

**BRIGHTON AND HOVE CITY COUNCIL**

**LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS**

**OR APPLICATIONS CONTRARY TO COUNCIL POLICY**

<b><u>No:</u></b>	<b>BH2008/01569</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Wellsbourne Centre Whitehawk Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of derelict wing of existing Wellsbourne Centre. Construction of Primary Health Care Centre to accommodate two doctors surgeries (Existing Whitehawk &amp; Broadway) and ancillary pharmacy. Extension to existing parking facilities (community car park), together with new pedestrian access (paths &amp; graded walkway).</b>		
<b><u>Officer:</u></b>	<b>Gemma Barnes, tel: 292265</b>	<b><u>Received Date:</u></b>	<b>29 April 2008</b>
<b><u>Con Area:</u></b>	<b>None</b>	<b><u>Expiry Date:</u></b>	<b>04 September 2008</b>
<b><u>Agent:</u></b>	<b>Ashley House plc, Green Court Studio, Llanellen, Nr Abergavenny, Monmouthshire</b>		
<b><u>Applicant:</u></b>	<b>Brighton &amp; Hove Primary Care Trust &amp; Ashley House Plc, PE Tamex House, 171-173 Preston Road, Brighton</b>		

**1 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **Minded to Grant** planning permission subject to the completion of a Section 106 Obligation to secure:

- a) A financial contribution of £30,000 towards the Sustainable Transport Strategy (to be used for the provision of Kassell kerbs at the north and southbound St David's Hall bus stops).

**Conditions**

1. 01.01AA Full planning
2. The pedestrian access path (including all ramps, steps and soft landscaping) leading from Whitehawk Way to the surgery, as shown on drawing nos. 0556-01 Rev C and 0556-03 Rev C submitted with this application, shall be fully constructed to a standard agreed in writing by the Local Planning Authority. The path shall be made available for use prior to the surgery being brought into use and shall be retained in perpetuity.

**Reason:** To improve accessibility to the site in the interests of providing short, safe, attractive and direct pedestrian routes for walking and to help the independent movement of children in accordance with policies TR1, TR7, TR8 and TR12 of the Brighton & Hove Local Plan.

3. 02.06A Satisfactory refuse storage (BandH)
4. 03.01A Samples of materials Non-Cons Area (BandH)
5. 06.01A Retention of parking area (BandH)

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6. 06.03A Cycle parking facilities to be implemented (BandH)
7. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details.  
**Reason:** To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
8. 07.01 **Amend to read**...Restrict Use Class “used for the provision of medical services and ancillary pharmacy” and “no other purpose within class D1”. **At end of reason add** to comply with policies TR1, SR1 and QD27 of the Brighton & Hove Local Plan.
9. 03.10 Soundproof plant and machinery. **At end of reason add** to comply with policy QD27 of the Brighton & Hove Local Plan.
10. The use hereby permitted shall not be first brought into use until a generic Travel Plan Framework has been drawn up and submitted to and approved in writing by the Local Planning Authority. Within 6 months of first occupation of the building, a detailed Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority which shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car. The Travel Plan and shall be implemented within a timescale to be agreed with the Local Planning Authority and regular reviews shall be submitted within an agreed timeframe to the Local Planning Authority.  
**Reason:** In order to promote sustainable choices and to reduce reliance on the private car in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.
11. 04.01 Landscaping/planting scheme. **At end of condition add:** details of the proposed external surfaces of all the hard landscaping shall be submitted for approval, including details of the material to be used for the parking spaces and details of litter bins and benches. **At end of reason add:** to comply with policy QD15 of the Brighton & Hove Local Plan.
12. 04.02 Landscaping/planting implementation. **At end of reason add:** to comply with policy QD15 of the Brighton & Hove Local Plan.
13. 04.03 Protection of existing trees. **At the end of the condition add...**the plan shall include the protection of 5 elm trees positioned close to the front west (front) boundary of the site and trees which are located offsite but have roots in the vicinity of the development (ie: trees located to the north of the existing car park). The trees shall be protected in accordance with BS5837. **At end of reason add..** To accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
14. All new roads, pedestrian accesses and parking areas shall be built in accordance with BS 5837 (2005) and the Arboricultural Practice Note - Driveways Close to Trees.  
**Reason:** To ensure that any digging in the vicinity of the root plates of adjacent trees will be by hand, backfilled with the appropriate sand/aggregate mix and finished with a porous surface to ensure they are not harmed, to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

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15. Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved installation shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.  
**Reason:** In the interests of protecting neighbouring properties from light pollution and to comply with policies SU9, QD25 and QD27 of the Brighton & Hove Local plan.
16. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing  $L_{A90}$  background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.  
**Reason:** In the interests of protecting neighbouring properties from noise pollution and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. No development shall take place until details of measures to ensure that the development achieves a 'very good' or 'excellent' BREEAM or NEAT rating or other independently assessed industry equivalent have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed measures.  
**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

### Informatives:

1. This decision is based on the site waste management plan, the planning statement, the sustainability checklist submitted on 29<sup>th</sup> April 2008, drawing nos. 0556-0, 0556-03C, 0556-04D, 0556-05D, 0556-06D, the design and access statement, ventilation and extraction details, the biodiversity checklist, the noise impact assessment, the travel assessment, the daylight/sunlight/external lighting assessment, the pre development tree survey submitted on 29<sup>th</sup> May 2008, drawing no.0556-01C submitted on 5<sup>th</sup> June 2008, drawing nos. 0556-09, 0556-09 submitted on 24<sup>th</sup> June 2008 and the NEAT Pre Assessment submitted on 10<sup>th</sup> July 2008.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations,

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR4 Travel plans
- TR7 Safe development
- TR8 Pedestrian routes
- TR11 Safe routes to schools and school safety zones
- TR12 Helping the independent movement of children
- TR14 Cycle access and parking

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- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewerage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and reuse of construction industry waste
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design – quality of design and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design- strategic impact
- QD7 Crime prevention through environmental design
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and Hedgerows
- QD25 External lighting
- QD27 Protection of amenity
- HO19 New community facilities
- HO20 Retention of community facilities
- SR1 New retail development within or on the edge of existing defined shopping centres

### Supplementary Planning Documents and Guidance

- SPGBH4: Parking Standards
- SPGBH16: Renewable energy
- SPGBH21: Brighton & Hove Sustainability Checklist
- SPD03 Construction and demolition waste
- Planning Policy Statement 1- Delivery Sustainable Development
- Safer Places – The Planning System and Crime Prevention

ii) for the following reasons:

- The proposal would enhance existing community uses by providing a high quality doctors surgery which would accommodate two local practices as well as a pharmacy. The development meets the demand for travel it creates and would improve pedestrian movement and accessibility to the site. The proposal has been well designed and would not adversely affect the character or appearance of the locality or harm the amenity of nearby residential occupiers. The proposal accords with development plan policies.
- 3. The applicant is advised that they will need to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water Network Development Team, based at Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester.
- 4. The lighting installation covered by condition 15 above shall comply with the recommendations of the Institution of Lighting Engineers (ILE)

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"Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for zone E or similar guidance recognised by the Local Planning Authority. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details.

### 2 THE SITE

The application relates to a community centre building within a complex comprising a community building, children's centre, nursery and associated car park. In the wider context the site lies within a predominantly residential area with residential properties to the east and west.

### 3 RELEVANT HISTORY

**BH2001/02532/FP** – Extension of existing community centre to provide additional office space reception, healthy living centre (incorporating doctor's surgery) and construction of new workshop. Approved 27/11/2001.

**BH2003/00263/FP** – Revision to application BH2001/02532/FP – permission of workshop, pedestrian link to Whitehawk Way, extension to main hall in lieu of conservatory. Approved 17/03/2003.

**BH2004/00387/FP** – External ramp and landscaping. Internal alterations to create male/female and disabled WC's and store room. Widening of existing fire door. Approved 18/03/2004.

**BH2005/05442/FP** – Part demolition of existing building and erection of new two storey children's centre. Approved 27/10/2005.

**BH2006/03442/FP** - Construction of a primary medical centre to accommodate two doctors surgeries and pharmacy and extensions to Wellsbourne Community car park to provide additional spaces together with new pedestrian access ramps and pathways. Refused 06/12/2006.

**BH2007/03210/FP** - Demolition of existing single storey building. Construction of primary medical centre to accommodate two doctors' surgeries and pharmacy. Extension to the Wellsbourne Community Car Park to provide additional car parking spaces together with new pedestrian access ramps and pathways. Refused 01/11/2007.

### 4 THE APPLICATION

This application seeks permission for the partial demolition of the existing Wellsbourne centre (southern wing only) and construction of a replacement building (primary medical centre) to accommodate two doctors' surgeries and a pharmacy. The building would re-house two existing local GP surgeries, the Whitehawk Medical Centre located in Whitehawk Way and Broadway Surgery located in Whitehawk Road. The replacement building will project north from the existing two-storey cone of the Children's Centre building forming a concave footprint with a projecting eastern wing. The proposed building will be attached to the central cone of the Children's Centre which will allow the surgery to be accessed from this point. The surgery will also have an independent access adjacent to the cone (for use when the Children's Centre is closed) and a separate access into the pharmacy.

The scale of the building will be predominantly two storeys dropping down to a single storey on the northern end (pharmacy section) and single storey on

the eastern wing. The footprint of the surgery will measure 592 sqm. An area of external private space for staff will be created to the rear of the building with public space located to the front. The building would be constructed of fair-faced blockwork, render, Siberian larch timber boarding, UPVC windows and powder coated fascias and soffits and a sedum roof.

In addition it is proposed to alter and landscape the Wellsbourne Community car park to provide 11 additional car parking spaces (46 in total to serve 3 community uses, 7 of the spaces will be private spaces for doctors and a pharmacist) together with new pedestrian access ramps, pathways and access links to Whitehawk Way.

This application seeks consent for the second phase of the redevelopment of this community site. The first phase (a replacement building for the Whitehawk Community Children's Centre) was granted planning permission under reference BH2005/05442/FP and has now been constructed.

## 5 CONSULTATIONS

### External

**Neighbours: Occupiers 139 (x2) Whitehawk Road** object to the proposal on the following grounds:-

- This road already has more traffic than it was designed for, this will result in even more traffic which would be dangerous for local children and a nuisance to neighbours.

**Southern Water:** No objection subject to recommended conditions and informatives.

**Southern Gas Networks:** No objection.

**Sussex Police:** No objection. The applicant has been advised of security measures in respect of specifications for doors, windows, access control points and glazing. The metal railings specified for the boundary screening is ideal as this preserve natural surveillance of the site. Other security measures regarding access gates and internal security measures have been suggested to the applicant.

**EDF:** No objection.

### Internal

**Arboriculturalist:** The Arboriculture Section recently visited the above site and would like to make the following comments. The Arboricultural Report attached to the application is comprehensive and the Arb Section is in agreement with its findings.

The 5 Elms along the front of the site are fine specimens and should be protected to BS 5837 (2005) during the course of the development. The fence line on the front should be retained during the development to protect them from the pavement side. If this is to be removed, it should be done as one of the final operations. The Arboricultural Section would also need to see any

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proposals for replacement fencing.

There are a further 5 trees on site and the Arboricultural Section would not object to their loss, however, a landscaping scheme should be submitted showing their replacements.

As you enter the site, there is a small car park to the left / north which also has several fine trees on. It is presumed that this is not part of the development site; however, it seems an obvious place for a building compound. The Arboricultural Section would therefore like to see trees in this vicinity protected to BS 5837 (2005).

Any road surfacing etc should be left in situ during the course of the development and lifted and replaced as one of the final operations to protect tree roots in this vicinity. Any new roads/parking etc should be laid as per APN1 and BS 5837 (2005).

The Arboricultural Section would like to see and agree the Arboricultural Method Statements ref the above before any works are commenced on site.

**Urban Design:** This application lies in the Whitehawk Valley character area of the East Brighton neighbourhood, as identified in the draft Urban Characterisation study. East Brighton neighbourhood is classified as 'urban post-war housing estate incorporating remnants of 19th century development. A mix of building type, quality and density range. Poor urban environment with limited access to quality open space and local services. Weak architectural cohesion'. Whitehawk valley is described in the draft study as 'predominantly post-war residential development with an overall low density, much still rented from the local authority. Built on the valley floor but rising to the north. Mainly two storey houses but with high rise blocks of flats'.

The site is bordered by other community uses, which face onto a row of modest semi-detached houses. The community buildings are all set back from the roadway, with large tarmac parking areas in front, set back behind mature trees at the perimeter, and amenity grass. Level changes are a feature of this site, as are views out to race hill, which gives a strong feeling of being on the edge of the countryside. The existing buildings on the site are a series of long narrow single storey red brick buildings with tiled pitched roofs, arranged in an 'L' shape with shorter limbs. The hospital building to the north is similar in form, although two storey. The children's centre to the south is of a similar height but with a different character of timber boarding and a copper shallow pitched roof, with a striking taller hexagonal corner feature.

The proposed development has been designed to be in keeping with the new Children's Centre to the south of the site, which will adjoin the building. The features and materials are repeated. This is considered appropriate.

The landscaping proposals are welcomed. Car parking for the site remains at the front, although the impact is softened by trees and other vegetation. The path through to Whitehawk Way is considered to be important, and could be

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kept open as a new public route around the clock.

Fencing, seating, lighting and other external elements, as described, should be conditioned. It is considered vital that front boundary fencing should not provide a visual barrier.

**Traffic Manager:** The proposed provision of 16 general parking spaces, 2 disabled spaces and 10 cycle parking spaces is consistent with the standards set out in SPGBH4.

The applicants are aware of sustainable transport considerations and aspects of the application are good in this respect e.g. the minimisation of extra journeys by the proximity of the application site to facilities such as the Children's Centre and the provision of a direct pedestrian route from Whitehawk Way. However some issues are not effectively addressed e.g. the quality of local bus stops is not considered and there is no mechanism to ensure that vulnerable but able bodied drivers will be given priority for car parking although the applicants have acknowledged the desirability of this.

This application will largely be accessed by the use of existing services and infrastructure but as elsewhere these provisions cost money to provide maintain and improve and a contribution is required to satisfy policy TR1. Application of the standard formula, which takes account of the number of trips likely to be generated by the development, the location of the site and the funding available to the Council from Central Government for transport funding, suggests the amount should be £118,620.

However, it is a clear requirement that amounts of contributions are justified with reference to the specific details of individual applications. In this case the proposal is essentially a replacement of existing surgeries. The applicants are also proposing an improvement to local pedestrian links. Also, the proximity of related facilities will reduce the number of trips as mentioned above. However, it is also relevant that the centralisation of GP provision involved in this application will involve some patients making longer journeys. Many of these journeys would be expected to be made by bus and it is proposed that a £30,000 contribution to provide Kassell kerbs at the north and southbound St. David's Hall bus stops should be required. These stops are near the surgery in Whitehawk Way.

The applicants should also be required to prepare a Travel Plan.

**Planning Policy:** The site lies within the built up area boundary of Brighton & Hove. It is not an allocated site for development but this does not preclude windfall and speculative development. The principle of this development on this site is acceptable in terms of planning policy and is not considered to conflict with policy HO20. The relocation of the two practices to this site is also noted in the City Wide Estates Strategy which is a document that was prepared by all the health providers in the city and seeks to set out the future health and medical needs and priorities in a comprehensive manner.



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The proposal is for the construction of a primary medical centre to house the relocation of two existing surgeries in the area, therefore policy HO19 will apply. The proposal should meet the four criteria of the policy. The Sustainable Transport team should be asked to comment regarding whether this is an appropriate provision to meet criteria (c) and (d) (associated with policy TR2, TR14, TR17).

With regard to the pharmacy it is generally accepted there are public benefits from locating one at or close to a doctor's surgery eg provision of one-stop healthcare, ease of access. It is felt the use class should be clarified and clearly specified to overcome future confusion over use of the space should the pharmacy relocate eg sui generis, A1 or ancillary to doctors surgery.

**Site Waste Management** - The information submitted suggests that approximately 3% (+ asbestos) of the construction industry waste will go to landfill. This is welcomed and meets the targets set in Policy W5 in RPG and the aims of SPD03 and Policy SU13. The applicant should be encouraged to woodchip the waste wood to help reduce further the amount of waste to landfill eg floorboards and wood not treated/painted with lead paint should be woodchipped.

**Sustainability** - The inclusion of green roofs are welcomed, although sedum roofs are limited in terms of enhancing biodiversity. Whilst it is appreciated health care providers may have higher standards in relation to greywater recycling and rainwater harvesting, it is queried as to whether this could be overcome with proper treatment. However, it is appreciated that this will require space for the storage and treatment which would impact upon the design of the proposal. The applicant indicates in the supporting information they are happy to accept a condition relating to meeting NEAT (or BREEAM) standards, this should be verified.

**Environmental Health:** No objection subject to recommended conditions to control possible noise and light pollution.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR4 Travel plans
- TR7 Safe development
- TR8 Pedestrian routes
- TR11 Safe routes to schools and school safety zones
- TR12 Helping the independent movement of children
- 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

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SU10 Noise nuisance  
SU13 Minimisation and reuse of construction industry waste  
SU15 Infrastructure  
SU16 Production of renewable energy  
QD1 Design – quality of design and design statements  
QD2 Design – key principles for neighbourhoods  
QD3 Design – efficient and effective use of sites  
QD4 Design- strategic impact  
QD7 Crime prevention through environmental design  
QD14 Extensions and alterations  
QD15 Landscape design  
QD16 Trees and Hedgerows  
QD25 External lighting  
QD27 Protection of amenity  
HO19 New community facilities  
HO20 Retention of community facilities  
SR1 New retail development within or on the edge of existing defined shopping centres

### Supplementary Planning Documents and Guidance

SPGBH4: Parking Standards  
SPGBH16: Renewable energy  
SPGBH21: Brighton & Hove Sustainability Checklist  
SPD03 Construction and demolition waste  
Planning Policy Statement 1- Delivery Sustainable Development  
Safer Places – The Planning System and Crime Prevention

## 7 **CONSIDERATIONS**

The main considerations are:

- the principle of locating the proposal on the site;
- the impact from the demand for travel created by the development;
- the impact to the character and appearance of the locality;
- the standard and layout of the proposal;
- the impact to the amenity of occupiers of nearby residential properties;
- sustainability.

This application follows two previous refusals of planning permission and extensive pre application discussions. Previous applications were refused for reasons relating to design, accessibility throughout the site, crime prevention and sustainability. This application addresses all previous concerns and for the reasons detailed in this report approval is recommended.

### **Principle of locating the proposal on the site**

The proposed medical use is one that is encouraged in principle to meet the needs of the local community (policy HO19). The proposal would result in a significantly enhanced community facility, which is welcomed.

The site forms part of the Wellsbourne Community Centre complex. In order to facilitate the proposal it is intended to demolish part of the existing Wellsbourne Community Centre. Policy HO20 seeks to retain existing

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community facilities except in instances where the community use is replaced within a new development. This application would result in an increase in floorspace of a community use albeit a different type of community use, as well as improved facilities to serve the local community and therefore the proposal is considered to comply with policy HO20.

As the site is located outside of a designated shopping area or parade and the proposal contains a new pharmacy ('A1' retail use), local plan shopping policies, including policy SR1, is a consideration. These policies seek, amongst other things, to site retail uses in existing shopping centres before considering other sites to ensure their vitality and viability is maintained. It is noted that the pharmacy proposed is an ancillary use only. It would be closely related to other uses of the site and would help to provide a comprehensive service to visiting members of the community. It is not considered that the provision of a pharmacy would have an adverse impact on existing shops in Whitehawk Road and therefore it is not considered that an objection based on local plan shopping policies would apply.

The pharmacy would normally be located close to the entrance of the surgery however, in this situation due to the close proximity of the Children's Centre; the pharmacy has been located on the other side of the surgery. This will reduce traffic flow at this part of the site.

The pharmacy would be self contained with its own staff facilities, interview room and separate access. This is because it may operate at different hours to the surgery.

### **Design**

Policies QD1, QD2, QD3, QD5 and QD14 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

Policy QD1 requires developments of this scale to be accompanied by a design statement. The application was accompanied by a design and access statement and a planning statement which sets out the rationale for the footprint, scale, height and chosen materials. The rationale for the design of the proposed building is based upon the functional requirements for the surgery whilst seeking to follow the established design principles set by the Children's Centre.

The existing brick built building which is to be demolished is of no visual merit to the character or appearance of the area and there is no objection to its proposed demolition.

This application forms part two of a phased development. Part one of the development (Whitehawk Children's Centre) has the benefit of planning

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permission granted in 2005 and has now been constructed. The redevelopment of this site was intended by the Council, in its role as landowner and service provider, to be comprehensive; with phase two following the design principles of phase one. The overall aim was improve the range and standard of community facilities on this site whilst enhancing the visual appearance of this area.

The existing phase one development has been well designed with a contemporary style and high quality choice of materials. The central cone will eventually be planted with appropriate species to screen the metal roof and concrete block walls. This planting will take place after construction of phase two and will further enhance the appearance of the development.

The proposed layout, general footprint and scale of the building is considered to be acceptable. The proposed building has been designed to mirror the existing Children's Centre as much as possible. There are some details that cannot match exactly the Children's Centre due to the functional requirements of the surgery. For example the fenestration style and method of opening cannot match exactly and the footprint of the building is considerably larger due to the intensive use of the building. However, the window openings are of the same size and proportions. The proposed building will match exactly the existing building in respect of the general design, the sedum roof, building materials and details such as soffits and fascias. In this respect the proposal is considered to be an improvement on the previous submissions and acceptable in design terms.

This application addresses previous concerns relating to crime prevention and site accessibility through the provision of a building which will be attached to, and utilise the existing central cone as an access point. The previous application proposed to erect a detached building, which would have been located 1.2m away from the existing phase one building. Whilst there was no objection in principle to a detached building to accommodate the surgery, it is considered that any detached building on this site should be of a high standard of design in its own right, complementing the existing phase one building. In terms of design and appearance, a detached building would be expected to be clearly physically separate from the existing development and not to necessarily imitate the design and materials of a building to which it is intended to be detached from. Issues relating to provision of a comprehensive facility on the site would be more difficult to address through this approach, but it was not felt that this could be ruled out in principle.

