

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

<u>No:</u>	BH2009/02331	<u>Ward:</u>	REGENCY
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land East of West Pier, Lower Esplanade, Kings Road, Brighton		
<u>Proposal:</u>	Temporary use of land for the stationing of a 60 metre high spokeless observation wheel (The Brighton O) including a dedicated area for the secure storage of boats.		
<u>Officer:</u>	Christopher Wright, tel: 292097	<u>Received Date:</u>	25 September 2009
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	30 November 2009
<u>Agent:</u>	Stiles Harold Williams, 69 Park Lane, Croydon		
<u>Applicant:</u>	Paramount Attractions Ltd, Mr Jeffrey Sanders, C/O Stiles Harold Williams		

This application was deferred from the Planning Committee agenda of the 13th January 2010 in order to allow the applicant to make a further submission to demonstrate that the recommended reasons for refusal could be overcome. That information has been received.

It does not demonstrate that there is a mechanism to allow this scheme, in this specific location to gain consent without having a prejudicial impact on the i360 scheme.

This report has been amended as follows:

- Additional letters of representation have been received and the report has been updated to reflect the receipt of the representations.
- The reason for refusal which related to operation of the wheel beyond 9pm has been withdrawn. The applicant has indicated that should a permission be forthcoming they would be prepared to accept a condition restricting the hours of operation to 9pm.

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 impact of the proposed development, notably the construction and dismantling phases, upon authorised development which has been lawfully commenced and is being progressed on an adjacent and overlapping site is a material consideration when determining planning applications. The proposed development would have a prejudicial impact upon the construction of an observation tower adjacent to and

overlapping the application site in respect of compliance with planning conditions and the meeting of Section 106 of the Town and Country Planning Act 1990 (as amended) obligations.

Informative:

1. This decision is based on the Planning Statement (Btn'O'/01); Design and access statement (Btn'O'/02); Statement of Community Involvement (Btn'O'/04); Verified Views (Btn'O'/06); Tall Buildings Statement (Btn'O'/07); Heritage Statement (Btn'O'/08); Transport Statement (Btn'O'/09); Flood Risk Assessment (Btn'O'/010); Measurement of Existing Noise Levels & Assessment of New Plant Machinery Noise (Btn'O'/11); Operational Statement (Btn'O'/12); Sustainability Checklist (Btn'O'/13); Lighting Design Strategy (Btn'O'/14); Biodiversity Indicators (Checklist) (Btn'O'/15); Site Waste Management Statement (Btn'O'/16); and drawing nos. TA429/02 Revision A., TA429/05 Revision E., TA429/08 Revision A., TA429/09, TA429/10, TA429/12 Revision A., TA429/13 and TA429/15 Revision A submitted on 5 October 2009; the Design, Construction Method and Waste Management Statement (Btn'O'/05) submitted on 13 October 2009; the Construction Plan and drawing nos. 12798/01/S1, 12798/01/S2, 12798/01/S3, 12798/01/S4 and 12798/01/S5 submitted on 10 November 2009; Figure 2: Site Compound and Sewer Diversion; View from West Pier; and drawing no. TA429/16 Revision A. submitted on 17 November 2009; and Shadow Cast Study – 21 June (longest day); Shadow Cast Study – 21 March (equinox); and Shadow Cast Study – 22 December (shortest day), submitted on 20 November 2009.

2 THE SITE

The application relates to an area of land on the Lower Esplanade, the east side of West Pier, and formerly part of an outdoor paddling pool, which has been filled in and now used in the main as informal recreation space with occasional organised activities, such as football, and opportunist skateboarders, BMX riders and roller blade users.

The site is located within the Regency Square Conservation Area and near to the root end of the former West Pier, a Grade I Listed structure.

The proposed development is directly in front of the Hotel Metropole, occupying the depth of the Lower Esplanade between the arches and the beach. The plot measures 30m at its widest, and 60m in length to the edge of the wheel itself, and covering an area just under 0.14 hectares.

3 RELEVANT HISTORY

BH2008/03967: Application for variation of condition 1 of application BH2005/05727 to read: 'The street market hereby approved shall only take place on that part of the beach shown on the approved drawings on Saturdays, Sundays and Bank Holidays (except for Christmas Day) between 1 March and 31 December and on weekdays (Mondays to Fridays inclusive)

between 1 May and 30 September. The use shall cease on 31 December 2010, or at the start of i360 construction (whichever is sooner), after which the land shall be restored and shall return to its former use.’ – approved on 27 February 2009.

BH2006/02372 [i360]: Demolition of part of the ‘root end’ of the Brighton West Pier and removal and demolition of the ‘sea wreckage’ and all associated structures. Works of alteration to arches 62-73 King’s Road, removal and relocation of two listed lamp standards and alteration and partial removal of listed seafront railings adjacent to site. To accompany full planning application BH2006/02369. Additional information submitted including Revised Listed Building Consent drawings (amended description) – approved on 24 October 2006.

BH2006/02369 [i360]: Partial demolition of the existing pier structure and construction of an observation spire (approximately 183 metres in height above ordnance datum) and heritage centre (use class D2) with ancillary retail uses at lower promenade level and all works incidental to the development of the site including relocation of two lamp standards and works of alteration to arches 62-73 King’s Road – approved on 25 October 2006.

BH2005/05727: Confirmed use of area around pier on lower esplanade for street market. Amendments to previous conditions relating to days and hours of trading and number of stalls – approved on 2 December 2005.

BH2004/01552/FP: Renewal of planning permission BH2001/02531/FP for a street market at West Pier, to allow operation to continue until 31st December 2005 – approved on 7 July 2004.

BH2001/02531/FP: Renewal of planning permission BH2000/02026/FP (for a street market at West Pier) for two years (2001 to 2003 inclusive) and to allow markets on Saturdays, Sundays and Bank Holidays (except Christmas Day) between 1st March and 31st December and on weekdays (Monday to Friday inclusive) between 1st July and 31st August – approved on 17 January 2002.

4 THE APPLICATION

The application seeks temporary planning permission for a period of two years, for a spokeless observation wheel 60m in height and orientated along the east-west axis on the Lower Esplanade.

Materials used in the construction of the wheel include: glass, stainless steel, aluminium and polycarbonate.

The wheel would have 32 rotating gondolas or ‘pods’. Each pod would accommodate a maximum of 8 people. The applicant intends to operate the wheel 7 days a week from 10.00am in the morning until midnight.

The proposed observation wheel would be 60m in height above the lower esplanade. This includes the height of the base plinth.

According to the Heritage Statement submitted, the purpose of the attraction is to provide extensive views of the physical and historical characteristics of the conservation area, the wider city and longer views.

5 CONSULTATIONS

External:

Neighbours: One-hundred and one (101) representations have been received objecting to the application for the reasons summarised below. The objectors' addresses are contained in Appendix A.

Visual impact

- Too big for the area.
- Not in keeping with character of the area, promenade and historic seafront.
- Beach is not a circus.
- Beach is not a funfair or fairground.
- Horrible sight to bear.
- Not in keeping with nearby listed buildings.
- Will ruin the line of the Regency sea front.
- Will not preserve or enhance the conservation area.
- Materials and finishes not sympathetic.
- Effect on views.
- Imposing.
- Will destroy the landscape.
- Will spoil overall panorama of the seafront.
- Ugly.
- Despite being spokeless, the Brighton O will have a greater visual impact than the i360, which is slender and set back from the beach.
- Does not blend in with architecture of Metropole or Grand hotels.
- It would be better situated near the Marina.
- Calls to mind the aesthetics of an anal sphincter.
- The wheel would look better with spokes.
- The wheel should be aligned along the north-south axis.
- Better than the i360.
- Green architecture would be more suited to the city.
- Lovely idea, but the wrong place.
- Better sited near Marina, Palace Pier or Madeira Drive.
- Details of soft landscaping.
- Will be an eyesore on Brighton seafront.
- Badly affect view from King's Road.
- Would the council wish to be responsible for destroying a famous seafront.
- Plans for soft landscaping unclear.
- Would be better located in Madeira Drive or next to the Peace Statue.

Economy/Tourism

- The wheel will overshadow businesses.
- Will damage the image of the city.
- Threatens ambience of area.
- Conflicts with Mediterranean plage character.

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- Too small to allow riders so see sufficiently far.

Amenity

- Insufficient facilities to cope with additional visitors, e.g. public toilets, showers, for tourists.
- No toilets provided for staff or visitors.
- Overshadowing.
- Overlooking.
- No evidence provided to demonstrate structure will cause minimal shadowing.
- Inadequate shadow cast study.
- Loss of privacy.
- Increased noise.
- Increased disturbance.
- Light pollution.
- Impractical.
- Insufficient noise data.
- Missing details of motor and drive.
- Machine noise is dismissed in the consultant's report, which is hardly credible.
- Will intrude into hotel residents' windows.
- Inadequate provision for staff facilities.
- Parking and shadowing assessments inadequate.

Transport

- Will hamper pedestrian movement.
- Unclear as to access for wheelchair bound customers.
- Crowds will block promenade.
- The narrow passage points and large crowds will be difficult to navigate for those using wheelchairs.
- Queuing area not large enough.
- Inadequate details of cycle parking.
- Insufficient amount of cycle parking.
- Obstruction of, and limited access to, the area used by sailing club members.
- Will impede movement and access for delivery and emergency vehicles both during construction and subsequent operation.
- Queues for the development will impede the movements of sailing club members and their boats and equipment.
- Increased use of already congested area.
- There are other areas away from the city centre where a new attraction would draw visitors away from congested areas.
- Extra traffic.
- The plans do not show full details of the previously approved relocation of the promenade walkway onto the beach to accommodate the construction compound of the i360.

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- Contravenes policy SR18 by restricting pedestrian access and undermining the importance of the beach and seafront as open space.
- Contravenes policy SU7 of the local plan.
- Adverse impact on the area, particularly for children.
- People will not be able to stroll along the promenade, which they have done for over a hundred years.
- Inaccurate trip generation statistics based on i360.
- The proposed operating hours overlap with vehicular access hours to the seafront, making the area less safe for pedestrians.
- Inadequate assessment of car park facilities.
- Seafront road dug up every year.
- Congestion of lorries and construction of i360 and Brighton O carrying on simultaneously.
- Nowhere on coast road for cars and coaches to drop off visitors of the Brighton O.
- Pedestrian safety and flow.
- Queuing facilities unclear.
- Inadequate emergency provisions.
- Cycle parking not shown.

Miscellaneous

- Discrepancies between the plans and written statements.
- Will compromise the ongoing operations of the Brighton Sailing Club.
- Serious effect on organisation of sailing club.
- Brighton Sailing Club provides enjoyment and healthy exercise for 400 local people.
- Increased use of beach as a toilet.
- Brighton Sailing Club and Brighton Explorers' Club will not be able to access kayaks and life saving equipment.
- The Brighton Sailing Club will have difficulty manoeuvring boats around the big crowds attracted by the observation wheel.
- Access to the boat storage area incorporated within the observation wheel enclosure would be problematic with large numbers of pedestrians.
- Pedestrians would have increased difficulty using the lower esplanade and avoiding delivery vehicles.
- If approved for 2 years the developers will be back after one year applying for an extension.
- Risk of commercial failure and abandoned structure.
- Waste of money.
- Construction plan submitted states 25 days for construction as opposed to 15 days as initially proposed.
- Visitors to this fair city would not ride on it.
- Application conflicts with the council's corporate plans "to continue providing excellent services that are accessible and sustainable".
- The development will increase the city's carbon footprint.
- Designed for visitors, not for residents who will be stuck with the

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environmental consequences or rising sea levels.

- The project has not been thought through.
- The council should not be giving consideration to this scheme as the i360 is to be situated so nearby.
- This is not another observation point, but a ruse to turn the whole of the seafront into a fairground regardless of how it affects the residents of the area and their enjoyment of the environment they have paid to live in.
- The proposed boat storage area for Brighton Sailing Club is not large enough (20m x 8m). This is 95 square metres smaller than the temporary storage area agreed between BSC and the i360.
- Will occupy most of the roundel used by the BSC for drying sails.
- Will hamper use of basketball and volleyball courts.
- Discrepancies with visitor numbers and opening times.
- Arches may not be able to withstand the weight from any operations on the upper promenade.
- Location of ticket booth in the arches.
- Insufficient details of erection, maintenance and dismantling.
- Insufficient details of gondola rescue strategy.
- Contradictions between operating hours.
- Contradictions between noise predictions.
- Applying for temporary consent disguises the developer's ulterior intent for the big wheel to be permanent.
- No need to two tall observation structures.
- The money could go to a better use.
- The city has enough tourist attractions.
- Health and safety risks.
- There is scarcely a more inappropriate site for the development, which would damage existing recreational facilities.
- Nick Cave is understood to be considering an environmental project on the West Pier site.
- Poor man's London Eye.
- Will become a centre for revellers screaming and vomiting in the evening.
- Will there be 31 or 32 gondolas?
- The development would not be a significant boost to the economy. Variations in the weather have a greater impact on the number of visitors to the city.
- No benefit to local residents or to the seafront. The development would be beneficial only to money spinning commercialism.
- Will the wheel be blown over in a gale?
- Not workable.
- Poor standard of application.
- Will the wheel go to land fill after being removed.
- People may be more inclined to fall over the barrier onto the Lower Esplanade, if watching the wheel from the Upper Esplanade.
- Sand getting into mechanism.
- Corruption.

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- Will hamper access to Brighton Explorers' Club storage facility (Arch 108).
- The wheel is not round and cannot turn.
- Might look and sound like a chainsaw.
- Vital information has been withheld from the public and the council.
- A small minority pushing projects like these and they stand to make a lot of money from them.
- The wheel is likely to become permanent.
- Consents other than planning should be sought, for example Licensing.
- The Health and Safety Executive should have been consulted – there is concern whether the wheel would be safe in high winds.
- The funfair on The Level is licensed only to operate over a bank holiday weekend, as is the Circus on Hove Lawns, whereas the Brighton O seeks consent for two years.
- Would give the city a cheap and not so cheerful image.
- Lack of definition of conditions causing cessation of operation.

Ninety-six (96) representations have been received in support of the application for the reasons summarised below. The supporters' addresses are contained in Appendix B.

- More visitors.
- Increase tourism.
- Regeneration.
- Similar developments have had a positive impact on other parts of the UK.
- Revive seafront.
- It is not of voluminous proportions.
- Will look great from Regency Square.
- Modern touch to slightly dated seafront.
- Great example of new and old structures together.
- New landmark.
- Seriously engineered.
- Only spokeless wheel in Britain.
- The materials used should be of the highest quality.
- Compliment restoration of bandstand.
- Need for an extra attraction.
- In keeping with lively seaside town.
- Help with Brighton's image as a proper city rather than a large town.
- Asset to the city.
- This part of the seafront is flat and dull.
- Increase diversity.
- Economy.
- Help recovery from recession.
- With the continuing delay of the i360 this will be essential for the prosperity of the city.
- Employment opportunities.
- Will generate income for the city.

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- Benefit to businesses.
- Metropole Hotel should benefit too.
- Positive impact on leisure community.
- Cannot wait to have a go.
- Attractive.
- Will provide gorgeous views.
- See the city from a different perspective.
- NIMBY objectors should see the city wide picture.
- A 60m observation wheel in Derby is popular and has enhanced the city centre.
- Can be enjoyed by all ages.
- All year round attraction.
- Too many projects have been abandoned.
- Innovative project – should not be blocked.
- Mood and colour changing lighting.
- Good public relations.
- Enhance visitor experience.
- The wheel is only temporary.
- When the i360 is ready, the wheel could be relocated.
- People will see the South Downs too.
- This part of the seafront has much to offer, including art galleries and a fishing museum.
- The council should not take seriously the objection from the Metropole with regards to the wheel blocking sea view hotel rooms.
- Opportunity to test infrastructure prior to completion of i360.
- i360 may not go ahead.
- If refused, seafront may not benefit from either the 'O' or the 'Eye'.

Brighton Sailing Club: Objection.

- Absence of full details of relocated promenade walkway and extent of i360 compound.
- Proposed boat storage area is too small.
- The layout of the boat store is inoperable, not suited to all craft (e.g. catamarans), insufficient turning area and height clearance.
- Contrary to local plan policy SR18. Restricting pedestrian movement and compromising the beach and seafront as open space.
- Discrepancies in the figures provided for visitor numbers, the timing of their arrival and use of the attraction.
- Insufficient explanation and representation of the queuing arrangement and how overspill queuing will be managed.
- Insufficient explanation of customer facilities and the location of ticket sales kiosks.
- Too few cycle parking spaces.
- Arches beneath the upper esplanade may not be able to withstand the weight of extra people and cyclists.
- Harmful impact on residential amenity.

- No customer toilets.
- Occupies part of the sailing club's roundel, which is used for drying sails.
- The erection, maintenance and dismantling methodology is not sufficiently detailed. Conditions relating to the i360 preclude the use of the upper esplanade over the arches for heavy plant and cranes.
- Inadequate operational statement, especially fire risk, evacuation and emergency arrangements.
- Neither preserves nor enhances the conservation area.
- Contrary to Regional Planning Policy – The South East Plan 2009, policy TSR4, which states developments should be complimentary to existing attractions and not displace existing activities.
- The subway from Regency Square car park cannot be put to use.
- The development will restrict public access to the coast.
- The submission contains contradictory information regarding opening hours and noise predictions.
- The number of people congregating around the proposed wheel will impact on the use of adjacent cafes, the arches and the use of the basketball and volleyball courts, which could become unusable.
- While the Brighton Sailing Club is included in the Statement of Community Involvement, the extent of consultations held with the developer was one brief meeting in which very rough sketches were produced and no details recorded of the agreements between the Brighton Sailing Club with the project team for the i360.
- The activities of Brighton Sailing Club have proceeded relatively unhindered for over 70 years in this location. The club forms an integral part of seafront life and its outlook.

Hilton Brighton Metropole: Objection.

- The siting of the observation wheel in front of the hotel will create severe issues for rooms with a Sea View. These are premium rooms and command premium rates due to their unobstructed view of the sea.
- Guest satisfaction and revenue levels will be compromised.
- The observation wheel threatens the privacy of guests.
- Lengthy hours of operation from 10am until midnight will have serious implications on the experience of hotel guests in the sea facing rooms, who will suffer noise, disturbance and overlooking.
- There are also some private residential apartments on the seventh floor of the building that would be affected.
- The scale and height of the proposed wheel is such that views from all front facing rooms will be altered.
- Detrimental impact on strategic views, particularly from the hotel: a central landmark site.
- Contrary to the pattern of existing development, the wheel would produce a tall and large scale structure at Esplanade level, whereas existing tall buildings presently finish along the top of King's Road.
- The wheel will detract from the presence and importance of key facades on the Brighton seafront, including the Metropole and the Grand.

- The wheel will introduce an element of activity and human presence at a high level in front of the Metropole. This is not experienced currently.
- Harm to guests' amenity and privacy – will enable high level views looking downwards into the hotel's rooms and conferencing facilities.
- Absence of satisfactory noise assessment data, such as motor/gearbox noise.
- Ambiguity as to provision of PA system.
- Noise impact.
- No technical details of how gondolas will be illuminated.
- Ambiguity as to hours of operation.
- Adverse impact on hotel business, half of which comes from events, meetings and conferences.
- Harmful to the continued prosperity of the hotel.
- Harmful to the image of Brighton.
- Concern that the applicants intend for the observation wheel to be a permanent feature, notwithstanding the temporary consent being applied for.

West Pier Trust: Objection.

- The location of the Brighton O scheme directly adjacent to the site of the Brighton i360 proposal carries every potential to prejudice the successful delivery of the i360 scheme.
- The Trust is deeply uncomfortable at a time when delicate and continuing funding discussions for the i360 scheme are under way.
- It is extremely unhelpful for the regeneration potential presented by the i360 scheme to be placed at risk by the promotion of a speculative and inappropriate competing scheme directly adjacent to the site of the i360 proposal.
- In contrast to the Brighton O scheme, the i360 will deliver long term benefits to the area including the reinstatement of key listed features from the West Pier, such as the original Victorian toll booth.
- The Trust believes that, given its location adjacent to the West Pier, the Brighton O scheme will inevitably and unavoidably affect the setting of a Grade I Listed structure both materially and detrimentally.

Marks Barfield Architects (Brighton i360): Objection.

- The applicant should have to carry out an Environmental Impact Assessment.
- The design and access statement submitted is flawed.
- More detail is required of the gondola glazing to be used, and the materials of the canopy area.
- The application does not sufficiently consider alternative locations for the scheme or give any justification as to why other sites are not suitable. While not against the scheme in principle, a strong objection is raised to the proposed location of the Brighton O so close to the i360. The proposed location places at risk the delivery of the i360 development and its corresponding regeneration benefits.

- The red line boundary of the application overlaps with the boundary of the i360 application site as well as with the Council's landscaping scheme, which is currently being progressed. The delivery of the Brighton O scheme at its proposed location would prevent the implementation of the landscaping scheme, which includes the reinstatement of an original and historic octagonal kiosk from the Grade 1 Listed West Pier.
- The planning application documentation provided to date does not make any mention of Section 106 planning obligations. The i360 scheme delivered a detailed Section 106 Agreement in order to secure practical environmental and community benefits.
- Imposition of a condition to regulate the temporary nature of the Brighton O scheme is inadequate. Such a restriction should be secured by way of a Section 106 planning obligation.
- The Section 106 Agreement should not restrict the rights of third parties to enforce the terms of the Agreement.

saveHove: Objection.

- Economic impact.
- Impact on hotel facades.
- Inconsistencies.
- Favouring Brighton O over the i360.
- Transport plan.
- Not in keeping with sports uses on lower esplanade.
- Impact on amenity.

Visit Brighton: No objection.

New attractions and ideas are welcomed and the application has merit in terms of bringing a new and different attraction to the city. The location is ideal for visitors and the development would also compliment the i360 attraction when built. However, the location may well raise objections from existing businesses along the seafront, which would need careful consideration.

CAG: No objection.

The group expressed mixed views in relation to this application. The Regency Society raised no objections subject to conditioning to restrict the amount of late night noise and lighting. The Montpelier and Clifton Hill Association felt it would have an adverse impact on the view from the Clifton Hill area. Some members felt it could create overcrowding and could spoil the opening up of the bottom level [of the promenade] with sporting facilities, the bandstand &c. and have a detrimental impact on walkers at both the bottom level and on the promenade. Other members thought the development could positively benefit the seafront. Concern was expressed that it could create a precedent for other tall buildings on the seafront. Concern was also expressed that it might prejudice the development of the i360 tower.

In conclusion, no objection was raised on the understanding that the proposal is of a temporary nature, not permanent, and that it would not prejudice the

Brighton i360 tower development.

English Heritage: No objection to a temporary permission.

English Heritage considers that the proposed observation wheel on the Lower Esplanade adjacent to the former West Pier would not significantly harm the setting of the Grade I Listed pier or the numerous other listed buildings in the vicinity of the application site. The wheel would add vitality to the seafront in a way that draws on Brighton's strong tradition of recreational seaside activities and its innovative spokeless design is of a sufficiently high calibre to preserve the significance of its setting and the conservation area. No objection is raised to a temporary permission being granted for the wheel, but further justification and a revised visual impact assessment should be expected if any future application is proposed for retention of the wheel alongside the completed i360 observation tower.

Sussex Police: No objection.

The applicant has considered the required crime prevention measures in the design and layout of the structure. A combination of a 2.8m high perimeter fence with a CCTV system and 24 hour security guards will create a safe and secure environment. Sussex Police Planning and Events unit have been advised and may wish to liaise with the applicant on the day to day operational matters and management practices.

Environment Agency: No objection.

The submitted Flood Risk Assessment is a reasonable representation of the risks at this location. The conclusions identify that emergency procedures and evacuation routes will be made available to management and staff and that at times of high risk (storm events and high tides) the Brighton 'O' will not operate.

Health and Safety Executive: No comments.

Internal:

Planning Policy: No objection.

The key policy is SR18 – Seafront Recreation – together with amenity considerations relating to the management of the impact of the use of the Brighton O – including late night noise; refuse collection and disposal; the safe management of queues, especially at peak times when the seafront is very busy; transport to and from the site including provision for late evening use and lighting. Policy SR18 encourages new facilities on the seafront provided there is no impact on the beach itself, or undermining of the open space, for example the free flow of pedestrians being maintained along the lower esplanade along the seafront. Key is sub-clause e) regarding the impact, and f) the transport impacts. The development must be accessible to all, including those with disabilities and mobility difficulties. Around the application site there is good wheelchair access along this part of the lower promenade.

Policy TR1 applies in relation to transport demand generated, especially at night.

Policy SU7 also applies. The site lies in the tidal flood risk zone south of the A259, but in terms of vulnerability to flood, it is assumed that this is not a vulnerable development in terms of PPS25 (Planning and flood risk) and that in storm conditions, especially at night, it [the big wheel] would not operate and/or it would not be occupied by security staff without means of flood warning and escape and this should be confirmed by the applicant.

Policy SR14 applies in relation to recycling and refuse provision.

Core Strategy Policies

Core Strategy SA1 (including policy for the central seafront) supports such developments and CP10 (Managing flood risk), is a consideration in relation to tidal flooding.

Design & Conservation : No objection.

The Design & Conservation team advises the application could not be supported if it were for a permanent feature. However, other considerations may provide justification for the approval of the Brighton O for the temporary period proposed.

The site

The site for the proposed wheel is a prominent position on the Brighton seafront within the Regency Square Conservation Area and close to listed buildings along King's Road, the lower Esplanade and in Regency Square. Any development on the south side of the Kingsway is readily visible due to the relatively undeveloped, open nature of the esplanade and beach, and a development of significant height, such as that proposed, would be visible from far distant points along the Brighton & Hove seafront.

This site is immediately adjacent to an overlaps with the site of the proposed i360 observation tower, the permissions for which have been commenced.

The development proposal

The proposal is for a wheel carrying 31 observation cars (as shown on the drawings, written statements say 32), a partially covered queuing area on the lower esplanade behind 3m high fencing, and a dinghy park below the western part of the wheel. Ticket sales are indicated on plan TA429/11D as sited underneath the existing access ramp, however no details or elevations of this are included in the application. Details of the materials for the roof over the queuing area are also required.

The general lack of technical detail included on the submitted plans makes it difficult to fully assess the likely impact of the structure; the planning application drawings and the images included in the verified views indicate a solid structure to the wheel, whereas other images included in the supporting

documents show a more open framework structure. The latter is visually permeable and would have less impact than the solid structure indicated on the plans.

Impact on views and historic environment

The Regency Square Conservation Area Character Statement refers to the location as follows:-

“In contrast to the grand streets and squares [of the conservation area] there are a few intimate spaces...the greatest contrast however, is the seafront, which offers views eastwards to the Palace Pier and westwards as far as Worthing. King’s Road is fronted by the wide pedestrian Esplanade overlooking a series of recreational spaces at a lower level, which in turn form the margin of the beach.”

The essence of this character is its openness and modestly scaled landmarks, with which the proposal would contrast significantly.

The impact that the wheel would have on its setting and backdrop varies depending on the angle it is viewed from. The wheel will affect strategic views identified in QD4; at even oblique angles it is considered that the impact on distant views into the conservation area and along the seafront will be significant. It will also have a negative impact on the roofline of Grade II* Regency Square properties as demonstrated in verified view 1.

From positions along the whole of King’s Road, it is considered that the wheel will be dominant in views, and close up it will be imposing. Views out to sea from the immediate vicinity would be completely transformed by the presence of the wheel. It is considered that the open views from and into this part of the seafront would be dramatically altered by the presence of the wheel due to its overall size and therefore the established character of the conservation area would be altered by the proposal.

Lower Esplanade

The materials proposed for the queuing enclosure and dinghy park are not considered acceptable; the untreated timber panels are not typical of materials generally used in the vicinity and could appear low budget, they would be a prominent feature on the lower prom.

It is noted that the proposed dinghy park would not be useable as shown on the plans as there would be insufficient clearance space between the tops of the masts and the observation cars when the catamarans were being manoeuvred into their spaces.

Tall Building Justification

This site is not identified in the Tall Buildings SPG as being within a corridor or node suitable for the location of tall buildings, therefore strong arguments would be required to justify the development contrary to this policy and it is

not considered that the submission sufficiently demonstrates that this landmark would be appropriate to the Regency Square Conservation Area or make a positive contribution to its character.

The positioning and design of this proposal does not benefit from the same historic and architectural justifications that supported the i360 development.

It is considered that the joint impact of the i360 and the Brighton O would be totally unacceptable.

Conclusion

For these reasons it is not considered that this application could be supported if it were for a permanent feature, however, other considerations may provide justification for the approval of the Brighton O for a temporary period.

Sustainable Transport: No objection.

Subject to conditions and a financial contribution the Sustainable Transport Manager raises no objection.

Site access

Under no circumstances would it be acceptable to allow vehicular traffic associated with the construction of the Ferris Wheel to use the existing footpath and delivery route along the sea front [lower esplanade] because of the safety implications associated with mixing the high volume of pedestrian traffic with the delivery and contractor traffic. It should be noted that the route indicated on the plan is in fact over private land and does not form any part of the public highway. It is unlikely that the Councils Sea Front Management Team would give permission to use the footpath. This is the consistent position taken by them when dealing with the developers of the i360.

Hence the council has required the i360 to provide a segregated delivery/contractor route located on the beach – well away from the pedestrian footpath for public safety reasons.

General parking

No vehicular parking is proposed. The applicants have failed to demonstrate that all the parking demand which may arise can be accommodated locally. It would therefore be appropriate for a condition to be attached to any consent requiring that the applicants encourage the use of sustainable modes to access the facility.

Disabled parking

No provision is proposed. The availability of disabled parking in local car parks has not been assessed. However, a condition could also be imposed to require dispensation for disabled parking near to the attraction, in liaison with the Seafront Office.

Cycle parking

The application proposes to provide 20 cycle parking spaces on the highway at a location to be agreed, and also to provide other spaces which they will rent. The normal requirement is that developers provide such facilities within the application site but on this occasion the proposals are acceptable as they would create permanent new cycle parking provision. The applicants should be required to agree the nature and location of provision with officers and fund the provision of the spaces.

Sustainable modes

Access by foot and bike is good but bus provision is poor for a central area. The subsidising of a bus service would be inappropriate to the scale of development, but there is no reason to doubt that a bus company would not consider it financially viable to operate a bus mainly for this use, as with the i360.

