





**Brighton & Hove  
City Council**

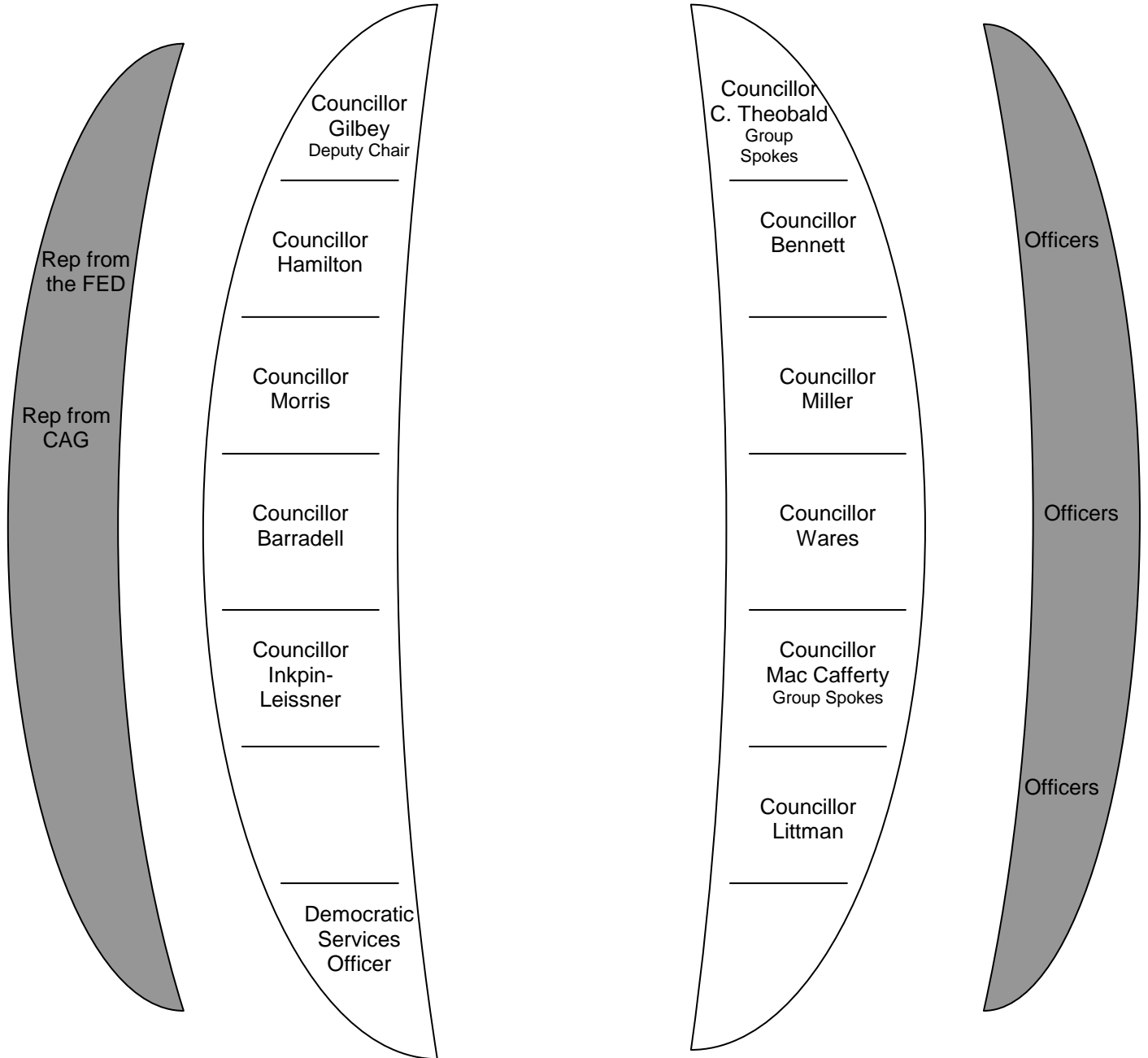
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>20 April 2016</b>
Time:	<b>2.00pm</b>
Venue	<b>The Ronuk Hall, Portslade Town Hall</b>
Members:	<p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p><b>Penny Jennings</b> Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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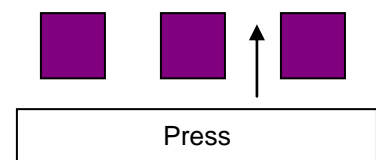
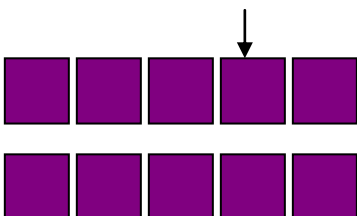
# Democratic Services: Planning Committee

Senior Solicitor	Councillor Cattell Chair	Head of Development Control	Presenting Officer
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Public Speaker	Public Speaker
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Public Seating



## AGENDA

### 173 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

## PLANNING COMMITTEE

### 174 MINUTES OF THE PREVIOUS MEETING

1 - 12

Minutes of the meeting held on 30 March (copy attached).