However, it is now proposed to physically attach the surgery to the Children's Centre, which will address previous concerns. Indeed it was always intended by the Council as land owner, to comprehensively develop this site as one continuous building serving a number of community uses.

Overall the proposal now represents a visually appropriate development for this site, which relates well to its surroundings, and would not harm the character and appearance of the street scene. The proposal therefore complies with policies QD1, QD2, QD3 and QD14 of the Brighton & Hove

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Local Plan and Planning Policy Statement 1 – Delivering Sustainable Development.

### **Traffic and transport**

As part of this application it is proposed to provide 11 additional car parking spaces within this complex which would result in a total of 46 (2 disabled spaces) car parking spaces to serve the existing and proposed uses. Seven of the spaces will be for exclusive use by the doctors and a pharmacist; these spaces will be located to the rear of the surgery and will not be accessible to the public. The remainder of the spaces will be available for public use serving the surgery, Children's Centre and nursery. In addition the submitted plans indicate cycle parking at the front of the building. With this in mind and taking account of the fact that the proposed surgery, which is fairly accessible by foot and existing bus routes, is intended to serve the local community it is anticipated that the majority of visitors will arrive by foot.

However, it is also relevant that the centralisation of GP provision involved in this application will involve some patients making longer journeys. Many of these journeys would be expected to be made by bus and it is proposed that a £30,000 contribution to provide Kassell kerbs at the north and southbound St. David's Hall bus stops should be secured via an s106 agreement. These stops are near the surgery in Whitehawk Way.

Subject to provision of the improved pedestrian footpaths, cycle parking and a financial contribution as outlined above it is considered that the proposal would meet the demand for travel it would create and is therefore considered to accord with policy TR1.

It is recognised that the immediate locality is quite busy, containing Whitehawk primary school, nursery school and other community facilities. It is not considered, however, that the proposed use would lead to excessive traffic congestion or result in any highway danger in line with advice from the Highway Manager.

### **Amenity**

The ground levels within this locality vary significantly, there are existing residential dwellings set at a higher level to the east whilst the nursery building located to the south of the phase one development (Children Centre) is set a full storey lower to the south. The building is of the same scale as the adjoining phase one development and would be lower than the ridge height of the original Wellsbourne centre. The proposed building has been well designed to take account of the steep rise in ground levels and it is not considered that the proposal would have a detrimental impact in terms of overbearing, overshadowing or loss of light. Furthermore sufficient distance exists between the proposed building and nearest residential properties to the east and west to prevent any unacceptable overlooking or loss of privacy.

In terms of the use, the proposed facility lies within an established community complex. It is not considered that the proposal would result in any harm by way of increased noise or activity levels so as to justify refusal of this

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application. A condition is recommended to ensure all plant and machinery is soundproofed to prevent undue noise. A condition controlling external lighting is proposed to prevent excessive light pollution from the proposal.

### **Sustainability**

Policy SU2 requires applicants to demonstrate how new developments make efficient use of energy, water and materials, for developments of this size the submission of a sustainability checklist is also required. A sustainability checklist was submitted with this application.

The building has been designed to comply with current building industry guidelines addressing best environmental practice. In this instance because the building relates to a medical facility the relevant sustainability measuring tool is NEAT (National Health Environmental Measuring Tool). The building has been designed to achieve a 'very good' NEAT rating. The building will include sustainable features such as solar tubes for natural light and ventilation (in addition to all windows and doors), ground source heat pumps to supplement heating and hot water (approx 60-70% of the buildings needs) and sensor induced light fittings.

In addition the applicant has sought to address orientation of the building to maximise solar gain and natural lighting and has stated that the development will be of a low carbon footprint using materials which will enhance energy usage within the building. The proposed sedum roof will help to address sustainable urban drainage issues.

The applicant has stated that greywater recycling is not possible within a health care environment due to an increased risk of infection via the recycling of potentially contaminated water. Indeed the applicant was supported in this point by the Planning Inspectorate when appealing against a sustainability condition attached to a similar health care facility in Carden Avenue (BH2005/06811/FP).

Taking account of the above, it is considered that the applicant has satisfactorily addressed sustainability policies.

This application requires the submission of a Site Waste Management Plan. An acceptable statement has been submitted.

### **Accessibility**

The primary pedestrian approach to this site has been identified by the Council (as land owner) and existing occupiers (Children's Centre) as being from Whitehawk Way. As part of this application it is proposed to improve access into the site by providing a pedestrian access from the central cone (which will serve the surgery and Children's Centre) to Whitehawk Way. The new footpath will link up with the existing footpath which currently leads to the eastern site boundary thus providing continuous and direct access to the site. The footpath will provide a direct route from the nearest bus stop in Whitehawk Way for services 1, 1A, 21, 21B, 71, 84 and N99. This would be a welcome improvement.

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The surgery will also be accessed from Whitehawk Road via the existing car park at the front of the site. The proposal is now considered to satisfactorily address site accessibility issues.

### **Crime prevention**

The applicant has sought to address previous concerns relating to crime prevention by linking the surgery to the existing Children's Centre thus removing the 'alley' between the buildings and by taking on board the suggested security measures for the internal layout put forward by Sussex Police.

In conclusion, for the reasons stated this application is recommended for approval.

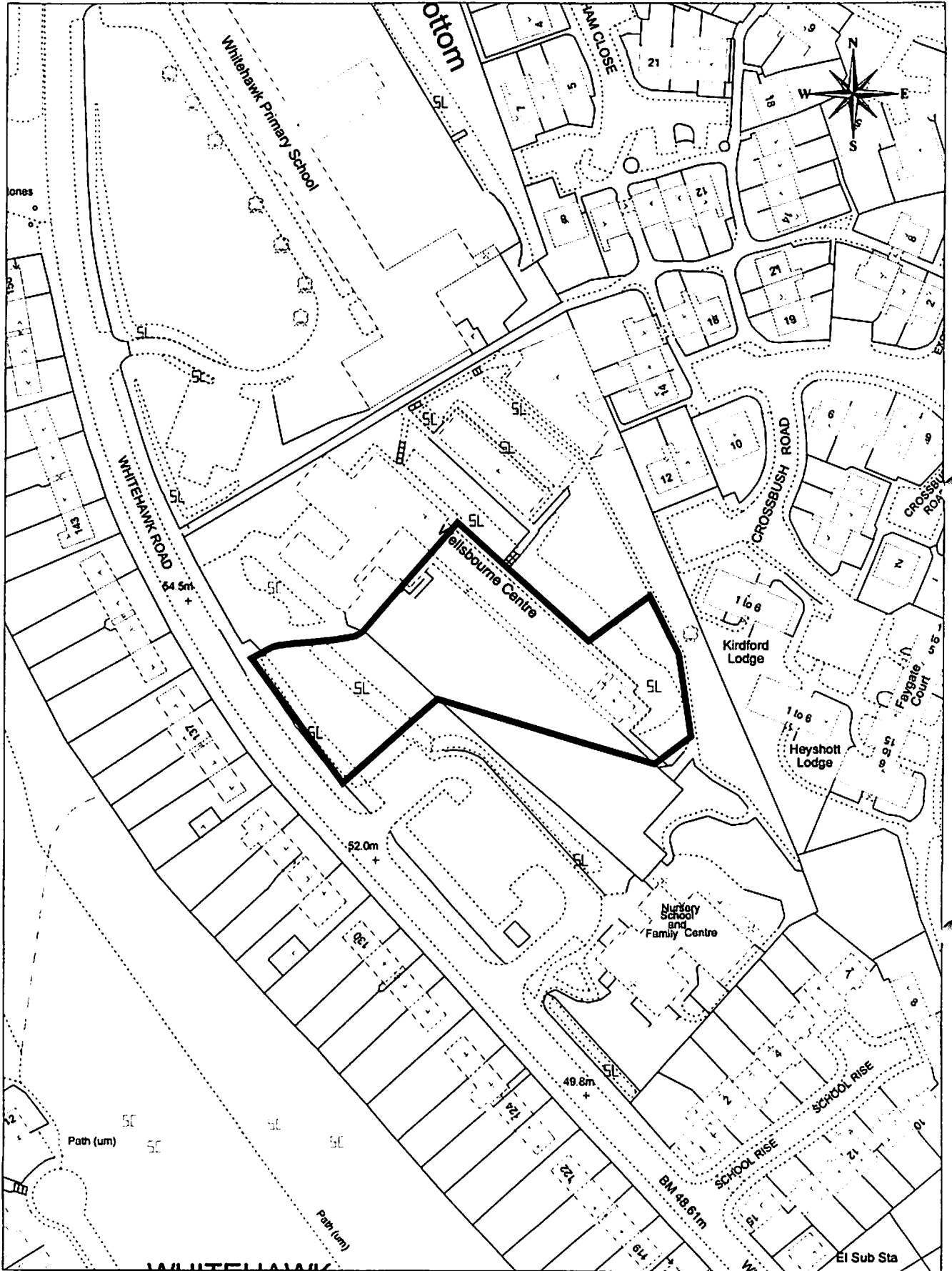
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal would enhance existing community uses by providing a high quality doctors surgery which would accommodate two local practices as well as a pharmacy. The development meets the demand for travel it creates and would improve pedestrian movement and accessibility to the site. The proposal has been well designed and would not adversely affect the character or appearance of the locality or harm the amenity of nearby residential occupiers. The proposal accords with development plan policies.

### **9 EQUALITIES IMPLICATIONS**

The proposal will provide modern, accessible healthcare facilities. An Access Statement has been submitted with the application which indicates that disabled users of the development have been satisfactorily considered. The proposal incorporates 2 disabled parking spaces and an internal lift and pedestrian pathways are at an appropriate gradient to allow access. The proposal will of course need to meet the requirements of the DDA.

# LOCATION PLAN



BH2008/01569

SCALE 1:1250

**Wellsbourne Centre, Whitehawk Road**



**Note: Any shaded or outlined areas are indicative only and should not be scaled.**

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**MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2008/00565</b>	<b><u>Ward:</u></b>	<b>HOLLINGBURY AND STANMER</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Stanmer Park Access Road (off A270 Lewes Road)</b>		
<b><u>Proposal:</u></b>	<b>Upgrade and widening by up to 1 metre of Stanmer Park access road; to join with approved link road into Sussex University. This is an addition application to the approved Falmer Community Stadium application (BH2001/02418)</b>		
<b><u>Officer:</u></b>	Katie Haffenden 01273 292361	<b><u>Received Date:</u></b>	14/02/2008
<b><u>Con Area:</u></b>	Hollingbury and Stanmer	<b><u>Expiry Date:</u></b>	05/05/2008
<b><u>Agent:</u></b>	Savell, Bird and Axon, Croxley House, 14 Lloyd Street, Manchester		
<b><u>Applicant:</u></b>	Mr M Perry, Brighton & Hove Albion Football Club, North West Suite, Tower Point, 44 North Road, Brighton		

This application was deferred at the last Committee meeting on 30 July 2008 in order for members to visit the site.

**1 RECOMMENDATION**

1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **Minded to Grant** planning permission subject to the submission of satisfactory details regarding the impact of the proposed works upon the Lower Lodges listed buildings and subject to the following Conditions:

Conditions

1. 01.01AA Full planning

2. Prior to the commencement of development, detailed drawings, including levels, sections and construction details of the proposed footway and cycle path and supporting structures to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed fully in accordance with the approved details and timescale to be agreed with the Local Planning Authority.

**Reason:** In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan

3. No development shall commence until details of the proposed means of surface water disposal, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

**Reason:** To prevent the increased risk of flooding and to ensure a satisfactory means of surface water disposal, to comply with policy SU3 of the Brighton & Hove Local Plan.

4. Before the commencement of development, a scheme and phased timescale for the alteration to the existing and new footway and cycle path ensuring that the footway and cycle path will remain open to the public for the duration of the development, shall be submitted and approved in writing by the Local Planning Authority. The scheme will be implemented fully in

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accordance with the approved details.

**Reason:** In the interests of highway safety and pedestrian and cycle networks and to comply with policies TR7, TR8 and TR15 of the Brighton & Hove Local Plan.

5. No development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W5 of the Regional Planning Guidance, W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and policy SU13 of the Brighton & Hove Local Plan

6. Notwithstanding the details on the submitted plans and documents, no development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until an Arboricultural Method Statement which complies with *BS 5837 (2005)* has been submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall be implemented before development commences and during construction and development. Such method statement shall include full detail of the following: Implementation, supervision and monitoring of the approved Tree Protection Scheme; Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme; Timing and phasing of Arboricultural works in relation to the approved development.

**Reason:** To ensure the trees are satisfactorily protected as part of the development in the interests of visual amenity and ecology, to comply with policies QD16 and QD17 of the Brighton & Hove Local Plan and SPDBH06: Trees and Development sites.

7. No development shall take place until there has been submitted and approved by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, measures to enhance the bio-diversity of the site, planting of the development, indications of all existing trees and hedgerows on the land, details of trees and hedgerows to be retained, and details to prevent damage to existing habitats during construction. The agreed measures shall be implemented in accordance with the approved scheme.

**Reason:** To enhance the appearance of the development in the interests of visual amenity and nature conservation features and to comply with policies QD16, QD17, QD19 and NE3 of the Brighton & Hove Local Plan.

8. 04.02 landscaping/planting (implementation/maintenance)

9. Notwithstanding the approved drawings, prior to the commencement of development, the siting and details of the temporary welfare shed and construction compound shall be submitted to and approved in writing by the

## PLANS LIST – 20 AUGUST 2008

Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details and retained as such for the duration of the development. All landscape features shall be reinstated upon removal of the structure in accordance with a scheme and timetable to be submitted to and approved in writing by the Local Planning Authority before development is complete.

**Reason:** In the interests of nature conservation and ecology, and to comply with policies QD16 and QD17 of the Brighton & Hove Local Plan.

10. The development hereby permitted shall not be brought into first use until details of the external lighting, including details of the proposed number, type, siting, spacing and levels of luminance, have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the development is first brought into use.

**Reason:** To ensure a satisfactory external appearance and to comply with policies QD2 and QD25 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on drawing nos. N71266-SK04 submitted on 10/03/08 and amended drawings N71266 Rev F, N71266-SK-05, N71266-SK-03 Rev A, a Design and Access Statement Revision C submitted on 9/07/08, and **drawing nos. N71266-Sk07 Rev A and N71266-SK06 submitted on 25/07/08.**

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

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

### Brighton & Hove Local Plan

TR7 Safe development

TR13 Pedestrian network

TR15 Cycle network

SU4 Surface water run-off and flood risk

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD16 Trees and Hedgerows

QD17 Protection and integration of nature conservation features

QD18 Species protection

QD19 Greenways

QD27 Protection of amenity

NC3 Local nature reserves

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

HE11 Historic parks and gardens

### Supplementary Planning Document

SPDBH06: Trees and development sites

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

TR3 Accessibility

TR4 Walking

TR5 Cycling

iv) for the following reasons:

The proposed widened access road would link directly to an approved access road in connection with the proposed Falmer community stadium. The proposed road widening would cause no additional adverse impact on residential amenity or the setting of the two Grade II listed buildings nearest the entrance to Stanmer Park. The application, whilst located adjacent to a local nature reserve, will cause no material harm to the setting or enjoyment of users to the park. Furthermore, subject to appropriate conditions regarding tree protection and ecological enhancement measures, development will not have an adverse impact on the natural environment or the biodiversity of the locality. The adjacent cycleway and footpath will be retained therefore the safety and accessibility of pedestrians and cyclists will not be impeded or adversely affected. The proposal will not be of detriment to the character and appearance of Stanmer Conservation Area.

## **2 THE SITE**

The application site extends from the entrance to the Stanmer Park access road running adjacent to both Stanmer Park boundary and the A270 where it converges with the east bound A27. Stanmer Park is identified in the Brighton & Hove Local Plan as a conservation area and is also designated as a Historic Park and Garden. Stanmer Park is a proposed Local Nature Reserve and the access road adjoins a designated Greenway.

The access road is currently generally less than 4 metres wide reaching up to 5 metres wide at points where there are passing bays which feature on both sides of the road. Entrance to the access road is gained from the A270 Lewes Road and subsequently passes under the A27 heading north east towards the entrance to Stanmer Park. A cycle lane and footpath runs on the southern side of the application site between the access road and the A270. A grass verge containing a hedge separates the access road and the A270 for approximately a third of the application site.

Located at either side of the entrance to Stanmer Park are Nos. 37 and 38 Lower Lodge, two detached Grade II listed residential properties. Three medium sized trees embedded in a hedge exist opposite no. 38 Lower Lodge obscuring the view of the A270. There are 2 trees on the grass verge adjacent to the boundary with no. 37 Lower Lodge in addition to 6 further trees on the north side of the road. There is also a telephone pole in the path of the proposed road improvement scheme outside No.38 Lower Lodge.

## **RELEVANT HISTORY**

Planning permission was granted on 9 December 2005 (ref: BH2001/02418) for the construction of Falmer Community Stadium, which will be home to Brighton & Hove Albion Football Club. The football stadium will also include facilities such as B1 uses, educational, conference and entertainment facilities. The stadium building itself will be located to the north of Village Way, which services the main entrance to the University of Brighton campus. Separate from the main stadium site, other sites were also given consent for associated uses, such as car parking, linked with the stadium. A link road extending from the entrance to Stanmer Park leading into Sussex University campus was given permission as part of the stadium application to join with additional car parking with the Sussex University campus to be used on match and event days. The current application site did not form part of the Community Stadium application site.

A condition was also attached to the planning permission which states:  
*Prior to the first use of the stadium, a new link road between Stanmer Park [access] Road and the University of Sussex is to be designed and constructed in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Secretary of State for Transport.*

For clarity, this condition does not relate to the current proposal to widen the existing access road. The approved link road to which the condition relates has already obtained consent as part of the Community Stadium application and would run from the Stanmer Park entrance to the University of Sussex. The current application would widen the existing access road from the A270 to the entrance to Stanmer Park, where it would join the new access road previously approved and referred to in the above condition.

The issue of a new link road extending the Stanmer Park access road up to the University of Sussex, was a contentious one at the time of the Stadium application and the case officer's report acknowledges the need to minimise environmental and ecological impacts upon the sensitive adjoining sites including Stanmer Park.

## **4 THE APPLICATION**

The application site extends from the eastbound A270 slip road, nearest to the A27 overpass, to the entrance to Stanmer Park. The current application proposes to widen the existing Stanmer Park access road following this route by up to 1.5 metres to achieve a consistent width of 5.5 metres. The road surface between the two listed buildings at the entrance to the park will be improved but not widened. The width of the application site extends to include the verges on both sides of the road and the cycle path to the south, although the proposal is only to widen the road.

The application is in addition to the approved Falmer Community Stadium application, which requires the access road to be extended to link in with parking located at the University of Sussex. The extent of the widening works is intended to take place mainly to the southern side of the existing access road, whilst retaining the existing combined cycle and footpath. The existing

access road surface nearest the A27 bridge over will be realigned and widened around the bend. The south-hardened verge under the bridge is also to be reduced in width. Welfare facilities (toilet, rest room) will be located on the soft verge to the south side of the access road. The existing access road carriageway will be widened at the entrance to Stanmer Park nearest No. 37 and 38 Lower Lodges, removing up to 1 metre of the soft verge nearest the boundary with each residential property. A separate S.38 agreement will be entered into to deal with surface water drainage from the existing roadway.

## 5 CONSULTATIONS

### External

**SEEDA** – Supports the application as it considers that the development of the Community Stadium and associated works will assist in delivering the Regional Economic Strategy. Brighton & Hove is identified as having the potential to build “assets to become an economic catalyst for the region.”

**Environment Agency** – No objection in principle, but wish the following to be taken into consideration:

- Length of the works fall within Source Protection Zone 1 for the Falmer Public Water Supply Borehole. The extreme sensitivity of the location means that it should be protected from pollution.
- All pipework relating to water drainage must be constructed from a robust material so that there is limited potential to leak or break. All joint must be sealed properly.
- Care should be taken during the site works to ensure that all fuels, lubrication oils and any other potentially contaminating material should be stored so as to prevent accidental/unauthorised discharge to the ground. The Environment Agency provide pollution prevention guidelines via Netregs at [www.environment-agency.gov.uk/netregs](http://www.environment-agency.gov.uk/netregs)

**Highways Agency** - No objection

**Natural England** - No comments but would like to make the following observations:

- Protected species may inhabit the site to be developed.
- Grassed areas affected by the works should be progressively cut back to protect reptiles
- Applicant is advised to comply with relevant law regarding nature conservation issues

**Southern Water** - request condition be attached requiring construction not to commence until details of how surface water disposal have been submitted and approved by the Local Planning Authority.

**East Sussex County Council** - Does not wish to make any comments or objection

**Lewes District Council** - Doesn't wish to object formally but is concerned over the potential visual impact of the road widening scheme on historic Stanmer Park. Recommends full protection of existing trees on either side of

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the proposal. No objection to the proposal (in response to readvertisement on 12<sup>th</sup> June 2008).

**Stanmer Preservation Society** - No objection in principle. Proposal should take into account that this is a conservation area. Propose that the entrance to the university be gated to prevent the access road being used as a general route through to the campus. Access to and from the park entrance would be difficult and therefore propose a mini roundabout be installed. The existing road is also the main pedestrian access and pedestrians would be placed in danger whilst traversing the widened road and therefore a speed limit is proposed of 15- 20 miles an hour. Account must be taken on the high volume of other traffic entering the park for other reasons. A barrier to obscure headlights will be necessary between the access road and the A270

**South Downs Joint Committee** – Object to the application. Accept that permission has been granted for the stadium and new access road to Sussex University from the entrance to Stanmer Park. Also accept that if the new link road is constructed there is a case for the widening of the existing road. However, would like to point out that neither the stadium or the road have been constructed, nor may ever be so. Therefore it is considered premature to be seeking permission for the widening of the existing road at this time. The current road provides an important function in slowing vehicles down before they enter the park or before they exit onto the A270.

