does not involve any land in separate ownership.

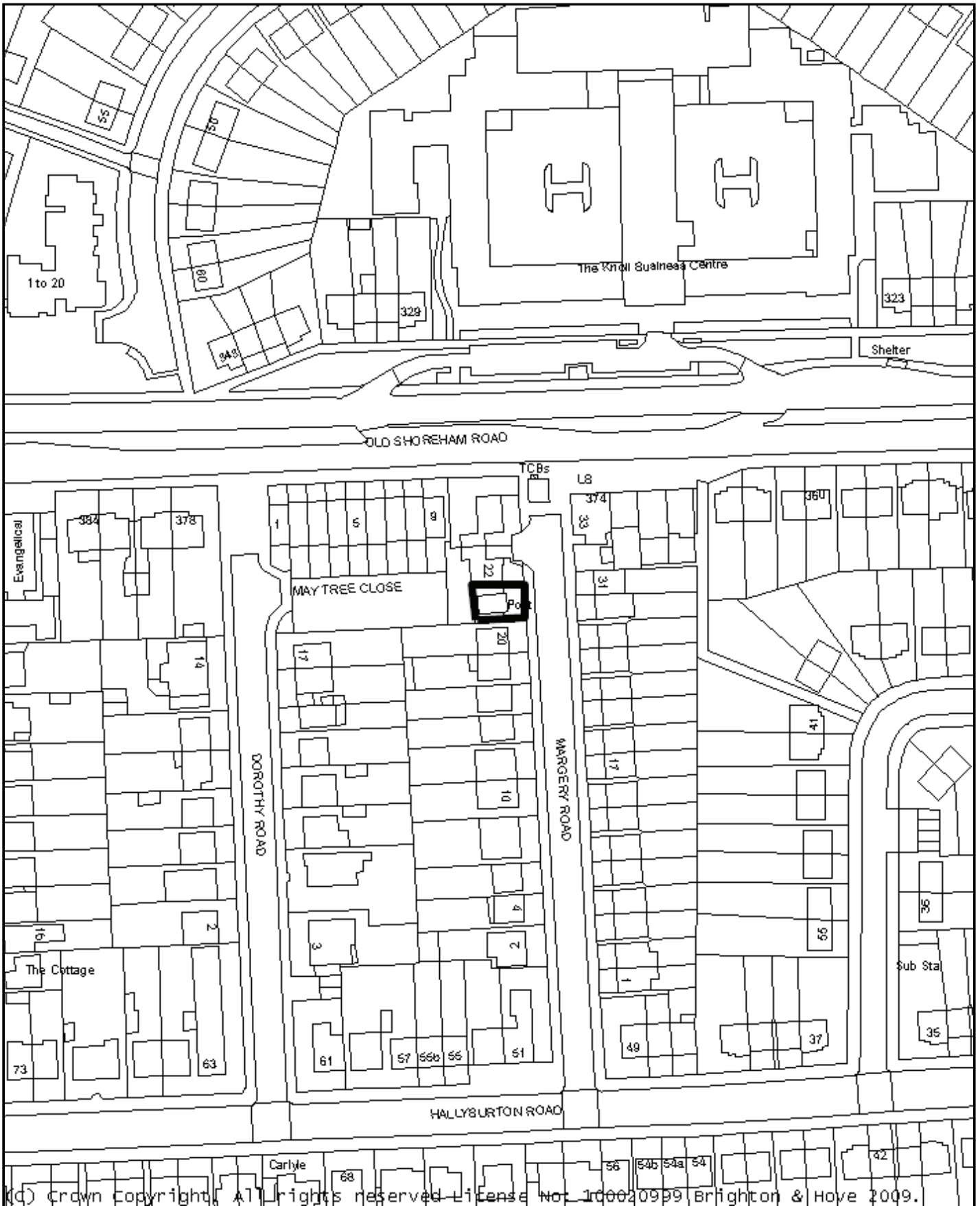
Conclusion

The applicant has failed to demonstrate that the existing use is genuinely redundant. The proposed conversion is unacceptable in terms of design and appearance. Refusal is recommended.

9 EQUALITIES IMPLICATIONS

As a conversion of an existing building, the scheme would be expected to meet lifetime homes where practical. The available space is very limited but should be able accommodate some of the standards.