### 175 CHAIR'S COMMUNICATIONS

### 176 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 11 April 2016.

### 177 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

### 178 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

*Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.*

## MAJOR APPLICATIONS

#### A BH2015/03108, St Aubyns School 76 High Street Rottingdean Brighton

13 - 106

Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works (Amended/Additional Information).

#### **RECOMMENDATION - REFUSE**

*Ward Affected: Rottingdean Coastal*

## MINOR APPLICATIONS

#### B BH2015/03110, St Aubyns School 76 High Street Rottingdean Brighton

107 - 136

Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9no two bedroom and 1no three bedroom dwellings

## PLANNING COMMITTEE

with associated works and alterations to boundary flint wall along Steyning Road and The Twitten (Amended/Additional Information).

**RECOMMENDATION - REFUSE**

*Ward Affected: Rottingdean Coastal*

**C BH2015/03112, St Aubyns School 76 High Street Rottingdean Brighton 137 - 158**

Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures (Amended/Additional Information).

**RECOMMENDATION - REFUSE**

*Ward Affected: Rottingdean Coastal*

Minor Applications

**D BH2015/04564, Mile Oak Inn Mile Oak Road Portslade 159 - 178**

Erection of single storey side extension and erection of retail unit (A1) adjoining existing public house (A4).

**RECOMMENDATION - MINDED TO GRANT SUBJECT TO S106**

*Ward Affected: North Portslade*

**E BH2015-04574 14 Portland Villas Hove 179 - 190**

Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.

**RECOMMENDATION – REFUSE**

*Ward Affected: Wish*

**F BH2015-04646 8 Roedean Terrace, Brighton 191 - 200**

Planning permission is sought for the erection of a front extension incorporating alterations to the fenestration including the installation of Juliet balconies. In addition permission is sought for the conversion of the existing garage into ancillary accommodation with external alterations and rear extension.

**RECOMMENDATION – GRANT**

*Ward Affected: Rottingdean Coastal*

**G BH2015-03252 24 Hill Brow Hove 201 - 212**

Enlargement of existing rear patio with glass balustrading, increased ridge height, rear dormers, front rooflights and alterations to fenestration.

**RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

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- 179 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

### INFORMATION ITEMS

- 180 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** 213 - 216  
(copy attached).
- 181 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** 217 - 254  
(copy attached)
- 182 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** 255 - 256  
(copy attached).
- 183 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** 257 - 258  
(copy attached).
- 184 APPEAL DECISIONS** 259 - 334  
(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through [www.moderngov.co.uk](http://www.moderngov.co.uk)

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on

## PLANNING COMMITTEE

disc, or translated into any other language as requested.

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If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1064/5, email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 12 April 2016





**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 30 MARCH 2016****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Hamilton, Miller, Morris, O'Quinn, Page, Wares and Wealls

**Officers in attendance:** Paul Vidler (Planning Manager, Major Applications); Jonathan Puplett (Principal Planning Officer); Alison Gatherer (Lawyer) and Penny Jennings (Democratic Services Officer)

**PART ONE****161 PROCEDURAL BUSINESS****161a Declarations of substitutes**

161.1 Councillor O'Quinn was in attendance in substitution for Councillor Inkpin-Leissner, Councillor Wealls was in attendance in substitution for Councillor Bennett and Councillor Page was in attendance in substitution for Councillor Littman.

**161b Declarations of interests**

161.2 There were none.

**161c Exclusion of the press and public**

161.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

161.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

**161d Use of mobile phones and tablets**

161.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

**162 MINUTES OF THE PREVIOUS MEETING**

162.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 9 March 2016 as a correct record.

**163 CHAIR'S COMMUNICATIONS**

**Adoption of the City Plan**

163.1 The Chair stated that she wished to place on record her delight that the City Plan had been adopted by a unanimous vote at the meeting of Full Council held on 24 March 2016. This document had now taken effect and would be used when considering future applications.

163.2 The Chair also wished to place on record her thanks to Officers and her fellow Councillors who had contributed to the document and had worked so hard to bring it to fruition, and in particular to Councillor Mac Cafferty who had given significant input when Chair of the Committee.

**Webcasting of Meeting**

163.3 The Chair highlighted that the meeting was webcast live and was capable of repeated viewing.

**164 PUBLIC QUESTIONS**

164.1 There were none.

**165 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

165.1 There were none.

**166 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**MINOR APPLICATIONS**

A **BH2015/01562 - 70 Barnett Road, Brighton - Full Planning**  
Change of use from four bedroom single dwelling (C3) into five bedroom small house in multiple occupation (C4)