**Friends of Stanmer Park** - Understand that a mini roundabout incorporated into the new junction layout at the entrance to Stanmer Park is not possible due to its rural location and also the amount of traffic noise that it would generate. However, The Friends counter that the other mini roundabouts are sited in other rural locations and there is also a considerable amount of background noise in the vicinity from the A270 and A27. Concerns are also raised about the lack of visibility that a junction would pose to vehicles exiting the park and fear that there will be an increase in the amount of accidents at the entrance to Stanmer Park. Would like to reiterate the importance of having a solid fence separating the A270 from the access road underneath the A27 bridge to prevent headlight blindness when vehicles on each road are passing each other.

### Neighbours

**Ten** letters of objection have been received from **Nos. 38 Lower Lodge (x3), 104 Hawkhurst Road, 3, 6, 11 and 16 (x2) Stanmer Village and the Old School House, South Street Falmer**

raising the following points:

- Busy road every day of the week, particularly at weekends, with a vast variety of vehicles using the road for all purposes. Use of the access road to the university will create constant flow;
- Concern over pedestrian access through the main entrance to the park;
- Need to access the stadium takes priority over the needs of the public to enjoy the park;
- Chaos during construction and inconvenience to residents and

## PLANS LIST – 20 AUGUST 2008

workers;

- Road adequate for the traffic that uses it;
- Events have been held in the park in the past and traffic has been successfully managed. Road deliberately narrow with passing bays to calm traffic before entering the park to protect public;
- Concern that excessive speeds as result of proposal will endanger public and concern that vehicles will crash into gardens of 38 Lower Lodge;
- Adverse impact on residential properties in terms of noise and pollution if vegetation screen between cycle path and A27 is lost;
- Conflict between traffic using access road for stadium parking and those for Stanmer Park causing disturbance for residents of residential properties at park entrance;
- Football matches taking place outside peak times therefore road infrastructure should be capable of handling excess traffic;
- Access road would only benefit users of Sussex University;
- Increase traffic would become unbearable and disruptive due to noise pollution and car emissions;
- Traffic waiting to exit the park would sit outside front door of 37 Lower Lodge;
- Area sensitive and unease that ancient trees and natural habitats will be destroyed;
- Disincentive to cycling due to increase in traffic therefore carbon emissions. Particular concern over hazardous NOX;
- Favour investment in sustainable transport rather than new road building;
- Expose lodge houses and park to noise and pollution. Trees and shrubs provide protection from this;
- Only reasons for road widening is to accommodate needs of stadium which was thought not to affect the park;
- Proposal will inhibit walking to and from and within the park. Proposal will make three entrances into the park inaccessible;
- The walk out from the Village will become longer and more unpleasant along the path beside the A27;
- Alternative entrances to the park via the footbridge behind Varley Hall and the top of Chalky Hill are totally unsuitable for pushchairs and small children;
- Deliberate policy to make Stanmer Park an unfriendly pedestrian place;

**82** letters of **support** for the application have been received from neighbours (**see appendix for list of addresses**) making the following points:

- Benefit the city, Stanmer Park users and Sussex University
- Benefits for the city and wider
- Important element of Brighton & Hove Albion Football Club's infrastructure plans for a new community stadium
- Will help avoid traffic congestion
- New road satisfies sustainable transport demands
- Minimal affect on landscape, sympathetic to location
- Allow park to host events more comfortably



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- Improved safety on single track road where cyclists use it to gain access to Stanmer Park
- Improve access to Stanmer Park and university, ensuring success of community stadium
- Road improvements in connection with community stadium, ensure club's long term future and be a fitting attraction to this dynamic city

5 letters making general comments have been received from **Cranford Cottage, Penshurst Road, No. 52 Rugby Road, Wessex Cottage, RH17 6DT, No. 6 Stanmer Village** and **46A Albion Hill**:

making the following points:

- Traffic flow entering and exiting Stanmer Park in peak summer times high
- Low level of night lighting via bollards slow traffic and make blind corner at south side of junction less of a hazard
- Any approval should have conditions that state level of replanting and how trees are to be protected
- Have the plans considered the current pedestrian shortcuts through the trees from the bus stop on A270? Faster speeds will make crossing dangerous
- Contested space between pedestrians and cyclists. Separate areas for pedestrians and cyclists as cyclists have to swerve near busy road to avoid passengers exiting bus
- Pedestrian access through Coldean Wood into Stanmer Park poor
- Cycle/footpath under A27 bridge well used by fast travelling cyclists making it unsuitable for the elderly, people with children etc.
- Well worn 'cut-throughs' into park off current Stanmer Park access road indicating a preference for direct access into park rather than walking up to entrance via cycle path
- Increasing traffic levels will make pedestrian access worse, suggest creating pedestrian access at southern end of Stanmer Park adjacent to A27 bridge

### **Internal**

**Ecologist** – General commitment is given regarding the protection of trees, however, in the absence of specific tree protection measures, it is recommended that a condition be attached that requires protection of existing trees and shrubs from damage during construction. The ecologist also notes that the site abuts Stanmer Park proposed Local Nature Reserve and therefore NC3 of the adopted Local Plan applies, which requires prevention of damaging impacts and enhancement of nature conservation features such as the preclusion of topsoil or using suitable wildflower seed mix on verges.

**Arboriculturist** – Acknowledges that while no trees will be removed as part of the proposal, the scheme comes within the root plates of many trees on the entrance to Stanmer Park. Recommend that a condition be attached to planning permission requiring a Method Statement be submitted for approval.

**Transport Planning** – No objection. The Stanmer Park access road needs to be widened to safely accommodate the traffic flow that will use it once the

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Falmer House Road University access road has been closed, which is part of the whole academic corridor scheme. If this application is not approved, there will be an average of 5000 vehicle movements per day using the existing narrow lane, which will lead to significant congestion on the A270 and into the University and Stanmer Park.

Requests condition requiring submission of details prior to the commencement of construction to include “detailed drawings, including levels, sectional and construction details of the proposed road, surface water drainage, outfall disposal, supporting structures and street lighting to be provided.”

It is predicted that the majority of traffic will pass the entrance to Stanmer Park. The T-Junction design is therefore more appropriate than a mini-roundabout. It was noted that whilst not a transport planning consideration, a roundabout will significantly increase the amount of noise as the prevailing traffic accelerate away from the junction.

Transport Planning would like to draw attention to the description and make the reader aware that the road in question, depending on the findings of detailed surveys of ground conditions, and services, safety audits, and the need to ensure the free flow of traffic may mean that the road could be locally wider than 1m.

Any structure affecting the highway should be designed to an appropriate standard and if offered for adoption by the Highway then the relevant design standards will need to be adhered to.

**Conservation and Design** - Stanmer Park is a listed Historic Park and Garden, a Conservation Area and a Local Nature Reserve. The principle of using the access road to gain access to the park and ride facilities on the Sussex University campus serving the Football Stadium has been established and planning permission has been granted for a new link road from it through the park. In view of this the proposed widening of the existing access road of itself would not result in any increase in traffic.

As the proposed widening of the road is achieved by taking part of the mainly grassed verge of the highway, it would not encroach into the Historic Park. Provided that additional locally native trees are planted alongside the roadway to soften the visual impact of the increased area of tarmac, particularly on the park side of the road, the proposals would not have a significant impact on the setting and views of and from the Historic Park. The redesign of the highway junction radii outside the entrance of the park would not significantly affect the setting of the two listed gate lodges. As there is limited space between the widened access road and the park boundary much of the additional tree planting would need to be located within the park itself.

- 6 PLANNING POLICIES**  
Brighton & Hove Local Plan:  
TR7 Safe development

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TR13 Pedestrian network  
TR15 Cycle network  
SU4 Surface water run-off and flood risk  
SU9 Pollution and nuisance control  
SU10 Noise nuisance  
QD16 Trees and Hedgerows  
QD17 Protection and integration of nature conservation features  
QD18 Species protection  
QD19 Greenways  
QD27 Protection of amenity  
NC3 Local nature reserves  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas  
HE11 Historic parks and gardens

### Planning Guidance Notes/Documents

SPDBH06 – Trees and development sites

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

TR3 - Accessibility

TR4 – Walking

TR5 – Cycling

## **7 CONSIDERATIONS**

The consented Community Stadium at Falmer application gives permission for a new link road between Stanmer Park and the University of Sussex, subject to design details being agreed as required by the condition set out above. The required details have yet to be agreed, but the principle of the construction of a new link road has been established. The road would allow access from the eastbound A270 to stadium related car parking at the University of Sussex. The current application would widen the existing part of the access road to the same standard as the approved section from the Park entrance to the University.

### Traffic and Transport issues

Policy TR1 of the Local Plan seeks to ensure that development proposals provide for the demand for travel they create and maximise the use of public transport, cycling and walking. The proposed widening to a minimum width of 5 metres would allow the two way flow of traffic to join the consented link road leading into the University of Sussex. Vehicular traffic currently uses the Stanmer Park access road to enter Stanmer Park and also Stanmer Village. The road has no restrictions on vehicular size or weight. However, the existing road width is restrictive as it is only suitable for one vehicle to use the carriageway whilst oncoming vehicles wait in a passing bay.

Concerns have been raised over the speed at which vehicles would be able to travel should the road be widened. However, the width of the road would be sufficient for two vehicles to pass safely rather than travelling at speed. If the road is adopted, speed restrictions are likely to be put in place. Transport Planning fully support the principle of widening the access road as it will

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present a material improvement to public safety along this access road. The removal of passing bays will also negate the need to brake therefore reducing noise associated with the revving of engines and changing gear as vehicles accelerate away. Whilst this application does not quantify the increase in traffic, it is acknowledged that there would be an occasional increase in traffic along the existing access road facilitated by the new link road. However, it is also acknowledged that the main purpose of the widening of the access road is to accommodate match and event day traffic. There is no evidence that the widening of the road will increase traffic movements for the purposes of entering and exiting Stanmer Park and Stanmer Village.

Whilst this application is separate to the additional infrastructure improvements approved as part of the Community Stadium application, the purpose of this application is to provide appropriate infrastructure in conjunction with the approved link road. The eventual construction of the consented link road will require traffic to use the existing access road. Widening the existing road will render it safer to use for both traffic using the existing carriageway for both access into Stanmer Park and also parking within the University of Sussex for the purposes of accommodating fans on match days at the Community Stadium. Although there are some concerns with respect to aspects of an increase in traffic and also potential speeds of vehicles, the increase of traffic will be infrequent and vehicle speed is not able to be assessed as part of this application, therefore implications of the scheme are considered to be acceptable.

A shared cycle and footpath already exists within the application site. The road widening proposes that the existing arrangement will not be compromised, although there will need to be some realignment below the A27 overpass and also nearest to the entrance to Stanmer Park where the road widening will encroach on the cycle path. Policy TR15 in the Local Plan recognises the need to safeguard existing cycle routes. The existing cycle path adjoining the Lewes Road corridor leading up to the University of Sussex is well utilised. It is important that this is maintained during the course of construction of the proposed road widening works.

Comments received from neighbours made reference to a number of informal pedestrian “cut-throughs” predominantly at the southern end of Stanmer Park near to the A27 overpass. These “cut-throughs” allow pedestrians to access the park directly by crossing the access road rather than making their way along the entire length of the formal cycle/footpath to the entrance of Stanmer Park. It is possible to formalise these “cut-throughs” through road markings acknowledging pedestrian’s right to cross and therefore gain access to the park in relative safety, although the exact details of how these crossings will be configured and who will have priority needs to be agreed in consultation with the Highways Authority.

Policy TR13 also seeks to ensure that existing pedestrian routes are protected and conditions are recommended to ensure that cyclists and pedestrians are not impeded from using the existing path during the course of construction, therefore ensuring that the disruption of cyclist and pedestrian

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travel patterns is minimal. It is acknowledged that drawing no. N71266-SK06 shows the realignment of the cycle/foot path to the east of the entrance to Stanmer Park, indicating that pedestrians and cyclists will be required to cross the road. However, this is indicated outside the red line boundary of this application and is shown in context of the approved link road, the details of which are yet to be agreed. With regard to concerns over an increase traffic speeds, the cycle and footpath is for the majority of the route is segregated from the access road and in some cases is outside of the application site, therefore it is considered that the proposals pose no overt or additional dangers for pedestrians and cyclists and as such the proposal is considered acceptable.

### Impacts on existing road infrastructure

Policy TR7 aims to ensure that development does not increase the danger to users of adjacent pavements, cycle routes and roads. The proposal intends to reposition the existing fence between the cycle path and the Stanmer Park access road below the A27 overpass. The purpose of this is to delineate the foot/cycle path adjacent to the A270 from the access road and will result in the retention of a 2m wide foot/cycle path. The Transport Planning Officer considers that the layout of the road widening proposal is based on the predicted number of traffic movements that the road is expected to accommodate in conjunction with the approved link road into Sussex University. In addition, it is considered that the south side of the existing access road can easily accommodate widening and that the proposal can be 'feathered' into the existing carriageway construction. Highway Authority requirements, separate from planning conditions, ensure that the design of any structure affecting the public highway is designed to an appropriate standard and as such it is considered that the proposal will not cause undue danger to pedestrian and cyclist users of the adjacent to the A270 carriageway.

In conclusion, the proposed wider access road would link directly to the approved access road to the University. A consistent width along this road would allow the free flow of traffic, particularly on match days. Traffic movements as a result of road widening to a consistent width of 5.5m is likely to be no worse than those as a result of the construction of the approved link road. The increased traffic movements would take place over very limited time periods on Brighton & Hove Albion match days.

### Impacts on biodiversity and ecology

In considering the proposed road widening, regard needs to be had to trees and hedges and their role in providing habitats for local species. Policy QD16 seeks to protect trees in the vicinity of construction work and advocates the need for tree protection measures. The works involved in widening the access road will bring them into close proximity with root plates of existing trees and hedges which are located on the verge and as such need to be protected from potential damage as these provide an essential habitat for local bird species. SPDBH06 points out that foliage can assist in reducing noise levels and absorbing pollutants such as car emissions. This is particularly important considering the application site adjoins the busy A27 and a designated

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Greenway including a Local Nature Reserve.

Similarly, the application site encompasses grass verges that will require sympathetic restoration using native grass and flower species once works to widen the road are complete. Policy QD17 acknowledges the importance of retaining nature conservation features in creating a calm and pleasant environment. Whilst it is recognized that the application site adjoins the busy A270 slip road, cyclists and pedestrians accessing both the Sussex University and Stanmer Park frequently use the route therefore natural features such as hedgerows will contribute to maintaining the effect of tranquillity. In addition, the hedge opposite the residential property 38 Lower Lodge provides an important vegetative screen from the A270 and as such would need to be retained. Part of this vegetative screening will be lost in the process of constructing the approved link road to tie in with the existing access road and it is not possible to retain the remainder of the vegetative screening as part of the proposed widening works. However, mitigation planting with native plant species is proposed to offset the loss of shrubs and bushes which is immediately adjacent to the south. Therefore, subject to conditions relating to protection measures for existing trees and ecological mitigation measures, no significant adverse impact on the landscape features and ecology will result.

### Impacts on historic environment

Two Grade II listed residential cottages exist at the entrance to Stanmer Park. Their position is such that traffic is required to pass between the narrow gap created by the close proximity of the two buildings. Consideration must be given to the setting of the listed buildings, in accordance with policy HE3 of the Local Plan. Their respective settings will remain unaffected by the road widening proposal, as vehicles will still be able to pass between the two buildings and the road alignment will remain unchanged. The proposal will not encroach on the curtilage of either listed building and does not significantly affect their setting. It is therefore considered that impacts on the listed buildings themselves will be negligible.

The application site sits within the Stanmer Conservation Area and some parts of the site, although the area opposite the vehicular entrance to Stanmer Park fall outside the conservation area. Policy HE6 seeks to preserve or enhance the character or appearance of conservation areas where development is proposed. The application to widen the access road proposes that no trees will be removed. Some sapling trees and bushes have grown between the cycle path and the A27 embankment opposite the listed lodges to the entrance of the park and it is proposed that these will be removed to realign the cycle path. However, mitigation planting has been proposed by the applicant to replace lost vegetation immediately to the south of this area closer to the A27. In addition, the grassed verge immediately in front of 38 Lower Lodge will be repositioned to take account of the road junction realignment and a small amount lost to accommodate a pedestrian crossing and tactile paving.

Policy HE11 states that development that will harm the historic structure, character, principle components or setting of an historic garden will not be

permitted. Stanmer Park is an historic park and garden and any increase in road traffic will undoubtedly have an impact on the environment and users of the park. The road widening will not encroach on the boundary of the park or cause the loss of any trees, nor is this application likely to cause an increase in traffic entering/leaving the park. However, it is important that the park is protected from an increase in traffic noise and disturbance and the increase sense of urbanisation likely to result from the construction of the approved link road into Sussex University. The cumulative impacts of both this scheme and the consented link road could potentially have an adverse impact on the level of traffic noise perceived from within the park, although there would be no impact on the setting and views of and from the historic park. However, the Conservation and Design Officer considers the significance of the impact from road traffic noise and pollution can be mitigated with additional planting within the park to soften the visual impact created by an increase in tarmac, as the grassed verge between the roadway and the park boundary is too narrow. Taking into consideration these mitigating measures, it is considered that the proposed road widening would not adversely affect the character and setting of either the Stanmer Conservation Area or the Historic Park and Garden.

#### Residential amenity

Policy QD27 seeks to protect residents and users from material nuisance and loss of amenity. The two schemes are designed to dovetail and eventually operate as one section of road, therefore some consideration of the cumulative impacts of both this application and the approved link road scheme would be appropriate in this section. The planning application for the Community Stadium considers the link road necessary as part of the wider transport strategy to meet the needs of the stadium and it is unlikely, perhaps even difficult to consider that the link road will be built without the road widening proposal. Taking into account of the above, it is considered that the road widening in itself will not compromise residential amenity, as Stanmer Park access road will perform the same function until such time as the link road extension is constructed. In addition, Stanmer Park access road is unadopted therefore the official speed limit is 60. Should the Highway Authority adopt this section of road, speed restrictions would be imposed addressing concerns over excessive speeds. In consideration of potential measures to mitigate speed and the likelihood of construction of the approved link road, the road widening scheme in this application is considered to have no material impact on residential amenity.

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

The proposed widened access road would link directly to an approved access road in connection with the Falmer community stadium. The proposed road widening would cause no additional adverse impact on residential amenity or the setting of the two Grade II listed buildings nearest the entrance to Stanmer Park. The application, whilst located adjacent to a local nature reserve, will cause no material harm to the setting or enjoyment of users to the park. Furthermore, subject to appropriate conditions regarding tree protection and ecological enhancement measures, development will not have an adverse impact on the natural environment or the biodiversity of the locality. The adjacent cycleway and footpath will be retained therefore the

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safety and accessibility of pedestrians and cyclists will not be impeded or adversely affected. The proposal will not be of detriment to the character and appearance of Stanmer Conservation Area.

### **9 EQUALITIES IMPLICATIONS**

None identified



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**Appendix 1**

**Letters of support addresses – Brighton based addresses**

	<b>Street</b>	<b>Number</b>
1	Adelaide Crescent	29b
2	Ash Walk	9
3	Bevendean Crescent	40
4	Broad Rig Avenue	14
5	Broadwater Street East	1
6	Chalky Road	73
7	Chichester Close	60
8	Coldean Lane	43
9	Court Close	8
10	Davigdor Road	31 Petworth House
11	Dyke Road	285
12	Edgehill Way	15
13	Friar Walk	4
14	Frobisher Close	5
15	Hammy Lane	25
16	Hangleton Valley Drive	25
17	Hartfield Avenue	44
18	Hartington Road	68
19	Hove Villas	37b
20	Jersey Street	18
21	Ladies Mile Road	51
22	Lime Close	4
23	London Road	Kiln Wood
24	Lyndhurst Road	25, 42b
25	Marine Parade	155
26	Mill Lane	98
27	Old Shoreham Road	53
28	Oriental Place	22
29	Patcham Grange	8
30	Pilgrims Close	10
31	Robertson Road	6
32	Rosemary Drive	29
33	Sackville Road	14
34	Second Avenue	6
35	St Peters Close	14
36	Stanford Court	9
37	Station Road	30
38	Thornbush Crescent	35
39	Upper North Street	89
40	Valley Drive	10
41	Waldegrave Road	52
42	Wayfield Avenue	6
43	Westfield Crescent	67
44	Whitehawk Road	14, Robert

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		Lodge
45	Wolseley Road	11
46	Woodland Avenue	51
47	<b><u>Email only or incomplete address</u></b>	<b>5</b>