Contributions

Applying the standard contributions formula to the development using the number of trips estimated by the applicants suggests a contribution of £96,900. This is inappropriate as the application is for a temporary use only. However, the proposal will generate extra trips and there are deficiencies in local provision for sustainable modes- in particular improvements to cycle routes on the seafront and in the Old Town are proposed- so some contribution seems appropriate. A sum of £25,000 is suggested. This should be additional to the cycle parking provision described above and should be reviewed if the life of the development is extended.

Other points

The applicants should be required by condition to submit for approval a detailed structural design and a construction and environmental management plan. The structure will be partly on the highway so a licence will be required. The boat storage area door should be altered so that it opens inwards rather than outwards into the pedestrian route. A condition should be attached preventing simultaneous use of this facility and the i360 – if this was to happen, several aspects of the application would need to be reconsidered.

Environmental Health: No objection subject to conditions.

Environmental Health is satisfied that the proposed temporary structure may be assembled and disassembled in 15 days. The noise sources are principally the motor/gearbox area and the 32 separate pods containing individual air conditioning systems. The Acoustic report submitted is based on the wheel operating until 21:00 hours daily, but the operational statement and application forms state midnight. The applicant has offered to take further measurements to demonstrate that noise criteria can be achieved after 9pm. Environmental Health also raise concerns that more noise monitoring positions should be taken up, over and above the statue site at the front of Regency Square. These could include Queensbury Mews and the flats over the Metropole hotel – which will require protection, and whereby background

noise will be significantly different to readings taken at ground level at the hotel façade. The rationale behind this is that the traffic noise will have been effectively screened out and it would be a more realistic measurement for residents above the hotel and indeed hotel residents.

A plan showing the exact location and rationale for the methodology of why the position was chosen for the acoustic report and what formed the predominant noise sources would be required to ensure the document is technically robust. Additional information as to the noise emitted from the pod air conditioning units and the tonal characteristics of the units is required to warrant their selection as being appropriate. The design and access statement states the motor/gearbox would be silent but the plant and machinery to be used is not yet known.

The applicant needs to demonstrate that they are able to comply with the requirement of 5dB(A) below background and include any tonality assessment.

Further noise readings are required after 9pm. The implication of another 3 hours operation until midnight is that the background noise level may drop from that already measured, yet the noise made by the various components of the wheel would remain and may cause or constitute annoyance.

Given that this is a temporary consent, the applicant would be required to renew the permission after a certain period of time. This would provide a suitable platform to identify historic or retrospective complaints.

A condition to restrict the hours of operation for the Brighton O until 9pm daily is recommended, along with a suitable condition for fixed plant and machinery. This would allow the scheme to continue but with the applicant being advised that they could apply to vary the condition. There is an expectation that to extend beyond 21:00 hours, there would be a requirement to submit noise data to demonstrate that the extension would not materially affect the background readings and make complaints likely.

6 PLANNING POLICIES

The South East Plan: Regional Spatial Strategy for the South East of England

- BE6: Management of the historic environment
- TSR1: Coastal resorts
- TSR4: Tourism attractions
- TSR6: Visitor management

Brighton & Hove Local Plan

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel plans
- TR7 Safe development
- TR8 Pedestrian routes

TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
TR20	Coach parking
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
SU7	Development within the coastal zone
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD20	Urban open space
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
SR18	Seafront recreation
SR20	Protection of public and private outdoor recreation space
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE5	West Pier
HE6	Development within or affecting the setting of conservation areas

Emerging LDF Core Strategy:

SA1 The Seafront

7 CONSIDERATIONS

Section 38 (6) of the Planning and Compensation Act 2004 Act states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The key considerations in the determination of this application are set out below:

- the principle of a temporary consent;
- impact on the implementation of overlapping and adjacent development;
- scale, design and appearance;
- visual impact on the historic seafront and the Regency Square

Conservation Area;

- impact on the setting of listed buildings;
- transport implications including accessibility and passage along the Lower Esplanade;
- environmental factors such as noise and light;
- tourism and the economy; and
- sustainability.

Principle of a temporary consent

The application constitutes a recreational development on the seafront, and within the coastal zone of the city. As such policies SR18 and SU7 of the local plan apply, as well as policy SA1 of the emerging Core Strategy. Policies TSR1 (Coastal resorts) and TSR4 (Tourism Attractions) of the South East Plan are also relevant. Respectively they require local planning authorities to seek to diversify the economic base of the region's coastal resorts, and to give priority to improving the quality of existing attractions.

This scheme does conflict with the emerging Policy SA1 of Core Strategy, for the central seafront (Medina Terrace to Palace Pier). The policy seeks to secure ongoing improvements to the upper and lower promenade and identifies areas west of the Peace Statue as being more tranquil. It also seeks to develop a future vision and landscaping option for the lower promenade area either side of the West Pier site, to complement the i360 observation tower proposal.

In that respect this application conflicts with the emerging policy and could prejudice the delivery of the area for landscaping. As the policy is emerging it has limited weight. It does though indicate and set future aspirations and objectives. As the policy has limited weight there is no recommendation to refuse on this ground. However this circumstance does identify a serious impediment to any consideration of a permanent consent in principle.

Policy SR18 of the adopted local plan is permissive of new recreation facilities which are related to seafront and coastal activities provided that the following criteria are met:

- a. there will be no development onto the beach;
- b. the importance of the seafront and beach as an open space is not undermined;
- c. any development does not have a detrimental impact on strategic views along the coastline;
- d. the development makes a considered response in its design to the visual and environmental character of the stretch of seafront to which it relates, supported by a design statement which addresses that character;
- e. the development does not have a harmful impact on the amenity of local residents and the seafront due to noise, disturbance and light pollution;

- f. the development will not result in the significant generation of car borne journeys, nor additional pressure for car parking;
- g. the development will not have an adverse impact on the setting of important seafront buildings;
- h. the development does not have an adverse impact on nature conservation interests; and
- i. any development enables the beach and seafront to be accessible to all.

The proposed observation wheel would be wholly situated on the Lower Esplanade and no part of the development would occupy the beach. Being a tall rather than a broad structure, the wheel would occupy little space in terms of site area, certainly in the context of the entire length of seafront between the Marina and Hove Lagoon, and as such it is not considered the development would undermine the functioning of the seafront or the beach as an open space. The design and appearance of the proposed observation wheel, along with the impact on the Regency Square Conservation Area and strategic views (criteria c. and d.) are discussed later in the report under the Design and Appearance sub-section. Likewise, the impact on amenity (criteria e.) is described in the sub-section entitled Amenity, and accessibility implications and transport issues are assessed in the Transport sub-section of the report.

The character of the seafront varies in its intensity of activity with both lively and tranquil stretches, which contribute to its broad appeal to residents and visitors alike. The length of seafront between the former West Pier and the Palace Pier is certainly one of the more lively areas and one of the sections of city's coastline most popular with visitors – being with easy walking distance of the city centre.

Policy SU7 of the local plan seeks to ensure that development within the coastal zone takes account of the particular conditions experienced there, through the layout, design, landscaping and material proposed, for example; incorporates flood protection and mitigation measures where appropriate; respects or enhances the appearance and character of the seafront environment; does not adversely affect existing sea views; and does not reduce public access to the coast. One of the main objectives of policy SU7 is to minimise the risk to buildings and human health, upon which flooding can have a major impact.

The application site is located in Flood Zone 1 as published by the Environmental Agency. The site is included in the City Council's Strategic Flood Risk Assessment and the Shoreline Management Plan entitled Brighton Marina to River Adur Tidal and Coastal Defence Strategy Plan 2003. Owing to the nature of the use, and primarily its not being residential, the development is exempt from the sequential provisions set out in PPS25: Development and flood risk.

The Flood Risk Assessment accompanying the application states the observation wheel would be placed on the existing ground level of the Lower Esplanade, which is 6.5m above Ordnance Datum. The structure itself would be supported on a plinth at the base, 800mm thick. The development is at low risk of fluvial or pluvial flooding due to its location away from water courses and impact on existing volumes of storm water run-off.

The greatest risk is posed by the beachfront location and the development would be most at risk of flooding through waves overtopping the beach and windborne sea spray. Flooding from overtopping waves has been known to cause damage to businesses housed in the arches under King's Road. However, being a Flood Zone 1 area, the risk of flooding due to the sea is 1 in a 1000 annual probability and in consideration of the temporary operation of the observation wheel for a two year period, or less, the development would be at low risk of flooding.

The existing sea defence strategy outlined in the Shoreline Management Plan (Brighton Marina to River Adur Tidal and Coastal Defence Strategy Plan 2003) will also provide adequate protection for 150 years (from 2003), greatly in excess of the temporary period the observation wheel would be in situ.

The Flood Risk Assessment submitted with the application also states the observation wheel would not operate at times when risk of sea flooding would be greatest and that management and staff will be trained in evacuation and linked to the Environment Agency's Floodline Warnings Direct service – which warns of potential flood events. The design of the scheme would be such as to render the wheel resilient to flood damage, for example electrical sockets would be installed at a high level.

The applicant cites PPS4 and PPS6 of being relevant, in terms of the impact innovative leisure developments can enhance town centres and provide tourism and economic benefits. The Planning Statement submitted suggests the observation wheel could employ up to 30 staff, including six to operate it. It is recognised that the development would create a small number of employment opportunities, but not to a significant degree.

The application site is also located along a designated Greenway and therefore needs to be assessed in the context of policy QD19. The key objectives of policy QD19 are to ensure that development does not hinder sections of Greenway, which are designated to connect people to facilities in and around the city and countryside along routes, which are largely car-free and off-road. The siting of the proposed observation wheel would obstruct the lower esplanade, leaving minimum pathways to the north and south sides and between the i360 compound. On a temporary basis this would not conflict with policy QD19, but in the event the observation wheel became a permanent structure, it would prejudice the delivery of the Greenway along the lower esplanade. Should the observation wheel and the i360 ever be in situ at the same time, in close proximity the attractions would prevent the

objectives of policy QD19 being met.

The seafront provides an important opportunity for promotion and enhancement of both formal and informal recreation and the temporary stationing of the observation wheel as proposed is considered acceptable in principle. The applicant has also demonstrated by way of a Flood Risk Assessment that the development would be a low risk of flooding and would not have a significant impact in terms of materially worsening existing flood risk. Accordingly, in these respects, the proposal is considered acceptable in the context of policies SR18 and SU7 of the local plan.

However, whilst a temporary consent may be acceptable it is clear that a permanent structure in the location proposed would be in conflict with the delivery of both current adopted local plan policy (QD19) and emerging Core Strategy policy (SA1).

Impact on the implementation of overlapping and adjacent development

In October 2006 permission was granted for a 183m high observation tower known as i360 (**refs. BH2006/02369 and BH2006/02372**) at the root end of the former West Pier, a Grade I Listed structure. Fifty two (56) conditions were attached to the planning application and eight (8) to the listed building consent application. The current position with respect to these applications is as follows:

- the LPA have taken the view that development has commenced.
- pre-commencement conditions have been discharged to the satisfaction of the LPA in so far as is reasonably possible.
- pre-commencement legal obligations under the terms of the s106 signed in association with the permission have been discharged.

Consultees and stakeholders including English Heritage, CAG, Brighton Sailing Club, West Pier Trust, Save Hove and Marks Barfield Architects on behalf of the developer of the i360 scheme have raised the issue of conflicts between the delivery of the i360 scheme and the proposed Brighton O. The question for consideration is to what extent a temporary consent in the location proposed would compromise the ability of the i360 scheme to be implemented in accordance with the approvals, conditions and obligations as already agreed and discharged by the Local Planning Authority.

The conflict referred to above is considered to be prejudicial to the effective implementation of the i360, a consented and commenced scheme, and as such is a material planning consideration in the determination of the Brighton O planning application. Consideration must be given to the weight to be attached to this conflict and part of that consideration will be to take a view on the likelihood/probability of the i360 scheme proceeding.

As noted in the bullet points above the i360 scheme has commenced and in that respect together with all of the activity to discharge pre-commencement

conditions and obligations, it is considered that the likelihood/probability test is passed. On that basis significant weight should be given to the probability of the Brighton O development even if granted for a temporary period, prejudicing the delivery of the i360 scheme.

The particular areas where the i360 scheme would be prevented from meeting its conditions and obligations are set out below.

- The Construction and Environmental Management Plan (CEMP) approved with the i360 developer provides for a construction compound to the east of the root end of the pier, along with a temporary roadway running on the beach, alongside the Lower Esplanade. This conflict ties in with condition 8 - The main HGV access/egress route for Brighton O (during main erection and dismantling phase) is shown on the lower promenade. Very recent comments from Transport indicate that the lower esplanade could not be used for construction traffic and also that it is not public highway. The lower esplanade can accommodate up to 40,000 pedestrian movements in the height of the summer.
- It is also unlikely the Council's seafront office would allow this access route to be used – it is not a public right of way. The developers of Brighton O will need to enter into a S278 Agreement with Highways Authority to provide a temporary access route across the beach (as with i360). Any temporary access route across the beach will require agreement from the Environment Agency.
- Two scenarios are possible: 1) the Brighton O lays out a temporary access route which is left in situ for i360 works traffic; or 2) the Brighton O lays out a second temporary access route next to that of the i360. Both options are problematic, firstly with regards to managing two sites' of plant traffic and conflict, and secondly due to the width of the temporary roadways, possible obstructions from pier wreckage on the beach, the slope of the beach, and conflict whereby vehicles for both sites may need to cross each other.
- The plans submitted for the Brighton O show that there is an overlap between the application sites of the i360 and the Brighton O measuring some 18m. In itself this does not necessarily present a material concern but it does hint at the potentially complex set of circumstances which this causes. For instance Class A of Part 4, Schedule 2 of the GPDO suggests notwithstanding the agreed demise of the i360 compound, the full extent of the overlapping red edge could be used by the i360 for moveable structures, works, plant or machinery temporarily required in connection with and for the duration of the i360 construction. Construction/dismantling of the Brighton O could interfere with the double stacked site offices at the eastern end of the i360 compound.
- Condition 8 – Problems that would arise from both the use of the i360 temporary beach roadway or a requirement for the Brighton O to lay out its own separate roadway (in agreement with the EA). The Traffic Manager states the Brighton O will not be permitted to use the lower esplanade for construction or dismantling traffic and would be required to lay out its own

temporary access along the beach. This is essentially the same issue as that referred to above.

- Condition 11 – sewer redirection – i360 development would involve blocking access to Brighton O site due to expanded i360 compound if carried out in tandem with construction or dismantling of Brighton O.
- Condition 16 – the location for temporary storage of Brighton Sailing Club boats would need to be renegotiated as the Brighton O would partly occupy the presently agreed location. Unless the i360 developers has insufficient interest in the site to implement the development, or any part thereof, they would not be obliged to re-negotiate a location that the planning authority had already agreed.
- Condition 17 – This condition has to be implemented prior to the occupation of the i360. The Brighton O could prevent the occupation and operation the entire i360 development as it could be in place at the time the i360 developer needs to implement the landscaping (i.e. 6 months prior to occupation).
- The phasing of construction works submitted by the i360 indicates that works connected with condition 3, 8 and 16 will commence as early as May 2010. Works connected with condition 16 are due to be carried out between May and July 2010. The surfacing and landscaping required by condition 17 of the i360 permission would be carried out between March 2011 and February 2012. The proposed Brighton O erection and dismantling, dependent on the timing, would also affect the i360 meeting its legal obligations under Clause 4.9 (CEMP) of the S106 Agreement dated 16 October 2006. At each phase of construction the s106 allows for the i360 team to revisit the CEMP in order to accommodate any to their programme. Brighton O implementation and dismantling would result in an additional factor to be accommodated in the CEMP. There is not obligation for the i360 developer to re-negotiate this. The conflict would be in having to factor in Brighton O phasing with i360 phasing.
- Condition 3 – the decorating of the i360 compound hoarding within 2 weeks of its erection. A consent for the Brighton O would result in the detail of this condition and prevent the implementation of this condition. Access would be required to the Brighton O site in order to implement this condition.

Since the deferral of the application from the 13th January Planning Committee Meeting the applicant has been given an opportunity to demonstrate how the above conflicts and prejudicial interests could be overcome by using planning conditions and a S106 Agreement as mechanisms by which the observation wheel could be removed from the site prior to any conflicts with the i360 construction arising. However, the additional suggestions put forward by the applicant are not considered to be workable and do not overcome the conflicts and prejudicial matters outlined above.

In view of the above it is considered that the proposed Brighton O would represent a proposal which would have an adverse or material impact on the

delivery of the i360 scheme. It would not be acceptable to approve a neighbouring and overlapping development that would require the i360 to re-negotiate its position (assuming, that is, that the lpa could require the i360 developers to re-negotiate) in relation to compliance with conditions and meeting its Section 106 obligations. On that basis the application for a temporary consent is recommended for refusal.

Design and appearance

The principal local plan policies for assessing the visual impact and appearance of the observation wheel include HE6, QD1, QD4 and QD5, as well as policy SR18, which identifies the seafront as having outstanding landscape value featuring strategic views both along the coastline and towards the seafront from higher ground that could be spoilt by inappropriate development. Supplementary Planning Guidance note SPGBH15 sets out the requirements for tall buildings, those above 18m in height.

The application is for temporary permission lasting a maximum of 2 years or until the i360 is complete. Nevertheless, due regard should be given to the acceptability and visual impact of the two attractions being in situ (though not necessarily both in operation) simultaneously, and the cumulative visual impact.

Being situated in front of the King's Road Arches (not listed) and near to the Grade I Listed structure of the former West Pier and within the Regency Square Conservation Area, the development should be appropriate in its setting and preserve or enhance the character and appearance of the area in order to meet the requirements of policy HE6. The temporary nature of the development has been considered by Design and Conservation and English Heritage to be a mitigating factor of the development as it would not be a permanent feature on the seafront. However, the development should be of a high standard of design and detailing and respond to the layout of streets. Being a unique form of development, the observation wheel would stand out on the historic seafront and would clearly affect the townscape and roofscape but if of a sufficiently high standard of design and appearance could be supported. Policy QD1 of the local plan also seeks to ensure that proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Architectural detailing and visual interest at a street level are listed as being of particular importance.

The wheel structure will comprise a pipe lattice arrangement constructed of steel and having a light painted finish. Although the exact colour is to be confirmed it is likely to be white, and the drawings submitted indicate the same. As a free standing structure, the wheel would not be permanently attached to the seafront, although a solid base would be required to distribute the load evenly across the Lower Esplanade.

The 32 gondolas, or pods, rotating around the wheel, would mainly be constructed of glass, high-grade stainless steel, aluminium and high strength

polycarbonate. The applicant has confirmed that notwithstanding the drawings initially submitted, the wheel would have 32 gondolas, as described in the written documents.

The base of the observation wheel would accommodate a queuing system, operator and control booths and a small canopy to the north of the embarkation area – all placed on a metal plinth 800mm in height. The base would be secured by way of a rectangular enclosure comprising 3m high solid security fencing made from horizontal timber panels with a metal frame behind and projecting vertical fins, painted and cut to a wave pattern. Behind the southern perimeter fence, tall potted palm trees are proposed to soften the appearance of the base structure and secure enclosure.

The precise details, along with materials samples, are critical in making certain the development is of a high quality appearance. The design and conservation team has raised concerns over the materials and design of the enclosure around the base of the observation wheel, and particularly the use of natural timber panels – which would appear incongruous with the materials used historically in the conservation area and would appear somewhat discordant. The design and quality of materials and finishes should be of the highest standard in this location. A condition may be used to secure this objective.

Policy QD4 of the local plan is in place to ensure that strategic views, the skyline and the setting of landmark buildings are either preserved or enhanced. Views of the sea from a distance and from within the built up area, views along the seafront and coastline and views into and from within conservation areas are identified as being of strategic importance. Complimenting this policy is SPGBH15, which gives guidance on the siting of tall buildings (those exceeding 18m) with the intention of minimising the visual impact on sensitive historic environments and ensuring development seeks to enhance key strategic views.

The application is accompanied with a design and access statement, tall buildings statement and photomontages showing verified views (technically accurate photomontages) of the observation wheel.

The documents assert that the observation wheel would be close to medium rise hotels (defined as 6 to 8 storeys in SPGBH15), including the Metropole, and more recent high rise structures including Sussex Heights and Chartwell Court. These buildings would provide the backdrop for the wheel when viewed from the south, and structures of comparable height opposite the wheel when viewed from the east or west. In this respect, SPGBH15 is geared towards buildings that are significantly taller than surrounding buildings. Moreover the proposed observation wheel is less of a building and more of a unique structure – the visual impact of the observation wheel in the location proposed would be less than a building. However, the seafront vicinity south of King's Road is not identified in SPGBH15 as being suitable for taller development.

The verified views show that the proposed observation wheel would neither unduly intrude upon nor dominate views from within Regency Square, but the Design and Conservation Team raise concerns in relation to the negative visual impact of the wheel extending above the historic roofscape. When viewed from within Clarence Square the wheel would be partially visible as well as higher viewpoints such as Clifton Terrace. However, the wheel would not dominate the skyline. In consideration of both the scale of the observation wheel and the length of existing buildings along the seafront horizon, when viewed from higher parts of the city, the development would have a minimal visual impact and would appear more as small arc occasionally visible over or between the rooftops and taller buildings. The observation wheel would be more prominent sideways along King's Road, but should appear tall and narrow owing to its orientation along the east-west axis parallel with the seashore. The spokeless design of the wheel will also mitigate its bulk and the separation distance of 60m from the façade of the Metropole - between which is the King's Road dual carriageway and the Upper Esplanade – is close enough so as not to appear unduly tall in relation to seafront buildings while at the same time, due to the unique appearance of the wheel, would stand out as a landmark structure in its own right. The proposed materials and light painted finish of the wheel will also help to play down its visual presence.

In view of the above, the application accords with policies QD1, QD4, HE6 and SR18 of the local plan and policy BE6 of the South East Plan.

Amenity impact

The development has the potential to affect amenity in a number of ways, including overshadowing, loss of privacy, noise, light and movement.

In respect of these effects the proposal should be considered against policies SU9, SU10 and QD27 of the local plan. Policy SU9 covers pollution and nuisance to human health, the built environment, air quality and the necessity of avoiding negative impact over and above the existing pollution and nuisance situation. Such nuisances can include noise, light and vibration, among others. Noise can have significant effects on the environment whether it occurs continuously in the background, at regular intervals or at irregular intervals. These effects can vary depending on the pitch, tone and frequency of the noise and on where the source is located. Policy SU10 of the local plan requires new developments to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment and in this instance the applicant has submitted an independently authored Noise Assessment (entitled Measurement of Existing Noise Levels & Assessment of New Plant Machinery Noise). In order to comply with policy SU10, development should seek to mitigate noise impact and where necessary, planning conditions and/or planning obligations sought, to specify and secure acceptable noise limits, hours of operation and attenuation measures. When assessing planning application the amenity of an area, its users, residents and occupiers should be taken into consideration. Policy QD27 seeks to

ensure only development that would not cause material nuisance and loss of amenity is considered favourably. Nuisance and harm to amenity can manifest in many ways, including changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. Disturbance includes noise and artificial lighting.

Overshadowing

The application is accompanied by a Shadow Cast Study which shows the projected shadow cast by the proposed observation wheel on its surroundings at the Equinox (21 March and 21 September), the shortest day of the year (22 December) and the longest day of the year (21 June).

Although being a tall structure, the wheel is in effect but a circular frame and the absence of spokes keeps to a minimum the solid fabric of the structure that might otherwise cast shadow. The Equinox shadow cast drawing show that only the very bottom level of the Metropole hotel would be cast into shadow and only then briefly around midday when the sun is at its highest angle above the horizon.

During the longest day of the year, when the sun is at its highest angle in relation to the horizon, the observation wheel would cast a small shadow around its base. The shadow would not extend across other buildings in the locality, notably those along the northern side of King's Road.

The shadow impact of the development would be greatest on the shortest day of the year, when the arc of the sun is short and the angle low. A shadow would be cast across the facades of buildings along the northern side of King's Road, including residential properties and the Metropole hotel. However, it should be remembered that none of the buildings will be completely overshadowed at any one time, the width of the shadow would be minimal owing to the few solid structural members of the observation wheel, and in any case the narrow shadowing will at all times be moving across the buildings from west to east through the day (the sun rises in the east and sets in the west, but the shadow cast behind the wheel moves from west to east).

Loss of privacy

The proposed observation wheel would be 60m from the gondola edges to the near point of the balconies on the facade of the Hotel Metropole, and 64m to the corner of Queensbury Mews. The nearest residential windows are private flats on the seventh floor of the Hotel Metropole and the upper floors of 122 King's Road, which is a restaurant on the ground floor with flats above.

The approved i360 observation tower features a glass edged donut, which would be nearer to residential windows than the proposed observation wheel, that is to say:

- 60m from the outer edge of glass donut to the corner of 129 King's Road (Abbotts flats); and
- 55m from the outer edge of glass donut to the corner of 131 King's Road.

The observation wheel would feature 32 pods rotating slowly around at a high level – and should perhaps be considered more intrusive than the glass doughnut of the i360, which would slide up and down the spire and rest at a height in excess of twice that of the proposed observation wheel.

The top of the observation wheel would reach 20.5m above the tallest part of the Hotel Metropole, which is a type of attic storey, and 26m above the main bulk of the façade. Hotel guests may experience the sense of being overlooked, although most rooms have net curtains and only the lower floors have balconies. Nevertheless, most guests or attendees of conferences or events at the hotel would only be staying temporarily and as such the limited impact of the wheel upon their experience would be insufficient reason to refuse planning permission. The hotel has raised concerns over the potential loss of hotel views and loss of business should the observation wheel be erected. However, the development would be in situ only temporarily, and a counter argument may be proffered whereby business may increase as a result of the development.

The private flats on the seventh floor of the Hotel Metropole would be in excess of 60m from the closest edge of the observation wheel pods. This is considered adequate separation distance and would preclude direct overlooking to an extent that would be materially harmful.

Noise

Potential sources of noise and sound from the observation wheel include the pod air conditioning units; the motor/gearbox; and a passenger PA system. The applicant asserts that there will be no back up generator and that the wheel can be manually rotated in the event of a power failure. However, the application is not at this time precise for the following reasons:-

- The pod air conditioning units have been chosen as an example. The actual air conditioning units employed may not be the same.
- The tonal characteristics of the pod air conditioning units have not been described.
- The motor/gearbox is said to be silent, but as yet this cannot be known.

The Noise Assessment submitted with the application (entitled Measurement of Existing Noise Levels & Assessment of New Plant Machinery Noise) says that the external pod air conditioning units could emit noise at a 60dB(A) power level, which by virtue of the average separation distance from the façade of the hotel Metropole would be attenuated to approximately 33dB(A).

The council's noise criterion is for new development to achieve a maximum noise level of 5dB(A) below background noise levels.

The council's Environmental Health officer is not satisfied that this criterion has yet been satisfied on the basis of the information submitted to date. Particularly the limited number of noise monitoring positions adopted and the absence of noise data taken from a high level position new residential units in Queensbury Mews, or more especially at the top of the hotel Metropole. At

these heights and locations the traffic noise from the King's Road would be more greatly reduced and the noise emitted from the observation wheel made more apparent.

At this time, insufficient detail has been submitted in order for the local planning authority to assess whether the noise levels emitted from the observation wheel would fall within the acceptable parameters permitted by the council.

The applicant refers to conditions 31 and 33 of the permission granted to the i360 development. However, it is better practice to ensure that the noise impact of development is known prior to the grant of permission. For conditions to be imposed, the local planning authority should be satisfied that its noise criteria requirements could in reality be met.

In the absence of additional noise assessments, Environmental Health has suggested imposing a condition limited the hours of operation of the attraction until 09.00pm. The applicant has accepted this and revised the proposed hours of operation to cease at 09.00pm. This revision overcomes the concerns of Environmental Health.

Light

Policy QD25 of the local plan requires that the external lighting of development proposals should form part of an overall design strategy which demonstrates how the lighting would harmonise with existing and surrounding lighting and create a balance between light and shadow which avoids both over-lighting and under-lighting. Applications will not be approved for development that emits over-intense light in its context or in relation to the use to be illuminated and/or where the lighting would cause detriment to amenity, the environment, highway safety, or cause significant light pollution, especially upward light pollution. The illumination of development can have benefits in terms of crime prevention and safety, and can also help to reveal, enhance and dramatise an area's architecture, in particular unique buildings. However, 'wasted' light that illuminates more than its intended target, wastes resources and causes sky glow light pollution and should not be permitted.

The Lighting Strategy submitted with the application broadly meets these requirements. Each moving observation pod would have muted internal lighting, with some degree of wash occurring onto the main structure. The internal pod lighting cannot be too bright or views through the glass would not be achievable. The main structure itself is spokeless and has no interior structural elements to light. For safety and security reasons the base of the structure, including the queuing area and embarkation areas, would be more brightly lit – but the lighting would not extend beyond these areas.

The applicant has made enquiries with the Civil Aviation Authority and Shoreham Airport and due to the fact there are taller structures, particularly Sussex Heights, near to the application site, aircraft navigation lighting will not

be required on the observation wheel.

Movement

Using the projected time of each ride on the observation wheel and having knowledge of the 60m diameter of the wheel, the speed of each pod can be calculated. With a 60m diameter the circumference of the wheel should be in the region of 189m. A journey time of 12 minutes would therefore see the pods rotating at a speed of 0.95 kilometres per hour, or 0.6 miles per hour.

Clearly this speed of rotation is extremely slow – as it must be as the applicant proposes visitors will embark and alight from the pods while they are still moving.

Loss of Views

The Hilton Metropole raises concerns with regards to loss of views and reduced outlook from its front guest rooms and conference facilities. The loss of private views is not usually considered material, but in this case an assessment has nevertheless been undertaken. The design and scale of the observation wheel has many mitigating factors in terms of the outlook from the Metropole. The wheel is circular, mostly comprising latticework and glazed pods – therefore having a light appearance, at least 20m higher than the Metropole, and does not feature any spokes – the area within the edge of the wheel would be completely clear. Visits to the hotel reveal that views of the sea, sky and the remnants of the West Pier, could be achieved through the middle of the observation wheel. On each floor views would only briefly and partially be obstructed by the left and right side sections of the wheel, but the vast majority of the existing outlook would be unaffected.