- (1) The Principal Planning Officer, Jonathan Puplett gave a presentation by reference to plans, photographs and floor plans. It was noted that consideration of the application had been deferred from consideration at the Committee meetings held on 26 August 2015 and 17 February 2016 in order to allow for investigation into alleged unauthorised use of 55, 59 and 61 Barnett Road as Houses in Multiple Occupation (HMO's). Those investigations had now taken place and it had been established that these properties were not in use as HMO's but as C3 dwelling houses.
- (2) The application sought permission for change of use from dwelling house (C3) to a smaller HMO (C4). Planning Permission was required because the site was located in a ward where an Article 4 Direction applied, restricting the usually permitted change of use between classes C3 and C4. The main considerations in determining the application related to the principle of development; impact on neighbouring amenity and the impact on sustainable transport. It was not considered in view of the small number of HMO's within a 50 metre radius of the site that this change would result in an unacceptable impact on neighbouring amenity. Comments received from neighbours regarding noise, or other amenity issues such as extra litter were noted; should noise for example become an issue in future, as with any residential properties including single dwellings, powers under Environmental Health legislation could be invoked to investigate any potential noise nuisance. For ease of reference slides were shown setting out the wording in relation to HMO's as it appeared in the newly adopted City Plan which set out policy guidance in respect of this issue and constituted a relevant planning consideration.
- (3) It was considered that the proposed change of use was acceptable in principle and would not have a significant adverse impact on neighbouring amenity or the highway network and approval was therefore recommended.

#### **Public Speaker(s) and Questions**

- (4) Councillor Hill spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Notwithstanding the officer recommendation and investigations carried out, residents were very concerned that there were already a number of HMO's in the area albeit that they were not necessarily on the HMO register. A resident had advised her of another property in use only that day. It was important to seek to ensure that there was not a proliferation of this use within a residential area.
- (5) A letter was read out on behalf of Mr Bolingbroke the applicant (who was unable to be present) in support of his application.

#### **Questions for Officers**

- (6) Councillor Barradell enquired regarding the enquiries that had been made to establish whether or not these properties were in use as HMO's. Also, how the percentage of these within a given area was assessed as from her calculations it appeared that the if approved this use would exceed the 10% thresh-hold. Councillor Barradell also enquired regarding the number of noise complaints, if any which had been received in respect of this property and in relation to the area generally. Councillor Gilbey also sought clarification of how the percentage figure for an area was arrived at.

- (7) It was explained that the Policy gave guidance in relation to cumulative impact and that this impact fell within that threshold. Whilst there was no information regarding whether there had been/the number of noise complaints, this would not be a planning consideration per se, as noise could be generated other than via HMO's and could be addressed through environmental health legislation. Enquiries undertaken followed the prescribed arrangements which included checking extant planning applications for HMO use, whether the property was licensed as an HMO and whether it was occupied by students and therefore exempt from Council Tax, also by visits to the property and making enquiries of neighbours.
- (8) Councillor Morris enquired whether the applicant lived at the property and it was confirmed that he did not and the date at which the family previously in residence had moved out. Councillor Morris also referred to the fact that the application was retrospective and enquired whether the number of people coming and going from the property had indicated an HMO use. It was confirmed that the applicant was not resident at the property and that retrospective applications were considered using the same criteria as any other application. The other issues raised were not germane planning considerations.
- (9) Councillor Wealls also sought further information regarding investigations carried out to ascertain whether or not the other properties cited by residents were operating as HMOs. It was explained that in this instance access had been gained to one of the properties and in the case of the others information from neighbours and that the other checks carried out and referred to had not provided any evidence that these properties were operating as HMOs.
- (10) Councillor Page referred to the recent allegation received by Councillor Hill stating that if that property was found to be in use as an HMO that the threshold for the area would then be exceeded and enquiring whether further interim investigations could be carried out. The Chair stated that it would not be appropriate to further delay consideration of this application, to do so could result in an appeal being lodged for non-determination. Any other alleged use could be investigated on the basis of information provided and needed to be dealt with separately.
- (11) Councillor O'Quinn sought clarification regarding the investigations undertaken as several different addresses in the area had been mentioned in addition to those referred to in the officer report.

### **Debate and Decision Making Process**

- (12) Councillor Barradell stated that she did not consider that the investigations carried out had been sufficiently thorough and was concerned that more in depth investigations should have been undertaken. Councillor Wealls echoed those views.
- (13) Councillor Hamilton considered that in addition to the means of information gathering referred to considering that it would also be appropriate to check whether residents were in receipt of housing benefit and the Electoral Register as if number of apparently unrelated individuals were registered that could indicate that a property was operating

as an HMO. A plan indicating the location of other HMOs within the vicinity would also have been helpful.