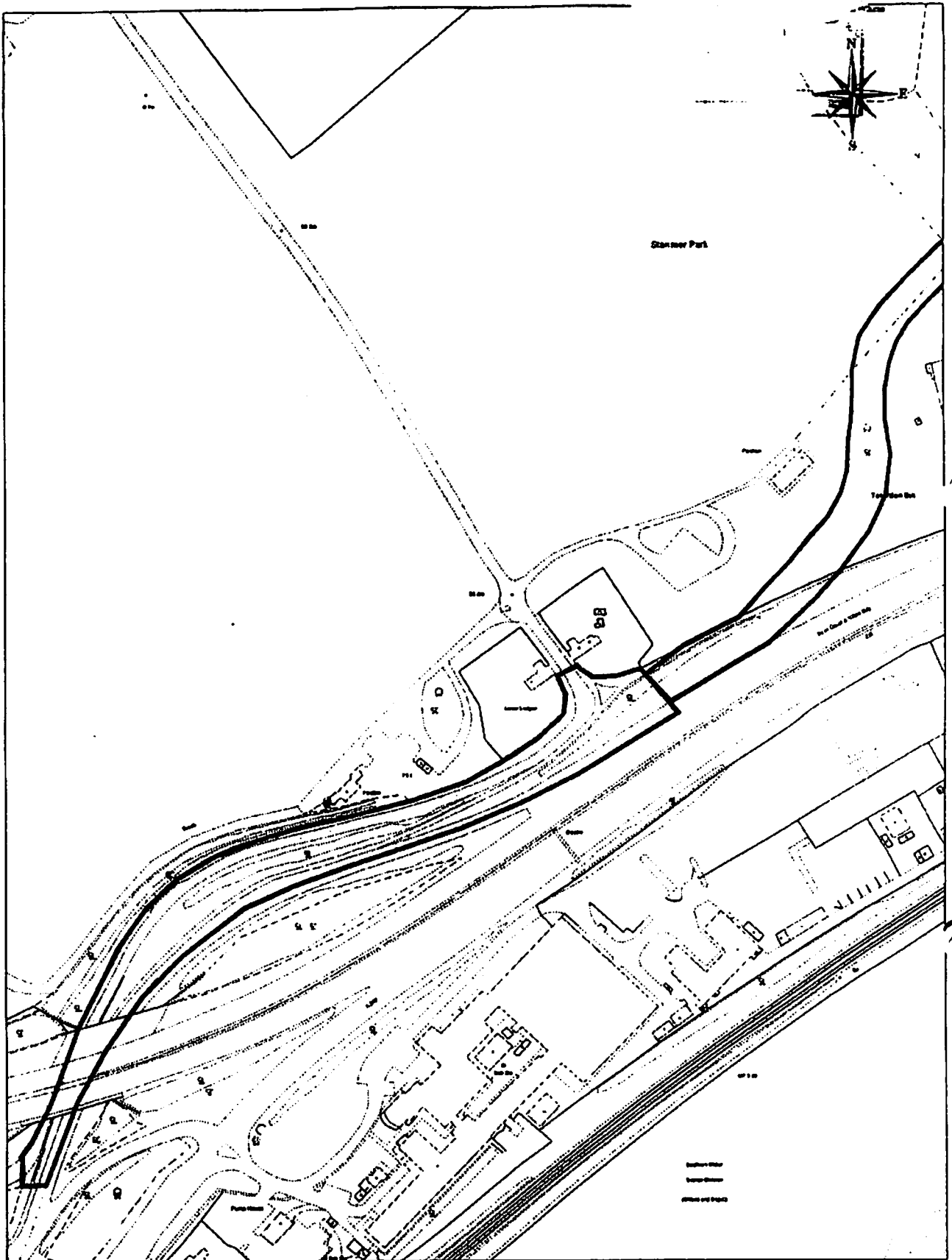
Total = 52

**Letters of Support addresses - Postcodes or addresses outside of Brighton**

	<b>Street</b>	<b>Number</b>
1	Astbury Road, <b>London</b>	13a
2	Baker Close, <b>St Albans</b>	2 Mistral Court
3	Bale Close, <b>Bexhill-on-Sea</b>	6
4	Beresford Close, <b>Bristol</b>	38
5	Broadlands Avenue, <b>Chesham</b>	54
6	Clissold Road (N16 9EX)	31a
7	Corinthian Road (SO53 2AZ)	56
8	Elgin Gardens (GU1 1UB)	7
9	Ferndown Gardens, <b>Bognor Regis</b>	7
10	Filton Ave, <b>Bristol</b>	736
11	Hambro Road (SW16 6JD)	45
12	Holdsworth Street (PL4 6NN)	5
13	Holmbush Close <b>Haywards Heath</b>	2
14	Iffley Road (OX4 4AQ)	293b
15	Keswick Drive (WA6 7LU)	4
16	Lynette Avenue <b>London</b>	64
17	Meadowcroft Close (RH19 1NA)	12
18	Midway Quay, <b>Eastbourne</b>	5
19	North Lane, <b>West Hoathley</b>	Little Cobwebs
20	Norwood Road (SE24 9AQ)	287
21	Penshurst Road (TN3 OPH)	Cranford Cottage
22	Petersfield Road (TW18 1DQ)	119
23	Pipit Meadow, <b>Uckfield</b>	10
24	Ramsey Close (CM9 4YZ)	14
25	Rhodrons Avenue (KT9 1AY)	93
26	Silver Lane, <b>Billingshurst</b>	34
27	South Avenue, <b>Hurstpierpoint</b>	The Cottage
28	Swift Lane, <b>Healthfield</b>	Whitewood Cottage
29	Tanbridge Park (RH12 1SU)	149
30	Whitley Road, <b>Eastbourne</b>	7

Total = 30

# LOCATION PLAN



**BH2008/00565**

**SCALE 1:2500**

## **Stanmer Park Access Road (off A270 Lewes Road)**



**Note: Any shaded or outlined areas are indicative only and should not be scaled.**

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<b><u>No:</u></b>	<b>BH2007/04674</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>68-70 High Street Rottingdean</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of site to provide 9 three bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors (Amendment to previously approved scheme BH2007/00617 omitting the 4 visitor parking spaces).</b>		
<b><u>Officer:</u></b>	Kate Brocklebank tel: 292175	<b><u>Received Date:</u></b>	20 December 2007
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	14 February 2008
<b><u>Agent:</u></b>	Tim Cording, 140 High Street, Steyning, West Sussex BN44 3LH Co agent: Luke Carter, Lewis & Co Planning, 82 Church Road, Hove, BN3 2EB		
<b><u>Applicant:</u></b>	Denes Motors, 68-70 High Street, Rottingdean, Brighton		

This application was deferred at the last Committee meeting on 30 July 2008 in order for members to visit the site.

**1 RECOMMENDATION**

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

1. The proposed development, by reason of design, layout, excessive scale, limited separation to boundaries and between terraces, dominance of vehicle manoeuvring area and garage doors, and lack of landscaping, would be a prominent overdevelopment of a poor design that would have a detrimental relationship with and be out of character with surrounding development and the Rottingdean Conservation Area. The proposal is therefore considered to be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD15, HO4 and HE6.
2. The proposed development would result in extensive overlooking between the two terraces, and the end houses would be exposed to overlooking from users of the neighbouring school property, which is elevated above the application site level. The small rear gardens would not provide adequate usable amenity space for future occupiers, and the high boundary walls and limited separation between the terraces would result in an overall sense of enclosure. The proposed development would therefore provide poor living conditions for future occupiers, contrary to Brighton & Hove Local Plan policies QD3, QD27, HO4 and HO5.
3. The proposed development would result in the loss of an existing commercial site, which in the absence of demonstration to the contrary, is considered suitable for continued employment use. The loss of this commercial use would be detrimental to employment and economic opportunities, contrary to Brighton & Hove Local Plan policy EM3.
4. The proposed development would result in enclosure and overlooking of No. 56 High Street, causing detriment to the living conditions of that

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- residential property, contrary to Brighton & Hove Local Plan policy QD27.
5. The proposed development, by reason of excessive height and scale and unsympathetic design, would be overbearing on the neighbouring grade II listed buildings and would therefore be detrimental to the setting of these listed buildings, contrary to Brighton & Hove Local Plan policies QD1, QD2 and HE3.
  6. The applicant has failed to submit any information with respect to achieving a minimum of Very Good BREEAM/Ecohomes rating or equivalent and as such the proposed development would therefore fail to meet the minimum requirements of Brighton & Hove Local Plan policy SU2 and demonstration of efficiency in the use of water, energy and materials, and SPGBH Note 16: Renewable Energy and Energy Efficiency in Developments.
  7. The proposed development has failed to provide adequate detail of demolition and construction waste minimisation measures, contrary to Brighton & Hove Local Plan policy SU13 and RGP – W5.
  8. The application excludes parcels of land that appear to be part of the overall site and, in the absence of justification to the contrary, it appears that this has been done to circumvent policies and requirements related to the provision of affordable housing, and contributions towards educational facilities and the recreational open space contrary to Brighton & Hove Local Plan policies HO2 and QD28 and Draft Supplementary Planning Guidance Note 9 'A Guide for Developers on the Provision of Recreational Space'.

### Informatives:

1. This decision is based on unnumbered plans of existing floor layout and elevations, block plan showing proposed site layout, floor plans and elevations submitted on 20<sup>th</sup> December 2007.

## **2 THE SITE**

The application relates to a backland site in Rottingdean that is accessed from the eastern side of the heavily trafficked High Street within the village centre. A narrow accessway opens out onto a large generally square shaped site of approximately 30m width by 25m front to rear depth. The site is currently in use as a motor vehicle repairs and servicing garage and a car sales yard. The existing development on the site comprises a large, single storey (with mezzanine level) brick built commercial building. To the side of this main building, a smaller building provides office accommodation at ground floor level and two flats at first floor level.

The site level rises along the length of the access, with little level change across the main part of the site.

To the north the site is dominated by the large scale, grade II listed building of St Aubyns School. The grounds of the school extend along the eastern boundary of the site. The school grounds to the east are elevated above the level of the application site.

The application site area specifically excludes a building fronting onto High

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Street, which is currently used in association with the car sales business. A small two storey building to the immediate south of the site, and a large area surrounding this house, has also been excluded from the application site area. Both of these excluded areas were within the control of the applicant at the time of the previous application and there has been no confirmation of any ownership changes.

The site adjoins the side and rear of No. 66 High Street, a grade II listed building that presents a three storey elevation to the highway, dropping down to the rear.

The site also adjoins the rear of No.62 High Street, which is in residential use. Large residential blocks accessed from Marine Parade are also visible from the site.

The site is within the Rottingdean Conservation Area, and the frontage is within the defined Rottingdean local centre.

### 3 RELEVANT HISTORY

**84/849F:** Change of use of part of existing car repair garages to sales area for 25-30 cars. Enforcement notice allowed on appeal.

**88/1477** – Outline application for the demolition of the existing garage premises and the erection of eleven, 3 storey houses with integral garages and 4 parking spaces with access from High Street. Refused 11/10/1988.

**BN88/2505/OA:** Outline application for the demolition of existing buildings and the erection of ten, 3 storey houses with 10 garages and 4 parking spaces. Refused 21/02/1989.

**89/2023/OA:** Outline application for the demolition of existing garage premises and the erection of ten, 2 and 3 storey houses. Provision of 7 integral garages and 3 parking spaces. Refused 21/11/1989.

**BH2005/02229/OA:** Outline application for the redevelopment of existing commercial garage with two flats to provide ten, 3 bedroom town houses and 10 car parking spaces. Reserved matter of siting to be determined for the development. Withdrawn 28/01/2008.

**BH2007/00617:** Redevelopment of site to provide 9 three-bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors. Provision of 4 visitor parking spaces. Approved 03/12/2007.

#### **Adjoining site: 72 – 74 High Street, Rottingdean:**

**BH2007/04672:** Change of use of car showroom (sui generis) and rear extension to create restaurant (A3) and staff accommodation. Under consideration.

### 4 THE APPLICATION

The application is a re-submission of BH2007/00617, planning permission is sought for the demolition of the existing buildings on the site, and the erection of 9 x four storey (with the fourth storey set within the roofspace), three bedroom houses. The 4 visitor parking bays to the front of the site have been removed from the scheme and the blue edge which previously encompassed 72 – 74 and 56 High Street Rottingdean has been omitted from the current

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application when compared with previously approved scheme BH2007/00617. The application is the same in other respects.

The houses would be arranged in two terraces aligned approximately east-west. The northern terrace would comprise five houses and the southern terrace four houses. Ten metres separation would be provided between the terraces, and this area would provide vehicle manoeuvring space for future occupiers to access integral ground floor vehicle garages. Each house would have a small rear garden area.

The layout would retain a 5m separation between the flank of the southern terrace and the site boundary. This separation would allow for access through to No. 56 High Street, which is part of the existing site that this application seeks to separate from the development site.

The existing access arrangements to the site are proposed to be retained. The applicant has stated that existing flint walls on the site would be retained in the proposed development.

The application has not detailed the significant level change through the site or to neighbouring properties.

### 5 CONSULTATIONS

**External:**

**Neighbours:**

**Two** letters of objection have been received from the residents of **66a High Street** and **12 West Street, Rottingdean**. Their comments are summarised as follows:

- Object to the loss of the visitor car parking as Rottingdean is already seriously short of on road parking.
- Live adjacent to the site and envisage problems with emergency servicing trying to get into the houses.
- The visitor parking would provide a much needed 'lung' in this high density development.
- Concerned that the plans are not accurate.
- It is requested that provision be made for protection and retention of the flint boundary wall between the garage (68-70) and Tallboy Cottage (66). The wall is Grade II Listed and continues across the end of Tallboy Cottage and the Old Cottage garden which is also Grade II listed.
- On the garage side the wall is about 12 feet high and adjoins the wall for about 7 feet of Tallboy Cottage garden and about the same for the Old Cottage garden. Concern is raised over taking the brick wall down or disturbed, it would cause structural problems to the flint wall.

Nine letters of support have been received from **100, Flat 72c (x2), Flat 72d (x2), 63, 60, 56a High Street Rottingdean and the Vicarage Steyning Road**. Their comments are summarised as follows:

- Parking for residents is crucial however the visitor parking bays will become subject to abuse and will require policing.
- The visitor parking bays should be removed from the planning permission.

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- The High Street is already busy and reducing the number of cars turning up the drive to the site would make it a much safer place to live and will increase security.
- Visitor parking spaces are not necessary as each town house has a designated space.
- Removal of the visitor parking bays will reduce pollution and noise.
- The new development will be a great improvement to Rottingdean.
- The removal of the visitor parking bays will not make any difference to parking in the village.
- The village already has two quite large car parks as well as roadside parking throughout.
- Removal of the visitor parking will reduce the number vehicles coming in and out of the site which adjoins my boundary.
- Everything is on the doorstep including public transport.
- The development is more in keeping with the Village.

### **Rottingdean Parish Council:** Object stating:

- The apparent retention of the car showrooms to the front of the site may mean that the 'for sale' cars may restrict access to the site for emergency vehicles and refuse collections causing more traffic congestion to the High Street.
- The visitor parking bays are an integral part of this planning application and the application should not be granted. There is little on-street parking in the vicinity and this is over-subscribed during weekdays. Visitor parking in this development is essential and was welcomed as part of the original planning application.

**Sussex Police:** Crime prevention advice is not relevant.

### **Internal:**

**Conservation and Design:** The drawings are insufficient and further details are required. The buildings on the site are largely an eyesore and their removal would be welcomed. The design is too heavily dominated by parking (ie garages and the turning space to access them and the gardens are very small. Nevertheless, the lack of visitors' parking would result in increased parking on surrounding streets to the detriment of the conservation area. The proposals would be overdevelopment of the site and have too high a density for this conservation area site. The proposed design as two uniform rows of terraces of a Victorian style would be too formal and regular for this part of the Conservation Area, which is characterised by more diverse forms and a fair number of older vernacular buildings. A more informal, cottagey style with a greater variety of forms and materials is likely to be more appropriate. There are a number of flint boundary walls in the vicinity, which need to be identified and retained.

**Traffic Manager:** It is recommended that this Planning Application be refused due to the increased risk to users of the public highway caused due to the inappropriate design of the site's access. PPG13 states that, 'in developing and implementing policies on parking, local authorities should not require developers to provide more spaces than they themselves wish, other than in



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exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.' The Highway Authority could raise a question about the existing facilities around the site being unable to accommodate the demand created (eg TR14) but in this instance the Traffic Manager does not believe a recommendation for refusal on these grounds could be supported - hence the general positive views with respect to car parking. Safety is still a key issue though, no information has been received that would support the case that there would be a reduction in traffic generated by the site.

**Updated comments:** The Traffic Managers previous comments stating that the application should be refused were based on the fact that no traffic generation information was supplied with the application. It should be noted that, based upon extensive experience, the Highway Authority would not have been able to support a refusal at Appeal if appropriate traffic data was supplied. The latest Application did not contain traffic data. However, the Traffic Manager compiled information about the potential traffic impacts of the scheme based on an analysis of the TRICS database and confirmed that the Highway Authority would be unable to make a negative recommendation if the current use as a garage and workshop were extant and could start again at any time. In fact the proposal for the perspective of the Highway Authority will create a reduction in traffic impact of 80 trips per day and remove HGV/LGV movements for the highway network. In terms of the Highway Authority position a refusal could not be supported and for the reasons set out above the change of use would be welcomed.

The reason for refusal is therefore removed.

There is an increase in the overall person trips, which seems reasonable as there would be more ped, cycle movements from residential when compared with garages. So a contribution is required in line with the normal calculation methodology i.e.  $9 \text{ units} * 10 \text{ person-trips} * £200 * 100\% = £18,000$ .

**Consultations below have been copied from BH2007/00617.**

**Planning Policy:** Although the application is described as 'car sales – sui generis with ancillary workshop (B2), Policy are satisfied that the application site as indicated in the redline plan is primarily a very active MoT workshop. The proposal involves loss of an employment site which provides 5 skilled jobs and serves the local community.

The area of the site is  $467\text{m}^2$  and therefore policy EM3 applies. The site is in employment use and is not vacant and this is therefore not a redundant site EM3(h). If it is considered that the site is unsuitable (highway safety, impact on amenity etc) for its current employment use, then it may still be appropriate for other employment uses. Until it has been marketed for at least eighteen months at a price that reflects the age and condition of the existing premises, then they should not be released. If the site is released in due course, the options are for other employment uses, live work units or affordable housing.

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The wording of the policy HO2 refers to developments that are capable of providing 10 units, stating that these should provide 40% affordable housing. In this case two parcels of land in the applicant's ownership have been separated. If it is considered that the site as a whole could provide space for 10 dwelling units, including flats, then 40% or at least 4, should be affordable.

Policy HO3 requires a mix of dwelling types and sizes. This development is for 9 x 3 bed houses and the requirements of the policy are not met. Policy HO13 applies and it is not clear that the houses could be readily adapted in the event of disability.

The development is for more than 500m<sup>2</sup> and therefore a Site Waste Management Plan following the DTI guidelines is required rather than a Waste Minimisation Statement, in accordance with policy SU13. Demolition materials need to be listed and quantified.

In accordance with policy SU2, the development should meet a minimum eco-homes rating of very good. The use of natural daylight in both kitchens and bathrooms is welcomed. It is noted on the sustainability checklist that there is no planting on the site however it is not clear that for example birds are not nesting in the old buildings and policy QD17 seeks the protection and integration of biodiversity and states that new nature conservation features will be required. No landscaping plan has been submitted and QD15 is not met by this proposal.

**Environmental Health:** Records indicate a garage and engineering use at the site from 1932 to 1968 onwards with a variety of name changes from garages to motor engineering works etc. Denes Motors is the applicant and were listed as early as 1968. Additionally, records from East Sussex Fire and rescue service (petroleum licensing) indicate the likelihood of submerged tanks for previous petroleum spirit storage. It is therefore necessary and appropriate that a potentially contaminated land condition be applied to any approval for development of the site.

Also note that the site waste minimisation statement states that the footings are not appropriate for a redevelopment, and that inert waste is the likely product of excavating the footings. The applicant may have to consider a specialist waste contractor if submerged tanks are to be decommissioned or investigated further.

**Economic Development:** The economic development team does not support the application in its current form, as it provides no information about the current business and what will happen to it together with the loss of 5 jobs that are currently employed on the site.

The car servicing element of the existing operation is classed as B1 use and therefore some further information is required relating to the loss of jobs.

## 6 **PLANNING POLICIES** Brighton & Hove Local Plan:

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TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD20	Urban open space
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
HO21	Provision of community facilities in residential and mixed use schemes
EM3	Retaining the best sites for industry
SR6	Local centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas.

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

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

### East Sussex and Brighton & Hove Structure Plan

W10 Construction industry waste

### Supplementary Planning Guidance/Documents

SPG Note 4: Parking Standards

SPG Note 16: Energy Efficiency & Renewable Energy

SPG Note 21: Brighton & Hove Sustainability Checklist  
SPD 03: Construction and Demolition Waste

Regional Spatial Strategy (RPG)

RPG9 Waste and Minerals in the South East - W5 - Diversion from landfill

**7 CONSIDERATIONS**

It is considered that the main issues of this case are the clarification of the existing use on the site and the acceptability of the loss of this use, artificial site subdivision and impact on local infrastructure and affordable housing, the proposed scale, design and layout, the impact on neighbouring properties, the quality of living conditions provided for future occupiers, land contamination, highway issues, and sustainability issues.

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 determination must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the previous planning decision (BH2007/00617) is a serious material planning consideration however the adopted planning policies are up to date and are still directly relevant to the determination of this application. This proposal scheme contains a number of key policy concerns which are considered to outweigh the consideration given to the previous planning approval (BH2007/00617).

**Existing Use of the Site**

The site is currently in use as a motor vehicle servicing and repairs garage and a car sales yard. The applicant has described the existing use of the site as being car sales and ancillary repairs, a sui generis use falling outside of use classes B1 or B2. No detail has been provided with the application of the split between the existing uses on the site in terms of the proportion of revenue generation, customers or site area.

It is noted that the applicant has not included the car sales showroom building within the site area.

The description of the existing use of the site is disputed by officers, as the principal use of the site appears to be the car repairs and servicing. In 1984, an enforcement appeal allowed the change of use of part of the site from garage to sales area for 25-30 cars. This retained the remainder of the site in use for car repairs.

In the absence of information to the contrary the use of the existing use of the site is therefore considered to fall within the B1 use class.

In recognition of the limited supply of land available for industrial use, Brighton & Hove Local Plan policy EM3 seeks to prevent the release of land in industrial use to alternative uses, except where the site is considered to be unsuitable for modern employment uses. Assessment of the redundancy of existing industrial sites includes consideration of the site location, quality of buildings, site layout, accessibility and proximity to trunk routes, costs and

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value of commercial redevelopment and the length of time that the site has been vacant and the marketing strategy that has been used to attract alternative employment use.

The existing access to the site is rather constrained with 4m clear width at the entrance to the site for a length of 12m. However, this is not considered to be a factor that prevents the effective existing use of the site or alternative commercial uses. It should also be recognised that the building to the immediate north of the entrance, Nos. 72-74 High Street, is within the ownership of the control of the applicant, and that this could be included into a revised access arrangement.

The existing buildings on the site are not of a particularly high standard, but appear to be structurally sound and appropriate for the existing commercial use. The existing site layout is not an impediment to commercial use.

Commercial use of the site is consistent with the site location within the designated High Street, Rottingdean local centre. The site is also located in close proximity to trunk routes.

The site is currently occupied and has not been marketed for commercial redevelopment.

The loss of the existing commercial use on the site would therefore be contrary to Brighton & Hove Local Plan policy EM3 and would compromise the strategic objective of providing employment opportunities.