Transport

The applicant has submitted a Transport Statement, which accompanies the application. The applicant anticipates that 80% of visits to the observation wheel will be trips linked to other city attractions including Churchill Square and the regional shopping centres and the variety of other seaside attractions. At peak times the Transport Statement predicts, on the basis of survey data including anticipated visitor numbers to the i360 observation tower, that visitors to the observation wheel are most likely to arrive in the city by car or railway (38% and 39% respectively), the next most common mode being bus. The application contends that the site of the development is 38 minutes travel time from the Withdean park and ride facility and that there are ten public car parks within a 26 minute walk of the application site. The location of the development lies within the Brighton Central South Zone Z CPZ (Controlled Parking Zone), allowing in the main only parking places for residents.

A number of local plan policies apply to a development of this nature, including TR1, TR2, TR7, TR8 and TR14. These policies require that development proposals provide for the travel demand they generate and maximise the use of modes including the use of public transport, walking and cycling. Applicants should seek to provide the appropriate level of parking or

otherwise contribute to the improvement of accessibility to the site. In addition, the development should be safe and not increase the danger to users of adjacent pavements, cycle routes and roads; should promote attractive pedestrian routes; and make provision for secure and convenient facilities for cyclists.

The application site lies along one of the sustainable transport corridors designated under policy TR5 of the local plan, namely the A259 corridor between Saltdean and Shoreham Harbour. Sustainable transport corridors are main routes into the city where measures will be taken to improve access by public transport, for cyclists and for pedestrians. New development that will create transport demands may be considered favourably provided they are design to accommodate bus priority measures and facilitate access to bus services. Moreover, new developments along these routes that benefit from their proximity and attract reduced parking standards as a result, such as the proposed observation wheel, are expected to contribute to the implementation and improvement of the sustainable transport offer and infrastructure. Policy TR5 is somewhat linked with policy TSR6 of the South East Plan, which requires planning authorities in the region to manage tourism related travel and promote a multi-modal approach to the access of attractions.

Parking standards

The application does not propose any dedicated car parking for the attraction. Notwithstanding policy TR5, policy TR19 of the local plan would require parking provision in accordance with the levels set out in SPGBH4: Parking standards. For leisure uses these standards are based on floor area – in this instance the floor area of all 32 gondolas along with the area of the queuing area at the base. One car parking space per 10 square metres is required for uses such as ice rinks. As the observation wheel is a unique development, this is the closest leisure use match described in SPGBH4.

The Transport Statement concedes that, should on-street pay and display parking be at capacity, the nearest public car park in Regency Square does not have sufficient free capacity to cater for the additional trips generated by the observation wheel. However, the Russell Square and Churchill Square 1 and 2 car parks, which are within a 4 minute walk of the application site, do have sufficient spare capacity.

However, the attraction would be easily accessible on foot and cycle from the upper and lower Esplanades, which are linked by a ramp, and is situated along one of the sustainable transport corridors defined under policy TR5 of the local plan.

Multi-modal access

The application site is accessible by foot and bicycle along the upper and lower Esplanades, and near to public transport routes. The existing pedestrian network between the application site and the city centre is considered adequate and the South Coast cycle route (National Route 2) runs

along the upper Esplanade and is segregated from the pedestrian area of promenade. There is a taxi rank located outside the Hilton Metropole hotel directly opposite the application site.

The Transport Statement submitted states the application site is within two and a half minutes walk from bus stops in King's Road, 6 minutes walk from Churchill Square and 15 minutes walk from Brighton railway station. However, the only regular bus service along King's Road is the No. 77, which is half-hourly.

There are also ten public car parks within a 26 minute walk of the application site and public pay and display parking operates along King's Road to the west of the site.

The application proposes provision of 20 cycle parking spaces on highway land, which would remain after the temporary period the observation wheel would operate. This provision matches that to be brought forward with the i360 development at the West Pier.

The layout of the attraction provides queuing space within the boundary of the application site for approximately 300 people, with an overflow area large enough for an additional 120 queuing people.

Subject to the imposition of conditions, the Traffic Manager is satisfied with the development proposal in transport terms and would seek completion of a legal agreement to provide for improvements to the sustainable transport infrastructure in line with policies TR2, TR5 and QD28 of the local plan. The Traffic Manager also recommends a condition requiring some agreement for, or provision of, disabled car parking near to the attraction, in accordance with policy TR18 of the local plan.

Sustainability

Policy SU2 of the local plan concerns efficiency of development in the use of energy, water and materials. The idea of the policy is to promote a sustainable approach to energy, water and materials used in all new development in the city. The Supplementary Planning Document SPD08: Sustainable Building Design, requires schemes to sign up to the Considerate Constructors' Scheme and to seek 50% in the energy and water sections of the relevant BREEAM assessment within overall 'Very Good'.

The applicant has submitted a Sustainability Checklist with the application. The questions contained in the Sustainability Checklist are not perfectly suited to a development of this unique nature. The checklist gives the development a poor score of 19% (Minimum Not Met).

The development scores badly in the key areas of minimising carbon emissions and being energy efficient. The development also scores poorly in the sections concerning materials to be used, including locally sourced

materials and sustainably sourced timber etc. The fact the observation wheel is being built to a bespoke spokeless design by a firm in Lichtenstein could be the cause of the poor sustainability score.

However, in favour of the sustainable credentials of the application, the observation wheel can be re-used in its entirety – being fully demountable in a maximum of 25 days and easy to transport to other locations.

The development would utilise high quality and suitably protected materials that should fair well in adverse seafront weather conditions and as such minimise future waste.

This unique form of development does not lend itself especially to BREEAM assessment. However, it is not unreasonable to require sustainable design features in the development – for example, solar powered lighting or the use of other renewable energy technologies to operate the observation wheel, the base, queuing areas and kiosk. To this effect a condition could be imposed requesting the sustainable design features to be adopted.

The Site Waste Management Statement appears to be generic and not tailored specifically to the application. However, a condition could be imposed requiring the exact details of a bespoke waste management plan.

Under policy SU14 of the local plan, applicants proposing development that will attract a large number of people are required to provide adequately designed facilities for the recycling or re-use of the waste that they, their customers and staff generated. In the case of the i360 planning application such provision was secured by condition and in this instance a condition could also be imposed to ensure adequate recycling facilities for customers and staff, for example waste bins with numerous separate openings for different waste materials such as plastic cups and drinks cans. Further information is published by the council in PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

Conclusion

Taken in isolation the proposed observation wheel would be acceptable on a temporary basis. There is no conflict with the development plan in principle.

However, approval of the observation wheel would be prejudicial to the continuing implementation of the i360 observation tower adjacent to the application site, and would compromise the capacity of this development to comply with planning conditions and meet its obligations under the s106 Agreement. This is a material consideration.

The applicant has not been able to satisfactorily demonstrate that the conflicts and prejudicial effects of the proposal in relation to the i360 observation tower development could be overcome through use of planning conditions and a S106 Agreement if the observation wheel was to be approved.

In addition, the development would compromise the objectives of emerging Core Strategy policy SA1.

8 EQUALITIES IMPLICATIONS

In terms of visitors with mobility difficulties, the attraction is accessible by ramps and a level threshold from the lower esplanade level. The viewing pods will be accessible to those using wheelchairs. The queuing areas will be 1.8m wide. 4m wide clear pathways will be retained to the King's Road and beach sides of the attraction's base, and a 3m wide passage between the observation wheel and the agreed construction compound for the i360. There is a tunnel underneath King's Road, linking the lower esplanade with the Regency Square public car park.

The development raises no obvious equalities implications in terms of age, race, ability, religion, sexual orientation or gender.

Appendix A – List of Objectors' Addresses

11 Abbots, 129 King's Road
Flat 3, 18/19 Adelaide Crescent
26A Baker Street
28 Brunswick Place
45 Brunswick Square
Flat 10, 8 Cavendish Place
67 Chartwell Court
4 Chesham Road (x2)
23 Connaught Terrace (x5)
7 Conniston Court
14 First Avenue
192 Freshfield Road (x2)
24 Glendale Road (x2)
37 Hawkhurst Road (x2)
4 Hendon Street (x2)
23, 117 Hythe Road
121-122 King's Road Arches (The World Famous Pump Room) (x3 and care of
Councillor Jason Kitcat)
Flat 2, 28 Lansdowne Place
127 Queen's Park Road
7 Queen's Square (x3)
11 Russell Crescent
91A Sackville Road (x2)
31 Sea Lane (Ferring)
17 Ship Street (x5)
45 Southview Road
TFF 36 Springfield Road
25 Springwell Road (Streatham, London)
1 Surrenden Close (x2)
The Pillars 151 Surrenden Road
7 Tamworth Road
18 Vale Avenue
8 Waverley Crescent
100 Wayland Avenue
47 Whippingham Road
29 Wilbury Avenue
No address given (14)
Flat 7, 16 Silverdale Avenue (Chairman of Brighton Explorers' Club)
27 Ryde Road, Brighton
Sail Boat Project CIC
25 Highcroft Villas
36 Waldegrave Road
60 Wolseley Road
139 Wick Hall, Furze Hill, Hove
Flat 7, 47 Montpelier Road
9 Clifton Place

PLANS LIST – 3 FEBRUARY 2010

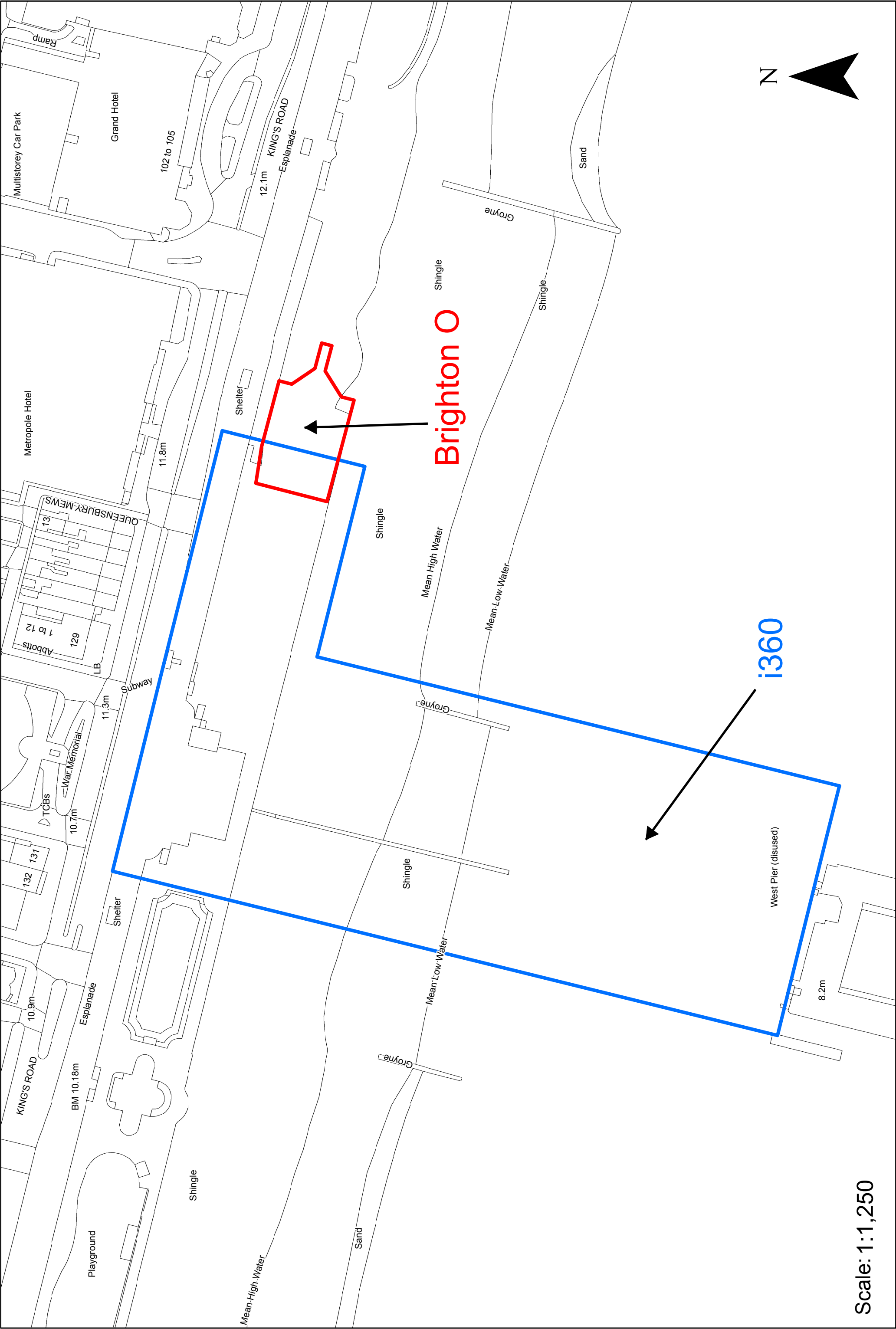
105 Ladysmith Road
7 Shirley Road
14 Hurst Gardens
3 Bates Road
59 Regency Square
44 Grantham Road
5 West Drive
63 Woodland Avenue
3 Shirley Close
Flat 10 Brunswick Lodge, 37-38 Brunswick Road
30 Pembroke Crescent
11 St. Nicholas Road
53 Beaconsfield Villas
19 Hazel Close

Appendix B – List of Supporters' Addresses

4 Albany Mews
81 Applesham Avenue
4 Bampfelf Street
14 Bigwood Avenue
33 Bishop's Road
9 Blaker Street
59 Bonchurch Road
Flat 2, 3 Brunswick Square
13 Brunswick Square
9 Burton Villas
The Cavalaire
18 Chichester Place
7 Coleman Avenue
17 Crescent Road
Northend Farm, Cuckfield Road (Hurstpierpoint)
116 Cuckmere Way
9 Curf Way
37 Devonian Court
22 Devonshire Place
20 Donal Hall Road
Terre a Terre, 71 East Street
The County Ground, Eaton Road
111 Freshfield Road
34 Coombe Lea, Grand Avenue
33 Crown Road
9, 13 Derek Avenue
9 The Driveway
8 Eaton Place
94 Embassy Court
Candia, Firsdow Close (Worthing)
Flat 2 Winchester House, 8 Fourth Avenue
3 Grange Close
46 Guildford Street
42 Hereford Court
Holiday Inn, Brighton Seafront
36 Kensington Place
Café 360, 106-107 King's Road
Fisherman's Rest, 124 King's Road; The Granville Hotel, 124 King's Road; Cecil
House Hotel, 126 King's Road; 131 King's Road;
313 Kingsway
20 King Charles' Place
2nd Floor, 61 Lansdowne Place
Flat A17, Marine Gate
Flat 1, 117 Marine Parade
23-24 Marlborough Place
7 Meadow Close

PLANS LIST – 3 FEBRUARY 2010

Flat 7, 39 Medina Villas
Seaviews, 2a Mill Hill (Shoreham-by-Sea)
Flat 2, 50 Montpelier Road
82 Rose Hill Terrace
New Steine Hotel, 10-11 New Steine
35 Old Steine
1 Onslow Road
Almarc, Orchard Way (Warninglid)
22 The Galleries, 52 Palmeira Avenue
41 Potters Lane
132 Queen's Road
51 Regency Square
Regent's Court, 59-62 Regency Square
29 Rossington Drive (Derby)(x4)
16 Rosslyn Road
27 Sackville Gardens
Scatchard, BN2 0GD
Hotel du Vin, 2-6 Ship Street
45 Sillwood Road
8 Southdown Road
Woodside, Station Estate Road (Feltham, Middlesex)
Strawberry Fields Hotel
41 Walnut Tree Road, Charlton Village (Shepperton, Middlesex)
7 Walpole Terrace
82 Washington Street
Flat 4, 27 Upper Wellington Road
6 Welbeck Avenue
3 Welesmenre Road
86 and 86-87 Western Road
31 White Street
Flat 2, 45 Wilbury Road
36 Wilbury Villas
104 Willow Way (Hurstpierpoint)
5 Temple Heights, Windlesham Road
15 Wish Road
20 Withdean Road
34 Woodland Avenue
60 York Avenue
Flat 4, 23 York Road; 23, 29 York Road
No address given (x3)



<u>No:</u>	BH2009/01722	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cardinal Newman Catholic School, The Upper Drive, Hove		
<u>Proposal:</u>	Erection of a new detached two storey Design and Technology building with a small café/bar attached.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	14 July 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 October 2009
<u>Agent:</u>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Cardinal Newman Catholic School, The Governors, The Upper Drive, Hove		

1 RECOMMENDATION

That Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to **GRANT** planning permission subject to the following conditions and informatives:

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Sample of materials.
3. BH05.06 BREEAM – Pre-occupation. Level – Excellent.
4. The proposal shall be carried out in accordance with the Site Waste Management Plan submitted on 14 August 2009.
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 and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Document 03 Construction and Demolition Waste.
5. BH11.01 Landscaping / planting scheme.
6. BH11.02 Landscaping / planting (implementation / maintenance).
7. BH11.03 Protection of existing trees.
8. Trees shall only be felled outside the period 1st March - 1st October.
Reason: To ensure bats and nesting birds and their nests are not accidentally killed, injured or disturbed during felling and to comply with policy QD17 of the Brighton & Hove Local Plan.
9. Prior to the commencement of works 3 no. bat hibernation boxes, 2 no. tit boxes and 1 no. owl box shall be erected within the grounds of the school in accordance with details to be submitted to the Local Planning Authority and thereafter be maintained.
Reason: To compensate for the ecological loss of trees on the site and to comply with policy QD17 of the Brighton & Hove Local Plan.
10. Details of the design and specification of the solar panels to the front of the building shall be submitted and approved prior to commencement of

works and installed in strict accordance with the approved plans.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenity of the area and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.0838 / 100A, 101A, 102B, 103C, 104A, Ecological Appraisal Report, Travel Plan, Biodiversity Indicators, Design and Access Statement, Waste Minimisation Statement, and Site Waste Management Plan submitted on 14 August 2009, and the Sustainability Report submitted on 14 October 2009.
2. The planting scheme should include the replacement of one tree for every tree to be removed selected from the following species: Ash *Fraxinus excelsior*, Pedunculate Oak *Quercus robur*, Field Maple *Acer campestre* and Huntingdon Elm. The planting scheme should detail the species to be planted, the size of the stock to be used, the method of planting and the timing of all works.
3. Tree protection details should include the route that building traffic will use and positions of builders compounds. This may necessitate trees on the playing field being protected and a temporary road being laid over the root plates of any trees that may be affected. Immediately to the east of the proposed development is a railway line with trees which may be affected by the proposed development. These trees should also be protected to BS 5837.
4. The applicant is advised to contact the Councils Ecologist, Matthew Thomas (01273 292371) in relation to the provision of bat, tit and owl boxes required by condition 10.
5. 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:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
HO19	New community facilities
QD1	Design – quality of development and design statements

QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD19	Greenways
QD27	Protection of amenity
QD28	Planning obligations
SR20	Protection of public and private outdoor recreation space
<u>Planning Policy Statements</u>	
PPS9:	Biodiversity and geological conservation
<u>Supplementary Planning Guidance</u>	
SPGBH4:	Parking Standards
<u>Supplementary Planning Documents</u>	
SPD03:	Construction and Demolition Waste
SPD06:	Tree and Development Sites
SPD08:	Sustainable Building Design; and
	and

(ii) for the following reasons:-

The building would improve teaching accommodation, would relate well to its context, and would not impact on residential amenity or traffic generation.

2 THE SITE

The application relates to an area of land adjacent to the car park in the southeast corner of the school grounds. The school is situated on the corner of Old Shoreham Road and The Upper Drive. The school building is listed as of local interest but is not within a conservation area. To the rear of the proposed development area is a railway cutting with school playing field beyond. To the south of the school, on the south side of Old Shoreham Road, are residential properties.

3 RELEVANT HISTORY

Applications for extensions to the school have been approved in 1950, 1956, 1957, 1958, 1960, 1974, 1986, 1988, 1992, 1994, and 1995. The latest approvals are:

BH2001/0217/FP: is for the construction of new library above the existing gym. Granted 3.12.01.

BH2004/03221/FP: single storey extension within inner courtyard to form a toilet block. Granted 2.12.04.

BH2006/3979: Single storey sixth form common room extension. Granted 5.2.07.

BH2007/00312: Construction of new first floor to provide changing room facilities. Granted 21.3.07.

4 THE APPLICATION

The proposal is for the construction of a two storey Design and Technology building consisting of:

- Location: building to be sited adjacent to St Mary's block in the southeast corner of site.
- Size: building to measure a maximum of 43m x 20m x 11m in height. Gross internal floor area 1,394m² over two floors.
- Layout: classrooms between 93m² and 103m² located at ground and first floor levels. Exhibition / display area 35m² and café/snack bar 20m² at ground floor level. Lift and disabled toilet.
- Design / materials: three mono-pitched aluminium standing seam roofs; facing brick to lower level, render above; brise soleil to ground floor windows; aluminium framed windows and doors; solar panels/evacuated tubes to middle roof, front elevation.

5 CONSULTATIONS

External

Neighbours: None.

Sport England: Comments awaited.

Southern Water: No comment.

Southern Gas: No comment.

EDF Energy: No comment.

Fire Brigade: Comments awaited.

Internal:

Sustainability Officer: The application is accompanied with a sustainability report and BREEAM Pre-assessment which achieves an overall rating of "Excellent", and scores very highly in energy and water ratings.

Public Art: Policy QD6 seeks the provision of new public art in major developments, which may include permanent and temporary work and arts training and art training. Based on the scale of development a contribution of £7,300 should be sought.

Ecologist: The application is supported by an Ecological Appraisal Report; agree with the findings and recommendations. The trees proposed for removal are not suitable for roosting bats, other than the possibility of a temporary summer roost for individual bats in the ivy covering the tree trunks. However the dense ivy on their trunks does offer suitable nesting habitat for some bird species. To ensure bats and nesting birds and their nests are not accidentally killed, injured or disturbed during felling outside of the period 1st March - 1st October. To compensate for the ecological loss of mature trees on the site, a planting scheme should be submitted for approval prior to

commencement of works showing the locations of mature trees to be planted. The erection of nest boxes should be secured by condition.

Environmental Health: No objections.

Arboriculturist: Agree with the findings of the accompanying arboricultural report. Twelve trees are to be removed to facilitate development which are of poor form and not worthy of Preservation Order. No objections are raised to their loss. A landscaping scheme should be submitted that more than adequately compensates for the loss of the trees to be removed, i.e., at least one replacement tree for each one lost.

The trees that remain on site should be protected to BS 5837 (2005) Trees on Development Sites as far as is practicable. The route that building traffic will use and positions of builders compounds etc should be clarified as traffic may cross the playing field, between trees, to get to site. This may necessitate trees on the playing field being protected and perhaps a temporary road being laid over the root plates of any trees that may be affected.

The school will be fencing off various parts of the ground during the development to prevent children entering the development site. The trees that may be affected by the development could be included in the protection fences put up to keep children out of the development site.

Immediately to the east of the proposed development is a railway line, a steep bank in close proximity to the development has many trees on that are semi-mature / juvenile, and are of poor form. As these trees grow on a steep bank, their roots may be near the proposed development. We would not want to see the structural stability of these trees jeopardised as they are in such close proximity to the railway line. As a precautionary measure, we would like these trees to be protected to BS 5837 in the same way as far as is practicable.

Planning Policy: No objection. The principle of adapting provision to meet current and future educational needs is welcomed (Policy HO19). Extensions and new educational buildings within school grounds are therefore supported provided they are appropriately designed, seek to minimise the loss of open space/adverse impacts and can be suitably justified if open space is to be lost (QD20, QD16, QD15).

Sustainable Transport: No objection. The proposal does not increase the number of staff or students. The proposal would not result in an increase in trips or have any material effect on the highway.

6

PLANNING POLICIES

Brighton & Hove Local Plan

TR1

Development and the demand for travel

TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
HO19	New community facilities
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD19	Greenways
QD27	Protection of amenity
QD28	Planning obligations
SR20	Protection of public and private outdoor recreation space

Planning Policy Statements

PPS9: Biodiversity and geological conservation

Supplementary Planning Guidance

SPGBH4: Parking Standards

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD06: Tree and Development Sites

SPD08: Sustainable Building Design

7 CONSIDERATIONS

Principle of development

The School has approximately 2,300 students between the ages of 11 and 18. Existing facilities are at capacity and the proposal is for the construction of a new building for the teaching of design, technology and IT. The proposed accommodation would provide accommodation for up to 200 students and free up existing shared classroom space within the existing buildings for the teaching of other subjects.

Local Plan policy HO19 states that permission will be granted for community facilities, which include schools, where it can be demonstrated that design and use of the facility is accessible to all members of the community; there is no unacceptable impact on residents or the surrounding area; the location is readily accessible by walking, cycling and public transport; and that adequate car, disabled and cycle parking is provided.

The principle of providing a purpose built unit to meet current and future educational needs of the school is welcomed and accords with HO19.

Impact on visual and residential amenity

Policies QD1, QD2, QD3 aim to ensure that new development enhance the positive qualities of the area. Policy QD27 aims to protect residential amenity. Policy QD20 resists the loss of urban open space.

The proposed building is to be located on a grassed area adjacent to the railway cutting and close to the 3 storey St Mary's block constructed in 2001. A car parking area is situated to the front of the site and a hardsurfaced play area to the south side. The area is relatively flat with trees mainly to the rear and south. The footprint of the proposed building would encroach onto the playarea by 4m, reducing the overall size from 56m to 52m. This slight reduction in size still retains a viable play area which is set out as courts to the south; this area is unaffected by the proposed development. Sport England have been consulted.

The front of the building faces the Upper Drive, 160m to the west. Much of the building will be screened from this public view by existing trees. The nearest residential properties are on the south side of Old Shoreham Road, 85m to the south. Given the distance from these properties, the proposed building would not materially impact on residential amenity. The rear of the building, which is adjacent to the railway cutting and school playing field to the east, will be mainly screened by existing trees. The proposed small café/snack bar is to serve students of the building and given its very limited size of 20m² will have little impact on amenity and Environmental Health raise no objections. It is not proposed that hot food would be cooked on site.

The proposed building which has an aluminium standing seam roof of differing heights, facing brick and render finish and detailing including brise soleil, is intended to be a modern design to reflect its use as a teaching block for design, technology and IT. The original school is four storey and adjacent the St Mary's extension is of a differing architectural style with references to the original. It is considered that the proposed building, which whilst of differing style makes reference to the existing buildings with the use of brick and the lower height enables it to sit comfortably in its location. The building will complement the grouping without detracting from the setting of the original building.

Trees / biodiversity

Policies QD15 and QD16 relate to landscape design and seek to retain trees where possible. The school has extensive playing fields and adjoins the railway line and is identified in the Local Plan as forming part of a Greenway. Policy QD19 aims to protect the Greenway network. Policies QD17 and QD18 aim to protect habitats and species.

The development site is adjacent to existing school buildings and car parking

and hardsurfaced sports pitch. The site is a grassed area and is well treed, twelve of which will be removed to facilitate development. The arboriculturist states that these trees are of poor form and not worthy of Preservation Order and raises no objections to their loss. Replacement trees and the measures for the protection of remaining trees are recommended via a condition.

The application is supported by an Ecological Appraisal Report. The Ecologist supports its findings and recommendations and is satisfied that the trees proposed for removal are not suitable for roosting bats, other than the possibility of a temporary summer roost for individual bats in the ivy covering the tree trunks. To ensure bats and nesting birds and their nests are not accidentally killed, injured or disturbed during felling it is conditioned that felling takes place outside the period 1st March - 1st October, and to compensate for the ecological loss of trees on the site that a planting scheme requires the erection of nest boxes.

Given the location of the proposed building close to existing buildings and the extent of remaining open space, the Greenway will not be adversely affected by the development.

Traffic implications

Policy TR1 requires development to provide for the demands for travel they create. The application is accompanied with a Travel Plan which promotes the use of cycling, reduce the number of car journeys to school by staff and students and maintain the current level of use on the school bus service.

The existing car parking area is not marked out and the proposal identifies the bays to make more efficient use of the area. The applicants state that the number of spaces will increase by 1 space (from 22 to 23). The Travel Plan aims to improve cycle storage facilities and has identified two areas close to school entrance in the Upper Drive for new sheds. Further provision is not proposed as part of this application which is some distance from this area. The Traffic Engineer considers the proposal to be acceptable on the basis that the development does not increase the number of staff or students and would not result in an increase in trips or have any material affect on the highway.

Arts contribution

Policy QD6 seeks the provision of public art to create and enhance local distinctiveness and foster a sense of place on major schemes. The Arts Officer has sought a small sum as a contribution. However, this scheme is not visually prominent and not of sufficient scale to warrant a contribution. Therefore, the contribution is not sought.

Sustainability / waste management

Policy SU2 seeks efficiency of development in the use of energy resources. The application is accompanied with a sustainability report and BREEAM Pre-assessment which achieves an overall rating of "Excellent". The development

scores very highly in energy and water ratings, proposed materials achieve an A rating in the Green Guide to Specifications, water consumption is low, lighting efficiency is high, the design incorporates a system of providing cooling without the need for a mechanical cooling system, solar panels are proposed on the front elevation.

Policy SU13 seeks minimisation and re-use of construction waste. The application is also accompanied with a Waste Minimisation Statement and Site Waste Management Plan. No demolition works are required and waste materials are to be reused / recycled where possible.