- (14) Councillor Page stated that he was very concerned that there seemed to be a number of instances of HMO use in the vicinity, also citing the number of letters of objection from residents who were clearly very concerned about this issue. As each application needed to be considered on its merits he was concerned that their concerns should be taken account of. The Legal Adviser to the Committee, Alison Gatherer confirmed that whilst each application needed to be considered on its merits, the Policy gave guidance and also needed to be given due weight. The Policy needed to be applied consistently across the city and in this instance concerns raised had been investigated in line with the agreed process and had not indicated that the other potential HMOs cited were in use as such.
- (15) Councillor C Theobald stated that in her view this use would give rise to more noise and disturbance in an area where there were already a number of HMOs would therefore be unneighbourly and she would not therefore support it. Councillor Miller concurred in that view.
- (16) Councillor Morris stated that in his view approval of this application would take the number of HMOs above the agreed threshold and he would not therefore support it.
- (17) Councillor Page concurred stating that in his view from the information provided there were enough HMOs operating in the area and sufficient justification for another had not been made.
- (18) Councillor Wares stated that in his view the Policy was clear and it was also clear that the policy had been adhered to and the appropriate investigations made. It was important to apply the policy consistently across the city and to encourage landlords to apply through the planning process. If that was not the case it could result in a further proliferation of unregulated and uncontrolled premises.
- (19) Councillor Mac Cafferty was in agreement. Issues had been raised regarding the depth of investigations carried out, but this application had been processed and investigations carried out consistent with the policy and currently agreed procedures and would expose the authority to risk in the event of an appeal being lodged. It would be hard to provide sustainable reasons for refusal.
- (20) A vote was taken and on a vote of 7 to 3 with 2 Abstentions planning permission was granted.
- 166.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.
- B BH2015/04574 - 14 Portland Villas, Hove - Full Planning**  
Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.

- (1) The Planning Manager, Major Applications, Paul Vidler, explained that it had been decided that consideration of the application would be deferred in the light of additional information which had come to light earlier that day, and on the basis of which the application would be revisited. Dependant on the outcome of further officer investigations the application would either come back for consideration at a future meeting of the Committee or ,would be dealt with under officer's delegated powers.

166.2 **RESOLVED** – That the position be noted.

**C BH2015/03872 - 1 Farmway Close, Hove - Full Planning**

Demolition of existing garage and erection of single storey side extension.

- (1) The Principal Planning Officer, Jonathan Puplett gave a presentation by reference to plans, elevational drawings and photographs. The site was situated in a residential cul-de-sac which was characterised by semi-detached dwellings with hipped roofs and side garage extensions. To the side elevation, the application site had an existing angled flat roofed garage extension adjoined to the host property by a parapet wall façade and rendered exterior. The garage currently adjoined the neighbouring garage at no 2 Farmway Close. Additionally, the site had a loft conversion in the form of a hip to gable roof extension, rear dormer and front roof lights.
- (2) The main considerations in determining the application related to the design and appearance of the development, the impact of the development on the residential amenity of neighbouring properties and parking provision. It was considered that the development was of an acceptable design and would not be detrimental to the host property or the street scene. There would be no adverse impact on the residential amenity of neighbouring occupiers, adequate parking would be provided and approval was therefore recommended.

**Questions for Officers and Debate and Decision Making Process**

- (3) Councillor Baradell referred to an additional letter of representation which had been received referring to the stability of the garage structure. In response to her questions it was clarified that this matter would be subject to a Party Wall Agreement, which would need to be in place prior to commencement of the work but fell outside the remit of the planning regime.
- (4) Councillor Wares enquired regarding the net gain/loss in floor area between the existing garage and the proposed extension. It was confirmed that there would be an overall gain of 2.5sqm. No further issues were raised and the Committee then proceeded to the vote.
- (5) A vote was taken and Members voted unanimously that planning permission be granted.

166.3 **RESOLVED** – That the Committee has taken into consideration and agreed with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

**D BH2015/04563 - 20 Tongdean Avenue, Hove - Full Planning**

Demolition of existing house (C3) and erection of 1no five bedroom house.

- (1) The Principal Planning Officer, Applications, Jonathan Puplett gave a presentation by reference to elevational drawings, plans and photographs, highlighting the changes between the previous application refused in July 2015 and the current application. It was noted that the application related to a detached property situated on the south western side of Tongdean Avenue, which was residential in character. The existing property featured a pitched roof with a two storey front gable extension. In addition, the property featured a dormer window on the roof slope facing No.18 Tongdean Avenue. Tongdean Avenue was characterised by dwelling houses of varying design, form and detailing set within large plots.
- (2) The proposal was to redevelop the site by demolishing the existing house and forming a new detached dwelling in its place. As such the main considerations in determining the application related to the design and appearance of the works and the impact on the character and appearance of the area, the impact of the development on the residential amenity of neighbouring properties, the standard of accommodation and sustainability and transport and highway considerations.
- (3) Whilst it was considered that there was potential to redevelop the site, the proposal as it stood represented an overdevelopment which would be overly dominant of the neighbouring properties when viewed from the rear. The bulk, form and massing of the development so close to neighbouring properties would be oppressive and overbearing particularly to the occupiers of No.18 Tongdean Avenue. The width of the accommodation proposed at second floor level when viewed from the rear had not been substantially reduced. It was noted that the landing and study areas shown on the proposed first floor layout had been set back from the rear elevation, creating a stepped back appearance. However when viewed directly from the rear of the property these elements occupied much of the width of the proposed dwelling, resulting in a dominant appearance which did not appear subservient to the floors below. This dominance was further exacerbated through the large areas of glazing proposed. The formation of balconies on the rear of the site was considered unneighbourly and would provide extensive and elevated views into neighbouring gardens.
- (4) Whilst it was acknowledged that revisions had been made to the previously refused scheme, in order to reduce the bulk of the proposed new dwelling it was not considered that these modifications substantially overcame the previous reason for refusal and refusal was therefore recommended.
- (5) It was noted that the applicant had sent a separate representation to Members of the Committee in support of their application.