### Affordable Housing/Local Infrastructure

Brighton & Hove Local Plan policy HO2 requires that proposals for residential development of sites which are capable of producing 10 or more dwellings, should include provision of 40% of the units for affordable housing.

Contributions are normally required for education provision and for the provision of recreational open space for schemes of 10 dwellings or more.

The applicant has sought to omit the blue edge which on the previous scheme (BH2007/00617) which previously encompassed number 56 and 72 – 74 High Street. No evidence has been submitted with the application with respect to change of ownership of the land and the applicant 'Denes Rottingdean' is also the applicant for an application under consideration at 72-74 High Street, Rottingdean and Certificate A has been signed. Therefore, in the absence of evidence to the contrary, the Local Planning Authority assumes that the land previously outlined in blue under planning application BH2007/00617 is still in the applicant's ownership.

The development of the site to provide 9 houses falls below the ten unit threshold of policy HO2, and within Supplementary Planning Guidance Note 9 'A Guide for Residential Developers on the Provision of Recreational Open Space' (draft) and as described elsewhere in this report, the proposed nine three bedroom houses are considered to be an overdevelopment of the site. However, the applicant has sought to artificially subdivide the site, with areas

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of land at the front and rear of the site that are within the applicant's control, excluded from the application site. The excluded areas of the site are identified as No. 56 and Nos. 72-74 High Street.

It is noted that the rear parcel of land excluded from the application site, No. 56, would be rendered landlocked by the proposed site boundary, and that the proposed layout retains the ability to provide vehicle access to the site through the application site.

The applicant has not provided any information to explain this proposed division of the site. Inclusion of these parts of the site into the layout would improve the redevelopment potential of the site. In the absence of any explanation to the contrary, there is considerable concern that the site division has been proposed to avoid potential affordable housing requirements. Such avoidance is considered to be contrary to the requirements of Brighton & Hove Local Plan policy HO2.

### Density of Development

Brighton & Hove Local Plan policies QD3 and HO4 encourage the maximum use of development sites, subject to the provision of an acceptable residential environment, a scale that is acceptable and that the scheme does not cause unacceptable detriment to neighbouring properties.

The proposed development of the 857 m<sup>2</sup> site would result in a residential density of 105 units per hectare. This is considered to be a high density of development for the Rottingdean local centre. As discussed in the following section of this report, achieving this level of density is dependent on excessive scale and site coverage, and inadequate living standards.

The proposed development is therefore considered to represent town cramming, contrary to the guidance of Brighton & Hove Local Plan policies QD3 and HO4.

### Scale Design and Layout

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. These policies require that the scale of development is appropriate to the layout of the scheme and the relationship to the surrounding area, that the design emphasises and enhances the positive aspects of the neighbourhood with attention paid to the creation of spaces between development, and that overdevelopment and town cramming are avoided. Policy QD15 requires that landscaping is incorporated into proposals at an early stage in the design process. Policy HE6 requires that new development within conservation areas preserves or enhances the character and appearance of the area. Policy HE3 states that development will not be permitted where it would have an adverse effect on the setting of a listed building.

The proposed four storey scale of the houses is considered to be excessive in relation to the backland context of the site, the scale of surrounding buildings

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and the limited separation from boundaries.

As a backland development, it would be expected that the scale of development would result in the scheme appearing subservient to the principal development fronting onto the High Street. However, the proposed four storey scale of the development would be greater than the three storey scale of the development fronting the High Street. It is also noted that the increasing land level to the rear of the site would exacerbate the scale relationship of the proposal.

While there are large scale buildings in the surrounding area, most notable of which is the neighbouring St Aubyns School building, these large buildings are located in large plots. This pattern of development retains separation between buildings and results in an overall spacious character. In contrast, the proposed development would crowd the site providing inadequate separation with the site boundary and neighbouring buildings and would fail to provide an appropriate setting for buildings of the scale proposed.

The proposed layout and provision of two terraces on the site, pushes the development back against the site boundary. This minimises the separation to the boundary and creates a large, unbroken central courtyard area. As this area provides for vehicle manoeuvring, it would be necessary for it to remain as an unbroken space. This would dominate the appearance of the development, and the development would fail to provide an interesting urban form. At ground floor level, large garage doors would dominate the front elevation of the proposed houses, further contributing to the staid appearance of the development and the dominance of the needs of cars within the scheme.

The proposed two uniform terraces are also considered to be too formal and regular for this part of the Rottingdean Conservation Area, which is characterised by more diverse development. The design also fails to incorporate features characteristic of the area, such as steeper roof pitches. The fenestration fails to reflect the traditional windows nearby, nor does it represent high quality modern design. The houses would have a bland appearance and appear to have been designed without regard to the sensitive context in which they would be located.

The presence of integral garages and garage doors is consistent with mews developments. However the scale of the proposed is far beyond that of a mews development, appearing as a Victorian style terrace. The garage doors are out of place within this form of design and village, and the conservation area.

Two listed buildings adjoin the site, No. 66 High Street and St Aubyns School. The proposed four storey scale would be overbearing on the smaller scale No. 66 High Street. The layout would provide inadequate separation between the proposed northern terrace and the St Aubyns School building in relation to the proposed scale of the development. The proposal would therefore detract from the setting of both of these listed buildings.

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The applicant has stated that the site would be landscaped in agreement with the Council. This approach is fundamentally contrary to policy QD15, which requires that landscaping detail is incorporated into development proposals at an early stage to ensure that it is an integral part of the layout and design. Little, if any, opportunity is apparent for soft landscaping on the site.

A communal bin store is proposed on the southern side of the accessway, presumably to provide storage within an acceptable collection distance from the highway. No detail of this bin store has been provided with the application, and in this location, there is concern that it would be a prominent and unsightly feature within the site.

The proposed layout, scale and design of the development are therefore considered to be unacceptable resulting in a poor form of development that would be detrimental to the character and appearance of the local area and the Rottingdean conservation area, and would be detrimental to the setting of neighbouring listed buildings. The proposed four storey scale and layout is considered to be an overdevelopment of the site which would provide a bland and uninteresting urban form dominated by an open courtyard for vehicle manoeuvring, and provide only residual areas for garden space. The excessive scale would dominate the principal development fronting the highway and would cause detriment to the setting of the neighbouring listed buildings. The proposed development is therefore considered to be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD5, QD15, HO4, HE3 and HE6.

### Impact on Neighbouring Amenity

Brighton & Hove Local Plan policy QD27 requires that new development does not cause material nuisance and loss of amenity to neighbouring properties.

The proposed development would provide adequate separation from the majority of neighbouring residential properties to prevent detriment to the living conditions of these properties. However, the proposed southern terrace would be positioned in close proximity to the small, two storey coach house, No. 56 High Street. This house adjoins the southern boundary of the application site and is within the applicant's control. The proposed four storey houses would result in significant enclosure of this residential unit and would result in overlooking of the house from the proposed houses.

The proposed northern terrace would overlook the grounds of St Aubyns School to the north of the site. This is not considered to result in unacceptable detriment to the amenity of this neighbouring property.

### Living Conditions

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

The two terraces would be positioned 10m apart from one another. This limited separation would result in extensive overlooking between the two proposed terraces.



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The limited separation between the terraces and the high boundary wall would also result in an overall sense of enclosure within the development and particularly for proposed houses 5 and 9.

The applicant has not provided detail of the level change between the application site and neighbouring properties. To the east of the site, the neighbouring school grounds are set at a significantly higher level. There is significant potential for direct overlooking into the houses at the eastern end of the site from this neighbouring property.

The proposed development would therefore provide inadequate internal living conditions, with inadequate privacy and outlook.

Brighton & Hove Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers. Each of the proposed houses would be provided with a rear garden area. However, ranging in depth from approximately 2m to 4m, these gardens are considered to be of inadequate size for a three bedroom house. Furthermore, the gardens to the rear of the northern terrace would also be significantly enclosed by the high boundary wall to the neighbouring school property. The proposal is therefore not considered to provide usable external amenity space to meet the needs of future occupiers.

The proposed development is therefore not considered to provide adequate living conditions for future occupiers, contrary to Brighton & Hove Local Plan policy QD27. Much of this can be attributed to the proposal being an overdevelopment of the site.

Brighton & Hove Local Plan policy HO13 requires new residential development to meet Lifetime Homes standards. While no detail of compliance with these standards has been provided with the application, the proposed layout does not appear to prevent general compliance with these standards.

### Land Contamination and Remediation

Brighton & Hove Local Plan policy SU11 states that planning permission will not be granted for the development of polluted land where the nature and extent of contamination is such that it would pose a risk to people, animals or the surrounding environment.

The Council's Environmental Health Officer has stated that a condition should be attached to any approval on the site, requiring the submission of a desk top study to assess potential contamination of the site, and provide for any follow up sample testing and remediation required.

### Traffic Issues

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of

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cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

The existing use of the site is reported to result in disturbance to the local highway. However, some of this disturbance could be attributed to the management of the site which results in a large number of vehicles on the site with limited manoeuvring space available.

The application proposes to use the existing site access arrangements, which allow only limited visibility of both pedestrians and vehicles for vehicles leaving the site. The Council's Traffic Manager previously objected to the application on the basis that the design of the access does not conform to contemporary guidance, and would represent a risk to highway safety. The limited access width could also restrict two-way use of the access, potentially requiring vehicles to queue to enter the site while another vehicle exits the site. This could further complicate the already often congested High Street traffic environment.

The current application has failed to submit any analysis of transportation impacts arising from the proposal. While it could be expected that the proposed use would result in less traffic generation than the existing use, no information of this has been submitted to support the application. The submitted plans have not identified a designated safe pedestrian access route into the site.

However, the Traffic Manager has stated that Highway Authority would not have been able to support a refusal at appeal if appropriate traffic data was supplied. The current application does not contain traffic data. However, the Traffic Manager compiled information about the potential traffic impacts of the scheme based on an analysis of the TRICS database and confirmed that the Highway Authority would be unable to make a negative recommendation if the current use as a garage and workshop were extant and could start again at any time. In fact the proposal for the perspective of the Highway Authority will create a reduction in traffic impact of 80 trips per day and remove HGV/LGV movements for the highway network. In terms of the Highway Authority position a refusal could not be supported and for the reasons set out above the change of use would be welcomed from a highway perspective and the reason for refusal is therefore removed.

The application proposes the provision of one car parking space per house, omit the previously approved four car parking spaces for visitor parking. This provision not in accordance with the Council's standard, which allows for a maximum of one car parking space per unit and one space per two units for visitor parking. However, PPG13 states that, 'in developing and implementing policies on parking, local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction

or enforcement of on-street parking controls.’ The Highway Authority could raise a question about the existing facilities around the site being unable to accommodate the demand created (eg TR14) but in this instance the Traffic Manager does not believe a recommendation for refusal on these grounds could be supported - hence the general positive views with respect to car parking.

The application form specifies the provision of nine cycle parking spaces, where the previous application proposed eighteen. The previous application was in excess of the Council’s standards of one space per house plus one space per three units for visitors. The current scheme proposes a number below the minimum standard and no spaces are detailed on the plans submitted however the site layout could accommodate the requirement, and were the recommendation for approval, this aspect could have been addressed by condition.

#### Sustainability Issues

Brighton & Hove Local Plan policy SU2 requires new development to demonstrate efficiency in the use of water, energy and materials. Residential development is required to achieve a minimum BREEAM/EcoHomes standard of very good or equivalent. The Council’s SPGBH Note 16: Renewable Energy and Energy Efficiency in Developments states that residential development in excess of 5 units should, where practicable, incorporate renewable energy.

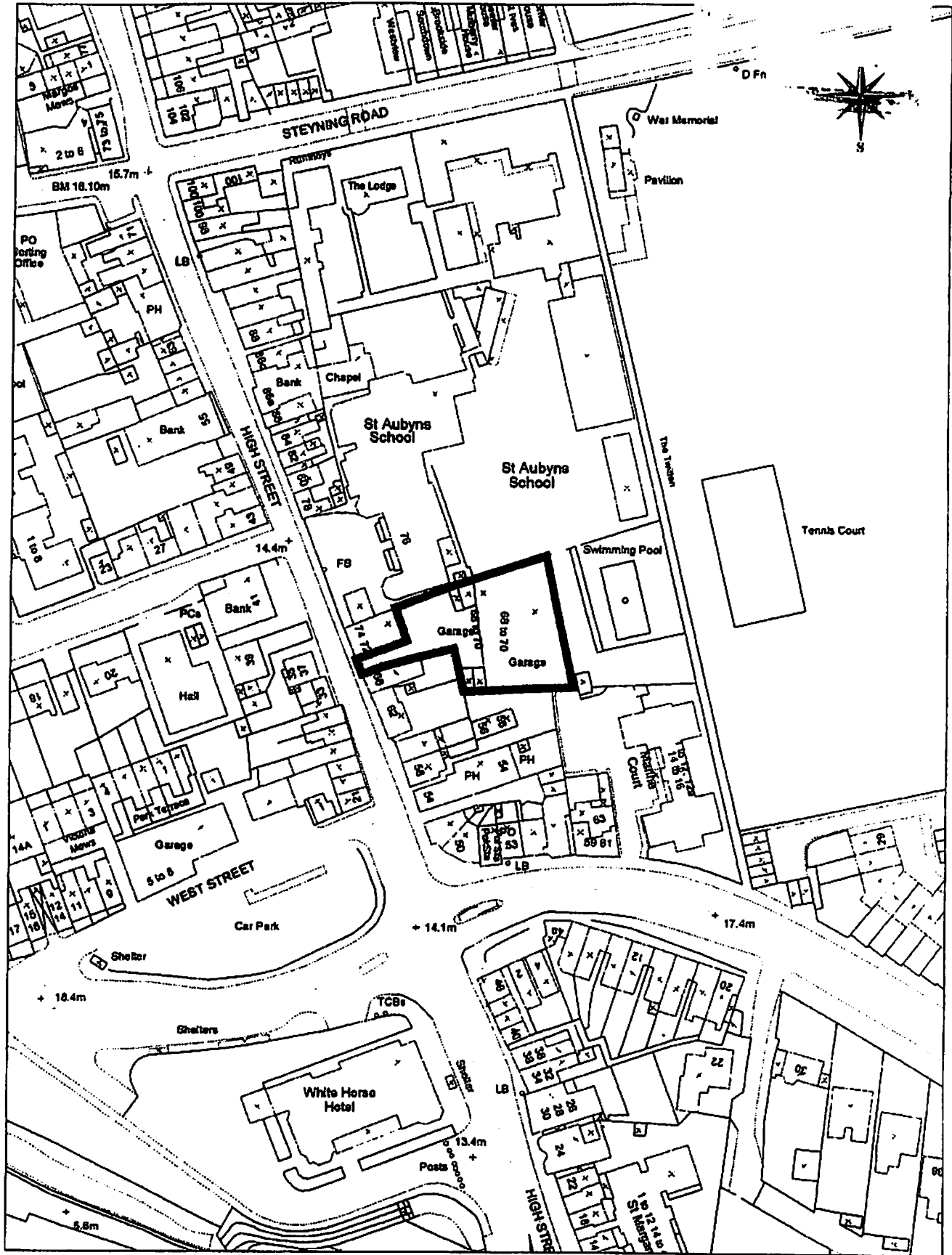
The applicant previously submitted a Sustainability Checklist, (under BH2007/00617) which indicated that the proposal would only achieve a BREEAM/EcoHomes standard of good. The application did not incorporate renewable energy measures. No specific water efficiency measures are proposed. The application therefore failed to meet the requirements of policy SU2 and SPGBH 16. The current scheme however has failed to submit a Sustainability Checklist, sustainability statement or BREEAM pre-assessment at all and as such the current scheme is also considered to fail to meet the requirements of policy SU2 and SPGBH16.

Brighton & Hove Local Plan policy SU13 and RPG9 – W5 (Diversion from landfill) requires the minimisation of demolition and construction waste and its diversion from landfill sites. The applicant can meet this requirement by submitting a site waste management plan. A Waste Management Statement was submitted with the application however as the application is for more than 5 units, more detailed information is required. The proposal therefore fails to adequately address the requirements of policy SU13 and RPG9 – W5 .

## **9 EQUALITIES IMPLICATIONS**

The application does not raise equalities issues. The proposed layout does not appear to prevent compliance with Lifetime Homes standards.

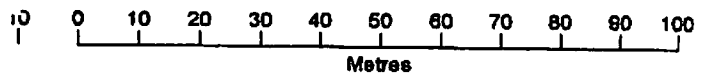
# LOCATION PLAN



**BH200704674**

**68-70 High Street Rottingdean**

**SCALE 1:1250**



**Note: Any shaded or outlined areas are indicative only and should not be scaled.**

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<b><u>No:</u></b>	<b>BH2008/01485</b>	<b><u>Ward:</u></b>	<b>WOODINGDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>25 The Ridgway Brighton</b>		
<b><u>Proposal:</u></b>	<b>Addition of new first floor storey with rooms in the roof, single storey extension, front oriel windows and entrance canopy.</b>		
<b><u>Officer:</u></b>	Gemma Barnes, tel: 292265	<b><u>Received Date:</u></b>	22 April 2008
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	30 July 2008
<b><u>Agent:</u></b>	B A Hughes, 162 Ladysmith Road, Brighton BN2 4EF		
<b><u>Applicant:</u></b>	Mr Andrew Bradley, 25 The Ridgway, Brighton BN2 6PE		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of this report and resolves to **Refuse** planning permission, for the following reasons:

1. The proposal, by virtue of the overall increase in height of the dwelling and the size and bulk of the roof would result in a bulky and overly dominant building which would be detrimental to the character and appearance of this site and the visual amenity of the street scene, particularly when viewed from the south. Furthermore the applicant has failed to demonstrate that the proposed height and scale of the building is acceptable in relation to surrounding properties in this location and in particular to 23a and 27 The Ridgway. The proposed development would not make a positive contribution to the visual amenity of the street scene contrary to policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan and SPGBH1 – Roof alterations and extensions.
2. Based on the information submitted the applicant has failed to demonstrate that the minimization and reuse of construction industry waste has been sought in an effective manner, contrary to policies SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document Construction and Demolition Waste (SPD03).

### Informatives:

1. This decision is based on the unnumbered site location plan, waste minimisation statement and design and access statement submitted on 22<sup>nd</sup> April 2008 and drawing nos.01, 02, 03B, 04B, 05B submitted on 4<sup>th</sup> June 2008.
2. The applicant is advised that the waste minimisation statement submitted with this application was insufficient to address policy SU13 or SPD03. The statement must be specific to the development proposed and should identify quantities of specific waste streams that will occur from the proposed development in accordance with previous advice given in respect of applications BH2007/03592/FP and BH2007/01389/FP.

## 2 THE SITE

This application relates to a detached bungalow (with loft conversion) located on the eastern side of The Ridgway. The property has a rear extension, front

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dormer and detached garage. The property is set back from the road with a front driveway.

In a wider context this site lies in a residential area comprising dwellings of varied size, style and design. Due to the changes in ground level, the properties to the south of the application site step down regularly in height.

### 3 RELEVANT HISTORY

**BH2007/01389/FP** - Addition of new first floor with accommodation in the roof. Other external alterations including provision of two oriel windows to ground floor front elevation. Refused 17/07/2007.

**BH2007/03592/FP** - Addition of new first floor with accommodation in the roof, and two oriel windows to ground floor front elevation (Resubmission of BH2007/01389). Refused 20/11/2007.

### 4 THE APPLICATION

This application seeks permission for:-

- Erection of an additional storey to allow use of the roofspace for habitable accommodation. The extension has been designed with hipped roof;
- Insertion of rooflights within both of the side roofslopes;
- Installation of 2no. oriel style windows at ground floor level in the front elevation;
- Erection of a pitched roof rear extension measuring 6.7m by 1.1m with an overall height of 3.6m.

### 5 CONSULTATIONS

#### External

**Neighbours** (*letters submitted with the application*): **Occupiers 23a, 27, 32, 36 The Ridgway** support the application on the following grounds:-

- There is no uniform or consistency to the design or build of surrounding properties;
- The property has been neglected for some years;
- The alterations would be a vast improvement on the existing dwelling.

**Neighbours** (*letters submitted as result of the consultation period*):

**Occupiers 23a The Ridgway:** No objection – no reasons provided.

**Councillor Dee Simson:** supports the application (Letter attached as to this report).

### 6 PLANNING POLICIES

#### Brighton and Hove Local Plan:

TR7 Safe development

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

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

SU13 Minimisation and the re-use of construction industry waste

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1)

East Sussex and Brighton & Hove Waste Local Plan and Supplementary Planning Document Construction and Demolition Waste (SPD03).

## **7 CONSIDERATIONS**

The considerations for this application relate to the impact of the development upon the character and appearance of the property and surrounding area and any affect upon neighbouring amenity. Regard will also be given to sustainability issues.

Two previous applications for an additional storey on this property were submitted and refused planning permission in 2007. Although the principle of the erection of an additional storey on this building was considered to be acceptable, the proposals as submitted were considered to be unacceptable by way of lack of evidence to demonstrate that the proposed building would be lower in height than the property to the north (no. 23a The Ridgway), the design of each of the proposals was also unacceptable and insufficient information was submitted to address sustainability issues.

The applicant has sought to address previous concerns by undertaking a full site survey related to OS Datum and altering the design of the extension. However, for the reasons demonstrated in this report, the proposal is still considered to be unacceptable.

### Visual impact

This sites lies in a predominantly residential area. The topography of the locality is sloping, with ground levels dropping to the south. The properties within this street are of varied size and design. However, due to the changes in ground level, properties step down in height to the south of the application site.

Taking account of the topography of the locality and the existing pattern of development there is no objection, in principle, to the erection of an additional storey on this building provided that the resultant building would have a satisfactory relationship to the properties to the north and south. As part of the previous applications it was considered that any resultant building should be lower than the properties to the north. There is a difference in ground levels of more than one metre between the application site and Nos. 23 & 23a The Ridgway. A similar difference between the ridge height of any building on this site and Nos. 23 & 23a is considered appropriate.