BH2009/00394 Former Police Box, Margery Road



Date: 14/04/2009 04:28:43

Scale 1:1250



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<u>No:</u>	BH2009/00393	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Police Box Between No 20 & 22 Margery Road Hove		
<u>Proposal:</u>	Demolition of former police box and construction of a new two-bedroom house.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	17 February 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22 April 2009
<u>Agent:</u>	Martin Szczerbicki Associates, 128 Hollingbury Road, Brighton		
<u>Applicant:</u>	Mr Patrick Glasser, 138 Aldsworth, Goring By Sea		

1 RECOMMENDATION

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

1. The proposal would be contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of twelve months or more. Insufficient information has been submitted with the application to demonstrate that the use of the office space is no longer viable. Furthermore the applicant has failed to demonstrate that specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental. As such the principle of residential, development of this site is considered to be unacceptable.
2. The site is considered to be of insufficient size to accommodate the proposed dwelling house. The house by virtue its siting, height and scale, would relate unsympathetically to the character and appearance of the existing development in the locality and the immediate street scene and would be of detriment to the character and appearance of the area. With virtually no rear garden, the proposal is considered to be an overdevelopment of the site, and will appear crammed-in. As a result the development is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
3. The proposed house, by virtue of its bulk, form and massing, located one metre from the rear boundary would be intrusive, un-neighbourly, and cause an increased sense of enclosure to the garden of 22 Margery Road. In addition the large number of rear windows and provision of an elevated balcony is considered to cause increased overlooking and a loss of privacy compounding the intrusive nature of the proposal. The proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
4. Policy HO5 requires development to provide private amenity space relevant to the scale and character of the development. The provision of

a very small rear yard, for a family house is considered inadequate, especially given the character and plot sizes of other houses in the street. The proposal provides an inadequate amount of private amenity space. The proposal is contrary to policy HO5 and QD27 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on drawing nos. 08.06.02a, 2, 3b, 5 submitted on 17th February 2009.

2 THE SITE

The application relates to a former police office located on the west side of Margery Road, close to Old Shoreham Road. The vacant building is single storey with a flat roof. There is a hardstanding area at the front of the property. The site is located within an area predominately residential in character. The existing structure does not contribute positively to the character and appearance of the street scene.

3 RELEVANT HISTORY

A separate application to convert the building to a one-bed studio has also been submitted and is under consideration (ref:**BH2009/00394**)

BH2008/02489: Demolition of former police box (B1) and the erection of a two-bedroom house – withdrawn 21/10/2008. This previous application to redevelop the site was withdrawn last year when officers expressed concern over the principle of the redevelopment of the site with a two storey house, issues of outdoor amenity space, and design.

This current proposal is essentially a resubmission of the withdrawn scheme.

BH2005/00594/FP: Demolition of former police box (B1) and erection of 2 no flats withdrawn 21/04/2005.

4 THE APPLICATION

Planning permission is sought conversion of a former Police Box (B1) to a two-bed house. The house would have a gable roof form, with a rear roof terrace and a small rear yard.

5 CONSULTATIONS

External

Neighbours: Letters have been received from **19, 21, 23, 24, and 29 Margery Road** expressing support for the application.

19 and 23 Margery Road also comment that they are not keen for commercial use of the site

Internal:

Planning Policy: The proposal would be contrary to policies EM5 and EM6 of

the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period no less than twelve months or more. As the application stands the proposal fails to demonstrate that the existing B1 use is redundant, as well as the availability of similar office uses elsewhere in the area at a comparable rental.

Transport Team: No objection subject to cycle parking and financial contribution to the sustainable transport infrastructure.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

EM5	Release of redundant office floor space and conversions to other uses
EM6	Small industrial, business and warehouse units
TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
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
QD14	Extensions and alterations
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

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations relate to the loss of the office accommodation, the suitability of the site to accommodate the proposed dwelling having regard to the amenity of neighbouring occupiers and the requirements for occupiers of

the proposed dwelling, the impact of the development upon the character and appearance street scene. Regard will also be given to sustainability and transport issues.

The applicant has been previously advised that the land is of insufficient size to accommodate a two-storey dwelling.

Principle

The last known use for the building is B1 office space. Local plan policies seek the retention of office/industrial uses and policy EM6 of the Brighton & Hove Local Plan states that alternative uses will not be permitted unless the site has been assessed and found to be genuinely redundant, specially built or converted starter units are available elsewhere, continued use of the premises for business purposes would cause undue disturbance to residential neighbours and access to the premises is unsuitable. Applicants are expected to demonstrate the use is no longer viable and show the site has been actively marketed locally at a price which reflects its condition and commercial value.

Policy EM5 of the Brighton & Hove Local Plan relates specifically to the change of use of redundant office floorspace and states planning permission will not be granted for the change of use of offices premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest. Redundancy is determined on the following factors:

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

The building is currently vacant and the applicant states that it has been vacant for at least 4 years. This is actually considered to be a fairly conservative estimate. There is no doubt that the unit has been vacant for many years and it is clear that the police no longer require the unit. However, despite requests to the applicant, no evidence has been submitted to demonstrate that B1 use is no longer in demand to address policies EM5 or EM6. As such the principle of the proposal is considered to be unacceptable

until such times as redundancy of the office has been established by a suitable marketing plan. In this case, the Council would seek an alternative employment generating use on this site rather than market housing.