**Public Speaker(s) and Questions**

- (6) Mr Coleman the applicant, spoke in support of his application and was accompanied by his architect Mr Lap Chan. Mr Coleman explained that his family had lived on the site for 11 years and that the application would replace a chalet bungalow which was of little architectural merit, did not respect the topography of the site and which had

suffered from a number of unsympathetic extensions over the years with a modern building which was fit for purpose and would provide for his family's needs.

- (7) The building would be of a sympathetic scale and account had been taken of the concerns of neighbours. It should be noted that there was already a degree mutual overlooking between the application site and its neighbours and that this would not be worsened by the proposed scheme. Screening would also be provided which would mitigate against any perceived loss of privacy. It was important to note that having viewed the amended scheme Councillor Brown, one of the Local Ward Councillors, who had objected to the scheme now supported it, considering that previous concerns had been rectified in this new application. In the current application the top floor had been reduced and set back further and the balconies and window on the side facing 18 Tongdean Avenue had been removed.

### **Questions for Officers**

- (8) Councillor Wares referred to statements in respect of the design and scale of the development set out in the applicant's submission indicating that the scheme was acceptable, stating that these appeared to be at variance with comments set out in the report, and asked for clarification on this point. It was explained that officers considered that the street facing façade of the proposed development was considered broadly acceptable. Whilst it was acknowledged that the rear elevation would not be visible from public vantage points, it would be visible from parts of the neighbouring houses and gardens. It was this element of the scheme that gave rise for concerns as the property would project to the rear of the site over three storeys.
- (9) Councillor Miller asked for further sight of the front and rear elevations.
- (10) Councillor Morris requested in the context of the previous scheme and that currently submitted.
- (11) Councillor Mac Cafferty referred to statements contained in the report relating to perceived overlooking seeking clarification as to why this differentiation had been made. It was explained that due to the topography and sloping nature of the site this was an issue to which consideration would be given at appeal. Additionally, officers remained of the view that the rear of the development would be too bulky. It was considered that the additional bulk at upper floor level in combination with the flat roof design would result in increased massing relative to the existing property.
- (12) Councillor Page stated that he found the side elevations difficult to interpret and sought further clarification of them.
- (13) Councillor O'Quinn asked whether the proposed balconies could also give rise to noise nuisance as well as overlooking.
- (14) Councillor Morris sought clarification regarding the areas of glazing proposed to the rear, given that this appeared to be one of the issues of greatest contention.
- (15) Councillor Barradell sought clarification of the footprint of the current proposals, bearing in mind that amendments had been made also, clarification of the screening



and boundary treatments proposed. Councillor Barradell considered that the scheme was complex in view of the topography of the site.

- (16) Councillor Gilbey sought further clarification regarding the impact on the rear garden, the level of oblique views/overlooking in juxtaposition to neighbouring gardens and the height and location of the screening/boundary treatment.

### **Debate and Decision Making Process**

- (17) Councillor Morris enquired whether as the level of rear glazing proposed appeared to constitute the main concern in respect of the scheme whether this the application could be deferred and the applicant invited to amend that element of the scheme. The Chair confirmed that the Committee were required to determine the application as put before them.
- (18) Councillor Miller stated that he considered that the amended scheme was acceptable, particularly in view of the elements of the scheme which had been set back and the fact that boundary treatments and screening were proposed in order to address any potential negative impact.
- (19) Councillor Barradell stated that she considered the proposal represented an improvement on the existing building on site and the proposed scheme was acceptable.
- (20) Councillor Mac Cafferty considered that the scheme was acceptable, and that the glazing proposed could be provided in such way that it did not compromise a 45 degree sight line. In consequence, he considered that there no greater degree of overlooking would result than was currently the case.
- (21) Councillor C Theobald stated that she was in agreement with the officer recommendation that the application should be refused considering that the proposed dwelling would be far too bulky to the rear and would have a negative impact on neighbouring residential dwellings.
- (22) The Chair, Councillor Cattell stated that whilst the proposal represented a bold design she was in agreement that as currently presented it was too bulky and would result in an unneighbourly form of development and should therefore be refused.
- (23) A vote was taken and on a vote of 7 to 5 planning permission was refused in line with the recommendations set out in the officer report.