Conclusions

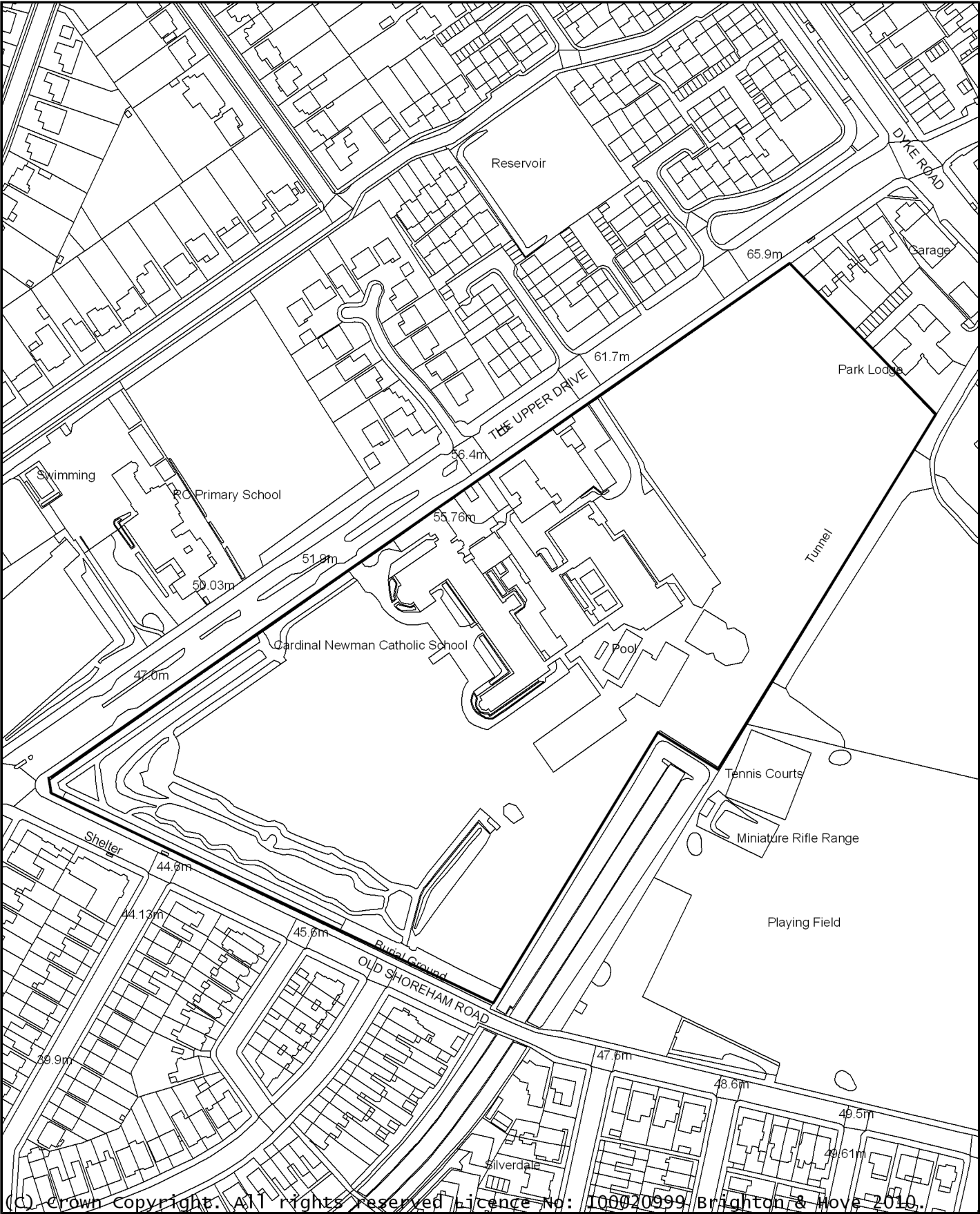
The proposed building would provide improved teaching accommodation which would enable the school to deliver the national curriculum and ease overcrowding. The building would relate well to existing buildings, and the modern style and highly sustainable structure reflect its use for the teaching of design and technology. Replacement trees will compensate for trees removed and it is not considered that the building will adversely affect wildlife. Given the distance from the nearest residential properties the building will not adversely affect living conditions. As no increase in student numbers is proposed the building will not materially affect traffic generation.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The building would improve teaching accommodation, would relate well to its context, and would not impact on residential amenity or traffic generation.

9 EQUALITIES IMPLICATIONS

The building will have to meet Part M of the Building Regulations. A disabled toilet is proposed at ground floor level and a lift will enable disabled access to first floor level.



<u>No:</u>	BH2009/02423	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Varndean College, Surrenden Road		
<u>Proposal:</u>	Provision of 7 No. temporary classroom blocks for 5 year period. (Retrospective).		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	07 October 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 February 2010
<u>Agent:</u>	Tribal , 70 High Street, Chislehurst, Kent		
<u>Applicant:</u>	Varndean College, Surrenden Road, Brighton		

1 RECOMMENDATION

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

Conditions:

1. The temporary classroom buildings hereby permitted shall be permanently removed from the site and the land reinstated to its former condition by 28th February 2015 or when they are no longer required, whichever is the earlier. A scheme of works setting out how the removals take place and the land reinstated shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The structures are not considered suitable as a permanent form of development and permission is therefore granted for a temporary period only to comply with policies QD1, QD2, QD20 and SR20 of the Brighton & Hove Local Plan.

Informatives:

- 1) This decision is based on a Design & Access Statement and accompanying documents; and drawing nos. GEN181/B-100; BRI 07023 PL 12 P1; BRI 07023 PL 13 P1; and 09.260 submitted 09 November 2009.
- 2) This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

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
QD5	Design - street frontages
QD15	Landscape design

QD16	Trees and hedgerows
QD20	Urban open space
QD27	Protection of amenity
HO19	New community facilities
HO20	Retention of community facilities
SR20	Protection of public and private outdoor recreation space; and

(ii) for the following reasons:-

The classrooms, although inappropriate as a permanent form of development, provide essential teaching accommodation for Varndean College. Having regard to their temporary nature and the limited visual impact the classrooms are acceptable in the short to medium term and will continue to provide a needed community facility. The classrooms do not have a detrimental impact on neighbouring amenity, due to their siting in relation to neighbouring properties and the existing use of the site; and will not result in an increased demand for travel.

2 THE SITE

The application relates to the Varndean College site on the eastern side of Surrenden Road which, with the surrounding playing fields, covers an area of approximately 8.4 hectares. The site is bounded by Draxmont Way to the south, Surrenden Road to the north and west, and Friar Crescent, Friar Walk and Friar Road to the east.

The main College building, dating from the 1930's, is located centrally with its main elevation and entrance facing south across the playing fields. To the rear of this building are 9 detached single-storey teaching buildings: this application relates to 7 of these buildings.

The College site forms part of a larger educational campus containing Balfour Infant and Junior Schools, Varndean High School and Dorothy Stringer High School. The surrounding area is otherwise largely residential.

3 RELEVANT HISTORY

There have been numerous applications on the site. Of relevance to this application are:-

BH2008/02854: Demolition of existing college with erection of replacement college and nursery (D1) with associated car parking and landscaping. Approved 08/05/2009.

BH2007/02040: Erection of 2 temporary portacabins to the east of existing mobile classrooms in connection with educational (D1) use for 3 years. Approved 16/08/2007.

BH2006/02084: Renewal of Planning Permission BH2003/02467/FP for temporary classrooms 43-45. Approved 22/08/2006 (for 3-years).

BH2006/02082: Renewal of planning permission BH2003/02486/FP for temporary classrooms 48-50. Approved 22/08/2006 (for 3-years).

BH2005/05154: Renewal of temporary planning consent for humanities hutted classroom (Hut G). Approved 28/09/2005 (for 5-years).

BH2004/01851/FP: Renewal of planning permission BH2001/01009/FP for temporary classroom. Approved 12/08/2004 (for 3-years).

BH2004/01848/FP: Renewal of planning permission BH2001/01375/FP for temporary classroom. Approved 12/08/2004 (for 3-years).

BH2003/02486/FP: Renewal of planning permission (BH2000/01616/FP) for temporary classroom. Approved 25/09/2003 (for 3-years).

BH2003/02467/FP: Renewal of planning permission BH1998/00344/FP for temporary classroom. Approved 25/09/2003 (for 3-years).

BH2002/01774/FP: Erection of temporary classroom. Approved 05/09/2002 (for 3-years).

BH2001/01375/FP: Erection of temporary classroom. Approved 30/07/2001 (for 3-years).

BH2001/01009/FP: Renewal of temporary consent for one mobile classroom. Approved 27/06/2001 (for 3-years).

BH2000/01616/FP: Erection of temporary classroom (Retrospective). Approved 14/12/2000 (for 3-years).

BH1998/00344/FP: Renewal of temporary permission 95/0245/FP to allow further use of a temporary classroom. Approved 09/04/1998 (for 5-years).

96/0478/FP: Renewal of temporary consent for one mobile classroom (previous reference 91/0516/CC). Approved 25/06/1996 (for 5-years).

95/0245/FP: Retention of previously approved mobile classroom for a further temporary period of 5 years (renewal of application ref. 90/0877/F/CC). Approved 22/03/1995 (for 3-years).

91/0516/CC/FP: No objections to the erection of mobile classroom unit 11/06/1991.

4 THE APPLICATION

The application seeks consent for the retention of 7 classroom blocks to the north of the main college building. The classrooms provide approximately 1157 sq metres of additional teaching floorspace. No alterations to the blocks or site layout are proposed.

5 CONSULTATIONS

External:

Neighbours: 2 letters have been received from **7 Friar Walk** and **9 Surrenden Close** objecting to the proposal for the following reasons:-

- the applicant has failed to implement a realistic and reasonable development policy or plan and has pursued expansion beyond Brighton & Hove;
- the temporary buildings are an inappropriate design and out of keeping with the character of the original college buildings;
- all other consents have required the classrooms to be removed within 3 – 5 years. Question why it is then acceptable to consider an extension of 10-years;
- the buildings have increased levels of noise;
- the area cannot cope with constantly increasing traffic flow resulting from the college;
- space below the classrooms, which are sited in raised foundations, is

- providing habitats for vermin;
- conditions attached to previous consents, such as requiring the classroom buildings be painted green and removed within a specified time frame, have not been complied with;
- the college was originally meant for 600 pupils yet now has 1200 with this proposed to increase to 1700;
- if rejection of the application would have serious consequences to students attending the college an appropriate plan should be developed and implemented.

eDF Energy: No objection.

Southern Gas Networks: No mechanical excavations should take place above or within 0.5m of low and medium pressure system or within 3m of the intermediate pressure system in the proximity of the site.

Southern Water: No objection.

Sport England: The classroom blocks are sited on a grassed area in the centre of the school site. However, the grassed area is incapable of catering for a playing pitch due to its sloping nature. The proposal therefore meets an exception of playing fields policy in that:-

“The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting / ancillary features on the site.”

In light of this there is no objection to the application.

Internal:

Environmental Health: No comment.

Planning Policy: If there has not been a previous consent for use of this site for temporary classrooms or a delayed permanent extension policy HO19 supports new community facilities but they have to be accessible to all members of the community and have no adverse impact on the amenity of the surroundings, including residential amenity. The applicant needs to address the requirements of policies QD20 and SR20; as well as QD15 and QD16, QD1, QD2 and QD4, the design and landscaping policies.

Sustainable Transport: There is no increase in pupil numbers at the college and the proposal will not therefore result in uplift in trips or parking that would have a material affect on the highway. No objections.

6 **PLANNING POLICIES**

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
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD20 Urban open space
QD27 Protection of amenity
HO19 New community facilities
HO20 Retention of community facilities
SR20 Protection of public and private outdoor recreation space

7 CONSIDERATIONS

The key issues of consideration in the determination of this application relate to the need for the temporary classroom accommodation; the impact on residential and landscape amenity; and the potential loss of open space.

Background

There have been numerous temporary consents for the initial construction of classroom buildings and their subsequent retention (see section 3). The buildings now provide classroom accommodation for approximately 40% of timetabled teaching within the college.

Permission was granted by Planning Committee in 2009 for demolition of the existing college building and construction of a replacement college and day nursery (ref: BH2008/02854). As part of this application it was considered that existing college buildings were not fit for purpose and there was an educational need for the development.

Notwithstanding this planning permission Varndean College was not selected in first round of Learning Skills Council (LSC) funding and is therefore awaiting the second selection round, which is understood to be in 2011. The absence of funding means the development has little realistic prospect of being delivered in the short to medium term.

As a result of the uncertainty in delivering the replacement college facilities this application has been submitted seeking retention of 7 temporary classrooms whilst the College awaits the outcome of LSC funding. The applicant has advised that, in the absence of funding for the approved college building, loss of the temporary classrooms would result in the College being unable to provide its full curriculum to students and would compromise the level of education provided to its students.

Temporary consent duration

The applicant initially requested a temporary 10 year consent for the classrooms on the basis that the consented replacement college scheme stands little realistic prospect of coming forward in the short or medium term; and the temporary accommodation will continue to be needed by the College

to meet current educational requirements and these will continue unabated in the coming years.

It is, however, considered that in this instance a temporary permission for a 5 year period would seem more appropriate. Such consent would provide short-term security that adequate teaching accommodation is available for current student numbers; and in the medium term if funding is granted for the replacement college its construction would require the removal of the temporary classrooms, with an expectation that planning permission would then be sought for temporary accommodation elsewhere on the site for the duration of building works. In the longer term if funding is not forthcoming for the replacement college it would be expected that other possibilities for the provision of more permanent additional teaching accommodation would be explored.

Following discussions the applicant agreed to amend the description to a temporary 5 year consent and the application has been considered on this basis.

Visual impact

Local plan policy QD1 requires all new buildings to demonstrate a high standard of design and to make a positive contribution to the visual quality of the environment; policy QD2 requires new developments to fit in with the existing grain and scale of the neighbourhood; with policy QD4 aiming to resist proposals that would restrict strategic views.

The classrooms are constructed from powder-coated cladding and are of little architectural merit and by their nature appear detached incongruous elements of the site. However, within the context of the adjoining college buildings they are not overly dominant and in medium to long views the visual impact is reduced by their siting and changes in ground level across the site (in views from the north). The visual impact of the classrooms is therefore considered acceptable on a temporary basis.

The application site has significant areas of open space and together with the main College building forms an attractive feature seen for a considerable distance across the City. In this context, the classroom buildings are inappropriate features of the site and are not suitable permanent solutions to the recognised shortage of teaching accommodation at the college. However, in the immediate future there is no likelihood of more permanent teaching accommodation coming forward and refusal of the application would result in a significant deficit at the college. This is a material planning consideration in itself.

Open & recreational space

Local plan policy QD20 states that permission will not be granted for proposals that would result in the loss of important private or public open space; with policy SR20 aiming to protect important public and private outdoor

recreation space.

The classrooms are sited on sloping land between the main college building and formal sports fields to the north. The classrooms are sited on sloping ground at an appreciably lower level than the adjoining sports fields. This creates clear separation that ensures the classrooms do not impact or restrict the range of uses which can take place on the sports fields. On this basis Sport England has raised no objection to the proposal and notes that the area on which the classrooms are sited is '*incapable of catering for a playing pitch*'.

There have already been temporary permissions for the classrooms subject of this application (see section 3) and the approved replacement college building (ref: BH2008/02854) encompasses land on which the temporary classrooms are sited. The retention of the existing classrooms on a temporary basis is not considered to result in the effective loss of important open space, or displace or reduce the amount of space currently available for informal recreation, and there is an expectation that a more permanent solution will be secured which would allow for restoration of the land to an informal use.

Impact on neighbouring amenity

The classroom buildings are located approximately 75 metres from houses in Friar Walk and Friar Crescent, and 120 metres from the nearest houses in Surrenden Road. At this distance no direct impact, such as overlooking or overshadowing, has resulted. The buildings are viewed against the backdrop of the main school building and the impact on outlook is limited having regard to the significant long distance views that adjoining properties enjoy.

The classrooms subject of this application are a considerable distance from adjoining residential properties and uses within them do not appear to have led to undue noise disturbance that would warrant refusal of this application. It is also noted that retention of the existing classrooms would not increase student numbers at the college and would not therefore result in additional noise disturbance above that already existing.

The buildings have not attracted significant levels of graffiti or vandalism and appear to be well maintained. The building is raised above ground level, due to the sloping nature of the site, but there is no evidence that significant problems result from any use of the void below the building by wildlife.

Transport

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

It is recognised that the College generates significant parking demands both on and off site, in addition to demand for public transport and cycling infrastructure. However, retention of the existing classrooms, as mentioned previously, would not increase student numbers at the college and as such

the application would not create any additional demand for travel. On this basis the Council's Sustainable Transport Team do not object to the application and it would not be necessary or reasonable to require either contributions towards the provision of sustainable transport infrastructure or a school travel plan.

Sustainability

Policy SU2 requires development proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. The modular and temporary nature of the buildings means there is little that could reasonably be done to achieve full compliance with this policy, as would normally be sought. This is reflected by the initial, and later, consents for the buildings which have not sought any details in relation to sustainability. Whilst consent is now sought for a further 5-year period the same limitations are considered to apply and refusal of the application on sustainability grounds would not be warranted.

Conclusion

Although the classrooms have been in situ for an extended period of time they are recognised as being an undesirable and temporary solution to a deficit of teaching accommodation with the college. Permission is in place for a replacement college building which would overcome the existing shortfall of teaching accommodation. However, there is much uncertainty as to whether funding will be available to deliver this development.

The continued use of open space and resulting visual impact of the existing classrooms is therefore considered acceptable on a temporary basis and would allow the continued provision of much needed teaching accommodation for students at the college whilst more permanent solutions are sought. A further 5 year temporary planning permission for the existing classrooms is therefore recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The classrooms, although inappropriate as a permanent form of development, provide essential teaching accommodation for Varndean College. Having regard to their temporary nature and the limited visual impact the classrooms are acceptable in the short to medium term and will continue to provide a needed community facility. The classrooms do not have a detrimental impact on neighbouring amenity, due to their siting in relation to neighbouring properties and the existing use of the site; and will not result in an increased demand for travel.

9 EQUALITIES IMPLICATIONS

The classrooms benefit from either a front entrance ramp or level access from the rear, where ground level is higher. These access arrangements are considered sufficient to allow access for those with limited mobility.



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<u>No:</u>	BH2004/02185/FP	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Full Planning		
<u>Address:</u>	4-7 & 15-20 Kensington Street, Brighton		
<u>Proposal:</u>	Construction of 10 affordable residential units consisting of 4 houses at 4 to 7 Kensington Street and 6 flats at 15-20 Kensington Street (Re-submission of Withdrawn application BH2004/00530/FP).		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Received Date:</u>	13 July 2004
<u>Con Area:</u>	North Laine (Article IV)	<u>Expiry Date:</u>	15 October 2004
<u>Agent:</u>	Cluttons, 44-46 Old Steine, Brighton, BN1 1NH		
<u>Applicant:</u>	Brighton & Hove City Council, Kings House, Grand Avenue, Hove BN3 2LS		

The application was considered by the Planning Applications Sub-Committee on 05/04/2004 and 26/03/2008. The Sub-Committee was minded to grant planning permission subject to amended plans and a Section 106 obligation to make the development 'car free.' The scheme has been delayed due to ownership and legal matters which meant the S106 was not completed. Since that time there has been a change in the material planning considerations, specifically the adoption of SPD08 Sustainable Building Design. This application is therefore back on this agenda so Members can consider the position on that issue.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to a Section 106 Agreement and to the following Conditions and Informatives:

S106

- A contribution to amend the Traffic Regulation Order to make the development 'car free'; and
- A contribution of £7,000 towards sustainable transport infrastructure within the vicinity of the site.

Conditions

1. BH01.01 Full Planning Permission
2. The dwellings hereby permitted shall be retained as affordable housing. For the purposes of this condition "affordable housing" means residential accommodation that is provided with a subsidy to ensure that rents/prices remain at a level that is genuinely affordable to local people whose income means that they are unable to meet their housing needs through the housing market.

Reason: To ensure the development provides and retains affordable housing in compliance with policy HO2 of the Brighton & Hove Local Plan.

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3. BH02.03 No permitted development (extensions) (amenity and character).
4. BH12.01 Samples of Materials – Cons Area.
5. The development hereby approved shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;
 - (i) Samples of all external materials, including colour of render, paving of recessed entrances, exposed flashing and rainwater goods;
 - (ii) Sample elevations and elevations at a scale of not less than 1:20 scale, showing windows, doors, cill and eaves details and balustrades;
 - (iii) Full size details or samples of windows and door,
 - (iv) Details of the vertical divisions/demarcation between the proposed properties.

The details shall be implemented and incorporated in the development in strict accordance with the approved details. Reason: To ensure a satisfactory appearance and finish to the development, in the interest of the character and appearance of the area and North Laine conservation area, to accord with policies QD1, QD2, QD5, and HE6 of the Brighton & Hove Local Plan.

5. BH02.06 No cables, aerials, flues and meter boxes.
6. BH02.07 Refuse and recycling storage (facilities).
7. BH06.03 Cycle parking facilities to be implemented.
8. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).
9. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code Level 4 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code Level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

10. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

11. BH04.01 Lifetime Homes.

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

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

13. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the adjacent footway[s], any surface water drainage, any outfall disposal and street lighting to be provided or moved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and comply with policies TR1, TR7 and TR8 of the Local Plan

Informatives:

1. This decision is based on Sustainability Checklist, Lifetime Homes statement of compliance, Site Waste Management Plan and RH Partnerships drawing numbers BLP 060/02 and BLP 061/03 submitted on 03/03/2008, RH Partnerships drawing no. BLP062/07 submitted on 07/03/2008 and RH Partnerships drawing Nos. BLP010/0 and BLP050/0 submitted on 13/07/2004 and an e-mail from Jessica Hamilton, sent on the 25th September 2009, regarding the change of applicant.
2. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport and accessibility and parking
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and Nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – Strategic impact
QD5	Design – Street frontages
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within of affecting the setting of Conservation Areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking standards

Supplementary Planning Document:

SPD03 Construction and Demolition Waste

SPD08 Sustainable building design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes; and

- ii) for the following reasons:

The development is considered well designed and will enhance the character and appearance of the street scene and North Laine conservation area. Appropriate materials, details and finishes can be secured by planning conditions. The proposal will provide 10 affordable housing units which are considered to respond to the housing needs

within the City and will provide a good standard of living accommodation. The scheme will achieve an acceptable standard of sustainability, a sustainable energy source and a waste minimisation strategy can be secured. A section 106 obligation will secure a city centre car free development and a financial contribution towards sustainable transport infrastructure in the area.

2 THE SITE

The application relates to two vacant sites on the west side of Kensington Street that are currently used for parking. The sites are wholly situated within the North Laine conservation area. The sites back onto commercial properties in Kensington Gardens, of which many have residential uses above.

3 RELEVANT HISTORY

BH2005/00899: 9-10 Kensington Street – construction of two x 3 storey dwellings – approved 16/05/05.

BH2004/00530/FP: 4-7 & 15-20 Kensington Street – redevelopment to provide 3 houses and 6 flats – withdrawn.

BH2002/03276/FP: 9-10 Kensington Street – redevelopment to provide 3 storey office building – approved 15/01/2003.

BH2002/03275/FP: 15-20 Kensington Street – redevelopment to provide 5 houses – approved 06/02/2003.

BH2002/01565/FP: 4-7 Kensington Street – redevelopment to provide 4 houses – approved 16/01/2003.

4 THE APPLICATION

The application seeks planning permission for a redevelopment of the sites for residential use. All of the proposed units will provide affordable housing and the development comprises four houses (1 x 2 storeys, 3 x 3 storey) on plots 4-7 and six flats in a three storey block on plots 15-20.

Both blocks have painted render finish to the front elevations, facing brickwork to the rear and natural slate pitched roofs. The design of the scheme follows the morphology of the North Laine and reflects the original plot divisions. The style is a modern interpretation of a typical commercial terrace with hoist doors on the upper levels and large openings at ground floor level.

5 CONSULTATIONS

External:

Neighbours: 40 Argus Lofts: Concerned that the scheme is three storeys in height and will directly overlook and cause overshadowing to Argus Lofts. Would prefer two storey development, which would be a much better solution.

18 Kensington Gardens (shop): Object – the dustbins will be visible and the smell is likely to affect customers, new building will lead to loss of light to all floors and windows in rear elevation will need to be obscure glazed to prevent overlooking. Feature panel to stairwell should be more interesting.

North Laine Community Association: Object to scheme, which seems uninspiring, windows not appropriate, and no effort has been made to reflect the grain of the North Laine area.

CAG: Recommend further negotiations regarding window detail and design.

Internal:

Conservation & Design: The development of these long-vacant sites is very welcome, scheme reflects morphology and plot development of North Laine. Design acceptable, please add conditions for materials and windows.

Environmental Health: No response.

Housing Strategy: Strongly support the application.

Private Sector Housing: No response.

Sustainable Transport Manager:

(Original Comments 15/09/2004) Requests legal agreement to amend traffic order to prevent new residents from applying for residents' parking permits.

(Additional Comments 1/10/2009) Would not wish to restrict grant of consent subject to the inclusion of conditions relating to the provision of cycle storage facilities, the submission of detailed drawings relating to levels, sections and constructional details of the adjacent footways, surface water drainage, any outfall disposal and street lighting to be provided or moved and the provision of a financial contribution for sustainable transport infrastructure.

Sustainability Officer: The completed checklist SPG21 indicates that the development will meet Level 3 of the Code for Sustainable Homes, however since the adoption of SPD08, a higher standard of Level 4 is sought.

The proposal generally meets the objectives of SU2 through meeting Code Level 3 which will provide carbon reduction, energy efficiency and a basic level of materials sustainability. There is no additional information to assess how these will be met. The proposal includes cycle storage and waste/recycling storage and rainwater catchment for garden irrigation is referred to.

Shortcomings in the proposals include a lack of detail in how the developments will function in terms of passive design harnessing natural elements natural light or solar gain. Use of renewables is indicated in the checklist answer which indicates renewables are required to meet the CSH standard, but these are not specified in text and are not shown on the plans.

SPD08 standards for a residential development of this size expect: CSH Level 4; feasibility study for rainwater harvesting and greywater recycling; Lifetime Homes Standard; Considerate Constructors Scheme; minimisation of heat

island effect; and zero carbon development.

Against these standards, the proposed development standards will need to be raised. The previous application committed to meeting CSH3. There appears to be no reason why this development could not achieve CSH4. See comments in the paragraphs below.

The development will need to comply with Lifetime Homes Standards and sign up to Considerate Constructors scheme.

There is no greening of the development to minimise urban heat island effect and no rainwater harvesting feasibility/greywater recycling feasibility study have been submitted, though rainwater harvesting for garden irrigation is proposed. The development is not zero carbon. If all aspects meet CSH4, depending on the approach implemented, there is likely to be a carbon footprint of between 5-10tonnes CO₂ p/a for energy use from the development.

It will be possible for the development to achieve Code level 4 through various possible approaches. Each unit type whether within the flats or houses will be expected to achieve CSH4, and because they present different scenarios, they may require different approaches.

In conclusion CSH4 is likely to be viable for this site for both the houses and flats so long as the development has enhanced levels of fabric for energy performance. The final confirmation of this will come with modelling and feasibility for various approaches. This conclusion was reached by comparing the proposed development with modelling calculated by the EST as guidance on how new housing can reach CSH3 & 4.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport and accessibility and parking
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and Nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – Strategic impact

QD5	Design – Street frontages
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within of affecting the setting of Conservation Areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:
SPGBH4 Parking standards

Supplementary Planning Document:
SPD03 Construction and Demolition Waste
SPD08 Sustainable building design

Planning Advice Notes
PAN03 Accessible Housing and Lifetime Homes

7 CONSIDERATIONS

The application was considered by the Planning Applications Sub-Committee on 05/04/2004 and the 26/03/2008. The Sub-Committee was minded to grant planning permission subject to amended plans relating to rear window positions and the applicant entering into a S106 agreement to make the development 'car free'.

The scheme has been delayed due to ownership and legal matters. The project and Section 106 agreements have been heavily delayed due to complications surrounding right to light issues and boundaries. The scheme was delayed until a vacant possession could be concluded. These issues appear to have been resolved and the project has been reactivated however, given the difficulties stated, Affinity Housing Group withdrew from the scheme. The Council, in its role as landowner and with the agreement of Affinity, subsequently became the applicant in order that the planning application could be progressed.

Since the application was last considered by the Sub-Committee in 2008, there has been a change in material planning circumstances with regard to sustainability.

Design, visual amenity and conservation area issues

The site has been vacant for a period of over twenty years and does not positively contribute to the character and appearance of the North Laine conservation area and the general street scene. The two sites have an untidy

appearance exacerbated by their use as informal car parking, lack of hardstanding, graffiti and the open aspect of the site allowing views of the less formal rear elevations of Kensington Gardens.

The development comprises of four houses (1 three storey and 3 two storey dwellings) at numbers 4-7 and six flats within a three storey block upon numbers 15-20 Kensington Street. Both areas of development will be faced with painted render to the front elevations, faced brick work to the rear and natural slated pitched roofs. The design of the scheme follows the plan form of the North Laine area and reflects the original plot divisions. The proposed properties have a commercial style with large openings at ground floor, hoist doors on upper levels and traditional pitched roofs with dividing fire walls.

The design is considered acceptable by reason of the modernised and traditional styled approach, scale, bulk, siting and detailing. The scheme is a modern interpretation of traditional North Laine warehouse design and is well designed within the existing plot form. The buildings are well designed in relation to the height scale and bulk of the existing buildings and have a modern take upon a traditional vernacular.

The scheme respects the layouts of the surrounding streets and spaces; and the developed background against which the development is set. The standard of detailing and a high quality finish will be controlled by planning conditions and given the conservation area designation it is expect to conform to highest standards.

Housing

The site will provide a total of ten affordable housing units. It is considered necessary and good practice to secure the ongoing status of all affordable units granted planning permission to protect supply of affordable housing. The recommendation includes a condition to secure the permanent retention of all the residential units hereby permitted as affordable housing.

The scheme will provide 10 affordable housing units, of which one of those units will be fully wheelchair accessible. When the application was first considered by the Sub Committee in 2004 the breakdown of the scheme was 4 x three bedroom houses and 6 x one bedroom flats. However due to changes in affordable house standards and Lifetime Homes, the layout of the properties was amended prior to the application being considered by the Sub Committee in 2008. The breakdown of the scheme is for 3 x two bedroom houses, 1 x one bedroom house and 6 x 1 bedroom flats.

Traffic issues

The proposed development does not include any on-site parking provision and will remove the present informal parking arrangement of the site. The site is located within a city centre location and within a Controlled Parking Zone (CPZ); accordingly the site should be considered for a car free status as there are sufficient complimentary on-street parking controls to maintain the site as

car free for the long term. Additionally the applicants have agreed to enter into a section 106 Obligation to pay a commuted sum to fund a change to the Traffic Regulation Order to exclude occupants from eligibility for a parking permit.

The site is centrally located, within close walking distance of good public transport links, shopping services, entertainment and leisure facilities. Covered secure cycle parking is indicated on the plans and the site would have a low dependency upon private transport.