Notwithstanding the issues relating to the use of the site, the current site is very restricted in size. As currently arranged, this space is not suitable for redevelopment to form a house. There is inadequate depth to the plot, and the site is an inadequate size to accommodate a residential building of this size. Generally houses in the locality have a plot depth of approximately 15 metres. In this proposal the rear elevation is within 1 metre of the rear site boundary. As a result this development would appear severely cramped-in contrary to the prevailing character of the area.

Additional issues arising from the size of the proposed building relative to the plot are explored in the following sections of the report.

Visual impact

Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.

The existing building is a utilitarian structure which detracts from the appearance and character of the street scene, which is generally characterised by two storey houses. The existing building was constructed as functional premises for the police authority, the building was considered to be fit for purpose at the time of construction. It is not considered to have any design merit and in design terms, there is no objection to the loss of the existing building.

The width of the plot is comparable to the established plot width for houses in the road. Based on this alone, it is considered that the construction of a house on the site is the right approach visually for this site. The problem is that the depth of this plot is approximately half the depth of the established plots in the area. The concern over the depth of the plot size discussed above is not readily recognised when the proposal is viewed from Margery Road. The development would however, be visible from the rear and visible from neighbouring properties, and a house located on such a small plot would be incongruous in this location.

In addition to development appearing excessive for the plot, concerns remain over the design and appearance of the proposal. As communicated to the applicant on the previous proposal, it is considered that design and appearance of the house is not appropriate to the street scene. The provision of the gable roof form, in combination with the relatively narrow width of the main house, gives the premises a tall appearance when compared with

neighbouring properties. It is acknowledged that the roof heights would be comparable to neighbouring properties, but the design and detailing fails to relate appropriately to neighbouring properties. The gable roof form, and the unusual roof form of the rear of the property and gives the proposed house a three-storey appearance.

It is acknowledged that some of the houses in Margery Road have had unsympathetic roof extensions, this is not however considered to set a precedent for the design of a new build unit which policies expect to demonstrate a high standard of design.

No information has been submitted regarding the treatment of the front boundary of the site. Currently this is open, with hard landscaping. If the change of use of the property is considered acceptable, further detail on the front boundary treatment would be required.

Overall it is not considered that the site is of a sufficient size to accommodate the proposed house and the design and detailing of the house is not sympathetic to the established built form of the surrounding area.

Standard of accommodation

The proposed internal layout of the residential unit is considered to be acceptable. The applicant has stated that the development will comply with Lifetime Home Standards in accordance with policy HO13. Should the application be considered acceptable in principle, full details would be required.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The available space on this site is very limited and considered inadequate for a two storey house. This is also symptomatic of an overdevelopment of the site.

Transport issues

There are no objections to proposal on highway grounds. As previously discussed landscaping would be required for the front of the building. This would also restrict any possibility for cars to park on the front hardstanding, thereby eliminating the potential for vehicles to overhang the highway. The parking in Margery Road is unrestricted although on-street spaces appear to be in high demand.

Proposed cycle storage facilities are indicated on the plans and further information would have to be submitted should other aspects of the scheme be considered acceptable and in accordance with policy TR14.

Sustainability

Policy SU2 requires all development to be efficient in the use of energy, water and materials. Part of this consideration relates to the internal layout of developments. The proposed internal layout of the house is considered to be

acceptable, as all rooms would have the benefit of natural light and ventilation.

Bearing in mind that this application proposes the construction of a new residential building, the Supplementary Planning Document on Sustainable Building Design (SPD08) requires the development to meet Level 3 of the Code for Sustainable Homes, including 50% in water and energy sections. The checklist identifies that the development would obtain 50% in the energy section and 67% in the water section. The checklist also states that the development would meet Code for Sustainable Homes Level 3 with an overall checklist score of 72% (good). In addition the SPD states that the proposal should include an Energy Saving Trust Home Energy Report; a reduction in water consumption; and the minimisation of surface water run-off. Further information on the above would be required by condition should the principle of the development be assessed as acceptable.

This development was accompanied by a Waste Minimisation Statement in accordance with policy SU13.

Neighbouring amenity

It is considered that the level of noise and activity likely to be generated by a residential unit would not result in unacceptable harm to neighbouring occupiers. Indeed there is a general support for future residential use on the site from some neighbouring occupiers. The new house would be built up to the side boundaries, however the side additions are single storey and modest in size. There are no side windows on the adjoining properties.

However the proposed development would be built within one metre of the rear boundary adjoining the garden of no.22 Margery Road. The applicant was advised that the acceptability of any proposal to develop this site with a two storey building is dependant on securing some additional land at the rear. Firstly this is crucial to ensure adequately amenity space for future occupiers, and secondly to prevent the structure being overbearing and causing a loss or light to the garden of no.22 Margery Road. Any two storey house, so close to this shared boundary would be instructive on the neighbouring occupier.