- 166.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

- 167 **TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

167.1 There were none.

**168 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

168.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

**169 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

169.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

**170 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

170.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

**171 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

171.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

**172 APPEAL DECISIONS**

172.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 3.55pm

Signed

Chair

Dated this

day of

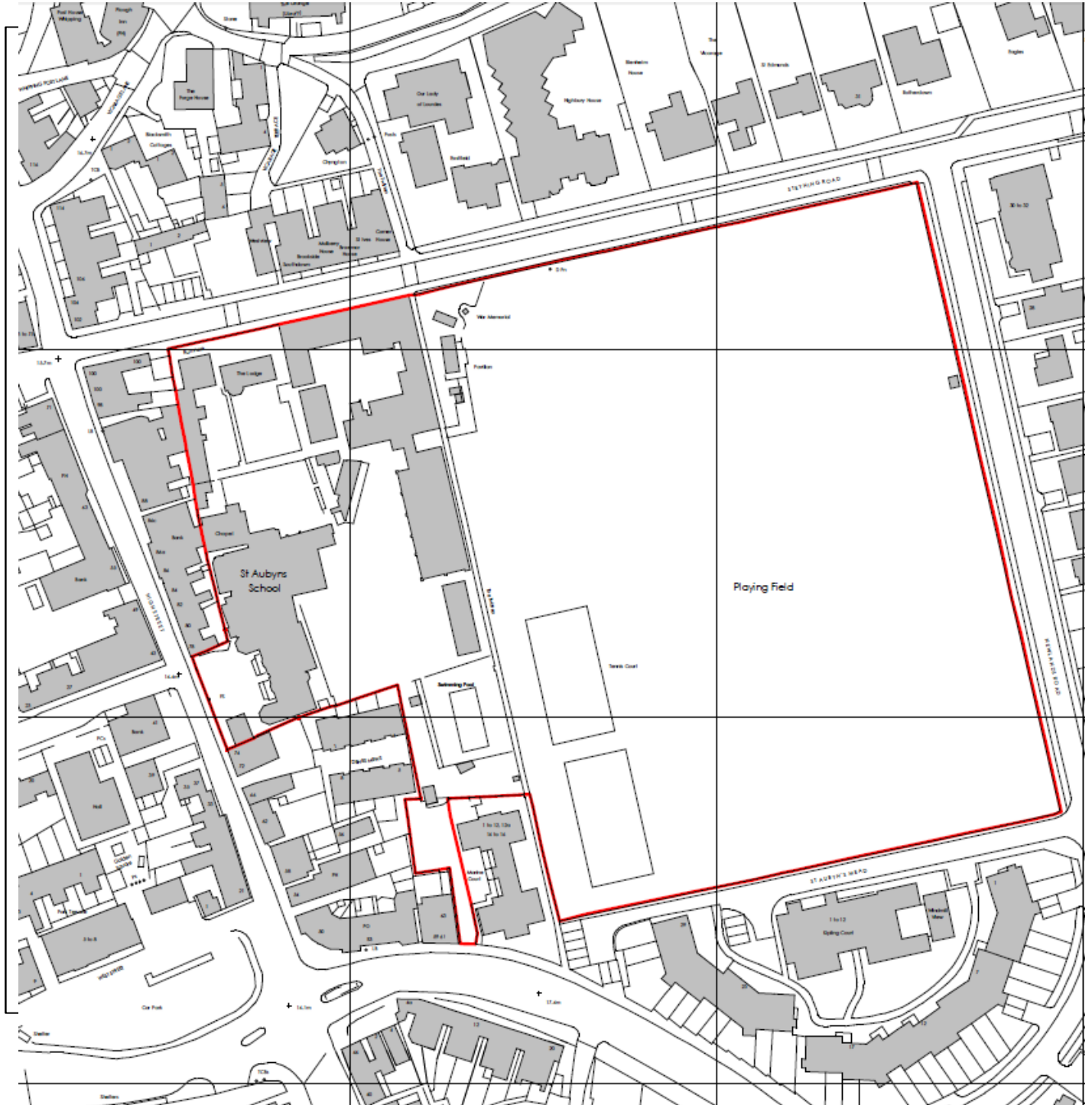


# **ITEM A**

**St Aubyns School 76 High St, Rottingdean  
BH2015 / 03108  
Full Planning and Demolition in a  
Conservation Area**

**20 April 2016**

BH2015/03108 Former St Aubyns School, 76 High Street, Rottingdean



**Brighton & Hove  
City Council**



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2015/03108</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning and Demolition in a Conservation Area</b>		
<b><u>Address:</u></b>	<b>St Aubyns School 76 High Street Rottingdean Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.</b>		
<b><u>Officer:</u></b>	<b>Liz Arnold Tel 291709</b>	<b><u>Valid Date:</u></b>	<b>08/09/2015</b>
<b><u>Con Area:</u></b>	<b>Rottingdean</b>	<b><u>Expiry Date:</u></b>	<b>08 December 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>Grade II</b>		
<b><u>Agent:</u></b>	<b>Boyer Planning, UK House 82 Heath Road Twickenham London TW1 4BW</b>		
<b><u>Applicant:</u></b>	<b>Linden Homes &amp; The Cothill Educational Trust, C/O Boyer Planning UK House 82 Heath Road Twickenham London TW1 4BW</b>		

**1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 11 and subject to no new material considerations being raised during the re-consultation period ending on the 8<sup>th</sup> April 2016.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 St Aubyns School closed in mid-2013 but had been a fee paying school with boarding facilities (use class C2). The former school is located in its own grounds on the eastern side of the High Street.
- 2.2 The site, which incorporates the playing fields to the rear/east of the school buildings and which is in a single use as a school, measures approximately

3.3Ha, although the campus and field is physically divided by a public Twitten that runs between Steyning Road and Marine Drive.