This application has been accompanied by contextual street elevations which show the proposed development in relation to the properties immediately adjoining the site to the north and south. The overall ridge height of the proposed building has been shown related to OS Datum; the ridge heights of neighbouring properties to the north and south have also been shown. The plans show that the resultant building would be the same height as the overall ridge height of the neighbouring development to the north (23a The Ridgway).

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However, when viewed from the street scene directly opposite the site and from the south the dominant view is of the roof of the front gable feature of no.23a, not the main ridge. This lower ridge is almost one metre below the main ridge. The applicant has previously been clearly advised of the need to maintain a minimum of 1.0m difference between the resultant building and no.23a The Ridgway.

Notwithstanding previous advice, this application does not fully address the reasons for refusal for applications BH2007/01389/FP and BH2007/03592/FP in respect of maintaining a satisfactory visual relationship to neighbouring properties. The proposal, by virtue of the overall increase in height of the dwelling and the size and bulk of the roof would result in a bulky and overly dominant building which would be detrimental to the character and appearance of this site and the visual amenity of the street scene, particularly when viewed from the south. The proposed ridge would be almost five metres higher than the ridge to No. 27, would be clearly visible over the roof of No. 27 and would heavily dominate that building in views from the south. The proposed ridge would run from the front to the rear (east to west) of the building, further exacerbating its visual impact from the south. By contrast, the main ridge to Nos. 23 and 23a The Ridgway runs from north to south, which reduces its visibility from the south. Overall, the proposed building would fail to respect the gradient of this part of The Ridgway and would have an unsatisfactory visual relationship to both 23a and 27 The Ridgway.

The proposed detailed design of the rear extension is considered to be acceptable and addressing previous concerns relating to an unbalanced roof form.

The proposed rooflights would be satisfactorily positioned within the roofslope. Whilst the Local Planning Authority would not usually encourage the provision of 3 or more rooflights within a slope it is considered that the side slopes are of sufficient size to accommodate the number of rooflights proposed.

There is no objection on design grounds to the proposed rear extension which is modest in size and will be constructed of materials to match the existing dwelling. The rear extension will not be readily visible in the street scene.

### Amenity

Whilst the proposal represents a substantial increase in height of this property it is not considered that there would be significant harm to neighbouring amenity.

There is sufficient distance between this property and dwellings to the east to prevent any harm occurring by way of overshadowing, loss of light or loss of privacy.

It is recognised that there are three windows in the side (south) elevation of neighbouring property no. 23a The Ridgway. However, levels of light received into these windows is already limited due to the close proximity and



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relationship to the application site. It is not considered that there would be any further impact upon these windows as a result of the proposed additional storey so as to warrant refusal of this application. Having regard to the existing built form and single storey nature of the neighbouring property to the south (no.27 The Ridgway) it is not considered that any harm by way of overshadowing or loss of light will occur.

It is recognised that the additional windows at first and second floor level in the rear elevation and the rooflights would provide views onto the rear gardens of neighbouring properties. However, this situation already exists between other properties within the locality and some level of overlooking onto neighbouring gardens is to be anticipated in a residential area.

The proposed rear extension is located far enough away from neighbouring properties to prevent any harm occurring.

### Sustainability

This development requires a Waste Minimisation Statement to address the reuse and minimisation of construction waste that will be generated as a result of the proposed physical alterations. A statement was submitted, however the statement did not adequately address demolition materials and did not address construction materials and therefore the proposal fails to comply with policy SU13.

### Conclusion

Although the proposal is considered to be acceptable in principle and in respect of neighbouring amenity, for the reasons stated, it is considered that the applicant has failed to adequately address planning policies relating to design and waste minimisation. The applicant has failed to demonstrate that the proposed scale and height of the building is acceptable for this site. Cumulatively the concerns with this application suggest that the development has been poorly detailed and therefore refusal is recommended.

## **8 EQUALITIES IMPLICATIONS**

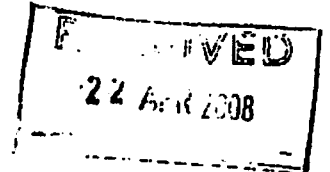
None identified.



**Brighton & Hove  
City Council**

COUNCILLOR DEE SIMSON 118/01485

2 Baywood Gardens  
Woodingdean  
Brighton  
BN2 6BN



Mr A Bradley  
25 The Ridgway  
Woodingdean  
Brighton  
BN2 6PE

Date: 9 April 2008  
Our Ref:  
Your Ref:  
Phone: (01273) + 291178  
Fax: (01273) + 291178  
e-mail: [dee.simson@brighton-hove.gov.uk](mailto:dee.simson@brighton-hove.gov.uk)

Dear Mr Bradley

I am writing in support of your new planning application to provide an additional first floor with accommodation in the roof of 25 The Ridgway, Woodingdean and give you my permission for you to add this letter to the support you already have from your immediate neighbours.

Having looked at the plans and the surrounding buildings, I feel that the addition of this floor will have little visual impact on the streetscene in this part of the village as it is extremely varied with bungalows and houses of all heights and shapes, many that don't step down from neighbouring properties.

Should the planning officer feel that these amended plans still do not conform to current planning policy, then I will request that a final decision is made by the Planning Applications Sub Committee following a site visit.

Yours sincerely

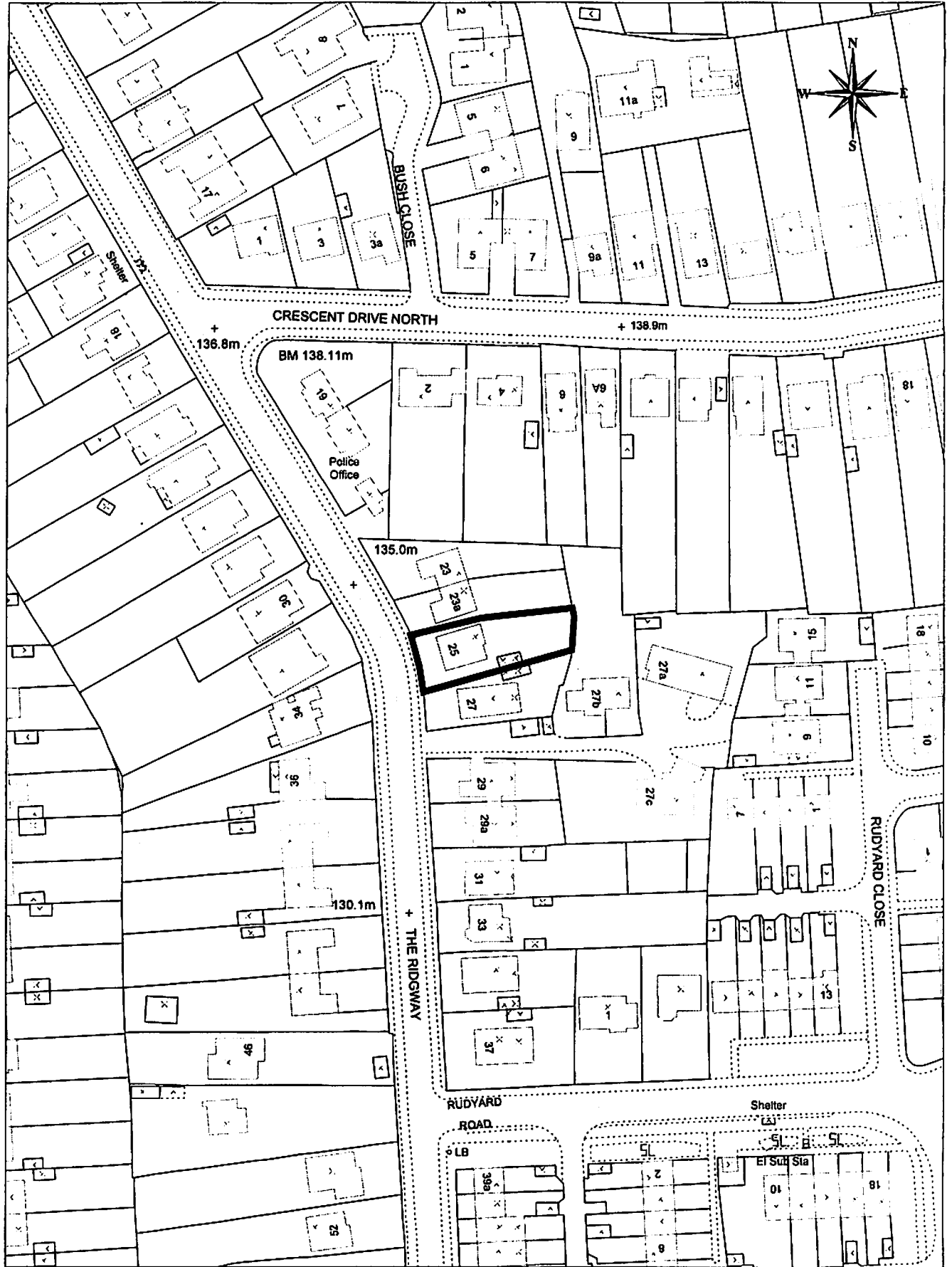
Cllr Dee Simson  
Conservative Councillor Woodingdean Ward

Telephone/Fax: (01273) 291178  
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Email: [dee.simson@brighton-hove.gov.uk](mailto:dee.simson@brighton-hove.gov.uk)  
[www.brighton-hove-councillors.org.uk/DeeSimson](http://www.brighton-hove-councillors.org.uk/DeeSimson)

Conservative Member for WOODINGDEAN WARD

# LOCATION PLAN



BH2008/01485

SCALE 1:1250

25 The Ridgway



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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PLANS LIST – 20 AUGUST 2008

<b><u>No:</u></b>	<b>BH2007/01574</b>	<b><u>Ward:</u></b>	<b>STANFORD</b>
<b><u>Address:</u></b>	<b>Hove Rugby Club, Hove Recreation Ground, Shirley Drive, Hove.</b>		
<b><u>Proposal:</u></b>	<b>Extension to clubhouse to provide additional changing rooms, new clubroom and entrance porch.</b>		
<b><u>Officer:</u></b>	Paul Earp tel: 292193	<b><u>Received Date:</u></b>	30 April 2007
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	03 August 2007
<b><u>Agent:</u></b>	M J Lewis, 25 St Nicholas Lodge, Church Street, Brighton, BN1 3LJ.		
<b><u>Applicant:</u></b>	Hove Rugby Football Club Ltd, The New Clubhouse, Hove Recreation Ground, Hove.		

This application was deferred at the last Committee meeting on 30 July for clarification of change to hardstanding around the clubhouse.

**1 RECOMMENDATION**

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

**Conditions:**

1. 01.01AA Full Planning.
2. 03.02A Materials to match – non conservation areas.
3. 04.03 Protection of existing trees. **Reason:** Add “and in accordance with policy QD16 of the Brighton & Hove Local Plan”.
4. The clubroom and meeting area hereby permitted shall between the hours of 9.00am and 6.00pm be used solely for purposes within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or as a crèche or day nursery. After 6.00pm the clubroom and meeting area shall be used solely for purposes ancillary to the playing of rugby, cricket, netball or other sports previously approved by the Director of Environmental Services unless the Director consents in writing otherwise. In particular, there shall be no parties or social events without the prior approval in writing of the Director of Environmental Services. **Reason:** To enable the Council to control the use of the premises. The use of the premises for any other purpose including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), might be injurious to amenities of the area, through increased traffic generation, might result in additional hazards to users of the adjoining highway and to protect the residential amenities of the area and to comply with policies QD27 and TR1 of the Brighton and Hove Local Plan.
5. Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises at all times. **Reason:** To protect the residential amenities of the area and to comply with policy QD27 of the Brighton and Hove local Plan.

**Informatives:**

- 1 This decision is based on drawing nos. A100/02, 03, 04 ,05 &

## PLANS LIST – 20 AUGUST 2008

98/907/100G and Design and Access statement submitted on 30 April 2007.

- 2 This decision to grant Planning Permission has been taken:  
i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton and Hove Local Plan:

QD1 Design - quality of development.  
QD2 Design – key principles for neighbourhoods.  
QD14 Extensions and alterations.  
QD15 Landscaping.  
QD16 Trees and hedgerows.  
Qd19 Greenways.  
QD20 Urban open space.  
SR20 Protection of public and private outdoor recreation space  
QD27 Protection of amenity.  
TR1 Development and the demand for travel.  
TR7 Safe Development.  
TR14 Cycle parking.  
TR19 Parking standards.  
SU2 Efficiency of development in use of resources.  
SU3 Water resources and their quality.  
SU10 Noise pollution.

Supplementary Planning Guidance Documents:

SPD3: Construction and demolition waste.

Planning Policy Guidance Notes:

PPG17: Open space, sport and recreation,

- and,  
ii) for the following reasons:  
The proposed extensions would improve the range of sporting opportunities and training events and is able to meet a number of key themes as detailed in the city Sports Strategy and Action Plan. The extensions match the style and materials of the existing building, and would not unduly impact on traffic generation or upon residential amenity.

## 2 THE SITE

The application relates to Hove Recreation Ground, which is bounded by Hove Park Road to the north, Shirley Drive to the east, Old Shoreham Road to the south and Hove Park Gardens and residential properties to the west. The Recreation Ground is surrounded by residential dwellings on all sides and contains a clubhouse at its centre. Tracks run around the perimeter of the ground and cross in the centre. The majority of the Recreation Ground is used as rugby pitches. There is a mature tree screen on the southern and western boundary of the site, and also to the north. A 'greenway', as defined in the Brighton & Hove Local Plan, runs through the site in an east-west direction, to connect other green space in the area.

### 3 RELEVANT HISTORY

- 3/93/0410F: Extension of existing changing facilities, provision of clubroom, bar and ancillary services, regrading of existing pitch/play areas to provide four rugby pitches and provision of two netball courts. Minded to Grant 06/01/94, approved after signing Section 106 Obligation 10/03/00.
- BH2002/02010/FP: Re-arrangement of south entrance and formation of porch. Rear addition to house refuse and bottle stores. Amendments to windows and doors on north and south elevations. (Amendments to approval 3/93/04109F). (Retrospective). Approved 08/11/02.
- BH2003/03004/FP: Construction of 40 new car parking spaces and provision of 3 new disabled parking spaces and creation of associated vehicular access from Shirley Drive in connection with Hove RFC clubhouse. Refused 11/11/03.
- Various approvals relate to the erection of flood lighting to the pitches.

### 4 THE APPLICATION

The application is to extend the existing single storey clubhouse to provide improved facilities. The proposed extensions consist of:

Two additional changing rooms:

- extension to be situated at north-west corner of building.
- to measure 10.5m wide x 8.8m deep / gross floorarea 92.4m<sup>2</sup>, x 5.7m high, pitched roof.

New clubroom:

- extension to be situated at east side of building.
- to measure a maximum width of 12.6m x 15.2m deep / gross floorarea 125m<sup>2</sup>, x 6.4m high, pitched roof.
- extension to provide clubroom with net floorarea of 77m<sup>2</sup> and toilet facilities.

Entrance porch:

- proposed porch to existing main entrance at front, south, elevation, of building.
- angular shape, to measure 5.4m wide x 3.0m deep x 3.5m high, pitched roof.

Materials:

- to match existing: brick, grey tiled roof, windows/doors stained timber.

### 5 CONSULTATIONS

**External:**

**Neighbours: 51, 59 Hove Park Road; flat 2, 42 Hove Park Villas; flats 1 & 2, 94 Old Shoreham Road; 26 Rigden Road; Mrs Stabler (no number given), 7, 9, 11, 15, 19 Shirley Drive; 26 Shirley Road:** A total of 13 objections to the proposal have been received on the following grounds:

Impact on residential amenity:

- The extensions will increase the use of the premises, subjecting the area to more disruption by people using the facilities.
- The extensions are possibly principally for fund raising ventures to enable hiring out the accommodation for parties etc to persons not affiliated to the Club. The intended use must be verified.
- Noise created by evening users of the club is often unacceptable. On

## PLANS LIST – 20 AUGUST 2008

nights when functions are held there is continual noise including music, car doors slamming and rowdy guests leaving. Glasses and bottles, both broken and unbroken, are left out.

- Adjacent residents will suffer a loss of privacy.

### Impact on use of the recreation ground:

- There should be no further erosion of public space.
- The Rugby Club is monopolising the use of this public recreation land. The more the recreation ground is used by the Club, the more it becomes for their sole use.
- The extensions and required parking would impinge upon the use by others of the recreation ground with further encroachment and reduce communal amenity space.
- The proposal is contrary to the original concept for the use of the recreation ground by the Rugby Club. It will end up with a public house facility in the recreation ground.
- Never witnessed any visible effort by the Club to make a sustained effort to offer any community led activities. On one occasion a local schools' tournament was cancelled on the basis that the pitch was water-logged from the previous night's rain. Despite the disappointment to dozens of children and their parents, no more than 2 hours later an adult match was held on the same pitch.
- Question the need for the facilities; the existing facilities are more than adequate.

### Traffic implications:

- Car parking is often discriminate and traffic entering and leaving the site is a hazard to other users. Increased use of the ground will exacerbate these problems.
- Increased demand for parking.
- Understand that the Club has not paid for the parking bays that had to be installed. If they have still not complied, further development should not be permitted. The monies should be settled first before they spend funds on an extension that will make it less of a sports facility and more of a nightclub.

### Appearance:

- The size and appearance of the building would be inappropriate and an over-development.
- The proposal will extend the ugly brickwork. Whilst landscaping was proposed to the north elevation when the building was constructed, which would break up this ugly aspect, none has been planted.

**Sport England:** Support the extensions to the clubhouse which will not adversely affect the use of any playing pitches and will act as an important facility for the Club.

**Sussex Rugby Football Union:** Support the proposal to improve the premises which will benefit the rugby community of the city and counties of East and West Sussex. The Club has increased membership in all areas, minis, juniors and adults, and is becoming the leading Club for the provision of Girl's and Women's Rugby. The current female changing facilities are substandard and their replacement will further encourage participation in

## PLANS LIST – 20 AUGUST 2008

physical exercise by this under-represented group. Because of its central location within a larger Sussex area the clubhouse is used for many meetings, but within a vibrant club it is difficult to retain concentration. The proposed meeting room will greatly assist in developing Hove as a centre of administration for county as well as club events.

**Palmers Cricket Club**, c/o Bates Road, Brighton: Support the proposal. With two teams and a colt section, our use of the facilities covers all weekends and some weekdays and evenings during the season. Not only will pressure on the clubhouse be relieved with the proposed clubroom when the main room is being used for functions, but with additional changing facilities it will enable us to fulfil the requirement of having separated facilities for adults and children when the youth players join the main teams. Similarly, women players need further changing facilities.

Congratulate the Club on how well the clubhouse is currently used by the community across the city and the need for new and improved facilities is testament to its success.

**Brighton Ultimate Frisbee Club**, c/o 74 Buckingham Road, Brighton: Support the application. Have used the club facilities for weekly practices for 3 years, the training session has helped developed the Club into one of the top 5 in the UK both in the women's and men's divisions. Part of the reason for using the facilities is the central location with players from Portslade to Whitehawk. Support provision of separate male and female changing facilities and a separate room where the Club can hold meetings without disturbing the Rugby Club's meetings. The proposal will greatly enhance the Club's bid to host regional and national sporting events and will attract more visitors to the City.

**Councillor Jane Bennett:** Objects – requests to speak at Committee.

**Councillor Vanessa Brown:** Objects – letter attached to this report.

### **Internal:**

#### **Environmental Health:** No objection.

Records indicate only two complaints regarding the noise from the club within the last three years. A call was made to noise patrol on the 15th September 2006 regarding two functions when the complainant claimed that the noise level was so high that it could be heard over and above the television programme they were watching. On the 21st November 2006 another complaint was made regarding late night disturbance outside from guests of the club. In both of these cases the complainants were contacted. As a first step in such an investigation the Club would also have been contacted to explain that complaints had been received, to advise of our powers in relation to noise and to recommend ways of controlling noise in the future. Noise diaries are sent to the complainants in order to gather full and precise details describing the noise, and dates and times of when and exactly how they are affected, and to ensure that records are available to support any future action. No noise diaries have ever been returned regarding the club and we had no



further contact from the complainants. There are no other complaints on record with regards to noise, odour, late night or early morning disturbance etc.

However, while the clubhouse is a good distance from residential properties, due to the complaints and as a precautionary measure to reduce the possibility of a similar complaint arising again, it is recommended that approval be subject to a condition to control amplified music so as not be audible at any time from other properties.

**Sports and Leisure:** The extensions are to meet the increasing demands of not only the Rugby Club's current membership but to also accommodate and include other sport and leisure activities taking place in this vicinity. The Club is striving to maintain high quality sports provision and to increase participation and involvement of children and young people through a range of sporting opportunities and training events and is able to meet a number of key themes as detailed in the city Sports Strategy and Action Plan.

**Arboriculturist:** Two mature elms are to the east of the site and the bole of an elder to the west. No objection subject to a condition to ensure the protection of the trees during construction.

**Traffic Manager:** Given the limited increase in the ground floor area and subject to a condition that restricts the use of the facility to purely sporting activities, do not believe that a transport reason for refusal could be supported. As there will be no material increase in demand, this removes original concerns regarding the safety implications of the proposal.

**Planning Policy:** This is a recreation ground for the general public; care needs to be taken to ensure the dominance of this club does not hinder general public access to this public open space. Clear justification for the expansion of the facilities and how this is going to impact upon the use of the surrounding open space is required, Extensions required increase the clubs capacity to accommodate new sectors of the community and to become more inclusive, for example to provide facilities for women/girls, would fit with the objectives of the Council's Sports Strategy.

## 6 PLANNING POLICIES

### Brighton and Hove Local Plan:

- QD1 Design - quality of development.
- QD2 Design – key principles for neighbourhoods.
- QD14 Extensions and alterations.
- QD15 Landscaping.
- QD16 Trees and hedgerows.
- QD19 Greenways.
- QD20 Urban open space.
- SR20 Protection of public and private outdoor recreation space
- QD27 Protection of amenity.
- TR1 Development and the demand for travel.
- TR7 Safe Development.

TR14 Cycle parking.  
TR19 Parking standards.  
SU2 Efficiency of development in use of resources.  
SU3 Water resources and their quality.  
SU10 Noise pollution.

Supplementary Planning Guidance Documents:  
SPD3: Construction and demolition waste.