It is understood that the applicant has made approaches to try and purchase the land to the rear of the site, but this has been unsuccessful. It is relatively unusual in these locations to have rear garden which projects along the rear of another building. However with the garden of no.22 currently extending immediately behind the police box, the two storey development would be imposing and un-neighbourly to this property.

In addition, a large number of windows are proposed for the rear elevation of the new building. Some of these windows could be obscured glass, however the numbering and positioning so close to the boundary is considered un-neighbourly. This situation is further exacerbated by the proposed roof terrace, which also has the potential to be intrusive and cause significant

overlooking to neighbouring occupiers.

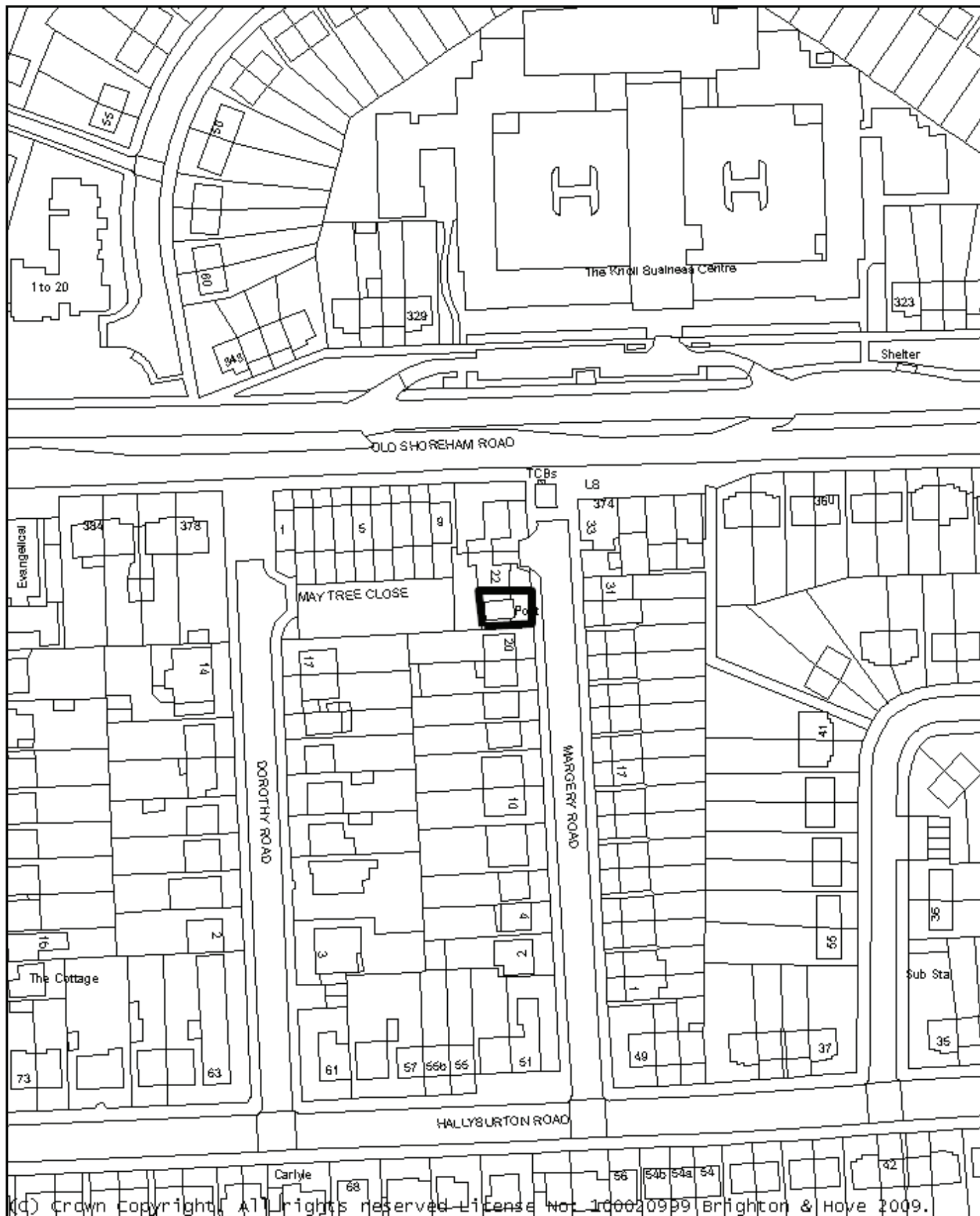
Conclusion

The applicant has failed to demonstrate that the existing use is genuinely redundant. The land is of insufficient size to accommodate the proposed dwelling without seriously affecting the neighbouring property. Refusal is recommended.