- 2.3 In addition to the main school building, the Chapel and the boundary wall flint wall fronting the High Street are Grade II listed however all buildings, structures and flint walls located within the site (school campus and playing field), which were built before 1948 and were in associated use at the time of listing are considered curtilage listed.
- 2.4 The school campus, which measures approximately 0.86Ha includes;
- The main a school building (known as Field House/76 High Street) and its adjoining Chapel (Grade II Listed),
  - The listed boundary wall fronting the High Street (Grade II listed),
  - A row of internally linked terraced cottages (including Rumneys) (pre-1948 and curtilage listed),
  - Other outbuildings associated with the school (circa 1980-1995) including classrooms, dormitories, gymnasium, changing rooms, and Headmaster's residence,
  - An outdoor swimming pool,
  - Shooting range (pre-1948 and curtilage listed),
  - Terraced gardens, and
  - Equipped children's play area.
- 2.5 The existing playing field measures approximately 2.5Ha and comprises of;
- Sports pavilion (pre-1948 and curtilage listed),
  - War memorial (pre-1948 and curtilage listed),
  - Water fountain (pre-1948 and curtilage listed), and
  - 2 tennis courts with associated net fencing and cricket nets.
- 2.6 The boundary treatment of the playing field is predominately a mixture of wooden fencing and bushes, with a bank of sycamore trees on the western boundary. There are a number of gates and entry points to the site which are secure other than the main entrance from the High Street. There is no general access to the playing field.
- 2.7 The school campus site is located within the Rottingdean Conservation Area, the boundary of which runs along the eastern side of the Twitten and therefore excludes the playing field. Nevertheless the playing field is considered an important part of the setting of the Conservation Area; it provides a reminder of the once rural setting of the village and a distinction between the historic village and surrounding suburban development. The Twitten is identified as an important spatial feature in the Conservation Area; it is bounded by a hedge to one side and a flint wall to the other. The flint wall to Steyning Road, as well as being curtilage listed, is an important part of the character of the Conservation Area as it helps to delineate the boundary to the school site as well as differentiate public and private space.
- 2.8 The site is located in a sloping hillside that rises west to east from the valley floor. There is a level change of approximately 5m between the school's main building



and the middle of the playing field. This change in levels accounts for the existing predominance of garden terracing to the east/rear of the school building.

- 2.9 A boundary of the South Downs National Park is located approximately 119m to the east of the playing field.

### 3 RELEVANT HISTORY

**BH2015/03112** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Concurrent Listed Building Consent Application.

**BH2015/03110** - Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9 no. two bedroom and 1no three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten. Concurrent Listed Building Consent Application.

**BH2008/02986** - Installation of porous macadam tennis/netball court on school playing fields with fencing to height of 2.75m. Approved 15/01/2009.

**BH2005/01964/CL** - Certificate of lawfulness for proposed conversion of ancillary residential into classrooms. Approved 23/08/2005.

**BH2000/01649/LB** - Retention of existing classroom (Renewal of temporary listed building consent granted under ref. BN95/1443/LB). Approved 12/09/2000.

**BH2000/01648/FP** - Retention of existing classroom (Renewal of temporary planning permission granted under ref. BN95/1442/FP). Approved 12/09/2000.

**BN88/1870/F** – Provision of 3 velux rooflights in new classroom block (amendment to permission BN87/1849/F) Granted 9/11/88.

**87/1850/CAC** – Erection of single storey classroom block for use in conjunction with existing school. Granted 1/12/87.

**87/1849/F** – Erection of single storey classroom block for use in conjunction with existing school. Granted 1/12/87.

**86/1709/F** – Addition of front dormer windows to dwelling under construction (amendment to proposals approved under BN86/272 & 273) Granted 19/11/1986.

**86/0273/LBC-** Alterations and extension to north side of existing garages/staff accommodation to form staff house fronting Steyning Road. Granted 25/04/86.

**86/0272/F** – Alterations and extension to north side of existing garages/staff accommodation to form staff house fronting Steyning Road. Granted 25/04/86.

**81/1359 (LBC /1139)** – Construction of permanent gateway on to twitten for access from playing field to existing school. Refused 5/01/1982.

**BN81/493 (LBC/1055)** – Retention of opening in Twitten wall for duration of building works to new gymnasium, so as to give access to site. Granted 14/05/81.

**BN80/1838 (LBC/991)** – Additions to and conversion of old gym into changing rooms/lavs and Classroom X, erection of new Gymnasium. Granted 22/01/81.

**BN80/1085** – Demolition of parts of old buildings and erection of extension to Laboratory, Classroom IX, tennis court and new Art room. Granted 4/07/80.

**BN79/1828** – Erection of 25 terraced houses, 17 flats and 2 blocks of garages with estate road and landscaping. Granted 18/10/1979.

**BN78/729(LBC/CA)** – Demolition of existing dilapidated classrooms fronting Steyning Road and erection of buildings to form classrooms, changing room, dormitories and garage. Granted 30/05/78.