Planning Policy Guidance Notes:  
PPG17: Open space, sport and recreation.

## **7 CONSIDERATIONS**

The main considerations in the determination of the application relate to the impact of the proposed extension on the appearance and character of the building and its setting within the park, upon residential amenity and traffic implications.

### Principle of extending the building:

The proposal is for extensions to the single storey Hove Rugby Club house situated within the centre of Hove Recreation Ground. The extensions are to the rear to provide additional changing rooms and to the side (east) to form a meeting room, and for a porch to the main entrance at the front of the building.

PPG17 states that existing open space should not be built on unless an assessment is undertaken which has clearly shown the land to be surplus to requirements. Policy QD20 of the Local Plan states that planning permission will not be granted for proposals that would result in the loss of areas of public or private open space and SR20 states that planning permission will not be granted for development other than that which is incidental and appropriate to the respective recreation uses.

The areas to be extended are tarmaced and small in extent; the meeting room has a footprint of approximately 77m<sup>2</sup>. The areas to be built on do not form useable open space and its development would not result in a loss of amenity provision.

With regard to the additional changing facilities, the Club has approximately 350 junior members under 18 year old, in 12 teams, and 150 men making up 6 Saturday teams. The Club has also run a women's team for 20 years who are currently the Sussex champions. To build on this success the Club intend to create two girls teams and a second women's team and the creation of netball facilities. The changing facilities which were designed and built to accommodate a football team of 11 players and not a rugby team of 15 are too small. The proposed facilities would provide appropriate facilities for females within an area to the back of the building, in a location not suitable for other purposes.

With regard to the proposed meeting room, the Club hold training sessions

## PLANS LIST – 20 AUGUST 2008

four nights a week and often hold coaching seminars, refereeing and first aid courses. Brighton Ultimate Frisbee Club also train two nights a week at the ground and the clubhouse is also the meeting place for Brighton and Hove Running Sisters, a social running group for females. The Club is at its busiest on Saturday afternoons and Sunday mornings and applicants state that the proposals will not add any activities to these times. On certain occasions, mainly mid-week evenings, the different activities are competing for the same space with meeting being in the same room as the bar. The proposed clubroom, with en-suite toilet facilities, will allow these meetings to occur uninterrupted.

The Council's Sports and Leisure Section support the proposed extensions which are to meet the increasing demands of not only the Rugby Clubs current membership but to also accommodate and include other sport and leisure activities taking place in this vicinity. The Club is striving to maintain high quality sports provision and to increase participation and involvement of children and young people through a range of sporting opportunities and training events and to meet a number of key themes as detailed in the city Sports Strategy and Action Plan, is to be welcomed.

Given that the site of the proposed extensions is a tarmaced area adjoining the clubhouse which is not used for recreation purposes, and the extensions are to be used in connection with sporting activities, it is considered that the applicants have justified the need for the enlargement of the building. It is not considered that the proposal leads to a loss of public open space.

A 'Greenway' traverses the site from east to west. Policy QD19 defines these as largely off road routes connecting people and facilities to open space for shared use. They can change people's perception about movement across the city and make an important contribution to sustainable transport objectives. They further link important conservation sites. The modest size of the proposed extensions would not have a significant impact on the designated greenway.

### Visual impact:

Policies QD1 and QD14 states that both new buildings and extensions to existing must demonstrate a high standard of design and detailing.

The existing building has an angled footprint and a varied roofline. The proposed extension to provide a meeting room to the east of the building would have a roofline subservient to the main roof, but matching that of the lower section to the west, which would balance the profile of the building. The land to the rear of the building rises which makes this elevation less prominent. The proposed changing rooms in the northwest corner would be nestled in part below the bank. The porch to the front elevation would provide the building with a more defined entrance. The design and materials of the extensions are to match existing.

The Arboriculturalist raises no objections to the proposal and is of the opinion that the nearest trees are of sufficient distance so as not to be adversely

## PLANS LIST – 20 AUGUST 2008

affected by the development. Conditions are attached to ensure their protection during construction.

It is considered that the extension relate well to the appearance of this standalone building and are acceptable in terms of design and appearance.

### Impact on residential amenity:

Policy QD27 aims to protect residential amenity.

The Clubhouse is situated within the centre of the recreation ground, the nearest residential properties are situated in Shirley Drive, 110m to the east. Residential properties also surround the site.

The use of the existing clubhouse and meeting area is restricted by virtue of condition 11 of the original approval for the building, application 3/93/0410(F), which states that between the hours of 9am and 6pm the areas shall be used for purposes within Use Class D2 (assembly and leisure) or as a crèche or day nursery, only. After 6pm the meeting area shall be used solely for purposes ancillary to the playing of rugby, cricket, netball or other sports approved by the Director of Environmental Services. The applicants state that the proposed meeting room is to enable meetings and training events to be held in a separate room rather than within the area shared with the bar. Whilst the proposed meeting room will improve facilities it is not intended to be used as an extension of the bar or to necessarily attract additional usage. It is stated that most of the meetings which will be held in the room already take place within the building but under difficult circumstances.

Public objections state that the use of the Clubhouse has caused noise and disturbance and in many ways the building acts like a pub in the park, and that an extension to the premises will increase usage and disturbance. Copies of all of the objections have been sent to and considered in depth by Environmental Health.

Environmental Health have re-examined their records and confirm that the property history shows only two complaints regarding the noise from the club, neither of which have established a statutory nuisance. Environmental Health therefore consider that subject to conditions to ensure that the proposed meeting room is used only for the purpose of training, meetings etc, and not for social functions, and that amplified music must not be audible from surrounding properties, the addition facility should operate without adversely impacting on residential amenity.

As further safeguards, if the application is granted and residents continue to be disturbed there are various other avenues to consider. The Council can use powers under the Environmental Protection Act to abate any statutory noise nuisance and so ensure that the proposed planning condition is being complied with. Also, it has powers to serve night time noise fixed penalty notices in relation to commercial premises. Every premises that sells alcohol must have a Premises Licence which is now administered by the Health Safety & Licensing Team within the Environmental Health Division, and not

## PLANS LIST – 20 AUGUST 2008

the Magistrates Court. Premises that hold a licence have a duty to satisfy the licensing objective of the prevention of public nuisance and if a public nuisance or a breach of licensing conditions is identified, the Council could issue a written warnings and/or prosecution. Additionally, the licence can be reviewed by the Licensing Committee.

### Traffic Implications:

Policy TR1 states that development should cater for the demand in traffic that they generate.

No addition parking provision is proposed in connection with the extensions. Public objections state that car parking is often discriminate and traffic entering and leaving the site is a hazard to other users and that increased use of the ground will exacerbate these problems and the demand for parking. Concern is also raised that the Club has not paid for the parking bays that had to be installed along Shirley Drive and it is suggested that further approvals should not be granted until the monies are repaid.

The funding for the proposed extensions will come from fundraising and grants from Sport England, National Playing Fields Association and other such bodies, and loans from the Rugby Football Union, club members and commercial organisations. The Club state that it does not have funds for the proposed development, so therefore cannot divert money or the payment of the lay-bys.

The applicants state that the additions are not intended to increase usage of the Clubhouse but to provide improved facilities. The area is not within situated within a Controlled Parking Zone, and the parking requirement associated with the original approval has been provided. The Traffic Manager is of the view that with this provision and given the limited increase in the ground floor area, subject to a condition which restricts the use of the facility to purely sporting activities, the proposal would not compromise highway safety and is acceptable.

Objections have been received on the grounds of non-compliance with the previous Section 106 Obligation. The lay-bys have been provided and satisfactory arrangements are in place to secure the repayment of the costs of provision. On that basis the matter is not considered to be a material consideration to the determination of this application.

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

The proposed extensions would improve the range of sporting opportunities and training events and is able to meet a number of key themes as detailed in the city Sports Strategy and Action Plan. The extensions match the style and materials of the existing building, and would not unduly impact on traffic generation or upon residential amenity.

## **9 EQUALITIES IMPLICATIONS**

The building has level access and the extension double doors which are suitable for wheelchair access. The proposed changing rooms provide

## PLANS LIST – 20 AUGUST 2008

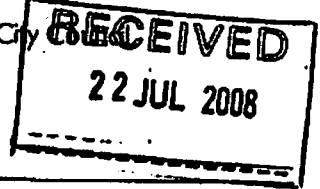
facilities for women and encourage inclusive use of the sports facilities from under represented groups.



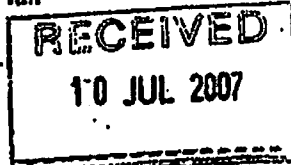
**Brighton & Hove  
City Council**

**COUNCILLOR VANESSA BROWN**  
Deputy Leader of the Council

Brighton & Hove City  
King's House  
Grand Avenue  
Hove BN3 2LS



Andy Watt  
Planning Officer  
Hove Town Hall



Date: 9 July 2007  
Our Ref: VBvg  
Your Ref:  
Phone: 01273 291012  
Fax: 01273 291003  
e-mail: [vanessa.brown@brighton-hove.gov.uk](mailto:vanessa.brown@brighton-hove.gov.uk)

Dear Mr Watt

**Ref: BH2007/01574 – Rugby Club – Hove Recreation Ground**

As a Ward Councillor for this area I must object to this application. The extension of the clubhouse will not increase the sporting facilities but could cause more noise and disturbance to residents in what is a fully residential area.

This is a private club in a public park and although we all appreciate the good work that the club does for rugby, and particularly their work with young people, the private functions in the clubhouse already cause problems. As there is already a separate training/meeting room the general feeling amongst residents is that this extension is to enable more private functions to be held without interfering with the rugby club members.

At the present time these functions cause noise and disturbance at night. There is also a problem with unauthorised vehicles using the park which is dangerous and there is regularly broken glass and litter left around the clubhouse.

This is a public recreation ground for the use of all and is not the right environment for an increase in private social functions.

I would urge the planning committee to reject this application.

Yours sincerely

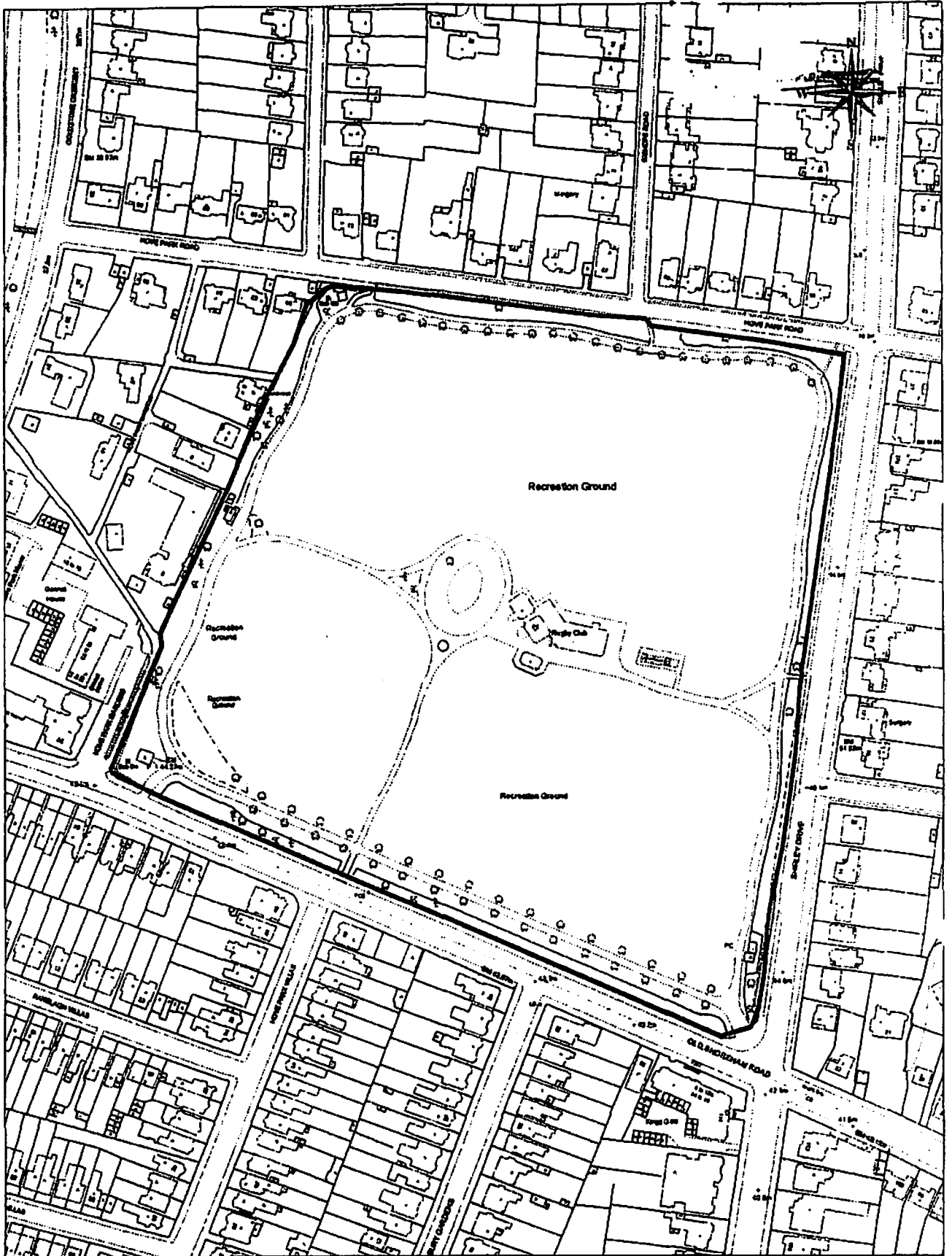
**Councillor Vanessa Brown**

Office Tel: (01273) 291012  
Home Telephone/Fax: (01273) 291143

Email: [vanessa.brown@brighton-hove.gov.uk](mailto:vanessa.brown@brighton-hove.gov.uk)

Conservative Member for STANFORD Ward

# LOCATION PLAN



BH2007/01574

SCALE 1:2500

## Hove Rugby Club Hove Recreation Ground Shirley Drive



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25 0 25 50 75 100 125 150 175 200  
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PLANS LIST – 20 AUGUST 2008

<b><u>No:</u></b>	<b>BH2008/01326</b>	<b><u>Ward:</u></b>	<b>STANFORD</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>18 Bishops Road Hove</b>		
<b><u>Proposal:</u></b>	<b>First floor extension and alterations to convert bungalow to two storey house (re-submission).</b>		
<b><u>Officer:</u></b>	Jason Hawkes, tel: 292153	<b><u>Received Date:</u></b>	10 April 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	05 June 2008
<b><u>Agent:</u></b>	David Chetwin Architects, 2 Titian Road, Hove, BN3 5QS		
<b><u>Applicant:</u></b>	Mr Bob Angus, 18 Bishops Road, Hove, East Sussex, BN3 6PN		

This application was deferred at the last Committee on 30 July for a member visit to the site.

**1 RECOMMENDATION**

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

Conditions

1. 01.01AA Full planning
2. 03.01A Samples of materials.
3. The proposed window in the side elevation of the first floor extension facing north for the front bedroom shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, as shown on drawing no.304(PL)201C.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The glass screens as indicated on drawing no. 304 (PL)205A shall be installed before the terrace is brought into use. The screens shall be retained as such thereafter.  
**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.
5. Access to the flat roof of the sedum roof of the rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order revoking that Order with or without modification), no window other than expressly authorised by this permission shall be constructed to the side elevations of the approved extensions without Planning Permission obtained from the

## PLANS LIST – 20 AUGUST 2008

Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7. Notwithstanding the Waste Management Plan submitted with the application, no development shall take place until a full Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, 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 supporting statement and drawing nos. 304(PL)201C, 202B, 203A, 205A & 206B received on the 10<sup>th</sup> April, 18<sup>th</sup> and 19<sup>th</sup> June 2008.
2. This decision to grant Planning Permission has been taken:
  - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:  
Brighton & Hove Local Plan  
SU2 Efficiency of development in the use of energy, water and materials  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD14 Extensions and alterations  
QD27 Protection of amenity

### Supplementary Planning Document

SPD03 Construction and Demolition Waste

### Supplementary Planning Guidance

SPG1 Roof Alterations and Extensions

- ii. for the following reasons:  
It is considered that the proposal is appropriate in terms of its appearance and design and will not detract from the character and appearance of the host property or the wider street scene. In addition, it is considered that the proposal will not significantly affect the amenities of neighbouring properties.
3. The submitted Waste Minimisation Statement was deemed inadequate and not sufficiently related to the site. Condition 7 requests a further statement to be submitted with details specifically related to the site outlining how the scheme will reduce the amount of waste sent to landfill.

## PLANS LIST – 20 AUGUST 2008

The details should include the name of the waste contractor to be used who must be registered with the Environment Agency.

### 2 THE SITE

The application site relates to a detached bungalow located on the west side of Bishops Road. The property has a pitched roof with two front bay windows. The rear of the property includes a raised terrace which appears to be a more recent addition. Bishops Road is comprised of a variety of detached bungalows and houses. Either side of the site and directly opposite are two-storey houses. Directly to the west of the rear garden is the side elevation and rear garden of 5 Stanford Close.

### 3 RELEVANT HISTORY

**BH2001/00134/FP** A proposed extension to the existing bungalow to form a two-storey house was approved in April 2001. This permission was for a two-storey dwelling with a traditional appearance.

**BH2007/03697** Proposed extensions including a first floor extension and extension over the garage to form a two-storey dwelling was refused in February 2008. This proposal was for a flat roofed first floor extension which was considered to be visually inappropriate for the area. The scheme was also refused due to the proximity of the first floor addition to a side window on the adjacent property to the north. This was deemed to result in a loss of amenity.

### 4 THE APPLICATION

Planning permission is sought for a revised scheme for extensions and alterations to allow the conversion of the bungalow into a two-storey dwellinghouse. The alterations include:

- First floor addition with a pitched roof including solar panels and velux windows.
- New bay windows in a modern design.
- Alterations to the side garage.
- Rear first floor roof terrace with obscure glazed screens to the sides.
- Remove pitched roof to rear extension and replace with a sedum roof.
- Replacement chimney to rear.

### 5 CONSULTATIONS

#### External:

**Neighbours:** Four letters and two emails have been received from the residents of **16, 20, 25, 27 & 35 Bishops Road** objecting to the proposal on the following grounds:

- The scheme will result in a wall built right up against a bedroom window. This room does not have another window. The revised scheme is a little further away than the previous scheme but is still unacceptable and restricts the neighbour's right to light.
- The side windows will impinge on neighbouring amenity.
- The extension and rear terrace result in an overbearing form of development and result in loss of outlook, light, a heightened sense of enclosure and cause overshadowing of adjacent properties.
- The scheme includes non-opening windows which may not comply

## PLANS LIST – 20 AUGUST 2008

with building and fire regulations.

- The appearance of the design will be out of character with the traditional design in Bishops Road.
- The scheme will result in yet another building site and construction works on Bishops Road.

**Councillor Vanessa Brown** has objected to the proposal (letter attached to this report).

### 6 PLANNING POLICIES

Brighton & Hove Local Plan:

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

SU13 Minimisation and re-use of construction and industry waste

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Supplementary Planning Guidance

SPG1 Roof Alterations and Extensions

### 7 CONSIDERATIONS

The main considerations in this application are whether the scheme is appropriate in terms of its design in relation to the original house and surrounding area and if the scheme has a detrimental impact on the amenity of any adjacent properties or highway safety. Whether the revised scheme has addressed the reasons for refusal on the recently refused application for a first floor is also a material consideration.

Design:

Planning permission is sought for various extensions (including a first floor extension) to facilitate the conversion of the bungalow into a two-storey dwellinghouse. The existing floor plan will remain largely unchanged with the bay windows remodelled in line with the first floor extension. The proposed second storey is pulled back from the full extent of the ground floor. The overall design of the proposal is modern in design with a pitched roof, large windows with timber frames and extensive timber cladding to the front. The side elevations include high level windows and an additional roof terrace is proposed to the rear at first floor level.

The existing terrace at ground floor level is to be retained with new windows and doors proposed for the rear extension to match the overall appearance of the house. To complete the design concept of the proposal, the pitched roof of the rear extension is to be removed and replaced with a flat sedum roof and the roof of the existing side garage is to be raised.

Recently a scheme for a first floor addition was refused for the bungalow

## PLANS LIST – 20 AUGUST 2008

partly due to the inappropriate design of the scheme. The refused scheme proposed a flat roof for the first floor addition which was considered to be out of character with the houses and bungalows on the street which predominantly have pitched roofs. The revised scheme has included a first floor addition with a pitched roof to overcome this concern. With the pitched roof, the house will not look out of character in the street scene. Additionally, the pitched roof is shown on the contextual drawing to be no higher than the roof of the adjacent house at no.20. The first floor addition is also positioned suitably so that there are suitable spaces either side between the proposed house and the neighbouring properties.

Bishops Road is comprised of a variety of houses and some bungalows which are of differing design and size. The existing houses mostly have a traditional appearance with a combination of render, timber, tile and brickwork facades. This scheme proposes a contemporary design that takes its cue from some of the materials and compositional elements in the street scene. Therefore whilst the design is modern, the overall appearance of the proposed house will not look out of character in the context of Bishops Road.

Policy QD1 of the Brighton & Hove Local Plan encourages modern designs using contemporary and sustainable materials and states it is possible to integrate modern developments whilst respecting the character of areas that are attractive and worthy of preservation. Due to the abundance of two-storey dwellings on the street and directly around the application site, the principle of allowing the conversion of the bungalow to a house is acceptable. It is also felt that the modern design of the house, with certain traditional elements retained, is an appropriate design in this area and the proposed house will form an appropriate addition in the street scene.

### Impact on adjacent properties:

The properties which are most affected by this proposal are the two properties directly to the north and south of the site (nos. 16 & 20 Bishops Road). The previous application for a first floor addition (**BH2007/03697**) was refused partly on the grounds that the first floor extensions resulted in a detrimental impact on the side window of no.20 Bishops Road. No. 20 Bishops has a side addition and only has the one side window facing the site. This window serves a small bedroom and currently allows views over the roof of the bungalow.