9 EQUALITIES IMPLICATIONS

The house would be required to meet lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2009/00393 Former Police Box, Margery Road



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<u>No:</u>	BH2008/03731	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type</u>	Full Planning		
<u>Address:</u>	Compass House, 7 East Street, Portslade		
<u>Proposal:</u>	Ground and first floor rear extension incorporating dust extract system and revised extracts at front roof level.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	28 November 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 March 2009
<u>Agent:</u>	T.Scoble Association, 2 Madeira Place, Brighton		
<u>Applicant:</u>	Ebony Designs, Compass House, 7 East Street, Portslade		

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 Permission.
2. BH03.02 Samples of Materials Non-Cons Area.
3. BH05.09 General Sustainability Measures.
4. The rear fire exit in the proposed extension shall be only be used in the case of emergencies or during fire drills and not for general use.
Reason: To minimise the use of the exit and safeguard the amenity of adjacent residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. All rear windows (north facing) shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, unless otherwise agreed with the Local Planning Authority in writing.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. No development shall commence until an acoustic report has been submitted and approved by the Local Planning Authority. The report shall demonstrate that when the dust extractor and the spray booth operate together they shall be at least 5dB(A) below background 1 metre from the nearest residential habitable room. The background shall be expressed as an L90. The scheme as approved shall be implemented in strict accordance with the agreed report and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
7. Notwithstanding the Waste Minimisation Statement submitted with the application, no development shall take place until a more detailed Waste

Minimisation Statement indicating how the scheme will endeavour to reduce the amount of waste going to landfill, including details of proposed waste contractors, has been submitted to and approved in writing by the Local Planning Authority. The contractors must be registered with the Environment Agency.

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.

Informatives:

1. This decision is based on the Design and Access Statement, Biodiversity Checklist, Noise Nuisance Abatement Report, Waste Minimisation Statement and drawing nos. ED/E501, E500, D/01, 02, 03, 04 & 05 received on the 28th November & 19th December 2008, the 15th & 16th January and 17th April 2009 as amended by additional acoustic information and plans received on the 9th April 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:

TR1	Development and the demand for travel
TR7	Safe development
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU12	Hazardous Substances
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
QD27	Protection of amenity
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:
SPG1: Roof Alterations and Extensions

Supplementary Planning Document:
SPD03: Construction and Demolition Waste
SPD08: Sustainable Building design, and:
 - ii) for the following reasons:

The proposed extension does not significantly detract from the character and appearance of the host building or surrounding area. Subject to the above conditions, the scheme will not result in a significant impact on the amenity of adjacent properties in terms of overlooking or an increased

sense of enclosure and will also address noise problems that local residents have been experiencing from the factory.

3. Environmental Health has suggested that any new system or duct is designed so that an odour control system can be fitted retrospectively without the fan or silencers having to be replaced.

2 THE SITE

The application site relates to a large detached industrial building located at the end of East Street. East Street is a small street off North Street and is part of an industrial estate in South Portslade. The building is used as a factory for a furniture business comprising production and finishing and is a square concrete structure with a metal pitched roof.

Directly to the north of the site are the rear gardens of terraced houses at 7-17 St Andrews Road which are separated from the site by a small alleyway. The site includes a car parking area to the side east elevation of the factory. Immediately to the east of the site is another larger car park used by a separate industrial unit. To the west of the site is a garage and car washing service accessed from Station Road.

3 RELEVANT HISTORY

Planning permission was refused in June 2008 for the construction of a ground and first floor extension and the insulation of extract ducts (**BH2008/00709**). This application was refused on the following grounds:

1. Policies QD1, QD2, and QD3 of the Brighton and 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 extension by virtue of its excessive scale and materials will form an incongruous and unsympathetic addition, which fails to respect the constraints of the site, the appearance of the host building and its relationship to surrounding residential properties. Additionally, due to inappropriate materials and design, the insulation to the extract ducts is also deemed unacceptable and detracts from the appearance of the building. The scheme is therefore detrimental to the appearance of the existing building and the visual amenity of the area and is contrary to the above policies.
2. Policy QD27 of the Brighton and Hove Local Plan seek to protect the residential amenity of neighbouring properties. In this location, in close proximity by residential properties, the proposed extension results in significant overshadowing, loss of privacy and a heightened sense of enclosure to adjacent residential properties to the north. The proposal therefore leads to a loss of amenity and is contrary to policy QD27 of the Brighton and Hove Local Plan.
3. Insufficient information has been received to demonstrate that the proposal will not result in a significant loss of amenity to the occupiers of adjacent properties in terms of noise and odour disturbance. The

proposal is therefore contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

4. Policy SU2 of the Brighton and Hove Local Plan requires all proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Furthermore policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. Insufficient information has been submitted with the application to demonstrate how these requirements have been met.