The street adjacent to the frontage of the site contains dropped kerbs along both sections of the footpath related to the application. These dropped kerbs would become redundant if the scheme is approved. In addition there may be a need to improve street lighting along the street to meet the needs of the future tenants as well as ensuring that any private or highway drainage is disposed of in an appropriate and legal manner, issues which can be dealt with via conditions.

The Highway Authority seeks a sustainable transport contribution towards improvement of infrastructure in the immediate vicinity of the development. A contribution of £7,000 is sought and a legal agreement to secure this contribution is recommended.

Sustainability

Since submission of this application in 2004 and the two former considerations of the application by the Sub Committee, a supplementary planning document on Sustainable Building Design (SPD08) has been adopted by the Council. This complements and expands upon the existing local plan policies relating to sustainability. In order to comply with this SPD and the related policies of the Brighton & Hove Local Plan, developments of ten dwellings or more are expected to meet a minimum of Level 4 of the Code for Sustainable Homes. This is usually secured through the use of planning conditions.

The sustainability checklist submitted with the application relates to the former supplementary planning guidance note 21, which has been superseded by SPD08. The checklist indicates that the development will meet Level 3 of the Code for Sustainable Homes. However, since the adoption of SPD08, a higher standard of Level 4 is sought.

The scheme will involve the redevelopment of a brownfield site and will provide energy efficient housing. The buildings will be insulated to exceed current Building Regulations requirements, will incorporate low energy lighting, rainwater harvesting for use in the gardens and open spaces. The introduction of gardens will increase biodiversity upon the site, will provide storage for refuse and recycling, seeks to maximise recycled materials and use sustainable materials from within 100km wherever possible.

There has been a material change in policy since the Planning Applications Sub-Committee last considered this application. Level 4 of the Code for Sustainable Homes is sought by SPD08. The Council's Sustainability Officer has considered the application and comments that the development should be able to meet the higher Code Level. Given this view it is accepted that the scheme can comply with policy SU2. However, in order to be feasible, given the circumstances and to address the possibility that the scheme as currently designed could not achieve Code Level 4. Conditions 9 and 10 of the recommendation therefore would allow the Local Planning Authority to agree Code Level 3 if the developer were to produce clear evidence that Code Level 4 could not be achieved without significant and material changes to the design of the scheme.

Living accommodation standards and lifetime homes

As with the recommendations in 2004 and 2008, given the constraints of the site, it is considered that the proposed units provide a good standard of living accommodation. Each of the units provides a good quality living space and has been designed to meet Lifetime Homes standards. One of the units is designed as suitable for wheelchair use. The houses and the ground floor units of the flats have access to private amenity space.

A statement submitted as part of the application includes a breakdown of all sixteen criteria related to Lifetime Homes Standards and includes justification for the standards which cannot be met. The statement shows that all the criteria will be met with the exception of the two parking criteria and the installation of a lift. As within the 2004 and 2008 recommendations, this is considered acceptable due to the constraints of the site; lack of parking, insufficient depth of the plot and because the communal stairways of the flats will meet Part M of the Building Regulations.

The development will provide an acceptable standard of private amenity space. Whilst it is desirable to provide amenity space for all new residential units it is not considered feasible in this case due to the constraints of the site or desirable due to the historical character of the conservation area.

Each of the units is considered acceptable in size and standard of accommodation that they would provide for the occupiers. There are adequate room sizes, space for circulation, adequate light, and ventilation and bathroom/washing facilities. There is sufficient refuse and recycling storage facilities within each unit or communally and a condition should be imposed to ensure that these facilities are implemented and retained to serve the development.

Residential amenity issues

The main amenity issues concern overlooking and overshadowing, with particular respect to properties in Kensington Gardens. The scheme was supplemented with a detailed right to light report prior to being considered by the Planning Sub Committee in 2008, which was prepared for a previous

application of similar character. The scheme has been heavily delayed due to complications surrounding right to light issues and boundaries. These though are private matters for the applicant and affected parties to resolve and not material planning considerations.

It was resolved in both the 2004 and 2008 considerations of the application by the Sub-Committee that the proposed scheme would not have a significant adverse impact upon the amenities of neighbouring properties, especially with regards to overlooking or loss of privacy.

Waste minimisation

Policy SU13 of the Brighton & Hove Local Plan requires developments of the nature and scale proposed to be accompanied by a Site Waste Management Plan to address any construction and demolition waste which will be produced as a result of the development. Such a document has been submitted however it is a brief overarching statement of approach to waste minimisation, rather than a full detailed waste strategy. The contents of the statement are considered inadequate and submission of further details is required. Given the scale of the development it is considered that a full waste minimisation plan would be necessary; a planning condition is considered an appropriate method of securing the additional details in this case.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development is considered well designed and will enhance the character and appearance of the street scene and North Laine conservation area. Appropriate materials, details and finishes can be secured by planning conditions. The proposal will provide 10 affordable housing units which are considered to respond to the housing needs within the City and will provide a good standard of living accommodation. The scheme will achieve an acceptable standard of sustainability, a sustainable energy source and a waste minimisation strategy can be secured. A section 106 obligation will secure a city centre car free development and a financial contribution towards sustainable transport infrastructure in the area.

9 EQUALITIES IMPLICATIONS

The proposed units have been designed where possible to meet Lifetime Homes standards and will be compliant with Part M of the Building Regulations. The scheme includes one unit capable for full wheelchair access.

BH2004/02185 4-7 & 15-20 Kensington Street



Date: 10/11/2009 04:41:20

Scale 1:1250



LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2009/02228	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	28 Marine Drive, Rottingdean		
<u>Proposal:</u>	Erection of a block of six flats and two town houses (8 units in total) together with associated parking and bin store.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	17 September 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 December 2009
<u>Agent:</u>	Chart Plan (2004) Ltd, 65 Stoneleigh Road, Limpsfield Chart, Oxted Surrey		
<u>Applicant:</u>	Generator Group LLP, 54 Conduit Street, London		

This application was deferred at the last Planning Committee meeting on 13/01/10.

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 a Section 106 Agreement and to the following Conditions and Informatives:

S106

To secure a financial contribution of £4,000 towards sustainable transport improvements.

Conditions

1. BH01.01 Full Planning Permission.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. The existing west hedge boundary and east hedge boundary (adjoining the rear garden of no.36) treatment shall be retained. The hedges shall not be removed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and to safeguard the existing outlook to the occupiers of adjoining properties and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.

4. The development shall not be commenced until fences for the protection of the hedges to be retained have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the hedges which are to be retained on the site and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.

5. The development shall not be commenced until fences for the protection of the SSSI have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. No materials shall be stored or dumped within the SSSI boundary and there should be no access (pedestrian or vehicular) to the site from within the SSSI boundary shown red on the attached plan.

Reason: To prevent damaging impacts on the adjacent nature conservation features and their setting and to comply with policy NC2 of the Brighton & Hove Local Plan.

6. BH15.01 Surface water drainage.
7. BH04.01 Lifetime homes.
8. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

9. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

10. BH06.02 Cycle parking details to be submitted.
11. BH02.07 Refuse and recycling storage (facilities).
12. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace)
13. The windows on the western elevation shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining

property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.02.04 No cables, aerials, flues and meter boxes.

14. No development shall take place until full details of the location of three woodcrete type 'sparrow terraces' have been submitted to and approved by the Local Planning Authority. The terraces shall be completed in accordance with the approved plan to the satisfaction of the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure new conservation features that contribute to maintaining biodiversity having regard to policy QD17 of the Brighton & Hove Local Plan.

15. BH02.01 No permitted development (extensions) (amenity)
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no dish, aerial or other similar equipment shall be installed without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that the inappropriate installation of the aforementioned equipment could cause detriment to the appearance of the building and the visual amenity of the locality, having regard to policy QD2 and QD14 of the Brighton & Hove Local Plan.

17. BH02.04 No permitted development (windows and doors)
18. Notwithstanding the colour indicated on the approved plan, revised details showing a white rendered finish shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance in keeping with the character of Rottingdean and in accordance with policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 02-03 Rev C, Computer Generated Images of Strategic Views, Historic Maps and Sensitivity Data, Supporting Document to Accompany Planning Application and Preliminary Contamination Risk Assessment report submitted 17 September 2009, Sustainability Statement submitted 22 September 2009, and drawing nos 02-01 Rev B, 02-02 Rev E, 02-10 Rev D, 02-11 Rev D, 02-14 Rev A, 02-15 Rev A, 02-16, 02-17, Waste Management Plan Data Sheet, Site Waste Management Plan Checklist, Biodiversity Checklist submitted on 23 October 2009.

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

- i. having regard to the policies and proposals in the Brighton & Hove Local Plan, set out below, including Supplementary Planning Guidance and Documents:

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

PLANS LIST – 3 FEBRUARY 2010

TR2	Public transport accessibility and parking
TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with 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 runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of conservation areas
<u>Supplementary Planning Guidance Documents</u>	
SPGBH4	Parking Standards
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and

ii. for the following reasons:

The proposal complies with relevant planning policies and guidance and is considered to be of a scale, height and design in keeping with the natural and developed background. The proposal meets local plan policies and guidance with regard to sustainability measures, parking provision and accessibility and seeks to mitigate its potential impact on the natural environment.

3. The applicant is advised that the installation of a communal aerial or satellite dish would require planning permission and is preferable to the installation of more than one device.
4. No materials should be stored or dumped within the SSSI boundary and there should be no access (pedestrian or vehicular) to the site from within the SSSI boundary.
5. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
6. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

2 THE SITE

The site is located on the south side of the A259 coast road adjacent to the cliff edge to the south, a public car park to the east, a row of detached dwellings to the north and Highcliff Court a three storey block of flats to the west. The site has been cleared with the previously existing dormer bungalow having been demolished. Access to the site is via a private drive from the A259 that provides right of way to the block of flats and the rear of the row of dwellings to the north and a single dwelling to the west. St Margarets, a six storey block of flats, is to the west of Highcliff Court. The land slopes east down to west and north down to south with the site being visible from part of the A259. Rottingdean Conservation Area is located 150 metres to the west. The site is adjacent to a Site of Special Scientific Interest and a Regionally Important Geological Site.

3 RELEVANT HISTORY

BH2006/01879: Demolition of existing dwelling and erection of a block of six flats and two townhouses (8 units in total) together with associated parking and bin store – Approved at Committee 22/11/06.

BH2006/00413: Demolition of house and erection of block of seven 3 bedroom flats and two 3 bedroom houses, 9 units in total and associated parking and bin storage – Withdrawn 4/4/06.

BH2004/01263/FP: Erection of a block of flats up to 6 storeys in height comprising 2 no.4 bed flats, 3 no.3 bed flats, 4 no.2 bed flats – 9 units in total. Associated parking (9 spaces) and bin storage – Refused 30/9/04.

BH2003/02036/FP: Demolition of existing single dwelling house. Erection of an eight storey block of flats comprising 12 no.2 bedroom flats and 2 no.4 bedroom penthouses – refused 5/9/03. Appeal Decision – Dismissed 6/7/04.

86/1427F: Demolition of existing garage and erection of new garage with pitched roof – Granted 7/10/80.

BN86/904F: Single storey extension on south elevation with roof terrace at first floor level – Granted 5/8/06.

BN85/995F: Change of use from single dwelling house to rest home – Granted 3/9/85.

BN.74.1478 (Nos. 28, 32, 34, 36): 16 Flats and 5 houses with covered parking for 22 cars – Granted 12/11/74.

4 THE APPLICATION

The application proposes the erection of a block of six flats and two townhouses (8 units in total) together with associated parking and bin store. The scheme includes five car parking spaces, bin and cycle storage and an outdoor shared garden area to the south of the proposed building.

This application comprises the same application drawings as those which formed part of the previously approved application reference BH2006/01879, save for additional information relating to sustainability and seeks to renew that permission.

5 CONSULTATIONS

External:

Neighbours: Occupiers of 20, 23, 30 St Margarets, 1 (x2), 3, 8, 12, 14, 21, 22, 27, 29 Highcliff Court, 32 Marine Drive, Gatefinal Property Management Ltd, 4 Withyham Avenue, 99 Coombe Vale (x2), 15 Larchwood Glade object to the application on the following grounds:

- Insufficient width of access road and increase in traffic generated;
- Insufficient space for parking and turning of service and emergency vehicles, nuisance from traffic noise;
- Safety concerns over the proposed access for vehicles and pedestrians;
- Loss of public parking;
- erosion of the already unstable cliffs;
- the development is too large in terms of scale and bulk and represents an overdevelopment of the site resulting in overlooking, overshadowing, loss of privacy, and loss of amenity.

16 copies of a standard response letter have been received from the occupiers of 34, 36 Marine Drive, 2, 4, 10, 11, 16, 17, 18, 19, 20, 30, 31, 32 Highcliff Court, 43 St Margarets and 14 Newlands Road objecting on the following grounds:

- Unsuitable access road for use by both vehicles and pedestrians;
- Cliffs are unstable and subject to erosion;
- The scale and bulk of the development do not compliment the surrounding; properties and would appear overbearing and dominant;
- Overlooking, loss of privacy and overshadowing.

Rottingdean Preservation Society: Objects to the application as it would appear as an unacceptable blot on the landscape at the entrance to a Conservation Area. The current proposal will neither respect nor enhance the appearance and character of the seafront environment contrary to Policy SU7

and will add to the clifftop clutter. There should be no loss of spaces in the long-stay carpark which will be to the detriment of the village's much needed tourism industry as well as to local residents. Increased traffic access and egress will be to the detrimental of local residents Traffic turning right from the Rottingdean crossroads into the site will cause further unnecessary delays to all vehicle travelling east. The proposal will jeopardise the stability of the cliffs.

Rottingdean Parish Council: Object on the grounds of the impact of the proposal upon the stability of the cliff. Access to the site is very restricted and any increase in traffic should be avoided, an increase in traffic will result in safety issues for pedestrians. Parking spaces should not be lost on the existing car park as it is a valuable resource within the village. The proposal will result in the loss of light and also light intrusion to Highcliff Court. The development will result in an increase in noise and disturbance resulting from increased vehicular movements. The development is over development of the site to the detriment of the amenities currently enjoyed by neighbouring occupiers.

Natural England: The site area is immediately adjacent to the cliff top grassland area of the SSSI, as well as being virtually on the cliff edge. It is imperative that there is no impact on the SSSI, should this application proceed, and this applies to the cliff face (through drainage or runoff from the proposed development for example) as well as the immediately adjacent grassland. Therefore, if the Council is minded to grant planning permission, English Nature would ask for an Informative to be included stating that no materials should be stored or dumped within the SSSI boundary and there should be no access (pedestrian or vehicular) to the site from within the SSSI boundary.

Internal:

Coastal Protection Engineer (original comment): The cliff is a SSSI and is the responsibility of English Nature. English Nature have been very concerned about anything that might affect the cliff. The submitted geotechnical engineers report is acceptable.

Ecologist: I do not anticipate any significant effects of the development on biodiversity and therefore have no further comments to make.

Sustainable Transport: The increase in vehicle movements using the site, particularly deliveries would increase the traffic using the unadopted road serving the site. Information has been provided that suggests that the Applicant is intending to use the public car park to the east of the site as a residents parking area. This site is not included with the red or blue line plan area & no evidence has been provided that indicates that the Council acting in its capacity as the land owner have been approached or have given approval that the area can be used for private parking.

I have no general objection to the proposal in principle but am duty bound to

point out that this scale of the existing development served via the unadopted track is in excess of the level that would normally be acceptable. The maximum number of residential units that should be served off of a private unadopted track is no more than 6 units. This figure has been set at this level by case precedents over many years as it is considered that more than this number of units should be served via an adopted road to ensure that statutory services such as sewerage, telecom, gas and electric as well as access for emergency vehicles can be maintained to a suitable standard in perpetuity. There are numerous examples around the city where development has been allowed that is served via an unadopted track that has degraded to such an extent that they are unsafe. It would not be appropriate – given the precedents – for the Highway Authority to offer a positive recommendation to a proposal that would clearly exceed the scale of development that would normally be served via an unadopted track without evidence that it could be upgraded to a suitable standard.

The access track is also outside the redline area indicated with the submitted application pack. I assume that there is some kind of right that owners/occupiers of the application site can use this access track. I have measured the width of the track – the space between land that looks like it is under the ownership of the two properties either side – and it seems to be no more than 3.8m wide. This is too narrow to allow two way vehicle flow, the minimum width to allow two way flow should be 4.1m.

I have taken into consideration the views of the Planning Inspector who considered the previous Appeal for this site in particular the note that they were of the view that highway safety and the free flow of traffic would not be worsened. However as the Applicant has provided no detailed information on the agreements about the use of the car park and the fact that the road serves more than the minimum number of units that should normally be served via an unadopted road I will have to maintain my previous recommendation to refuse the planning application.

This view is obviously that of the Highway Authority, a consultee in the planning process. If the Local Planning Authority does not agree with this position or think requiring the access track to be adopted is unreasonable it is recommended that additional information about the car parking provision be sought and confirmed.

If you are minded to recommend approval of this application can you ensure that the conditions noted above or similar are included with the decision.

Environmental Health: No comment.

Private Sector Housing: No comment.

Arboriculturist: There is, as expected, little of any arboricultural value in this harsh, exposed location. Any screening to be retained should be protected to

BS 5837 (2005) Trees on Development Sites as far as is practicable.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with 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 runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents

SPGBH4	Parking Standards
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main considerations in this case are the impact of the proposal upon the visual amenity and character of the area, the residential amenity of adjacent

occupiers, sustainability, traffic and highways considerations and impact on the natural environment.

Background

The previous planning permission reference BH2006/01879 has lapsed as the works have not been started within the requisite time period in accordance with Section 91 of the Town and Country Planning Act 1990. However the existing property was demolished in preparation for the commencement of the approved development. This application seeks planning permission for the same development as that which was previously approved by the Planning Sub-Committee under planning permission reference BH2006/01879 on 22 November 2006.

Design

Policy QD1 of the Brighton & Hove Local Plan states that “all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” Policy QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings and b) topography and impact on skyline. Policy HE6 seeks to preserve the character and appearance of conservation areas.

The proposed development has roughly an ‘L-shaped’ footprint with the two no. three bedroom town houses being located at the northern tip of the ‘L’, whilst the flatted block is to the southern end of the ‘L’ fronting the sea. The dwelling type and mix of 4 x two bedroom flats, 2 x three bedroom flats and 2 x three bedroom houses are considered acceptable.

The site is located on the south-eastern edge of the built-up area of Rottingdean. Adjacent to the application site are a number of purpose built flatted developments along the cliff face, these include St Margarets which consist of 43 units over six storeys and Highcliff Court with 38 units over 3-5 storeys, both of which are located to the west of the site.

The site is most visible when approaching the centre of Rottingdean from the east and is seen against the back drop of St Margarets and Highcliff Court, both of which have flat roofs. The proposal would be seen from the existing public car park to the east as a two-storey development, however due to the topography of the land, at the lowest point along the western elevation the proposal would appear as a four-storey development. Due to the topography of the site and the backdrop of St Margarets and Highcliff Court it is considered that the proposed development would be acceptable in this area.

The scheme proposes the use of a mix of materials for the proposal including self coloured render, brick work and rainscreen tiling. The windows are to be powder coated grey. Whilst these materials would in principle appear to be

acceptable a condition is recommended for the submission of sample of the materials.

Amenity for residential occupiers

The proposed internal layout of each of the dwellings is considered to be acceptable. The design and access statement contends that the development will attain Lifetime Homes standards and would meet Part M of the Building Regulations.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. Each dwelling would benefit from private amenity space in the form of screened terraces which is considered to be adequate provision in accordance with policy HO5.

Policy TR14 requires all new residential developments to have secure, covered cycle storage and Policy SU2 requires the provision of adequate refuse and recycling areas. An area for adequate cycle storage has been highlighted on the submitted plans alongside refuse and recycling storage facilities. Full details of these have not been submitted however these designated areas would appear to be sufficient, in terms of size therefore a condition is requested to ensure that full details of these areas are provided in accordance with policies TR14 and SU2 of the Brighton & Hove Local Plan.

Impact on amenity of neighbouring occupiers

The proposal is to be sited a minimum of approximately 25m from the nearest house in Marine Drive (no.36).

The impact on amenity of houses numbers 32-36 Marine Drive are considered to arise from proposed windows on the north elevation and the height of the proposal. The north elevation, facing Marine Drive, would have four windows. One window would be obscurely glazed, two would serve the communal stairwell and the fourth would serve a third floor (fourth storey) bedroom. The bedroom window is considered to serve a 'habitable' room but it is approximately 32m from the boundary with the nearest Marine Drive house. No material overlooking would result.

Whilst it is considered regrettable for occupiers of Marine Drive to have their sea views compromised by the height of the proposal, this is not a material planning consideration. It is considered there is sufficient distance between the houses in Marine Drive and the proposal to mitigate any potential loss of amenity, such as overshadowing, from the development.

The west elevation of the proposal would have stairwell windows, en-suite and lounge windows that would face Highcliff Court. Further windows are proposed on the western elevation which are angled toward the south in a 'sail' design and would serve bedrooms, kitchens and lounges with a small area of the glazing facing west directly toward Highcliff Court. All of the

habitable rooms with west facing windows also have other windows that face due south and it is therefore considered reasonable for a condition to be imposed so that the windows on the western elevation are obscurely glazed. The proposed terraces on the south elevation that would allow some indirect overlooking toward Highcliff Court. However, the terraces would be approximately 18m & 28m away from Highcliff Court and are not considered to create further detriment of overlooking or loss of privacy that currently exists.

Traffic and Highways

The proposal provides four spaces and one disabled parking space. The applicant states that visitor parking is available in the public car park to the east. Three of the dwellings would have no on-site parking provision and effectively become car free dwellings. The applicant has submitted copies of correspondence with the Parking Manager of the car park, which is owned by the City Council, to the effect of leasing parking spaces from the public car park and these were shown on the submitted site plan. However, the spaces are outside the site and are not considered to provide on site parking for the proposal. It is acknowledged that parking spaces in the public car park may be leased by residents of Rottingdean under agreements beyond the remit of planning. The applicant is willing to enter into a Section 106 Agreement for a financial contribution of £4,000 towards sustainable transport for the net gain of two dwellings with no on-site parking provision.

The Councils Sustainable Transport officer has concerns over the existing access to the site and the inability of it being able to provide two-way traffic movements. A previous application in 2003 for 14 flats was refused and dismissed at appeal with the Inspector commenting that the access was considered acceptable. Having regard to the Inspector's comments, the access for the proposal would not change from the appeal proposal and as the number of units has been reduced from the appeal scheme, it is likely to be used by a reduced number of vehicles. It is not considered that a refusal of planning permission on traffic grounds could be sustained at appeal.

Sustainability

Policy SU2 requires all development to be energy efficient. The proposed dwellings have been designed so that all rooms have natural light and ventilation including the bathrooms.

The proposal shows several design features that encourage sustainability including passive solar heating through orientation of windows, photovoltaic cladding and solar water heating. A Code for Sustainable Homes pre-assessment has been submitted and a condition is recommended for the attainment of level 3 of the Code for Sustainable Homes. A sustainability checklist and supporting information have been submitted detailing proposed sustainability measures of water conservation, renewable energy measures, and lifetime homes measures.

Policy SU13 requires a development of this scale to be accompanied by a site waste management plan. The application was accompanied by a waste statement. The submitted waste statement sets out some general methods for reducing demolition waste and waste arising from construction materials. However it is considered that the waste statement falls short of providing a clear and effective waste minimisation strategy for a development of this scale. A development of this scale with the site topographical characteristics will create a significant waste stream. It is clear from the policy framework in this case that a development on this scale requires a full site waste management plan. A condition has been imposed to ensure that an adequate waste management plan is submitted to and agreed by the Local Planning Authority prior to the commencement of works.

Impact on the natural environment

Many objectors have concerns over the stability of the cliff and the potential disturbance to the cliff that the proposal may induce. The applicant has submitted a structural engineers report. Having regard to the comment from English Nature and the Coastal Protection Engineer that a geotechnical report would be essential, the applicant has submitted such a report from an independent geotechnical engineer. The Coastal Protection Engineer has raised no objections.

The Ecologist has concerns over the protection of the established hedgerow on the east boundary with the garden of no.36. For this reason a condition is recommended for the retention and protection of the hedgerow. The Ecologist also recommends the installation of sparrow nest boxes to encourage biodiversity enhancement and a suitable condition is recommended.

Many objectors have non specific concerns over the drainage of the site and English Nature have expressed concern over the impact of drainage or run off from the development onto the cliff face. For this reason a condition is recommended for a scheme of surface water drainage to be submitted to approved by the Local Planning Authority prior to commencement of development.

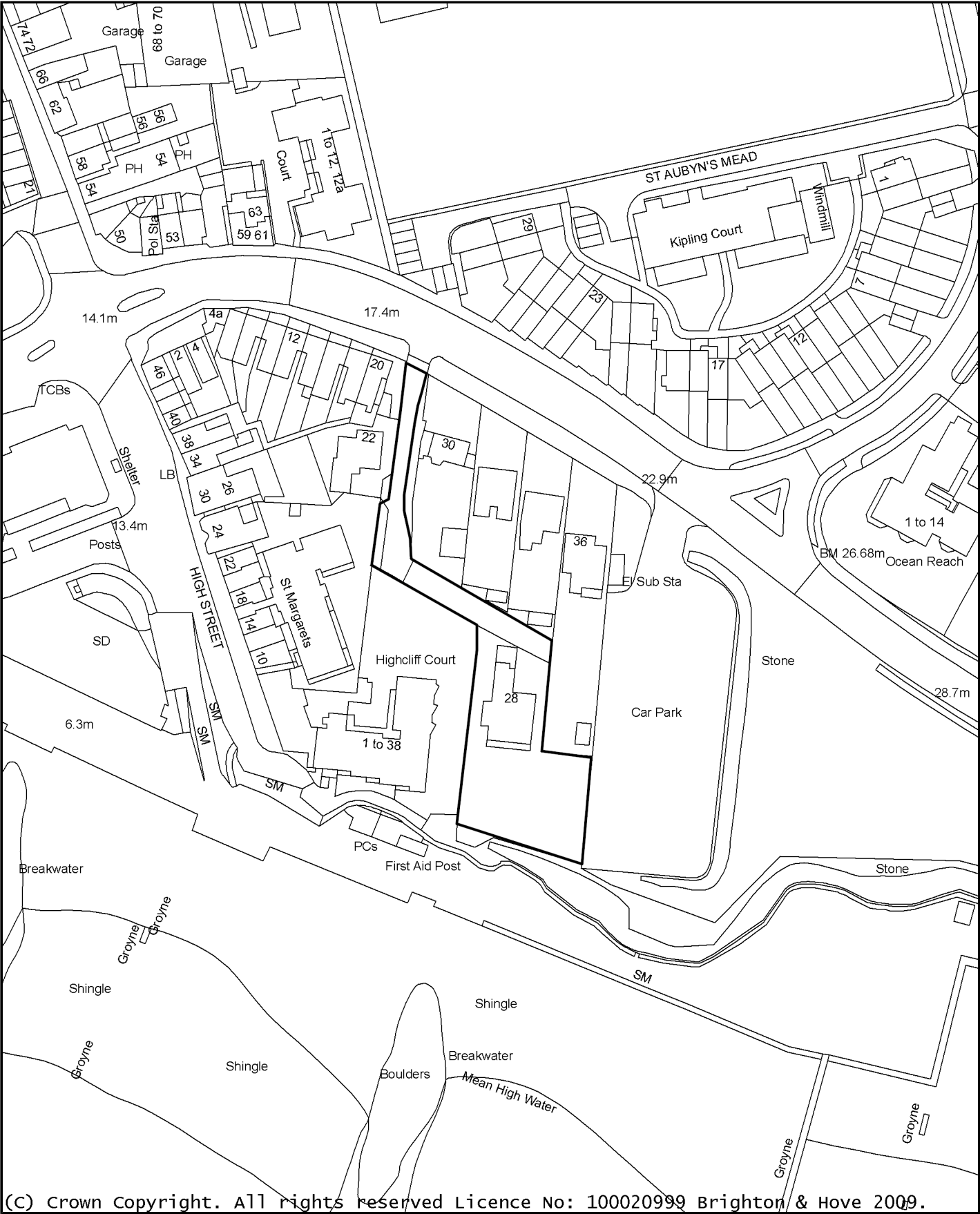
English Nature also have concerns over the impact of construction works on the adjacent SSSI and a condition is recommended for fencing to be erected to protect the adjacent grass land during construction.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal meets government and local plan policies and guidance and is considered to be of a scale, height and design in keeping with the natural and developed background. The proposal meets local plan policies and guidance with regard to sustainability measures, parking provision, accessibility and attempts to mitigate potential impact on the natural environment.

9 EQUALITIES IMPLICATIONS

The plans show lifetime homes provision, internal lift provision, parking for disabled users and ramped access to the communal amenity area and viewing terrace.



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<u>No:</u>	BH2009/02231	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land Rear of 21-22 Queens Road, Brighton		
<u>Proposal:</u>	Erection of 2no. three storey, semi detached dwellings with new ironwork entrance gates. (Part retrospective).		
<u>Officer:</u>	Ray Hill, tel: 293990	<u>Received Date:</u>	16 September 2009
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	02 December 2009
<u>Agent:</u>	Turner Associates , 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Creative Developments (UK) Ltd, C/O 19a Wilbury Avenue, Hove		

This application was deferred at the last meeting on 13/01/10 for a Planning Committee site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 obligation and to the following Conditions and Informatives:

S106

For a contribution of £2,000 towards sustainable transport infrastructure within the vicinity of the site.

Conditions

1. BH01.01 Full planning permission.
2. The walls shall be smooth rendered in cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beading and shall be painted in a smooth masonry paint.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
3. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) samples of all external finishing materials and colours, including cills;
 - ii) 1:20 elevations and sections of dormers, windows, doors, balustrading to balconies, gates, railings and their hinges and locks and methods of fixing, garden walls and pilasters, steps, cills, eaves and parapet details;
 - iii) 1:1 scale joinery sections of windows and external doors;
 - iv) details of the glazed screens fronting onto the courtyard including their framing and glazing;
 - v) 1:1 scale details of the railing top rails and finials;

- vi) 1:1 scale sections of the stucco mouldings of the wall copings and pilaster caps.