To overcome the impact on this window, the amended scheme has reduced the size of the first floor addition so that it is set further away from the window. The amended scheme shows the extension 3.3m away from the windows. This is a similar distance to the first floor extension granted permission under **BH2001/00134/FP**. Whilst the loss of view from the window is regrettable, planning policies do not allow the loss of view to be taken into consideration. Additionally, this is a small bedroom with the main rooms of the house facing the front and rear which will not be significantly affected by the proposal. It is also felt that the distance between the extension and the window is appropriate and that the scheme will not significantly affect the light levels to the room the window serves, nor any excessive sense of enclosure.

## PLANS LIST – 20 AUGUST 2008

The scheme includes new windows to the side including a side window in one of the front bays for a first floor bedroom. This window is shown as obscure glazed. A condition is recommended that this window shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, as shown on drawing no.304(PL)201C. The other proposed windows shown are all high level and due to their height they will not allow direct views into adjacent properties.

In other respects, the scheme is appropriate in terms of its impact on the amenity of residential properties. The new roof terrace is shown with obscure panels either side which will restrict views north and south. These panels can be secured by condition. The terrace will allow some views looking west and to the rear of the gardens of the properties either side. However, it is felt the distance between the terrace and the property to the immediate west (approximately 24m) is sufficient, so that the use of the terrace will not result in a significant overlooking of the properties to the rear. There are also extensive trees and bushes at the rear of the garden of no.18 which reduces any potential overlooking and the house directly to the rear (5 Stanford Close) only has one side facing window which is obscure glazed. Additionally, due to the obscure panels, the terrace will only allow limited views into the gardens of the two adjacent properties at 16 & 20 Bishops Road. To protect residential amenity, a condition is recommended limiting the proposed terrace to the dimensions shown on the drawings and not allowing the use of the proposed flat sedum roof as a further terrace or seating area.

No.16 Bishops Road does not contain any north facing side windows which will be affected by the proposed extension. The proposal includes increasing the height of the existing garage. This part of the scheme will not result in a significant impact on the amenity of no.16 Bishops Road. As the extension at first floor level is set back from the common boundaries, it is also appropriate and will not be overbearing or result in an increased sense of enclosure to any adjacent properties.

### Sustainability:

Policy SU2 encourages proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. The supporting statement for the scheme states that sustainable measures have been incorporated in the proposal. These include:

- The top storey is to be constructed by locally made pre-assembled timber frames super insulated with recycled paper.
- The roofing is to be FSC certified timber structure with slate tiles.
- Solar thermal heating supplemented by a condensing boiler.
- Energy efficient wood burning stove heating supplementing the space heating.
- Passive air exchanger to provide fresh air within the house.
- Breathable timber wall construction using FSC certified timber cladding and structure.
- Sedum covered 'green' flat roof to existing rear extension.

Having regard to the above sustainable proposals, the scheme is considered

to be in accordance with policy.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. A waste minimisation statement has been submitted with the application to demonstrate how these requirements have been met. The submitted scheme is not detailed enough to be fully acceptable and should be less generic and related more to the proposal. Consequently, a condition is recommended requesting a further statement giving full details of waste minimisation measures.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

It is considered that the proposal is appropriate in terms of its appearance and design and will not detract from the character and appearance of the host property or the wider street scene. In addition, it is considered that the proposal will not significantly affect the amenities of neighbouring properties.

**9 EQUALITIES IMPLICATIONS**

None identified.



**Brighton & Hove** 11/06/2008 08:52

Guy everest

— Forwarded by Guy everest/MAIL/BHC on 11/06/2008 08:51 —



**Brighton & Hove**  
Vanessa Brown  
Sent by:  
Victoria Golding  
10/06/2008 14:47

Dear Mr Everest

Re: BH2008/01326 - 18 Bishops Road, Hove

This is the second application and attempts have been made to rectify some of the concerns but one of the major previous concerns has not been addressed.

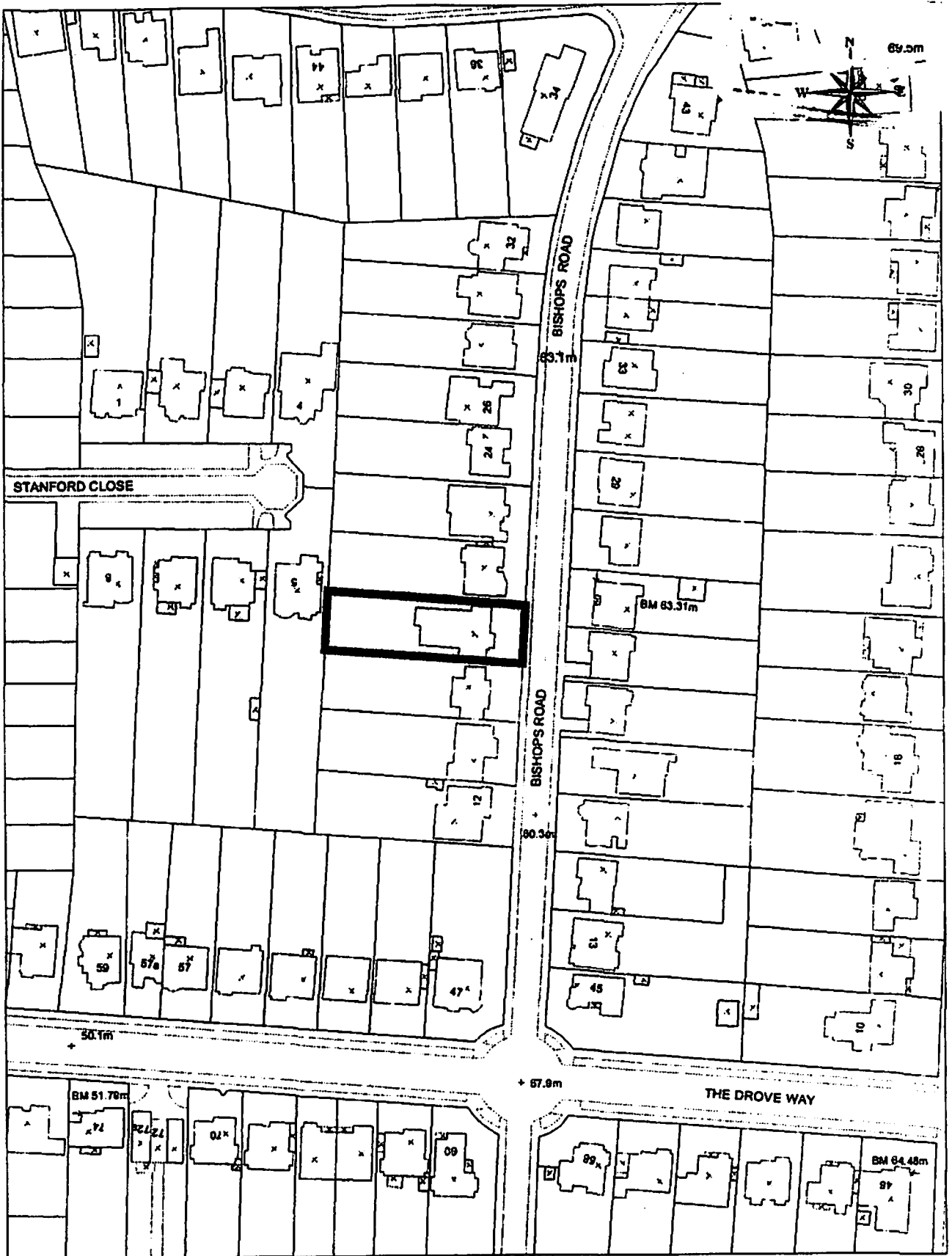
Number 20 Bishops Road has a south facing bedroom window that overlooks the roof of number 18. At the moment the roof of number 18 slopes away from the window so that the light and sun still enter the bedroom. This application would still have an upright wall in close proximity to the window which would take the light and sun and make the bedroom feel very enclosed. There could also be overlooking from the windows proposed for that side of number 20 although they are at a high level.

Yours sincerely

Cllr Vanessa Brown  
Deputy Leader of the Council  
Cabinet Member for Children Families and Schools  
Stanford Ward  
Tel 01273 291012



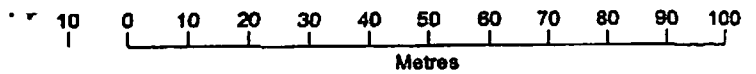
# LOCATION PLAN



**BH2008/01326**

**18 Bishops Road**

**SCALE 1:1250**



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PLANS LIST – 20 AUGUST 2008

<b>No:</b>	<b>BH2008/01813</b>	<b>Ward:</b>	<b>WITHDEAN</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>20 Tivoli Crescent Brighton</b>		
<b>Proposal:</b>	<b>Partial change of use from residential basement (C3) to community use (D1) to allow x4 weekly preschool music classes (retrospective).</b>		
<b>Officer:</b>	Clare Simpson, tel: 292454	<b>Received Date:</b>	21 May 2008
<b>Con Area:</b>	n/a	<b>Expiry Date:</b>	30 July 2008
<b>Agent:</b>			
<b>Applicant:</b>	Ms Louisa Damant, 20 Tivoli Crescent, Brighton		

Councillor Pat Drake has requested that the application be determined by the Planning Committee.

**1 RECOMMENDATION**

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

Conditions:

1. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or any subsequent similar re-enactment, the use hereby granted shall be for pre-school music classes and for no other use, including any other use within class D1 of the Schedule to the Order without the prior written consent of the Local Planning Authority to whom an application should be made. **Reason:** To safeguard the amenity of adjacent occupiers and to comply with policy QD27 and SU10 of the Brighton & Hove Local Plan.
2. The premises shall not be used as a venue for music tuition classes except between the hours of 09.30hrs and 16.00hrs Monday to Friday only, and for a maximum of four classes a week. The duration of each class shall not exceed 40 minutes. **Reason:** As requested by the applicant, and to safeguard the amenities of the nearby occupiers and to comply with policy QD27 and SU10 of the Brighton & Hove Local Plan.
3. The music tuition classes shall be for a maximum of ten children with their parents/guardians at any one time. **Reason:** To safeguard the amenities of the nearby occupiers and to comply with policy QD27 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on supporting statements and block plan received on the 21<sup>st</sup> May 2008 and a site location plan received on the 21<sup>st</sup> May 2008.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton and Hove Local Plan set out below,

Brighton and Hove Local Plan:

- QD27 Protection of amenity
- TR1 Development and demand for travel
- SU10 Noise Nuisance
- HO19 New Community facilities

(ii) for the following reasons:-

The activities affect the premises for a very limited time during the week and offer a community service. The Environmental Health Officer has found that the classes operate without significance disturbance to neighbouring occupiers.

**2 THE SITE**

The application relates to a mid-terrace property on the east of Tivoli Crescent in residential use. It is understood that classes have been operating from the basement for approximately 3 years. This is a residential area with few commercial premises.

**3 RELEVANT HISTORY**

**BH2005/02244/FP** New doors and balcony to the rear elevation and first floor level approved 2/9/2007.

**BH2007/03412** Partial change of use from residential basement to D1 use to allow x4 weekly preschool music classes Refused 06/11/2007 for the following reasons

*The music classes operating in the basement have resulted in a noise disturbance to a neighbouring property and due to the intermittent nature and variation in the level of the noise, it is considered that noise levels would be difficult to control and would continue to be intrusive to neighbouring properties in the future. In the absence of any acoustic report to demonstrate otherwise, the development is considered detrimental to the residential amenity of neighbouring properties and contrary to policy QD27, SU10 and HO19 of the Brighton and Hove Local Plan.*

**4 THE APPLICATION**

The application seeks consent for a partial change of use from residential basement (C3) to community use (D1) to allow x4 weekly preschool music classes. This is a resubmission of the previously refused application. This application is accompanied by an acoustic report from the Environmental Health Team.

**5 CONSULTATIONS**

**External**

**Neighbours: 18 Tivoli Crescent** object to the application for the following reasons:

- the works have been ongoing for two years causing noise and disturbance,
- when the sessions are on, we have to shut all doors and windows,
- the premises is not soundproofed,
- there are private covenants affecting this property which restrict business uses and creation of noise and disturbance

**27 The Drove, 7, 9, 11, 15, 39, Tivoli Crescent, and 3 email responses** support the application for the following reasons:

- the class is an enormous benefit to the children and a great benefit to the wider community,
- the majority of parents and children walk to the sessions,
- this is a great local service on a family road which does not cause noise and disturbance,
- it brings communities together,
- the classes do not cause a parking problem as the activities take place during the day time,
- classes do not take place at unsociable hours,
- the teacher is warm, friendly and professional,
- you cannot hear the sessions from the street,

**Internal**

**Councillor Pat Drake:** objects to the application (letter attached to this report).

**Traffic:** No objection: The proposal is not considered to create an additional burden on the existing transport network and therefore seeking a financial contribution would be unreasonable.

**Environmental Health:** No further comments beyond the report submitted with the application. However should any further problems arise with the site, there are measures within the Environmental Health legislation to take action on any future complaints if necessary.

**6 PLANNING POLICIES**

Brighton and Hove Local Plan:

QD27 Protection of amenity

TR1 Development and demand for travel

SU10 Noise Nuisance

HO19 New Community facilities

**7 CONSIDERATIONS**

Matters relating to legal covenants is not a material planning consideration. The determining issues relate to the impact of the change of use on the residential amenity of neighbouring properties.

Background information

This application is a resubmission of the previously refused application **BH2007/03412**. This previous application was refused for potential of noise and disturbance. Although noise generating activities were observed on-site, at the time of the previous application, noise measurements were not taken and a statutory noise nuisance under the Environmental Protection Act was not identified. However, there was a potential for future complaints and on the advice of the Environmental Health Team, the application was refused.

This current application seeks consent for the same development as the previous application, 4 x weekly 40 minute preschool music classes, 2

## PLANS LIST – 20 AUGUST 2008

classes on Wednesdays and 2 classes on Thursdays. The application is now accompanied by a report from the Environmental Health Department. This report includes personal observations and noise measurements taken from the site address and the complainants property.

### Planning Policy

Policy HO19 of the Brighton and Hove Local Plan states that planning permission for new community uses will be granted provided that: the design allows for accessibility to all members of the community, the development would not have an adverse impact on the residential amenity of neighbouring properties, the location is accessible by walking/cycling or public transport and that adequate car and cycle parking is provided.

Given the proposal is only for a partial change of use, affecting a small proportion of the house for a limited times during the day, there is no objection to introducing a small commercial element to this residential house. It is acknowledged that the DI use would be within the existing basement of the property and involves no external alterations.

The partial change of use does not result in a loss of a residential unit.

### Transport

Very little detail has been submitted with regard to transport, the applicant has claimed approximately 6 – 7 cars visit the property during the hours of 9.30 and 12. Current policies require new community facilities to be located in an area where adequate car parking is provided and that the site is accessed readily by walking, cycling and public transport. Tivoli Crescent is not in a controlled parking area, and the site has no off-street car parking. The applicant has stated that customers are from the local area and a number of pedestrian movements were observed at the time of a site visit.

Given that the classes would operate for limited times only, it is not considered justifiable to seek for financial contributions to mitigate the transport and travel aspect. The Traffic Manager stated that he has no objections to the application.

### Impact on Amenity

The use of the basement for part of the day does not harm the residential character of the area. The elevations of the house remain unchanged and due to the number of classes taking place, and the small number attending, there is no objection to principle of having music tuition in the premises.

However given that the music classes operate in a residential area, there is the opportunity for noise and disturbance to neighbours, particularly those immediately adjacent in the terrace. A letter of objection has been received from the neighbour at 18 Tivoli Crescent on the grounds of noise and disturbance. In addition to this, the Environmental Health Team received complaints from no.18 Tivoli Crescent in May 2007, which resulted in the first application being submitted last year.

## PLANS LIST – 20 AUGUST 2008

In this instance, it is not considered that soundproofing the basement offers a solution to mitigate against the noise impact, as any solution is likely to result in financial expenditure far in excess of what would not normally be considered for a partial change of use on this scale. Nevertheless, the applicant has fitted secondary double glazing to the basement light well which is shared with no. 18 Tivoli Crescent.

It is acknowledged that the music classes are for pre-school children and as a result the noise levels vary greatly in the course of a class depending on the level of interaction with the class teacher. Nevertheless the report from the Environmental Health Officer is a material consideration in this application. The Environmental Health Officer visited the site in November 2007 and carried out a noise survey the neighbouring property at number 18 Tivoli Crescent. A very small increase in noise generation, 2 dB(A), was measured at this property. This corresponds with the 'intermittent, faint noise' observed by the Environmental Health Officer. The class which was surveyed had 9 children in attendance which was towards the maximum amount which has been applied for; 10 children is the maximum. Although there is a risk that the class observed was particularly quiet for the benefit of the site visit, it is also acknowledged that this was a busy class and the findings of the Environmental Health Officer must carry significant weight.

Letters of support have been received from other neighbours but it is acknowledged that the presence of the lightwell between numbers 18 and 20 Tivoli Crescent means that no.18 is likely to be the most affected by the noise and disturbance.

Based on the findings of site visits and supported by the noise readings taken by the Environmental Health Team, it is not considered that the partial change of use has a significant impact on the residential amenity of neighbouring properties. The classes are for limited periods during the week. It is considered important to control number of the classes, their duration and the number of children attending the classes. A full change of use of the basement would not necessarily be appropriate given the location.

### Conclusion:

On balance, it is considered that the applicant has taken some positive steps to try and offer some sound insulation to the basement. The Environmental Health Officer has found that the classes offer a local community facility without significance disturbance to neighbouring occupiers and the application is recommended for approval.

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

The activities affect the premises for a very limited time during the week and offer a community service. The Environmental Health Officer has found that the classes operate without significance disturbance to neighbouring occupiers.

**9 EQUALITIES IMPLICATIONS**

It is not proposed that the existing access arrangements to the property would be changed and this severely limits the accessibility of basement of the property for all members of the community.



Pat Drake

Brighton & Hove 14/07/2008 10:05

To: clare.simpson@brighton-hove.gov.uk  
Subject: 20/1761 Crescent BH2007/03412

Dear Clare

I wish to support the objection to this change of use. These houses are not suitable as a music training venue because of the way they are linked together and thus cause noise to travel to the detriment of their neighbours. I ask that the application be refused

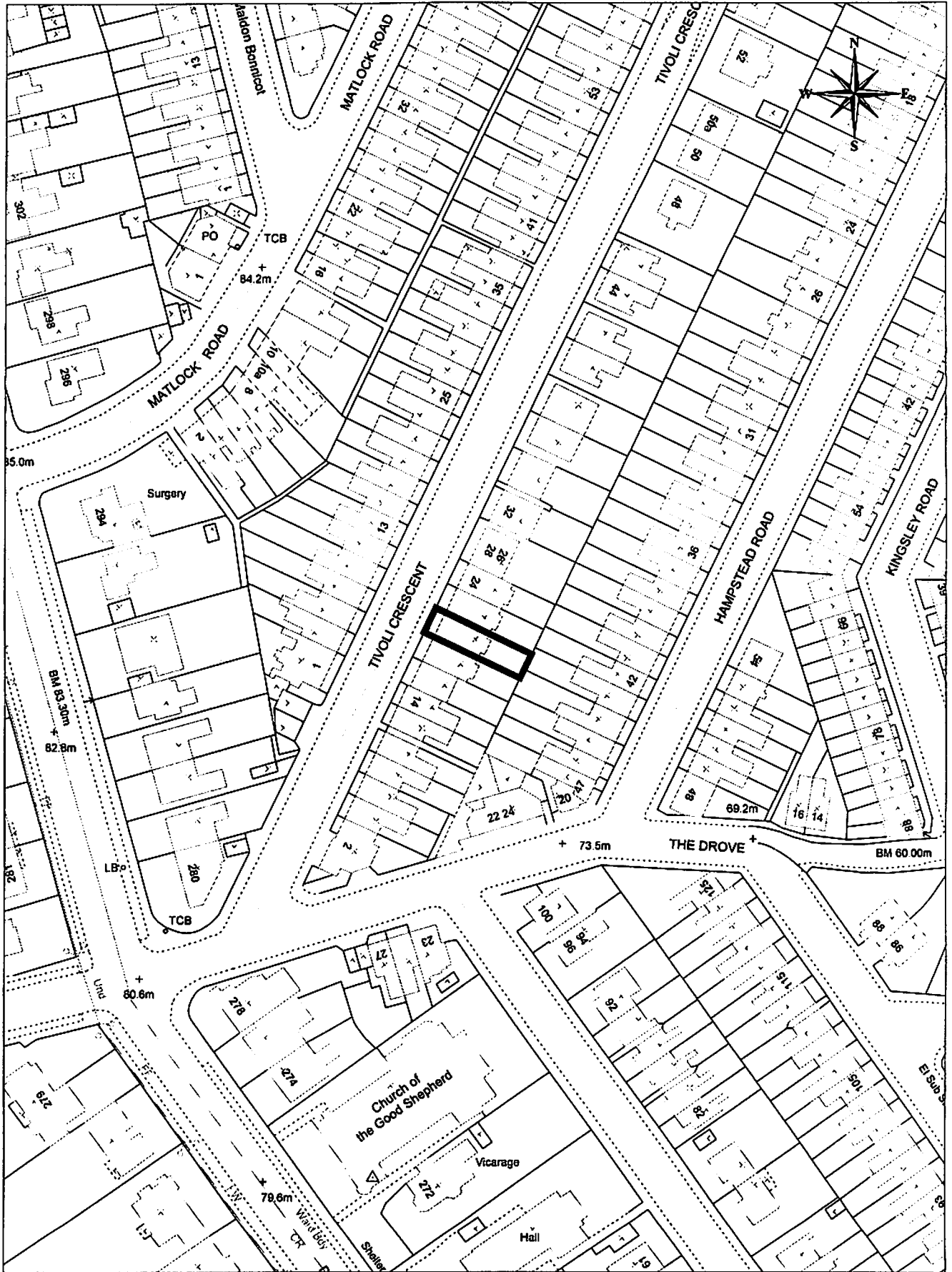
Kind regards

Pat

Pat Drake



# LOCATION PLAN



BH2007/03412

SCALE 1:1250

20 Tivoli Crescent



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