4 THE APPLICATION

Planning permission is sought for a revised scheme for a two-storey rear extension. The extension is proposed in timber and has a flat roof up to the eaves level of the existing building. The extension includes a roller shutter door for vehicle access and is to be used as an extension and offices to the furniture factory. The extension incorporates an internal fire exit and dust extraction units. The extraction units are to be relocated so that they exit the building through the front roofslope of the factory. The scheme also involves removing the extract ducts on the west elevation of the building which will no longer be required. The applicant has submitted a statement of support from the owner of No.15 St Andrews Road.

5 CONSULTATIONS

External:

Neighbours: 20 emails and letters have been received from the residents of **1 (x2), 3, First Floor Flat (x2) & Ground Floor Flat 5, 7 (x6), 9, 11 (x2), 13 (x3), Garden Flat 17 (x2) St Andrews Road**. The residents have objected to the proposal on the following grounds:

- The revised scheme includes high level windows which will look straight into the adjacent gardens of properties on St Andrews Road resulting in a loss of privacy. As the factory is used in the morning, evening and weekends the impact of the extension will be greater.
- The extension results in a loss of light and overshadowing to adjacent garden areas.
- The scheme results in a noise disturbance, a fire risk, potentially noxious fumes, hazardous substances, additional lighting and an increase in traffic which will also result in an impact on residential amenity.
- The supporting letter submitted with the application is from a derelict property.
- The scheme will expand the workforce which will impact on neighbouring amenity.
- One nearby resident has an aviary at the bottom of their garden and is concerned about the impact on the birds.
- The scheme has not addressed the reasons for refusal on the first application.
- Residents currently suffer from a fine black mist from the factory. The

extension should not be the answer to the noise abatement problems.

- The South Portslade Industrial Estate Public Consultation Event in 2005 stated that there should be no more commercial activity on site. The extension brings the factory much closer to the boundary with residential properties. The scheme will also encourage other industrial premises to extend.
- The extension will reduce the value of adjacent houses.

Councillor Les Hamilton has raised questions in relation to the letter of support submitted by the applicant to the proposal.

Internal:

Traffic Manager: No objection.

Environmental Health: Following the submission of further correspondence from the applicant, Environmental Health is satisfied that the outstanding noise issues can be controlled and addressed via planning conditions. The ductwork will run internally and discharge just below the ridge height. It is understood that the dust extractor will also be located internally. With the correct attenuation and sound proofing, both units will be able to operate at least 5dB(A) below background (expressed as an L90). A condition is therefore recommended that when the dust extractor and spray booth operate together, they shall be at least 5dB(A) below background 1 metre from the nearest residential habitable room. Prior to development, an acoustic report shall be submitted to the Local Planning Authority for approval which demonstrates that this will be achieved.

With reference to odour control, Environmental Health can confirm that a statutory odour nuisance has not been witnessed, even though odour complaints have been received. There is a car spraying business in the near vicinity and has been the subject of odour complaints. An informative could be added to a decision suggesting that any system be so designed so that an odour control system can be fitted retrospectively without the fan or silencers having to be replaced.

Environmental Health also state that noise complaints have been received about noise from the dust extractor and spray booth. Both are statutory noise nuisances and noise abatement notices have been served. The proposed scheme would address the noise problems that local residents are experiencing.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control

SU10	Noise nuisance
SU12	Hazardous Substances
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
QD27	Protection of amenity
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:

SPG1: Roof Alterations and Extensions

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building design

7 CONSIDERATIONS

The main considerations of this case are the impact on the appearance of the parent building and surrounding area, the impact on the amenity of neighbouring properties, highway issues and sustainability matters.

This scheme follows a recent refusal for a larger rear extension. The factory has been the subject of noise abatement orders for disturbance caused to the residential properties to the rear. Whether the scheme has addressed the noise issues and the previous reasons for refusal are also material considerations in the determination of this application.

Design and Appearance

Brighton and Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.

The previous scheme sought permission for a rear extension and insulation for the external ducts. This scheme was partly refused due to its inappropriate appearance. The extension was a square flat roofed timber structure. It was 14.5m wide, a projection of 4.9m from the building and 7.3m high with a louvred screen on top to house a new duct. The extension came higher than the eaves level of the existing factory which was deemed to result in an unsympathetic relationship in juxtaposition with the factory. It was also felt that the extension was unnecessary bulky and would stand out in the area as an incongruous addition.

Permission is now sought for a revised extension which has been reduced in size and scale in order to overcome the above concerns. The extension is still proposed to the rear of the factory and replaces an existing portacabin used as an office. The extension is the width of the factory at 14.5m and projects 3.9m from the building. It is to be used as an extension to the factory

works and as an office at first floor level. The reduction in height means the extension comes straight out from the roof of the existing factory and has been set back from the boundary fence to the north by a minimum of 2m.