The works shall be carried out and completed fully in accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4. All new windows, other than the fully glazed screens fronting onto the central courtyard, shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing Crown Gardens.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

6. All rainwater goods shall be cast iron or cast aluminium and shall be painted to match the walls.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

7. BH02.03 No permitted development (extensions) (amenity and character).

8. BH02.07 Refuse and recycling storage (facilities).

9. BH04.01 Lifetime Homes.

10. BH05.01 Code for Sustainable Homes- Pre-commencement (new build residential).

11. BH05.02 Code for Sustainable Homes – Pre-occupation (new build residential).

12. BH06.03 Cycle parking facilities to be implemented.

Informatives:

1. This decision is based on drawing no. TA318/10 and Design & Access Statement, Bio-diversity Checklist, Site Waste Minimisation Statement, Heritage Statement and Sustainability Checklist submitted on 16 September 2009, drawings no's TA318/11A, 12A, 13A, 14A, 15A, 16A, 17A, 17B submitted on 7 October 2009 and Daylight & Sunlight Assessment submitted on 22 October 2009.

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

- i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan

TR1 Development and the demand for travel

TR14 Cycle access and parking

TR19 Parking standards

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

	materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
<u>Supplementary Planning Guidance</u>	
SPGBH4	Parking Standards
<u>Supplementary Planning Documents</u>	
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
<u>Planning Advice Notes</u>	
PAN03	Accessible Housing and Lifetime Homes; and

ii) for the following reasons:

The design of the proposed development would constitute an improvement upon the existing extant permission and would enhance the character and visual amenity of the West Hill Conservation Area. There would be no material detriment to the amenities of neighbouring residential occupiers. The sustainability measures are satisfactory and transport generation would be off-set by a financial contribution towards sustainable transport infrastructure.

3. INF.04.01 Lifetime Homes.

4. INF.05.02 Code for Sustainable Homes (Level 3).

2 THE SITE

The application site is located on the eastern side of Crown Gardens, a narrow pedestrian access way (twitten) which links Church Street and North Road. It is rectangular in shape with a depth of 13m, a width of 10m and an area of 0.013 ha. The site which is currently vacant, previously formed part of the rear gardens associated with two three storey terraced properties fronting Queens Road (i.e. No's 21 & 22). These properties are currently in use as a shop and employment agency with residential accommodation above and to the rear. The site slopes upwards east to west towards Crown Gardens.

The surrounding area is mixed commercial and residential in character. Adjoining the site to the north is a two storey detached house of traditional

pitched roof design finished in painted render. Adjoining the site to the south is a flat roofed brick built single storey building with basement which is in residential use. To the west, on the opposite side of Crown Gardens, is a terrace of two storey cottages with 7m deep front gardens.

The site is located within the West Hill Conservation Area and within a Controlled Parking Zone.

3 RELEVANT HISTORY

BH2004/00202/FP: In July 2004 planning permission was granted for the erection of two dwellings on the site. This planning permission is still extant by virtue of the commencement of works on site.

BH2004/00459/CA: In July 2004 conservation area consent was granted for the demolition of boundary walls on the site to facilitate the above development.

BH2003/00606/FP: In April 2003 planning permission was refused for the erection of two dwellings (1x1 bed & 1x3 bed) for the following reasons:-

1. The proposed development, by way of the extent of plot coverage, height, bulk, use of materials and pattern of fenestration, would be harmful to the character and appearance of the West Hill Conservation Area, contrary to policies ENV22 of the Brighton & Hove Local Plan and HE6 of the Brighton & Hove Local Plan- Second Deposit Draft.
2. The proposal represents an overdevelopment of the site, demonstrated by harmful plot coverage and effect on the quality of life of both new and existing occupiers, contrary to policy HO4 of the Brighton & Hove Local Plan- Second Deposit Draft.
3. The proposal is likely to be detrimental to the quality of life of both the occupiers of the new houses and occupiers of 21 and 22 Queens Road by way of overlooking and loss of privacy, contrary to policies ENV1 of the Brighton & Hove Local Plan and QD27 of the Brighton & Hove Local Plan- Second Deposit Draft.
4. The applicant has failed to provide evidence to demonstrate efficiency of development in the use of materials, water and energy, contrary to policy SU2 of the Brighton & Hove Local Plan- Second Deposit Draft.

A subsequent appeal against the decision of the Council to refuse planning permission was dismissed in November 2003. However, in making this decision, the Inspector was only minded to dismiss the appeal on the basis of the affect of the contemporary design of the dwellings on the character and visual amenity of the Conservation Area.

BH2003/03888/CA: In January 2004 an application for conservation area consent for the demolition of a rear boundary wall was withdrawn.

4 THE APPLICATION

The application seeks full planning permission for the erection of 2no. three storey semi-detached houses. Each dwelling would have a width of 4.9m, a depth of 10.2m, an eaves height of 5m and a ridge height of 7.5m. The

proposed development would occupy the whole width of the site and the front building line of each dwelling would be set back 1m from the back edge of the footway on Crown Gardens on a line established by No.32 to the north. Each dwelling would comprise a kitchen diner, WC and lounge on the ground floor, two bedrooms (one en-suite) and a family bathroom on the first floor and a bedroom on the third floor within the roofspace.

The proposed houses would have a traditional mews style design with painted rendered facades, timber sliding sash windows with reconstituted stone cills surmounted by asymmetric slate pitched roofs with front facing dormers and roof terraces to the rear. The front boundary would comprise a low rendered wall surmounted by finial topped railings and a centrally positioned gate shared by both dwellings.

Private amenity would be provided for each dwelling in the form of a small patio garden and a roof terrace.

5 CONSULTATIONS

External:

Neighbours: Two letters have been received from the occupiers of **4 Crown Gardens & 61 Church Street** objecting to the proposal on the following grounds:-

- overlooking/ Loss of privacy;
- overshadowing and loss of light;
- over dominance;
- design, a appearance and height out of keeping with the uniform character of Crown Gardens;
- development would not preserve or enhance the character of the conservation area;
- the access steps from the twitten would impede the public particularly the disabled.
- loss of trees.

One letter of support has been received from the occupier of **No.32 Crown Gardens** stating that:-

“The present plans are an improvement on the previous ones, because the new dwellings will not jut out quite so far at the front and back.”

Councillor West objects to the application and has requested it is determined by the Planning Committee (comments attached).

CAG: The Group agreed to make no comment on this application and leave it to the discretion of the Conservation Officer.

Internal:

Conservation & Design: The principle of the development of this site has been established and it is considered that the revised layout and design is a

substantial improvement upon the scheme previously approved. Planning permission is recommended subject to conditions requiring the submission and approval of details regarding materials, windows, doors, dormers, balustrading, railings and landscaping.

Sustainable Transport: No objections in principle subject to conditions to secure cycle parking and a financial contribution of £2000 towards sustainable transport infrastructure improvements in the area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design- efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
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7 CONSIDERATIONS

The main considerations in the determination of this application are:-

- The principle of the proposed development;
- The design and visual impact on the street scene and Conservation Area;
- The impact on the amenities of neighbouring occupiers;
- The amenities of the future occupiers; and
- Sustainability.

The principle of the proposed development

Given that planning permission was granted by the Council (BH2004/00202/FP) in July 2004 for the erection of two residential dwellings on the site and that in land use terms there are no policy objections to the re-use of previously developed land for housing, the proposed development is acceptable in principle subject to the considerations highlighted below.

The design and visual impact on the street scene and Conservation Area

Policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan state that all development proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the conservation area. Policies QD3 and HO4 go on to state that in order to make the full and effective use of land available for housing within the existing built-up area, the Council will permit residential development at higher densities than those typically found in the locality subject to a high standard of design and architecture.

In townscape terms, this part of the West Hill Conservation Area is characterised by a high degree of uniformity comprising early nineteenth century two storey terraced cottages which line the western side of Queens Gardens and similar cottages which occupy the eastern side to the north of the application site in a mews configuration.

Although planning permission has previously been granted and subsequently deemed to have commenced for the erection of a two storey house with roof accommodation and an adjoining single storey pitched roof house with a lead clad “box-like” element projecting above the ridge line, the current proposal includes an additional small plot of land fronting onto Queens Gardens giving the plot a rectangular rather than L-shaped configuration thus enabling an improved layout and design. Rather than the somewhat contrived design previously approved, the dwellings currently proposed are of a size, design and form which is more closely modelled on the Victorian cottages found in Crown Gardens and reflects the prevalent high density back to back form of development which characterises the area. Therefore, it is considered that the proposed development would represent a material improvement upon the design and appearance of the previously approved scheme which would enhance the character and visual amenity of the street scene and Conservation Area in accordance with policies QD1, QD2, QD3, HO4 and HE6 of the Brighton & Hove Local Plan. Notwithstanding this, it is recommended that in the event of planning permission being granted, conditions be imposed requiring the approval of detailed matters including external facing materials of the buildings, landscaping and architectural detailing.

Impact on the amenities of neighbouring occupiers

It is considered that the proposed development would have no material adverse amenity implications in accordance with policy QD27 of the Local Plan.

The proposed development would not prejudice the amenities of neighbouring residential occupiers immediately to the north and south of the site. In the previously approved scheme the rear elevations of the dwellings projected 1.5m beyond the rear elevation of No.32 Crown Gardens to the north, and in excess of 2m beyond that of the single storey with basement flat roofed dwelling to the south. In the current submission, the proposed dwellings would align with the rear elevation of no.32 and project only 0.5m beyond that of the dwelling to the south, thus significantly improving the light and outlook from the rear facing windows and their associated patio garden areas.

Although it was acknowledged that the previously approved scheme for two dwellings on the site would have an impact on the light and outlook of the residential occupiers at the rear of No's 21 and 22 Queens Road, this was not considered to be of such significance as to warrant refusal. Similarly, in determining the earlier appeal, the Inspector noted these concerns but considered that they were not alone of such significance as to justify a dismissal particularly given the similar relationship between properties to the north. Although in the current scheme, the height and bulk of the most southerly of the proposed units has been increased (i.e. from a maximum height of 8m to a maximum of 9.2m), the rear elevation of the development has been set back a further 1.5m from the rear of these properties and the ridge height of the most northerly unit reduced by 0.4m. It is considered that these modifications would be sufficient to satisfactorily ameliorate the increase in height of the most southerly dwelling on the light and outlook of these properties. Furthermore, the proposal would have a similar siting relationship, and therefore effect, to that between the existing house at No.32 Crown Gardens and No.23 Queens Road.

With regard, to the effect on the privacy of the residential occupiers to the rear of No's 21 & 22 Queens Road, given that the rear elevation of the dwellings currently proposed would be set back 1.5m further than that previously approved, window to window distances would be increased from 8.5m to 10m resulting in a commensurate reduction in overlooking. Similarly, this amendment would reduce the degree of direct and oblique overlooking from the second floor level roof terraces compared to those included in the scheme previously approved.

Although the height of the most southerly of the two units has been increased and its proximity to the Queens Gardens frontage decreased from 4.5m to 1m it is considered that there would be no material effect on the light, outlook or privacy of the occupiers of the two storey cottages on the western side of Queens Gardens. The development would maintain a satisfactory building to building distance of 10m with these properties which would be consistent with that of No.32 to the north, the previous planning permission and the established pattern of development in this high density urban location. In addition, the applicant has submitted an initial Daylight & Sunlight Assessment in relation to the ground floor windows of the nearest residential properties at no's 3 & 4 Crown Gardens indicating that there would be no

material affect.

The amenities of the future occupiers

The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.

Policy H013 of the Local Plan requires new development to comply with Lifetime Homes Standards. The Design & Access Statement indicates that the development would comply with Lifetime Homes Standards providing level threshold access and appropriate entrance arrangements and doorway widths. Notwithstanding this, a condition should be imposed to secure compliance.

In terms of private amenity space provision, each dwelling would have a small patio to the rear and a substantial roof terrace. Therefore it is considered that the proposed development would comply with policy HO5 of the Local Plan providing a level of amenity space provision commensurate with the area and the recreational needs of a small family dwelling.

Highways and parking

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their development proposals create and to maximise the use of public transport, walking and cycling.

A condition requiring sustainable transport infrastructure improvements to offset the increase in demand for public transport services arising from the development is proposed. The Applicant's have indicated their willingness to make such a contribution.

Given the restricted nature of the site no off-street parking can be provided. Notwithstanding this, policy HO7 allows the development of car free housing in locations such as this, where there is good access to public transport and local services and there are complementary on-street parking controls (i.e. the site is within a CPZ). To ensure that applicable developments remain genuinely car free over the long term the applicant is normally required to enter into a legal agreement with the Council to amend the relevant Traffic Regulation Order to prevent future occupiers from being eligible for on-street residential parking permits. However, the Applicant has indicated that such a restriction would compromise the viability of the proposed development and that if imposed, work will continue and the existing permission for two houses on the site would be completed. In view of the fact that such a requirement was not placed on the current planning permission; that the current proposal would not result in an increase in demand for on-street parking provision above and beyond that of the existing approved scheme; and that in terms of its design and appearance the current proposal represents a significant improvement, it is considered that it would serve no material planning purpose to preclude future occupiers from applying for parking permits.

Secure cycle parking for each house has been provided in the rear patio areas in accordance with policy TR14 of the Local Plan.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to small-scale new build residential development such as this, SPD08 Sustainable Building Design requires applicants to submit a Sustainability Checklist and the development to achieve a minimum rating of Level 3 of the Code for Sustainable Homes.

The Applicant has submitted a satisfactory Sustainability Checklist indicating that energy and water use would be minimised through the use of solar hot water heating, gas condensing boilers, smart meters, dual flush WC's, A-rated appliances and water regulators and that the development would meet Level 3 of the Code for Sustainable Homes. In the event of planning permission being granted, it is recommended that a planning condition be imposed to secure compliance.

A satisfactory Waste Minimisation Statement has been submitted in accordance with policy SU13 of the Local Plan.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The design of the proposed houses would represent an improvement upon the existing extant permission and would enhance the character and visual amenity of the West Hill Conservation Area. There would be no material detriment to the amenities of neighbouring residential occupiers. Sustainability measures are acceptable and transport generation will be offset by a financial contribution towards sustainable transport infrastructure.

9 EQUALITIES IMPLICATIONS

The proposed dwelling would need to comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes Standards.

BH2009/02231 Land to rear of 21-22 Queens Road



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Date: 22/12/2009 11:52:37

Scale 1:1250





Brighton & Hove City Council

PLANS LIST – 3 FEBRUARY 2010

COUNCILLOR REPRESENTATION

From: Pete West [mailto:Pete.West@brighton-hove.gov.uk]
Sent: 30 October 2009 18:27
To: Jeanette Walsh
Cc: Ian Davey; Keith Taylor; George Beresford
Subject: FW: FW: Proposed building on land rear of 21-22 Queens Road immediately adjacent to 22 Crown Gardens.

Dear Jeanette,

From quick comparison of the elevations of the existing consent and the new application there does appear to be a considerable increase in size of the buildings with likely additional overlooking, loss of light, inappropriate massing, over development etc.

If the case officer is not minded to refuse the application, may I request as a ward councillor that it is brought before committee for decision.

Many thanks

Pete West

<u>No:</u>	BH2009/01746	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land at Rear of 43 - 45 Norway Street		
<u>Proposal:</u>	Construction of a new three-storey building comprising 4 no self-contained flats, with roof-lights and rear dormers. Provision of bin and cycle stores.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	16 July 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 September 2009
<u>Agent:</u>	Bold Architecture Design, The Cottage, 104 Hallyburton Road, Hove		
<u>Applicant:</u>	Mr E Bibizadeh, Unit 3 & 4 Norway Street, Portslade		

This application was deferred at the last meeting on 13/01/10 for a Planning Committee site visit.

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings)
3. BH11.01 Landscaping / planting scheme
4. BH11.02 Landscaping / planting (implementation / maintenance)
5. The rear dormers at second floor level shall be obscurely glazed to the lower half of the windows and shall be retained as such at all times thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. The hereby approved first and second floor maisonettes shall not be occupied until the obscured screen to the outdoor terrace has been installed in accordance with the approved plans. The screen shall be retained at all times thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
7. Notwithstanding the submitted details no development shall commence until details of how lifetime home standards will be incorporated in the hereby approved units have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local

PLANS LIST – 3 FEBRUARY 2010

Plan.

8. BH05.01 Code for Sustainable Homes - Pre-Commencement (New build residential) Code Level 3.
9. BH05.02 Code for Sustainable Homes - Pre-Occupation (New build residential) Code Level 3.
10. BH05.10 Hardsurfaces.
11. BH06.03 Cycle parking facilities to be implemented.
12. BH08.01 Contaminated land.

Informatives:

- 1) This decision is based on drawing nos. 039-01 & 02 and accompanying supporting information submitted 16th July 2009; and drawing nos. 039-03, 04 A, 06 A & 07 A submitted 13th October 2009.
- 2) This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

Supplementary Planning Guidance

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and
 - (ii) for the following reasons:-

The development makes efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.
- 3) The applicant is advised that details of the Code for Sustainable Homes

can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

- 4) The applicant is advised that in respect of condition 5 the submitted details should ensure that bathrooms are designed to incorporate ease of access to the bath, WC and wash basin (lifetime homes standard 14).
- 5) The applicant is advised that the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer and that the Local Planning Authority has determined the application on the basis of the information made available to it.
- 6) It is strongly recommended that in submitting details in accordance with the condition 12 that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

2 THE SITE

The application relates to a vacant site fronting Franklin Road immediately adjoined by residential properties to the south and east. The surrounding area is predominantly residential in character comprising two-storey terraced properties. A commercial premises adjoins to the west.

3 RELEVANT HISTORY

BH2007/02547: Conversion of front building into 2 no. houses and redevelopment of rear into 4 no. B1 office units. Approved.

BH2006/03293: Partial demolition of existing storage premises (use class B8) and conversion of remaining building to form 2 no. three bedroom houses and erection of 2 no. new two bedroom houses (uses class C3). Withdrawn.

BH2002/00749/FP: Partial demolition of existing storage premises (use class B8) and conversion of remaining building to form 2 no. three-bedroom houses and erection of 2 new two-bedroom houses (use class C3). Withdrawn.

BH2000/00196/FP: Change of use from (B1) light industrial to (B8) storage/warehousing. Approved.

4 THE APPLICATION

The application seeks consent for the erection of a detached three-storey building, with gabled roof, comprising 2 x one-bedroom flats and 2 x two-bedroom flats. To the rear the first and second floors are within the roofspace. The proposed building will abut the side boundaries of the site

with the rear boundary marked by a wall approximately 2 metres in height.

5 CONSULTATIONS

External:

Neighbours: 18 letters have been received from **12, 37 (x2), 41, 49 (x4), 51, 53 (x2), 55 (x3), 57 & 63 Norway Street; Telecom House, Preston Road;** and **4 Althorne Road, Redhill** objecting to the proposal for the following reasons:-

- the three-storey building squeezed into what was historically a moderate rear garden is ludicrous;
- the building's design disregards existing buildings and the garden setting;
- the amenity space is inadequate;
- the amendments are only minor and do not overcome the main concerns;
- there are too many flats and they are too small;
- loss of privacy to both gardens and window openings;
- loss of light;
- increased noise and disturbance;
- parking in the area is already difficult and to add further housing without provision for extra parking is ludicrous;
- intensive use of diminishing Council resources;
- safety concerns as the pavement to the front of the building is narrow and large delivery lorries access the adjoining commercial unit;
- concerned that the common walkway (*to the rear of properties on Norway Street*) will be acquired and block access to the rear of the remaining properties;
- question why some neighbours have not been consulted;
- loss of property value.

Cllr Harmer-Strange Objects (see attached letter).

45 Franklin Road: Do not object to the proposals.

Internal:

Economic Development: No comments have been received.

Environmental Health: Following discussions there is no record that the applicant was aware of previous comments advising that the site is potentially contaminated. Taking this into consideration recommend that a contaminated land condition be applied.

Planning Policy: The release of an unviable employment site requires all the houses to be affordable or to be for live work units. HO5 applies and each unit must have usable private amenity space. HO13 applies and all new build must be capable of being readily adapted for wheelchair use.

Private Sector Housing: No comments.

Transport Planning: No objection subject to the provision of cycle parking

areas and details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

Supplementary Planning Guidance

03	Construction and Demolition Waste
08	Sustainable Building Design

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the principle of residential on the site, the standard of accommodation, and the proposed impact on neighbouring amenity, highway safety in addition to sustainability issues.

Background

The application site formerly comprised commercial buildings in storage and distribution use (Class B8). Planning permission was granted in 2007 for conversion of the front building (43 & 45 Norway Street) into two houses and the erection of a new building to the rear comprising 4 office units (ref: BH2007/02547). As part of the application it was considered that there were amenity problems associated with a B8 use on the site and there was no potential for commercial improvement or redevelopment on the site. The two residential units were therefore viewed as an enabling development to facilitate relocation of the applicant's business and the office units to the rear.

The approved scheme has been partially implemented with the buildings fronting Norway Street converted to dwelling houses. The applicant has advised that there is no financing or market for the approved offices and this application proposes a residential development in place of the previously

approved office units.

Principle of residential on the site

The commercial buildings have been demolished and established case law (most notably Iddenden v Secretary of State for the Environment 1972) found that where a use relies on a building to operate it does not survive demolition of the building. As such there is no established lawful use on the site at present.

Furthermore the site is not allocated within the Brighton & Hove Local Plan and the LPA is not in a position to enforce completion of the previously approved office development, which was not secured by either a condition or s106 agreement. For these reasons it is considered that refusal of the application due to the loss of commercial / industrial land would not be warranted and would be a difficult position to sustain at appeal.

If the site in its entirety had originally come forward for residential development policy EM3 would have sought affordable housing. However, it is considered that this could not reasonably be insisted upon as the commercial use is no longer present on the site, the Norway Street frontage buildings do not form part of the application nor are they linked to this site by condition or other agreement. For these reasons there is no objection to the principle of (non-affordable) market residential housing on the site.

Standard of accommodation

The development would create two one-bedroom and two two-bedroom units with adequate room sizes, outlook and natural light throughout.

Following amendments the depth of the private rear garden area has been increased and allows for adequate outlook and usable outdoor space for future occupants: the ground floor units also have sole use of the front garden areas. The upper floors of the property have access to a roof terrace at first floor level, which, given their location, is considered appropriate. The proposal is considered to comply with the aims of local plan policy HO5.

The Design & Access Statement advises that the units would adhere to the principles of Lifetime Homes and it is apparent that the main living spaces allow for turning circles and circulation space. Whilst there are concerns regarding accessibility to bathrooms these could be overcome and further details are required by condition.

Impact on amenity

The development would not result in a harmful loss of light or overshadowing for adjoining properties to the south on Norway Street and the main concern is therefore overlooking.

The first and second floor maisonettes incorporate a balcony at first floor level enclosed by a parapet wall and opaque screening to a height of

approximately 1.6 metres. It is acknowledged that the balcony would be visible from adjoining properties and there would be a perception of overlooking. However, the screening would prevent views from anyone sitting on the balcony and the overall height and terrace planters are sufficient to ensure no harmful downward overlooking of adjoining properties to the south.

The dormers at second floor level incorporate obscured glazing to the lower half of the windows which would admit light to the room without causing any harmful overlooking of properties to the south.

The proposed building is of a comparable height, bulk and siting to that previously approved under ref: BH2007/02547. As such whilst the rear window openings to 43 & 45 Norway Street will suffer loss of light and outlook the resulting impact is the same as that previously accepted and refusal of the application would not be warranted in this instance.

Design

The principle of a two-storey building on the site has already been accepted through planning permission ref: BH2007/02547. As part of this application it was considered that 'the proposal would be a significant improvement in visual terms over the existing asbestos shed, and the proposed simple contemporary design of the new offices is considered acceptable and in keeping with the nearby new housing development in Denmark Road.'

The building proposed by this application is of a matching scale and siting to the previously approved office building, with the primary difference being the provision of open space to the rear (the approved scheme featured complete plot coverage at ground floor level). The proportions and chosen materials of the building are also comparable to the already approved scheme and, again, are considered acceptable in this location.

There is some opportunity for landscaping to the front and rear of the site, and to the first floor terrace, and conditions are recommended to require further details.

Sustainability

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' recommends that for a development of this scale the proposal incorporates a sustainability checklist, achieves zero net annual CO₂ from energy use, and meets Level 3 of the Code for Sustainable Homes (CSH).

The application is accompanied by a sustainability checklist and whilst no CSH pre-assessment has been completed there are no apparent reasons why the development could not meet the required standard and further details are therefore required by condition.

Policy SU13 and Supplementary Planning Document 03 'Construction and Demolition Waste' both seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. A WMS has been submitted demonstrating that there are no reasons why waste would not be minimised during demolition and construction.

Transport

Policy TR1 of the Brighton & Hove Local Plan requires that developments provide for the travel demand they create and maximise the use of public transport, walking and cycling.

The development will not generate any additional demand for travel above that which would have been created by the previously approved office scheme (ref: BH2007/02547). On this basis it is not necessary for additional sustainable transport infrastructure to be provided as part of the development now proposed.

The application site does not lie within a controlled parking zone and it is not possible for the development to be made 'car free'. There is potential for on-street parking along the frontage of the site and having regard to the previously consented scheme it is considered that any additional demand for parking would not warrant refusal of the application.

Contaminated Land

Environmental Health Officers have commented that the site is potentially contaminated and that further information should be required by condition. There has been no change in material considerations or planning policy in terms of contaminated land since this date. For this reason in order to ensure a consistent approach it is considered issues surrounding potentially contaminated land can be suitably overcome by way of a condition. Environmental Health have no objection to this approach.

Other considerations

The applicant has submitted a financial appraisal outlining that development of the site, as originally approved and now proposed, is to enable the relocation and expansion of an existing local business (which originally occupied the application site and is now based on Basin Road South). This is not however held to be a key material consideration in the determination of this application which has been considered on its own merits.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development makes efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

9 EQUALITIES IMPLICATIONS

The development should be built to lifetime home standards and this is required by condition (no. 5).



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Date: 16/12/2009 11:56:21

Scale 1:1250



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Brighton & Hove City Council

PLANS LIST – 3 FEBRUARY 2010

COUNCILLOR REPRESENTATION

From: Steve Harmer-Strange [Steve.Harmer-Strange@brighton-hove.gov.uk]
Sent: 18 November 2009 11:41
To: Guy Everest
Subject: RE: BH2009/01746 - Norway Street

Hi Guy,

I called this morning but you weren't in. As discussed the other day, the residents would like the opportunity to meet with the architect/site owner to discuss the plans and wondered whether you had any approval for this to go ahead or not so that I can inform residents.

I would also like to formally request that this planning application (BH2009/01746) goes to committee as I wish to object on the grounds of overdevelopment on the site and invasion of privacy among other things. I would also like to request the right to speak against it at the meeting as well. I would also like to formally request that the committee conducts a site visit to be able to see for themselves the proximity of the development to the existing house on the corner. However, as discussed, if a suitable resolution can be reached prior to this being heard then I may withdraw my request.

I'm making the assumption that this application is not on the schedule for the 25th November meeting and unlikely at this stage to be on the 16th December either. However, 13th January could be a likely date for a hearing. I will advise the residents about 25th November but would appreciate a clearer steer on the other two dates (if possible) to help manage their expectations.

Look forward to hearing from you.

Kind regards

Steve

Cllr. Steve Harmer-Strange
South Portslade Ward (Conservative)

<u>No:</u>	BH2009/02915	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Windlesham School, 190 Dyke Road, Brighton		
<u>Proposal:</u>	Alterations to existing classroom including removal of 1 no. roof-light and lowering of the East section of the building with new mono-pitched roof.		
<u>Officer:</u>	Kate Brocklebank, tel: 01273 292175	<u>Received Date:</u>	28 October 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 December 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mrs Aoife Bennett-Odlum, 190 Dyke Road, Brighton		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. The development hereby approved shall not be in use except between the hours of 8.30 to 16.00 Monday to Friday and shall not be in use at any time on Saturdays, Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
3. The development hereby approved shall only be used as a classroom until 20th May 2012. Unless otherwise agreed in writing by the Local Planning Authority, after 20th May 2012 the development may only be used as storage space ancillary to the school use of the site.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no's TA 466/01, TA 466/03, TA 466/10 – TA 466/13 submitted on 28th October 2009 and TA 466/02 revision A, TA466/04 revision A, TA 466/05 revision A submitted on 20th January 2010.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Efficient and effective use of sites
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
<u>Supplementary Planning Document</u>	
SPD03	Construction & Demolition Waste
<u>Supplementary Planning Guidance</u>	
SPG04	Parking Standards
<u>East Sussex and Brighton & Hove Waste Local Plan</u>	
WLP11	Construction Industry Waste; and

(ii) for the following reasons:-

The proposed development would not be of detriment to the character and appearance of the area and would not adversely impact on the residential amenity of adjacent properties.

2 THE SITE

The site is located on the east side of Dyke Road, opposite Dyke Road Park and covers a large, roughly square area to the rear of 182-188 Dyke Road; 190 Dyke Road forms part of the school complex. The site is bounded by residential properties on Port Hall Road to the south east with a private garden area abutting the southern boundary, Port Hall Street to the north east and Dyke Road to the south west. To the north of the site there is a complex of three blocks of flats known as Fairways, the closest block is approximately 5 metres from the site boundary. The site has two points of access from Dyke Road. There is a narrow pedestrian access to the front of 190 Dyke Road which is a large former residential dwelling. The second access is adjacent to 178 Dyke Road is a narrow vehicular access to the site.

In the wider context, Dyke Road is characterised by a mix of more modern flatted development and detached and terraced dwellings of varying design and age set back from the road. Port Hall Street and Port Hall Road have a more uniform character formed predominantly by terraced period properties with regular sized relatively shallow front gardens when compared with Dyke Road development.

The site is generally level however the ground level on site differs to that of neighbouring properties along Port Hall Road and Port Hall Street which are

approximately 1.5m lower.

3 RELEVANT HISTORY

BH2009/00509: Demolition and removal of 2 no. existing sheds. Erection of 1 new classroom with new recreation fencing. Approved 20/5/2009.

BH2008/00232: Demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and new classrooms and internal alterations to existing building. Approved 08/07/2008.