It is felt that the reduction in size is appropriate and the extension, as revised, will appear as a more sympathetic addition to the building. It will stand out as an extension due to its shape and materials. However, due to the shape of the building with gable ends on the east and west elevations, it is difficult to extend the building appropriately and it is felt that the proposed flat roofed extension is an acceptable way of adding an addition. The extension is again proposed in a timber finish. The timber is sustainable, and chevron boarding is proposed to the external finish in a herringbone pattern. The applicant feels that the timber will reflect the quality of the furniture the factory produces with neat timber edging details and the use of a diagonal pattern to create a more crafted feel. The scheme also includes high level windows at first floor level as well as a roller shutter door for deliveries and a door for an internal fire exit.

The scheme incorporates existing extraction ducts which are currently positioned on the north elevation of the building. The ducts have been extended over the last year to go up the north facing roofslope. This has resulted in unsightly roof addition when viewed from the residential properties to the north. The proposal relocates the ducts inside the extension and the ducts are now proposed to go through the building at roof level and exit through the front roofslope.

Relocating the ducts to the front roofslope is in line with Environmental Health requirements to reduce the noise impact of the proposed ducts. The proposed ducts are below the ridge height of the existing roof and will not be visible from the residential properties to the north. The relocated ducts are also more visually appropriate for the building when compared to the existing ducts. It is also proposed to remove the ducts and the wooden frame surrounding them which are located on the west side of the factory. With the installation of the new ductwork incorporated into the extension, the ducts on the west elevation will not be required. The removal of these unsightly ducts will further improve the appearance of the building.

Overall, it is felt that the scheme is appropriate in terms of its design and will not significantly detract from the character and appearance of the host building or surrounding area.

Impact on Neighbouring Properties

Brighton and Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties.

As stated, the factory and proposed extension are directly south of the residential gardens of the properties at 9-15 St Andrews Road. There is a narrow back alley which is approximately 1m wide which separates the boundary fence from the adjacent rear gardens. The scheme has attracted a

number of objections from local residents who feel the scheme will result in an unacceptable impact on their amenity.

Environmental Health have stated that noise complaints have been received about noise from the dust extractor and spray booth. Both are statutory noise nuisances and noise abatement notices have been served. The purpose of the extension is to provide additional accommodation and to alleviate the unacceptable impact on adjacent properties caused by the existing ducts. The application includes a Noise Nuisance Abatement report which outlines proposed acoustic levels for the factory which includes a spray booth and dust extractor.

Environmental Health is satisfied that the details submitted are acceptable and outstanding noise issues can be controlled and addressed via a planning condition. The ductwork will run internally and discharge just below the ridge height. It is understood that the dust extractor will also be located internally. With the correct attenuation and sound proofing both units will be able to operate at least 5dB(A) below background (expressed as an L90). Environmental Health are satisfied that a condition could be imposed stating that when the dust extractor and spray booth operate together they shall be at least 5dB(A) below background 1 metre from the nearest residential habitable room. Prior to development an acoustic report shall be submitted to the Local Planning Authority for approval which demonstrates that this will be achieved. Subject to this condition, the scheme will not result in an unacceptable noise impact on the adjacent properties to the north.

With reference to odour control, Environmental Health have stated that a statutory odour nuisance has not been witnessed, even though odour complaints have been received. There is a car spraying business in the near vicinity and has been the subject of odour complaints. An informative could be added to a decision suggesting that any system be so designed so that an odour control system can be fitted retrospectively without the fan or silencers having to be replaced.

The previous scheme proposed an extension which went right up to the boundary fence. Due to its size and position, it was felt that the extension resulted in an increased sense of enclosure on the adjacent properties. The revised scheme has been reduced in height and size so that it is set back from the boundary by a minimum of 2m and has a height of 5.55m. The extension is separated from the rear facing walls of the houses on St Andrews Road by approximately 20m. Due to this distance, it is not felt that the extension will result in an impact on any rear windows serving habitable which face the site. Additionally, due to the reduced height and set back of the extension, it is considered that the extension will not result in a significant impact in terms of loss of light or an increased sense of enclosure.

Adjacent residents have raised concern regarding overlooking from the extension. The extension does include rear facing windows at first floor which

are set a high level. A proposed cross section indicates that the windows are 1.6m above ground level. A tall person could potentially be able to see out of the window. Therefore a condition is recommended that the north facing windows are obscure glazed and fixed shut at all times. The scheme also includes side windows but these will only allow acute views of the rear gardens and will not allow a significant loss of privacy to the rear gardens. Additionally, if the rear facing windows are to be fixed shut, the side windows will allow ventilation to the first floor rooms.

Transport Issues

Brighton and Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

The extension includes a roller shutter door to allow loading and unloading from the existing car park. There are existing loading bays onto the car and the Traffic Manager has not raised any objections to the proposal as there is no material transport impact.

Sustainability

Policy SU2 of the Brighton and Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Supplementary Planning Guidance Note 8 on Sustainable Building Design states that extensions to non-residential building should show how the scheme should reduce the use of water and water use. The scheme does include sustainable timber but no further details are given regarding where the timber will be sourced or any other sustainable measures. A condition is therefore recommended that proposed sustainability measures should be submitted to and approved by the Local Planning Authority in writing.

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. Insufficient information has been submitted with the application to demonstrate how these requirements have been met. A condition is therefore recommended notwithstanding the Waste Minimisation Statement submitted with the application, no development shall take place until a more detailed Waste Minimisation Statement indicating how the scheme will endeavour to reduce the amount of waste going to landfill, including detail of proposed waste contractors, has been submitted to and approved in writing by the Local Planning Authority. The contractors must be registered with the Environment Agency.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

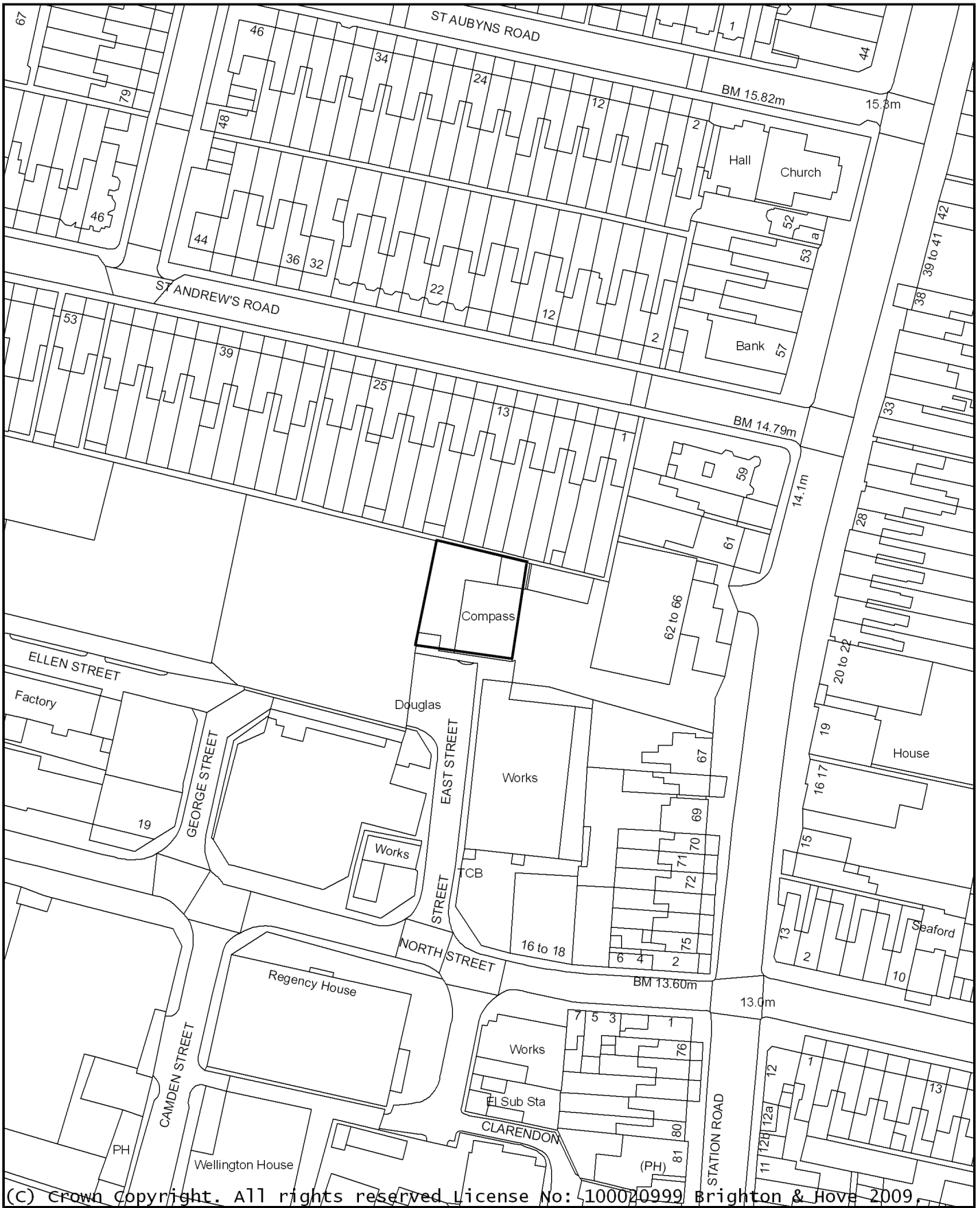
The proposed extension does not significantly detract from the character and appearance of the host building or surrounding area. Subject to the above conditions, the scheme will not result in a significant impact on the amenity of

adjacent properties in terms of overlooking or an increased sense of enclosure and will also address noise problems that local residents have been experiencing from the factory.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03731 Compass House, East Street



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