BH2003/00574/FP: Construction of external staircase to new classroom block. Approved 31/03/2003.

BH2002/02140/FP: New classroom block (3 storey) and pool enclosure-amendment to previously approved application BH2002/00469/FP. Approved 30/09/2002.

BH2002/00469/FP: Removal of temporary classrooms and temporary swimming pool enclosure and construction of new classroom block and pool enclosure, alteration of hall and new link walkways. Approved 05/04/2002.

BH2001/01277/FP: Erection of temporary classroom to north part of the site. Approved 18/07/2001.

4 THE APPLICATION

The application seeks planning permission for an amendment to the recently constructed classroom. The building was not built in accordance with the approved scheme and was instead erected closer to the eastern and southern boundaries of the site and three domed rooflights were installed in the roofslope rather than flush. The current application has sought to reduce the bulk of the building where it abuts the eastern boundary by introducing a sloping roof over a the eastern section of the building including a section of the overhang of the roof to the front of the structure. The amendments also propose the removal of one of the rooflights.

The proposed building is approximately 5.1m in depth and approximately 7.1m in width with a single pitched roof rising from 2.2m in height on the south side to 3.3m in height on the north side. Windows will be in the north elevation only with a single access door in the west elevation. As the site is surrounded by trees an Arboricultural Report has been submitted with the application.

5 CONSULTATIONS

External:

Neighbours: 7 letters of objection have been received from the occupants of **13, 15** (3xletters), **17, 21 Port Hall Street** and **27 Port Hall Road**; their comments are summarised as follows:

- The classroom is built too close to the boundary
- Poor design
- Proposal does not adequately address the breaches of the previous permission
- Rooflights should be removed – increased height and light pollution
- Out of character and scale
- Overshadowing

- In breach of conditions restricting the hours of use
- No landscaping has been implemented to minimise the impact of the building
- Request that the members carry out a site visit from neighbouring houses to assess the impact prior to determination
- Ground level in Port Hall Street is significantly greater than 1m lower than the school resulting in a greater impact
- The building should be further reduced in scale
- the proximity of the classrooms will bring an increase in noise and disturbance immediately beyond their boundary walls.

Internal:

Environmental Health: No objection – (Comments as per previous application BH2009/00509). The acoustic properties of a timber framed building may not be as good as a masonry construction but the restricted hours of use mean that there is little chance of serious additional disturbance to neighbours. Concern is raised regarding light escape through the large roof lights having an impact on neighbours. To resolve this concern it is recommended a condition requiring that blinds are incorporated within the roof lights: 'Before the development is occupied blinds shall be fitted to the roof lights to prevent the upward escape of artificial light.'

Arboricultural Officer: No objection – A site visit has recently been conducted and the Arboricultural section are in full agreement with the arboricultural report.

The Sycamore should be removed on the grounds of health and safety, the elder scrub is minimal and is of little arboricultural value. Any tree pruning should be done to BS 3998 (1989) Tree Pruning Operations.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Efficient and effective use of sites
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity

Supplementary Planning Document

SPD03 Construction & Demolition Waste

Supplementary Planning Guidance
SPG04 Parking Standards

East Sussex and Brighton & Hove Waste Local Plan
WLP11 Construction Industry Waste

7 CONSIDERATIONS

The main considerations relating to the determination of this application relate to the impact of the structure on the character and appearance of the area, neighbouring amenity and the impact on trees.

Visual impact

Local plan policies QD1, QD2 and QD3 require new development to make effective use of land and to demonstrate a high standard of design. They must make a positive contribution to the visual quality of an area and be of an appropriate scale, height and materials.

The proposed shed/classroom is a single storey structure and has been constructed a minimum of 1m from the east and southern boundaries of the site. Although the structure was erected closer to the adjacent boundaries the floor area is no larger than that which was approved under BH2009/02615, approximately 35sq metres. The classroom is constructed in sweet chestnut timber boarding with windows in the northern elevation and with three domed rooflights in the mono-pitched roof, one of which is proposed to be removed as part of the current application.

Objections have been raised by the adjoining occupiers of the site in relation of issues including overshadowing. The applicant has aimed to address these concerns by reducing the eastern section of the building and introducing a sloping roof angled away from the eastern boundary approximately 1.5m in depth. The maximum height of the structure would therefore be approximately 2.3 metres away from the boundary wall to the east compared with the current distance to the maximum height of approximately 1 metre. To the rear of the building (adjacent to the southern boundary) a similar relationship is maintained to that of the previous shed the current structure has replaced. The proposed alterations to the structure are considered acceptable in design terms, particularly given the modest overall scale, is not considered it will be an overbearing structure detrimental to the appearance of the site.

Impacts on residential amenity

Local Plan policy QD27 states that development will not be granted where it would cause material nuisance and loss of amenity to proposed, existing or adjacent residents of the site.

Residential gardens to Port Hall Street are located on lower ground behind the eastern boundary wall. These properties have objected principally on the grounds of overshadowing, increased noise disturbance and loss of privacy.

The properties immediately adjacent to the site, No's 15 & 13 Port Hall Street have rear gardens that sit on lower ground, it is noted that this is not clearly shown on the plans submitted however was ascertained when conducting a site visit. Owing to the differing site levels the existing building is visible above the rear boundary walling and more so where the boundary wall lowers in height at the rear of number 15. The proposal seeks to reduce the impact of the building on these properties by introducing a sloping roof over the most easterly section of the building which slopes away from the adjoining boundary. To the south of the site, the building is proposed to stay a minimum of 1m from the southern boundary and is approximately 2.5m in height to the top of the eaves level before sloping away. The roof height is very similar to that of the previously removed shed however is of a greater width. The siting and scale of the existing and proposed building, although more prominent in views from the adjoining boundaries, particularly from the east, will not cause demonstrable harm to neighbouring residential amenity by way of overshadowing, loss of light or have an overbearing affect.

No windows proposed in the structure will cause significant harm by overlooking any neighbouring dwelling, particularly as those proposed face north into the existing playground area.

The classroom did not involve increasing the number of pupils attending the school. The construction of new facilities approved under BH2008/00232 will involve the loss of a larger timber classroom to the west of the site and the classroom sought to address this shortage in teaching space. A condition was attached to the previous consent for the classroom to require that the building only be used as teaching space for a period of 3 years. This was to allow for the construction of the new facilities. After this time period the applicant has indicated that the building will be used for storage. A similar condition is recommended for this amended application.

The Environmental Health officer has commented that whilst the acoustics of the timber classroom are not as good as a masonry construction, the restricted hours of its use will not result in additional disturbance to neighbours. A condition to restrict use to school time hours only is therefore recommended in order to prevent the building being used for after school activities in the future. Given the hours of use and the location of the main playground adjacent to the eastern boundary it is considered that there will be no significant noise disturbance than already exists at this part of the site. All access to the new classroom will be from the west only, away from the objecting properties, on a new permeable paved pathway.

Environmental Health Officers previously recommended that a condition be attached requiring blinds to be incorporated into the rooflights to avoid the upward escape of artificial light impacting on neighbours. It was considered that this condition was unreasonable, especially given the use of the classroom is restricted to daylight hours. The hours of use have also been supported by a letter from the schools bursar who has confirmed the

classroom will be used Monday to Friday between 9:00am and 3:30pm. The number of rooflights is to be reduced by one and will be flush to the roofslope rather than domed and it is not felt that further lighting control is warranted.

Impact on trees

Policy QD16 of the Local Plan requires new development to accurately identify existing trees and must seek to retain these trees as part of the proposals.

The proposed classroom is to be sited immediately adjacent to four trees within the site. The classroom has been constructed entirely above ground level. An Arboricultural Report has been included with the application that details root protection radii and recommendations to protect the trees in accordance with the British Standards. The Arboricultural Officer has agreed with the content of the report and has conducted a site visit. The building is in situ, does not involve moving of the structure, and the Council's Arboricultural Officer has visited the site to confirm acceptability of the construction.

Sustainability

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

Given that the building will only be used as a classroom for a temporary period, it is not considered necessary in this case to require the development meet a specific BREEAM standard.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would not be of detriment to the character and appearance of the area and would not adversely impact on the residential amenity of adjacent properties.

9 EQUALITIES IMPLICATIONS

The new classroom should be DDA compliant.

Windlesham School, 190 Dyke Road



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<u>No:</u>	BH2009/02797	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Householder Planning Consent		
<u>Address:</u>	106 Waldegrave Road, Brighton		
<u>Proposal:</u>	Erection of bicycle shelter to front of property.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	16/12/2009
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	10 February 2010
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Dr Matthew Adams, 106 Waldegrave Road, Brighton		

1 RECOMMENDATION

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

1. The proposal, by reason of its materials, size and siting in a small, elevated front garden area, would be prominent and visually intrusive. Views of the front elevation and bay window of the existing property would be obscured and the proposal would appear as an incongruous and inappropriate feature, harming the character and appearance of the existing property, and the surrounding street scene and Preston Park Conservation Area. The proposal is therefore contrary to Policies HE6, QD1, QD2, and QD14 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the drawing no. 106/02 submitted on the 16th of November 2009.

2 THE SITE

The application relates to a terraced house on the eastern side of Waldegrave Road, the property is located within the Preston Park Conservation Area.

3 RELEVANT HISTORY

106 Waldegrave Road

BH2009/01198: Erection of a bicycle store to front of property. Refused 14/07/2009 on grounds that the visual impact of the proposed structure was considered inappropriate.

96 Waldegrave Road

There is a bicycle store in place at no. 96 Waldegrave Road, of a design similar to that proposed at no. 106. This structure is unauthorised; an Enforcement Notice has been served and it is currently the subject of an appeal.

86 Ashford Road

Erection of storage shed to front garden (retrospective). Refused 25/11/2004. Subsequently dismissed on appeal 19/10/2005.

4 THE APPLICATION

The application is a resubmission of the scheme refused under application BH2009/01198, seeking consent for the erection of a bicycle shelter in the front garden area of the property.

5 CONSULTATIONS

External

Neighbours: Letters have been received from the residents of nos. **110, 113 and 117 Waldegrave Road**, objecting to the proposed development on the following grounds:

- The proposed structure would be unsightly, visually intrusive and out of keeping with the conservation area. The garden area is raised above street level which would worsen this impact.
- The existing buildings in the terrace are of uniform character with open front gardens and low walls; the proposed structure would harm this character and would make no positive contribution to the conservation area.
- The proposed soft landscaping would not adequately screen the structure and would take many years to grow and mature.
- If the proposed structure is granted consent a precedent would be set for the approval of similar developments located in front garden areas in the area.
- The proposal represents a security hazard.
- There is currently a bicycle shelter in the rear garden area which is a more appropriate location.
- Storage for bicycles could be accommodated within the house.
- The applicants state that there is local support for the application; this is not the case.
- Locking up bicycles in a shed to the front of the property may not be more convenient than storing bicycles within the house.

Councillor Kevin Allen has written in support of the proposal requesting that the application be determined by the Planning Committee if it is recommended for refusal (letter attached).

Internal:

Conservation & Design: Waldegrave Road is a coherent and attractive historic street, and the front of the properties are of a uniform appearance. Due to the small, raised character of the front garden area, the proposed store would be a prominent and obtrusive feature. The structure would project above the adjacent boundary walls and pillars, and above the cill height of the ground floor bay window obscuring views of this feature. Overall it is considered that by virtue of its size and location the store would fail to

preserve the appearance and character of the property and the wider conservation area, and it is not considered that planted screening would significantly alleviate that harm. Furthermore, a precedent would be set for the approval of similar structures located in front gardens in the surrounding area, which would substantially alter its traditional appearance.

Sustainable Transport: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD27 Protection of Amenity
- HE6 Development within or affecting the setting of conservation areas
- TR14 Cycle access and parking

7 CONSIDERATIONS

The main issues of consideration relate to the visual impact of the proposed structure on the existing property, the surrounding conservation area, and any impact on neighbouring amenity.

The visual impact test with respect to applications within a conservation area is whether the proposed development preserves or enhances the character and appearance.

Visual Impact

The property is located in the Preston Park Conservation Area and Waldegrave Road is considered to be a coherent and attractive historic street. As such, any alterations/additions which would be visible in the street scene must be carefully considered. Policy HE6 of the Brighton & Hove Local Plan states that proposals within conservation areas should preserve or enhance the character and appearance of the area. Inappropriate additions to the front of properties have the potential to cause significant harm to the character of an area.

Waldegrave Road consists of medium-sized Victorian terraced houses with tightly spaced frontages and small front gardens. The houses have bays and generally retain original architectural features. There is a consistent boundary line of low front walls between pillars. The walls/pillars and front gardens are important features within the street scene as well as allowing the buildings themselves to be clearly seen.

The ground floor level of number 106 is raised slightly up from pavement level, approached by steps, and the garden is similarly raised above pavement level (in common with neighbouring houses). The store would therefore be a very prominent and obtrusive feature in the small front garden and within the street scene and would clearly draw the eye. Because of its

size and the elevated level of the garden it would not only be 1.3 metres above the height of the low front wall but also above the height of the nearby pillar. More harmfully still, it would be significantly above the cill height of the ground floor bay window and would obscure a significant part of the bay window in views from the street. It would also obscure views of the bay at no. 104. By virtue of its size and location the shed would fail to preserve the appearance and character of the conservation area.

It is stated that proposed new screening along the front and southern side of the front garden in the form of a new hedge (*Ligustrum Ovalifolium*), would block views of the store from the street. It is however the case such hedging would need to be of a considerable height, and would need to extend around all three sides of the garden area to restrict views of the street. The fact that high screening would be required on all sides of the garden to hide the structure is a further indication that the store would not be an appropriate addition to the street scene. Such screening would alter the currently open nature of the front of the property, with low boundary walls and clear views of the detailing of the front of the house available. This character is in keeping with the majority of neighbouring properties. Overall it is considered that the partial restriction of views of the store which hedging would provide would not sufficiently mitigate the visual harm which would be caused, and more substantial screening would not preserve the character of the property and the wider conservation area.

It is noted that there is a store similar to that proposed in place at no. 96 Waldegrave Road; this structure is currently subject to enforcement action. It is considered that the approval of the current proposal at no. 106 would set an unwelcome precedent which would encourage the erection of similar structures to properties in the surrounding area.

To conclude, it is considered that the proposed store would have a harmful impact upon the character and appearance of the Preston Park conservation area.

Impact on neighbouring amenity

The proposed store would have most impact on residents of the adjoining terraced property to the south, no. 104 Waldegrave Road. The proposed store would affect the outlook from the front ground floor bay window of no. 104, however views from within the room (away from the window) would be largely unaltered. The store would have a slight enclosing effect when viewed from closer to the window, however overall it is considered that due to the limited scale of the proposed store, the impact on residents of no. 104 would not be of a level which would represent significant harm to amenity.

Transport

The store is proposed in order to provide convenient and easy access for the family at No.106 to their bicycles. The applicants have indicated that they use their cycles most days. They also highlight the benefits of cycling in reducing

car usage and helping to reduce the impact of climate change. Such benefits are supported by national and local planning policies and the principle of improved cycle storage for the house is clearly acceptable.

Conclusion

Whilst it is a priority of the Local Planning Authority to encourage use of sustainable transport methods such as cycling, this must be balanced against the harm to Preston Park conservation area.

It is acknowledged that cycle storage located to the front of the property may be the most convenient solution for residents of the property. It is however possible for bicycles to be stored to the rear of the property or internally. Such an arrangement is common in terraced properties across the city. In this case, it is considered that the need for a convenient store does not outweigh the harm which would be caused to the appearance of the property and the character and appearance of the surrounding conservation area by the proposed store.

8 EQUALITIES IMPLICATIONS

None identified.





**Brighton & Hove
City Council**

PLANS LIST – 3 FEBRUARY 2010

COUNCILLOR REPRESENTATION

From: Kevin Allen [Kevin.Allen@brighton-hove.gov.uk]
Sent: 12 January 2010 22:03
To: Jonathan Puplett
Subject: RE: BH2009/02797 106 Waldegrave Road

I wish this application to go to committee and I wish to speak at the meeting where it is discussed. I shall be supporting the applicant along the lines that there should be a more flexible interpretation of the principles governing Conservation Areas in order to take account of families' needs and that so long as a bike shed is not unduly prominent it should be allowed. But I will make these points at the meeting.

Regards

Kevin Allen

<u>No:</u>	BH2009/02715	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	The Studio, 4 Dean Court Road, Rottingdean		
<u>Proposal:</u>	Erection of a single storey extension to South elevation.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Received Date:</u>	09 November 2009
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	19 January 2010
<u>Agent:</u>	Mr Phil Brigly, 11 Stanley Avenue, Mile Oak, East Sussex		
<u>Applicant:</u>	Mrs Ann Mill, The Studio, 4 Dean Court Road, Rottingdean		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning Permission.
2. BH12.02 Materials to match – Cons Area.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies QD1, QD14, QD14, QD20, HE3, HE6 and NC8 of the Brighton & Hove Local Plan.

4. Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 30th March 2009 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 WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

1. This decision is based on a design and Access Statement, a Heritage Statement and a Waste Minimisation Statement submitted on the 9th November 2009 and drawing nos. P09/044/01a submitted on the 21st

December 2009.

2. The applicant is advised that the conditions, attached to approved application BH2005/06530, remain in force.

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

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

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

SU13 Minimisation and re-use of construction industry waste

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD4 Design – strategic impact

QD14 Extensions and alterations

QD20 Urban open space

QD27 Protection of amenity

HE3 Development affecting the setting of a Listed Building

HE6 Development within or affecting the setting of Conservation Areas

NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

Subject to compliance with the attached conditions it is considered that the proposed extension will not be of detriment to the character or appearance of the property, the Dean Court Road street scene and the surrounding area, especially the Rottingdean Conservation Area, the adjacent Sussex Downs Area of Outstanding Natural Beauty and intended South Downs National Park, the setting of the adjacent Listed Building and will not intrude into the important open space visual view between Rottingdean and Saltdean. Furthermore it is considered that the proposal will have a significant adverse impact upon the amenities of the neighbouring properties.

2 THE SITE

The site address relates to a small building located to the rear of properties sited on the southern side of Dean Court Road, in Rottingdean. The building currently provides a bed-sit style residential unit.

The existing building is set in very large grounds for its scale and has vehicular access, a small turning head and a driveway, which is accessed off Dean Court Road from a private access track which runs between number 6

Dean Court Road and Little Cottage.

The site address is within the Rottingdean Conservation Area and is subject to an Area Tree Preservation Order. The site is located adjacent to Tudor Close which provides a collection of Grade II Listed properties, which were built as a hotel in the late 1920, which today provide a number of houses and flats. Furthermore the site address is close to the boundary of the Sussex Downs Area of Outstanding Natural Beauty and the proposed South Downs National Park, which lie to the east of the site address.

3 RELEVANT HISTORY

Former Swimming Pool Site

BH2007/04061: Demolition of existing dwelling. Construction of one 3-bedroom dwelling house. Dismissed at appeal for non-determination.

BH2005/06530: Change of use of studio (B1) to single Dwelling (C3). Allowed on appeal.

BH2002/01578/FP: Change of condition 2 on approval BN/83 to enable new owner to use the studio and garden. Granted 09/10/2002.

BH2001/00072/FP: Erection of two storey house with double garage and carport. Withdrawn 11/07/2003. Dismissed on appeal for non-determination.

83/674: Change of use of existing pump house to studio. Granted 17/07/1983.

82/961: Change of use to single private dwellinghouse. Refused 12/10/1982.

79/2770: Erection of single dwellinghouse with garage and alterations to swimming pool. Refused 20/11/1979.

75.1953: Change of use to private dwelling. Refused 23/09/1975.

74.1428: Alterations to use rooms as single dwellinghouse. 01/10/1974.

74.115: Erection of WC. Granted 12/02/1974.

71.3239: Outline for the erection of a detached house and garage. Refused 18/01/1972.

71.1859: Outline for the erection of a detached house and garage. Refused 10.08/1971.

68.534: Outline for the erection of a detached bungalow and garage. Refused 09/04/1968.

60.1803: Outline for the erection of a single storey dwelling. Refused 18/10/1960.

4 THE APPLICATION

Planning permission is sought for the erection of a single storey flat roofed extension to the southern elevation of the property. The proposal will require the removal of the existing southern conservatory extension. Existing windows within the property will also be replaced as part of the application.

5 CONSULTATIONS

External:

Neighbours: Gable Cottage, 6 Dean Court Road; objects as there have been several applications to develop this site over the past 10 years. They have all been refused and the reasons for these refusals remain the same. This application contravenes the Local Plan as the land is within the

Rottingdean Conservation Area and as such this development would be detrimental to the local community. Access to the site is down a narrow Right of Way which is impassable for emergency vehicles and exits blindly onto dean Court Road which is perilous to pedestrians, many elderly and children on their way to and from school. In the past our wall has been damaged by large vehicles trying to reverse down this narrow access. We are continually under pressure from successive owners of this site wishing to develop or extend what is essentially a small studio on one of the last green sites in the village. The land is a haven for wildlife including badgers, foxes and a large variety of birds which rely on these ever diminishing patches of green land adjacent to the new National Park, and this is a key reason why we originally purchased our house. The plans show a second bedroom which indicates that more people are going to live there and therefore more residents mean increased pedestrian and vehicular traffic to and from the site which impacts on our property directly.

17 Tudor Close; fully support the plans, which will improve the existing accommodation.

29 Tudor Close; approve and consider the proposal a great improvement on the existing building without any major disturbance to the site.

Rottingdean Parish Council; would like to draw Council's attention to the fact that the property was the subject of a planning appeal in October 2006 for change of use from a studio to a dwelling. In granting the appeal the Planning Inspectorate stipulated the condition "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modifications) no extensions shall be erected to the dwelling hereby permitted". On the appeal report it was also stated that "A residential use would give the property permitted development rights for extensions. Because of the small size of the existing building, the implementation of such rights could result in a substantial change to the appearance of the site. Possible harm from such development could be avoided by withdrawing such permitted development right". The current application is clearly a breach of the "change of use" planning permission that was granted and indeed the applicant's design and Access Statement states that the property is being extended. Therefore urges that the formal decision of the Planning Appeal Inspector is adhered to since ignoring the conditions by which this property was granted dwelling permission would set a dangerous precedent.

Councillor David Smith: Objects to the application (correspondence attached).

Internal:

Conservation and Design:

The Green, Kipling Gardens and the private gardens of the surrounding large houses, together with the walled churchyards of St. Margaret's and the walled

gardens extending beyond these (including the development site) to the east to open countryside, are important areas of open green space in the central section of the conservation area. This contrasts with the denser morphology of the southern end of the village, with its smaller houses set close to one-another along the High Street, promoting a more rural character to this part of the conservation area. It is therefore important that the proposed development site retains its sense of green open space. In order to retain this character, the site should also remain as one, and should not be partitioned in any way.

The proposed scheme removes the lean-to conservatory, which is of a generic modern design. It replaces it with a single storey extension, which is more in-keeping with the appearance of the property. The slightly lower roof emphasizes the difference between original and extended fabric.

The low height of the property means that it is not clearly visible from public land in the conservation area, and would not have a negative impact on the setting of Tudor Close. As the extension is not substantially larger than the conservatory that is to be removed, the open character of the site would be retained.

The windows should be white painted timber, with consistent modern detailing provided throughout the property. To ensure such modern detailing: The windows to the east and west elevations should be divided into three equal portions, similar to the existing west window. The windows should not have top-hung casements. Similarly, the horizontal bar across the middle of the door should be removed.

The trellis on the building should be removed.

All Permitted Development rights should be removed – including any extension or alteration to the building; and changes to hardstanding and boundaries throughout the development site.

A condition should also be included to ensure that the land is not divided, sold, leased, rented or otherwise disposed of separately in future.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD20	Urban open space
QD27	Protection of amenity
HE3	Development affecting the setting of a Listed Building

HE6 Development within or affecting the setting of Conservation Areas
NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

In the determination of the application the main issues for consideration are the impacts of the proposed development upon the character and appearance of the existing property, the Dean Court Road street scene, the surrounding area, the Rottingdean Conservation Area and the adjacent Sussex Downs Area of Outstanding Natural Beauty (intended South Downs National Park) and the setting of the adjacent Listed Building. The impacts upon the amenities of the neighbouring properties are also considered.

Visual Amenities

In order to accommodate the proposed extension on the southern elevation of the property the existing conservatory will be removed.

The proposed extension and other related internal works will result in the existing bedsit becoming a two-bedroom dwelling with a kitchen, a bathroom and a living room.

The proposed flat roofed extension will project from the southern elevation of the property by approximately 3.5m and will extend across the whole width of the southern elevation, approximately 5.6m. The flat roofed extension will have a height of approximately 2.8m, which is 0.4m lower than that of the existing main flat roof of the property, which measures approximately 3.2m. The flat roof of the extension will overhang the elevations of the extension, to reflect the style of the existing flat roof and will intersect the side elevations of the existing property.

The proposed extension will comprise a masonry eastern elevation with double glazed timber framed windows, of approximately 2.1m in height, on the southern and western elevations. A timber framed glazed door will be located in the northern part of the western facing elevation in order to provide access into the dwelling.

Since submission of the application amendments have been made to the application with regards to the frame material and window design, style and proportioning of some of the proposed replacement windows in order to address concerns raised by the Council's Conservation officer.

The Rottingdean Conservation Area, in which the property is sited, has three character sub-areas, namely The Street, the area around the Green and Falmer Road. Although the site lies within the defined boundary of the built up area there is a presumption against the development of important open green

spaces within Conservation Areas. This is reflected in section d of policy HE6 of the Brighton & Hove Local Plan in which it is stated that developments within Conservation Areas should show 'the retention and protection of trees, gardens', spaces between buildings and other open areas which contribute to the character or appearance of the area'. Furthermore policy QD20 states that 'planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance layout and features of importance'. Despite this site forming an important component in the area of open space between Rottingdean and Saltdean, which runs from the Downs to the parish church, it is not considered that the proposal will be detrimental to this open space area due to the design, scale and positioning of the proposed extension being in context with the existing dwelling.

The roof of the proposed extension will be set down from the eaves of the existing flat roof by approximately 0.2m. A flint wall, with a wooden trellis above, is located around the perimeter of the site address. The height of this wall varies across the site in order to reflect the gradient upon which the property is located. The roof of the proposed extension will be lower than the top of the trellis.

A number of the objections received refer to comments made by a Planning Inspector in the determination of, and conditions attached to, an appeal of a previously refused application (references BH2005/06530 and APP/Q1445/A/06/201895) which sought planning permission for the change of use of the studio (Use Class B1) to a single dwelling (Use Class C3). In the determination of the appeal the Inspector states that "A residential use would give the property permitted development rights for extensions. Because of the small size of the existing building, the implementation of such rights could result in a substantial change to the appearance of the site. Possible harm from such development could be avoided by withdrawing such permitted development rights". The removal of permitted development rights is not intended to prevent development to a property; merely it allows the Local Planning Authority to assess the impacts of proposed developments.

Overall it is considered that the proposed extension will not be of detriment to the character or appearance of the property, the Dean Court Road street scene and the surrounding area, especially the Rottingdean Conservation Area, the adjacent Sussex Downs Area of Outstanding Natural Beauty or the setting of the adjacent Listed Building. In addition it is not considered that the extension will intrude into the important open space visual view between Rottingdean and Saltdean.

Impact Upon Neighbouring Properties

Due to the positioning of the proposed extension on the southern side of the property and the relationship and orientation of the dwelling with neighbouring

properties it is not considered that the extension will have a significant adverse impact upon the amenities of the neighbouring properties.

Sustainability

Policy SU13 of the Brighton & Hove Local Plan requires developments of the nature and scale proposed to be accompanied by a Waste Minimisation Statement to address the removal of any construction and demolition waste which will be produced as a result of the development. As part of the application such a statement has been submitted. It is acknowledged that the submitted statement lacks details such as the quantities of waste generated and the details of the proposed waste contractor, however other measures such materials being sourced locally and waste materials being re-used or recycled where possible are included. It is therefore considered that a condition should be attached to an approval to ensure that the stated measures are implemented.

In accordance with policy SU2 of the Local Plan all rooms within the extended and altered dwelling will be provided with some form of natural light and ventilation.

Conclusion

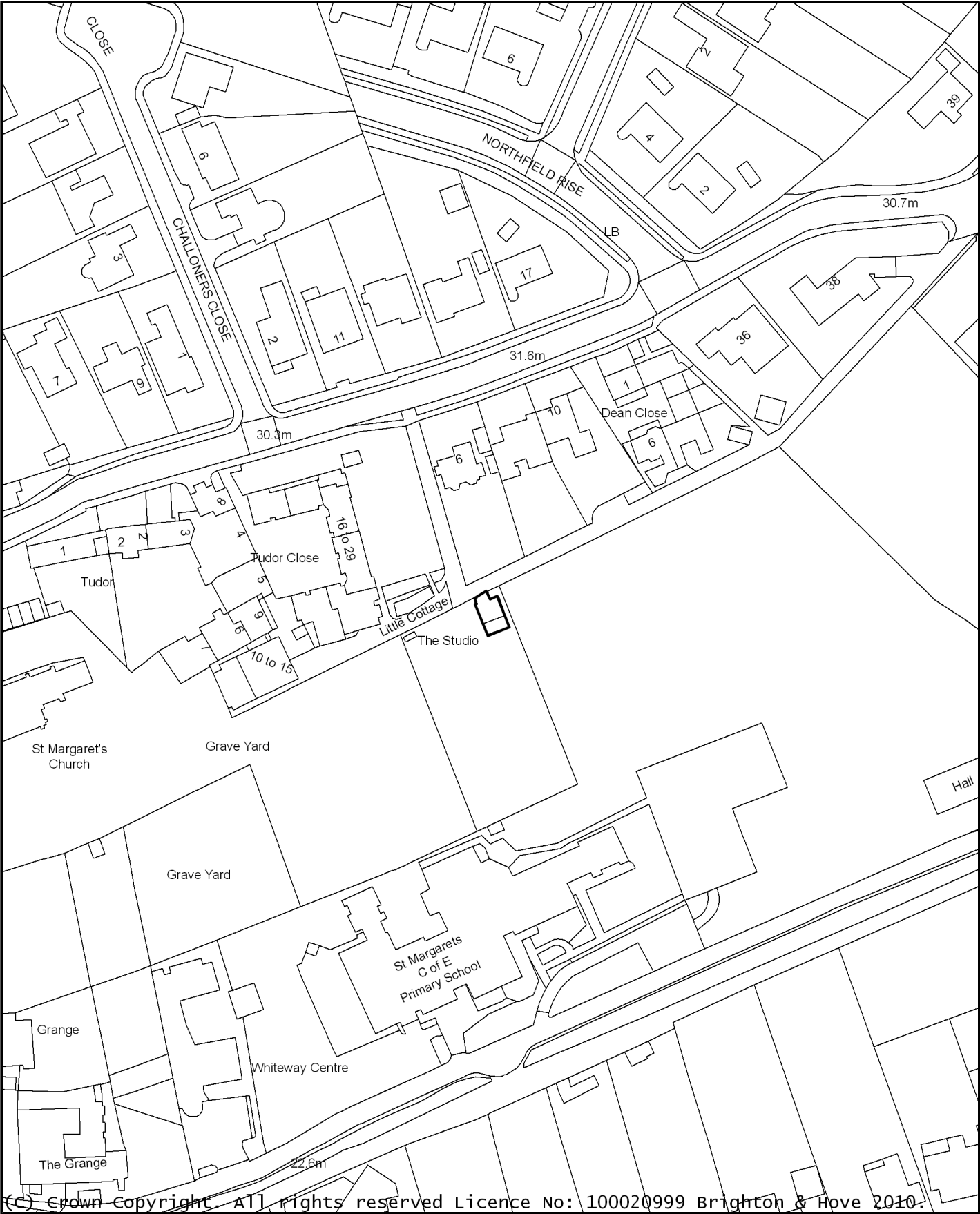
For the reasons set out above it is considered that the proposed development accords with policies of the Brighton & Hove Local Plan, approval is therefore recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Subject to compliance with the attached conditions it is considered that the proposed extension will not be of detriment to the character or appearance of the property, the Dean Court Road street scene and the surrounding area, especially the Rottingdean Conservation Area, the adjacent Sussex Downs Area of Outstanding Natural Beauty and the intended South Downs National Park, the setting of the adjacent Listed Building and will not intrude into the important open space visual view between Rottingdean and Saltdean. Furthermore it is considered that the proposal will have a significant adverse impact upon the amenities of the neighbouring properties.

9 EQUALITIES IMPLICATIONS

None identified.





**Brighton & Hove
City Council**

PLANS LIST – 3 FEBRUARY 2010

COUNCILLOR REPRESENTATION

Hi Jeanette

I oppose the planning application BH2009/02715 The Studio 4 Dean Court Road for the same reasons as The Rottingdean Parish Council's objections.

Regards

David

Cllr David Smith

Rottingdean Coastal Ward Councillor

Cabinet member Culture, Recreation, Tourism & Sports

tel: 01273 291206

email: david.smith@brighton-hove.gov.uk

<u>No:</u>	BH2009/02970	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Advertisement		
<u>Address:</u>	Community Base, 113 Queens Road, Brighton		
<u>Proposal:</u>	Display of externally illuminated mesh type banner to North elevation		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	1 December 2009
<u>Con Area:</u>	Adjoining North Laine / West Hill	<u>Expiry Date:</u>	26 January 2010
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Community Base, Mr Colin Chalmers, 113 Queens Road, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **REFUSE** Advertisement Consent, for to the following reasons and Informatives:

1. The proposed advertisement, by virtue of its size, location and materials would result in a visually dominant feature within the street scene and would detract from the visual amenities of the area, adversely impacting on the character and appearance of both the North Laine Conservation Area and the West Hill Conservation Area. As such, the proposal is contrary to policies QD12, QD13, HE6 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 Advertisements.

Informatives:

1. This decision is based on drawing nos. 01, 02, Site Location and Block Plans, & photographs, and Planning Statement submitted on 1 December 2009.

2 THE SITE

The site is located on the eastern side of Queens Road, at the junction with North Road. The site relates to the Community Base building, which is approximately 5 storeys in height. The site is located adjacent to the North Laine and West Hill Conservation Areas, and is within the Prime Retail Frontage of the Regional Shopping Centre.

3 RELEVANT HISTORY

BH2009/01894: Display of externally illuminated mesh type banner to North elevation for a temporary period of three months per year. Refused 03 November 2009.

BH2008/02802: Advertisement consent for 1 x externally illuminated hoarding/banner sign. Refused 24 November 2008.

BH2006/01283: One internally illuminated light box poster display and one externally illuminated mesh banner. Refused 26 June 2006.

BH2004/02302/AD: Display of 1 illuminated mesh-type banner sign fixed to northern side of building. Approved 3 September 2004 by Planning Applications Sub-Committee contrary to officer recommendation.

BH2003/00175/AD: Display of 8 no. banners of varying heights across Queens Road elevation. Approved 24 February 2003.

BH2002/01548/AD: Display of externally illuminated 10m x 10m PVC mesh banner advertisement on north facing wall. Refused 2 August 2002.

BH2000/02357/AD: Installation of banners to front elevation from first to third floor levels. Refused 31 October 2000.

4 THE APPLICATION

Display of externally illuminated mesh type banner to North elevation for a temporary period of three months per year.

5 CONSULTATIONS

External:

Neighbours: None received.

Internal:

Sustainable Transport: No objections.

Councillor West: Supports the application (email attached).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD12 Advertisements and signs

QD13 Advertisement hoardings

HE6 Development within or affecting the setting of conservation areas

HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

7 CONSIDERATIONS

The main issues for consideration are the impact of the proposed signage on the appearance of the property and the surrounding area, and its impact on public safety.

The proposed advertisement measures 9.4m x 9.4m and would be constructed of PVC mesh. It would be externally illuminated. The banner would be displayed each year for a total of no more than 3 months per calendar year. The proposal is almost identical to the previously refused application BH2009/01894.

The proposed banner would cover the majority of the northern elevation and due to its size and positioning will be highly visible along the northern end of Queens Road and from the western end of North Road.

The applicant has stated that this application is for the renewal of the previous consent BH2004/02302/AD, which was approved by the Planning

Applications Sub-Committee contrary to officer recommendation. The members of the Planning Applications Sub-Committee reasoned that the site was suitable for an advert of this type. This consent expired on 03/09/2009.

The recommended reason for refusal of the original application in 2004 remains appropriate. Applications of this type occur fairly regularly and a consistent approach is adopted to each. Given these concerns and for consistency, officers recommend refusal for similar reasons to those recommended in 2004.

Although the size and scale of the proposed advertisement is similar to the advert which was previously approved, there have been material changes in local plan policy sufficient to warrant refusal of this advertisement consent. Policies have been strengthened through the adoption of the Local Plan in 2005 and the adoption of the SPD 07 on Advertisements in 2007. It is considered that the previous approval which has expired, does not outweigh the adopted planning policy position in this case.

Supplementary Planning Document 07 Advertisements states that “The council would not normally approve permanent advertisement hoardings on listed buildings or within their setting; within conservation areas or their immediate setting; within the seafront area; or within the countryside”.

The sign would be illuminated by 3 floodlights, whilst it is appreciated that the luminance levels of the proposed lights has been reduced to adhere to guidance set out in SPD07. Should the location of the proposal have been acceptable the level of lighting would have been considered appropriate.

It is considered that the size, location and dominance of the proposed advertisement, will detract from the visual amenity of the area. Its close proximity to the North Laine and West Hill Conservation Areas will result in the proposal adversely impacting on the setting of both of these conservation areas.

In addition, the advert would be constructed of materials (PVC mesh) that are not sympathetic to the character and appearance of the adjacent Conservation Areas. The materials do not bear any relationship to the building on which the advertisement is to be located.

Queens Road is also a main thoroughfare for visitors arriving to the city by train. The site has high prominence when walking from the train station to the sea front and the shopping centre and it is considered that such a large advert would not be in keeping with the visual appearance that the city is seeking to portray to visitors.

For the reasons above, it is considered that Advertisement Consent should be refused.

8 EQUALITIES IMPLICATIONS
None identified.

BH2009/02970 Community Base, 113 Queens Road



Date: 19/01/2010 02:23:36

Scale 1:1250





Brighton & Hove City Council

PLANS LIST – 3 FEBRUARY 2010

COUNCILLOR REPRESENTATION

From: Pete West [Pete.West@brighton-hove.gov.uk]
Sent: 18 December 2009 12:46
To: Jeanette Walsh
Cc: Community Base director; Ian Davey; Keith Taylor
Subject: RE: Community Base Advertising Hoarding planning application
Follow Up Flag: Follow up
Flag Status: Completed

Dear Jeannette,

Further to my request for this planning application to be decided by the planning committee and my wish, if available, to speak to the item, please find detailed arguments supporting my request.

1. Community Base is an important charity supporting many organizations that both operate from its building and use its facilities. Community Base derives vital income from the advertising on its north wall and its financial viability will be placed under considerable pressure without this income.
2. I support the view that the advert adds to the visual amenity of the area rather than harming it. Without the advert an ugly grey wall is left exposed which impacts negatively on the street scene. The adverts are designed to fit in with the architecture of the building, and add a certain degree of vitality to the area, without impacting negatively. Additionally it is worth noting that when the building was built as Eagle Star House it had a large eagle on the wall as a feature.
3. I also understand that the council sells advertising space across the road from Community Base from a spot within the West Hill Conservation Area. It seems unfair to ban a local charity from having an advert on a building specifically excluded from any conservation area across the road from the council's own adverts.
4. Planning Applications Sub-Committee granted consent for advertising on the same wall of Community Base in 2004. This application is a renewal application. The 2004 application is identical to the current application in all aspects except that a reduction in the level of luminance will be made.
5. Although the applicant would wish the advertisement to be displayed throughout the year, they are again willing to accept the condition permitting the advertisement for only 3 months per calendar year, as conditioned in by the 2004 grant.
6. The Planning Case officer recently refused the same application without reference to the Planning Committee. This application is a reapplication in order to have the matter considered, as in 2004, by Planning Committee.
7. The policies upon which recent decision to refuse is based are still the same as those considered when the original application was granted in 2004.
8. The applicant is also under the impression that part of the rationale behind the case officers decision to refuse the recent application is that the PAC membership has altered since 2004 and so the current committee would be expected to come to a different view to the 2004 committee. Although this may indeed prove to be the case, it is surely for the committee to determine that matter for itself.
9. A consistent approach both with the determination by policy and committee has not been applied.

This is an important decision for Community Base. Consistency of approach is at the heart of the matter. I therefore request that Planning Committee again determine this application, and would urge the committee to grant the application with similar or less stringent conditions to before.

Many thanks

Pete West
Green Councillor, St Peter's & North Laine Ward



PLANS LIST – 3 FEBRUARY 2010

COUNCILLOR REPRESENTATION

From: Pete West [mailto:Pete.West@brighton-hove.gov.uk]
Sent: 02 December 2009 11:51
To: Jeanette Walsh
Cc: Community Base director
Subject: Community Base Advertising Hoarding planning application

Dear Jeannette,

I understand from Colin Chalmers that he has now submitted a new application for the advertising hoarding on the side of Community Base. May I request that if that unless the case officer is minded to grant the application that the matter goes before the Planning Applications Committee for decision.

Many thanks

Pete West

CLlr Pete West

Green City Councillor for St Peter's & North Laine Ward Green spokesperson for Licensing and the South Downs National Park

<u>No:</u>	BH2009/01873	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	14 Cranbourne Street, Brighton		
<u>Proposal:</u>	Change of use of the ground and basement floors from retail (A1) to restaurant/cafés (A3) and hot food take-away (A5) including installation of rear extract duct.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Valid Date:</u>	17/08/2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 October 2009
<u>Agent:</u>	Martin Szczerbicki Associates, 128 Hollingbury Road, Brighton		
<u>Applicant:</u>	Mrs Maryam Bous & Mr Miachail Ramzi, 14 Cranbourne Street, Brighton		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH07.03 Odour control equipment.
3. BH07.04 Odour control equipment (sound insulation).
4. Prior to commencement of works, further details of the storage of recycling and food waste shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.
Reason: To ensure the satisfactory storage of recycling and food storage and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
5. The uses hereby permitted shall only take place between 08:00 and 00:00 hours Monday to Saturday and between 09:00 and 22:00 hours on Sundays and Bank Holidays.
Reason: To safeguard amenity of the occupiers of adjoining properties and comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
6. Deliveries and servicing to both Cranbourne Street and Farm Yard shall only take place between 07:00 and 19:00 hours Monday to Friday and between 08:00 and 18:00 hours on Saturdays and not at all on Sundays and Bank Holidays.
Reason: To safeguard amenity of the occupiers of adjoining properties and comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
7. The scheme shall be implemented strictly in accordance with the acoustic report submitted to Brighton & Hove City Council Environmental Health Department on the 9th December 2009 (drawing reference:

RAM/2019/12/09).

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

Informatives:

1. This decision is based on the Design and Access Statement, Acoustic Report, Ventilation / Extraction Details, Waste Minimisation Statement, Biodiversity Checklist and drawing nos.09.07.03/1, 2, 3, 4, 5 & D1 received on 3rd August & 9th December 2009 as amended by drawings nos.JT021109 (proposed basement prep room and ground floor kitchen layout) & 09.07.03/4A received on 12th & 19th January 2010.
2. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below.

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SR4	Regional shopping centres

Supplementary Planning Document

SPD03	Construction and Demolition Waste; and
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- (ii) for the following reasons:-

The proposed development would not result in a significant impact on the amenity of any adjacent properties and is considered appropriate in terms of its impact on highway safety and the appearance of the host building and surrounding area. The scheme would also retain the vibrancy and vitality of the shopping area and is in accordance with development plan policies.

3. Please note that any proposed alterations to the existing shopfront and any new advertisements may require planning permission and/or advertisement consent. The applicant is advised to refer to the Council's guidance on shopfront alterations and advertisements in Supplementary Planning Document 2: Shop Front Design and Supplementary Planning Document 8: Advertisements for further assistance.
 4. Further advise on the storage of recycling and food waste can be

obtained from the Council's Food Safety Team (01273 292144). Long term storage of food waste would not be acceptable in the basement. Alternatively, food waste could be arranged to be collected daily or consideration may be given to storing waste, prior to collection, in Farm Yard.

2 THE SITE

The application site relates to a three-storey terraced property located on the north side of Cranbourne Street. The property is divided into a newsagents on the ground floor with basement storage. There is a separate maisonette above accessed from Farm Yard to the rear. Cranbourne Street is within the prime frontage of the Regional Shopping Centre and is a small pedestrianised street allowing access between Churchill Square and West Street.

3 RELEVANT HISTORY

In 2006, planning permission was refused for a new roller shutter to the shopfront (**BH2006/01605**) on the grounds that the proposal would have a negative impact on the character and appearance of the existing building and the street scene.

A certificate of lawfulness was refused for the existing use of the first and second floors as retail (**BH2003/03903/CL**) due to lack of evidence

In 2002, permission was approved for the self-containment of the maisonette above the shop by the construction of a new access from Farm Yard (**BH2002/00867/FP**).

Permission was then refused for the change of use of the upper floors of 14 Cranbourne Street from retail (Class A1) to an internet café (**BH2002/00867/FP**). This was on the grounds that, although the applicant contended that the first and second floors were in retail use, no conclusive evidence was put forward to counter the Local Planning Authority's assertion that these parts of the building had a residential use in planning terms. As such, the proposed loss of residential accommodation (which can be self-contained if permission BH2002/00867/FP is implemented) was contrary to Policy H.7 of the Brighton Borough Local Plan and Policy HO7 of the Brighton & Hove Local Plan Second Deposit Draft. A following appeal was dismissed by the Inspectorate.

4 THE APPLICATION

Planning permission is sought for the change of use of the ground and basement floors from retail (A1) to restaurant/cafés (A3) and hot food take-away (A5) including installation of rear extract duct. The scheme does not propose any alterations to the existing shopfront or any changes to the existing maisonette at first and second floor.

The scheme includes a seating area at ground floor level with hot and cold display cabinets at the counter. The basement is to be used as a preparation

room and for storage.

The scheme includes an extract duct to the rear onto Farm Yard. No external alterations are proposed to the front elevation.

5 CONSULTATIONS

External:

Neighbours: 14 letters and emails have been received from **2 Elizabeth Close, 35, 56 Hove Park Road, 7 Honey Croft, 17, 48, 60, 61, West Street, 8, 13 Cranbourne Street, 14 Palmeira Avenue, Parker Dann Chartered Town Planning Consultants (on behalf of 13 Cranbourne Street) and 17 Montpelier Villas** objecting to the scheme on the following grounds:

- Cranbourne Street already is a small street which already has 2 units selling and serving food. The scheme will take the percentage of units in the street over 40% and does not contribute a mix of uses. The scheme will also have a negative impact on the character of the street. It is therefore contrary to policy SR4.
- The information submitted by the applicant in relation to SR4 is incorrect.
- Deliveries to the unit will have to be made and food collected which will cause congestion and parking difficulties.
- The proposal will attract anti-social behaviour to the area.
- The proposal is a fire risk and there are concerns regarding the use of the basement as a kitchen.
- Another fast food / takeaway café would have a detrimental affect on the area and affect existing businesses with a good record of control of customers.
- Litter is a problem in the area and the scheme will add to this problem.
- The scheme will result in a noise disturbance to adjacent residential properties.
- Early and late opening hours (which may be subsequently extended) would result in harm to the residents in the street with people hanging around at night.
- Any deliveries made by car to collect food will result in further disturbance to the area.
- The extract duct will also be harmful to existing residents.

5 emails of support have been received for the proposal from **68 Queens Road, Amberley Drive (house number unknown), 82 Wolseley Road, Brunswick Place (house number unknown) and 14 Cranbourne Street (top flat)**. It is felt that the scheme will give residents more choice and will make a positive contribution in the area.

2 additional emails of objection were received from **5 Cranbourne Street** from separate residents. However, both these objections were withdrawn following the receipt of further emails stating that the residents now feel that the street is already noisy due to the public houses at the end of the street and that the proposal will not personally affect them.

Sussex Police Crime Prevention Advisor: No objection. Initially, the Crime Prevention Advisor stated concern that the takeaway facility may cause late night revellers to remain in the city centre rather than dispersing and going home. On this basis, the officer recommended A5 consent should be granted on temporary basis only for 12 months to assess the impact of the proposal.

Having looked further at the application and following discussions with the applicants, the Crime Prevention Advisor commented that he was satisfied with the hours of opening and that the scheme would not impact on further congregation of people leaving the city centre pubs or clubs in the early hours. Therefore no objection is raised to the proposal.

Internal:

Environmental Health: No objection. Environmental Health originally commented that insufficient information had been submitted to overcome concerns regarding potential noise and odour from any plant and machinery associated with the works.

Following this additional information and an acoustic report were submitted. The Environmental Health Officer then commented that the acoustic report was satisfactory and demonstrates that the extraction system will operate at 17dB below the measured background level.

As no odour prevention measures were submitted, conditions are recommended requiring a scheme for the fitting of odour control equipment and the sound insulation of the equipment to be submitted to the Local Planning Authority for approval prior to development commencing. The officer also stated that the drawings should be amended to indicate an e-flux velocity cone to the top of the flue. Conditions are also recommended that deliveries and servicing to both Cranbourne Street and Farm Yard shall only take place between 7am – 7pm, Monday – Friday, 8am – 6pm, Saturday and none on Sunday and Bank Holidays.

Food Safety Team: No objection. With regards to the layout from a food safety point of view there are no objections. Details of where storage for recycling and food waste will need to be detailed, as long term storage of food waste would not be acceptable in the basement. Alternatively, food waste could be arranged to be collected daily or consideration may be given to storing waste, prior to collection in Farm Yard.

Sustainable Transport: No objection is raised subject to a condition that all projections should be located a minimum of 2.3m above ground level and offer a clearance back from the carriageway edge of 450mm.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- | | |
|-----|---------------------------------------|
| TR1 | Development and the demand for travel |
| TR7 | Safe development |

SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SR4	Regional shopping centres

Supplementary Planning Document

SPD03 Construction and Demolition Waste

7 CONSIDERATIONS

The main issues of consideration relate to the acceptability of the loss of an A1 retail use in the prime frontage of the Regional Shopping Centre, the impact of the scheme on amenity of occupiers of adjoining properties, impact on traffic demand, and any impact on the appearance of the building and the surrounding area.

Change of use

Cranbourne Street is part of the Regional Shopping Centre prime frontage as identified on the Brighton & Hove Local Plan proposals map and is therefore protected by policy SR4 of the Brighton & Hove Local Plan. The key planning policy issue is whether the proposal would lead to an imbalance of non-A1 retail uses. Policy SR4 sets out 4 criteria that have to be met for change of use proposals from A1 to A3 / A5 uses to be acceptable. To accord with the policy the following criteria must be met:

- a) As a result of the proposal there would not be a significant break in the shopping frontage of more than 10 metres.
- b) It would not result in either the number of non-retail units or the proportion of frontages exceeding 25% of the shopping street to which it relates.
- c) It would have a positive effect on the shopping environment of the area.
- d) Would not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area.

An assessment has been made as to how the scheme relates to the 4 criteria laid out in policy SR4 and why the scheme is considered to be in accordance with the policy:

- a) As a result of the proposal the scheme does not result in a break in the shopping frontage of more than 10m. The frontage of 14 Cranbourne Street is 5.7m wide. The two immediate properties at 13 and 15 Cranbourne Street continue the A1 frontage in the street. Both these properties are considered as retail units.

No. 13 is 'Grints of Brighton' which is primarily a sandwich and cold food takeaway premises. It does have some seating inside and outside but the

majority of sales are for baguettes and sandwiches. As the premises is primarily a sandwich and baguette shop mainly selling takeaway cold food the premises is classed as 'sandwich shop' which falls under Class A1 (retail). It should also be noted that in 1999, planning permission was refused for the change of use from Class A1 (retail) to a Class A3 (restaurants / cafes) was refused (BH1999/01670/FP). This is further evidence of the retail classification of no.13. No. 15 Cranbourne Street is 'Rag Freak' which is a clothes shop and classed as retail. As no.14 has a frontage which only measures 5.7m wide and is in between two retail uses, the scheme does not result in a break in the shopping frontage of more than 10m.

b) A survey of uses in Cranbourne Street was conducted in January 2010.

Number	Name	Use Class
1-3	Model Zone	A1
4	Timpsons	A1
5-6	Office Shoes	A1
7	Western Union	A1 / telephone internet communications centre (sui generis)
8	Graffiti	A1
9-10	Easy bar	A4
11-12	Western front	A4
13	Grints	A1
14	Cranbourne News	A1
15	Rag Freak	A1
16-17	Octopus	A1
18	Vans	A1

The above survey indicates that there are 12 separate commercial units on Cranbourne Street. Of those 12 units, 2 are in non-retail use and 10 are in retail (Class A1) use, this relates to 16% non-retail and 84% retail.

The proposed scheme, if approved, would result in 3 non-retail units and 9 retail units, meaning 25% non-retail units and 75% non-retail units in the street. This maintains 75% retail units within the prime frontage. The scheme is therefore in accordance with criterion (b) of policy SR4 which requires non retail units to not exceed 25% of the shopping street to which it relates.

c) It is considered that this use, in this location would not have a negative effect on the shopping environment of the area. Cranbourne Street is a vibrant street with busy pedestrian traffic between Churchill Square and West Street. The street is predominately retail with one unit at 13 Cranbourne Street selling mainly sandwiches and baguettes and two public houses facing Churchill Square. It is felt that the proposed restaurant / takeaway will attract pedestrian activity in the day and evening and will also add to the vitality and vibrancy of the street.

d) It is considered that the A3 / A5 use would not significantly harm the amenity of neighbouring properties as outlined below.

Impact on neighbouring residential amenity

There are a number of properties in the vicinity which could be affected by the proposal, including a separate maisonette above the premises at first and second floor levels. Policy QD27 states that planning permission will not be granted for any development where it would cause material nuisance and loss of amenity to adjacent residents.

Environmental Health have been consulted and raise no objection subject to conditions and it is considered the development would not result in material detriment to neighbouring properties provided suitable safeguards are put in place.

The proposed hours of opening, as outlined in the application form, are 7am-midnight Monday to Saturday and 9am-10pm Sundays and Bank Holidays. 7am is felt too early for the opening hours of the premises due to the existence of residential properties in the street. A condition is therefore recommended that use of the premises shall only take place between 08:00 and 00:00 hours Monday to Saturday and between 09:00 and 22:00 hours on Sundays and Bank Holidays. Adherence to these hours of use will protect the amenity of adjacent residential properties.

It should be noted that the two public houses at 9-10 and 11-12 Cranbourne Street (Easy Bar & Western Front) both have late opening hours and include outside seating areas. There are also a number of late night uses on West Street nearby. Cranbourne Street is a lively street both at night and in the daytime and it is felt that the proposed use will not result in a significant increase in the number of people on the streets late at night or result in anymore noise disturbance than already exists.

The Sussex Police Crime Prevention Officer also commented that, having regard to the proposed hours of opening, the scheme would not impact on further congregation of people leaving the city centre pubs or clubs in the early hours.

A number of residents have raised concern regarding the potential for takeaway pickups from the premises by vehicles. Due to the pedestrianisation of Cranbourne Street, no vehicles would be allowed up the street to collect takeaway orders.

Having regard to the above and subject to the conditions recommended Environmental Health, the scheme is considered appropriate in terms of its impact on the amenity of adjacent residential properties.

Design and appearance

The scheme does not propose any alterations to the front of the property. If

approved, it is likely that advertisements will be proposed for the new use as well as possible alterations to the shopfront. An informative is therefore recommended advising the applicant that planning permission and advertisement consent may be required for any alterations and new signs.

The scheme proposes the installation of an extract duct to the rear of the building. The duct would exit the rear wall at first floor level and rise up to above eaves level. It would be positioned in an inset part of the rear elevation. Placing the duct in this position reduces its visual impact. Additionally, Farm Yard, despite its location, is predominately used for deliveries and refuse storage for some the shops onto Cranbourne Street, North Street and West Street. It is not used as part of the shopping frontage and does not allow access through the street. The street also contains examples of existing air conditioning units and ducts and it is felt that the proposed duct would not materially detract from the appearance of the building or the surrounding area.

Traffic issues

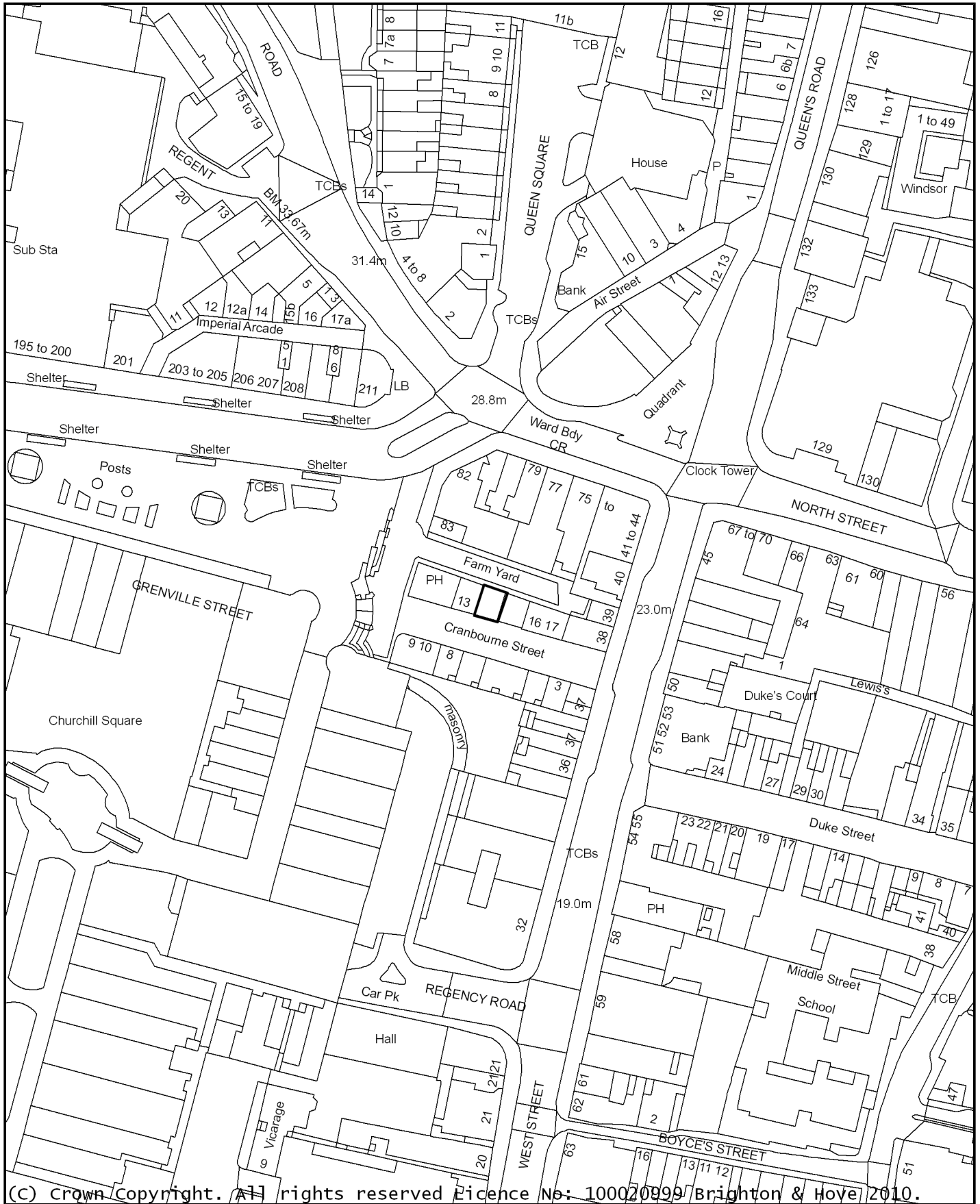
The Sustainable Transport Manager has raised no objection to the scheme on highway grounds. It is considered that the use would not create a significant increase in the demand for travel when compared to the previous established A1 use. The proposed development raises no highways concerns.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would not result in a significant impact on the amenity of any adjacent properties and is considered appropriate in terms of its impact on highway safety and the appearance of the host building and surrounding area. The scheme would retain the vibrancy and vitality of the shopping area and is in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified. No alterations are proposed to the existing customer access to the premises.



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Date: 19/01/2010 02:32:34

Scale 1:1250