**BN78/728** – Proposed alterations/additions including new staircase. Granted 30/05/78.

**BN76/1389 (LBC 527)** New entrance door and lavatory window, removal of chimney stacks; internal alterations to replan and form new bathrooms, dormitories and staff accommodation to cottage/sanatorium block. Granted 14/10/76.

**BN75/2848 (LBC 474)** – Proposed construction of outdoor swimming pool. Granted 5/02/76.

**73/678** – Outline application for the erection of 4 shops with 4 flats over fronting Marine Drive and rear loading access. Refused 17/05/73.

**72/2948** – Erection of a detached house for headmaster. Granted 13/10/72.

**71/3163** – Outline application for the erection of a 5 bedroom detached house with integral garage. Granted 21/02/72.

**71/1900** – Outline application for the erection of a detached house for use by resident headmaster. Refused 30/09/71.

**71/1637** – Erection of two storey building comprising two classrooms with Library over and boiler house. Granted 12/08/71.

**17.60.1211** – Demolition of existing buildings and redevelopment with shops, flats and houses (outline application) Refused 4/08/1960.

#### **4 THE APPLICATION**

##### **4.1 Planning permission is sought for;**

- the demolition of the rectangular block and associated extensions to north of Field House (main school building),
- the demolition of buildings to north-east of Field House and other associated structures,
- the conversion and refurbishment of Field House, terraced cottages and Rumneys building,
- the construction of new residential blocks and dwellings houses,
- the construction of part 2 no. part 3 no. storey residential care home building providing a total of 62 bedrooms (C2).
- revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities,
- alterations to boundary flint wall along Steyning Road and The Twitten, and
- other associated works.

##### **4.2 A total of 48 no. residential units (C3) would be created by the proposed development.**

##### **4.3 Pre-Application Consultation**

The submitted Statement of Community Involvement states that in advance of submitting an application individual meetings were held with stakeholders and that two community consultation events exhibition were organised. It is also stated that following these events an up-date newsletter, showing amendments to the proposal, was issued to local householders and businesses.

##### **4.4 On the 23rd June 2015 a proposal for the development of the former school site was presented to Councillors which included;**

- the redevelopment of the site to provide 48 new dwellings (38 new build and 10 via the conversion of retained buildings) providing a mix of 1, 2, 3 and 4

bedroom apartments/houses, which includes the demolition of some of the curtilage listed buildings,

- a construction of a new 62 bed residential care home (Use Class C2),
- the retention of 1.6Ha of the former playing fields,
- the provision of ancillary facilities to serve the retained open space including the refurbishment/improvement of the existing sports pavilion building,
- the formation of access to Newlands Road,
- alterations to the existing access off Steyning Road,
- landscaping, and
- alterations to existing flint walls.

4.5 The feedback from this presentation was as follows;

- Members considered that the proposed 10% affordable housing provision was extremely low and stated viability information would be needed in order to demonstrate if this is appropriate,
- Members considered that limited details has been provided of the elevations although the traditional/contextual approach was welcomed,
- Members considered that the Chapel should be retained,
- Members questioned if a care home was needed,
- Members stated that any building works encroaching on the playing field was a concern,
- Members queried whether there is too much development across the site,
- Members acknowledged playing field would alter from private to public, and
- Discussions appear to have been hampered by an absence of viability and heritage assessment details.

4.6 Associated pre-application with officers also resulted in an expression of concern regarding the lack of the submission of a heritage assessment, the potential loss of the Chapel, the lack of submission of viability information, the lack of affordable housing provision and provided comments on environmental health issues, air quality and transport issues.

4.7 In respect of Environmental Impact Assessment (EIA), prior to the submission of the application a Screening Opinion was issued by the Local Planning Authority confirming that the development is not an EIA development. Following a challenge from a local resident in August 2015, the Secretary of State also confirmed that the application proposal is not an EIA development.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

5.1 **Neighbours: Three Hundred and Ten (310)** representations of objection have been received from the addresses which are contained in full within **Appendix A** of this report. The following grounds of objection are stated:

Design/Visual Amenities/Landscape Impacts

- Planning Brief states no building on the playing field. There are very few green areas left in area and provides significantly for the community until it was locked up,
- The field is a significant feature in the character of the village, visible from Beacon Hill and other vantage points,
- Loss of unobstructed view of the sky and sea,
- Density and number of houses is too high and not in keeping with the village and will harm the conservation area,
- Out of character, out of scale and too high and will harm the character of the area,
- Harmful impact on views,
- The scheme does not meet the Planning Brief,
- Boundary walls are protected as part of the village setting, should not allow the removal of large chunks,
- Need to protect the South Downs National Park and Nature Reserve which are assets of much wider application and need protection,
- Overly dense development and materials are out of keeping,
- Overdevelopment – harmfully impacting on village character,
- Would demolish 60% of the Grade II Listed Building, heritage must be protected,
- Urban sprawl, and
- Will provide cheap, ugly, new build homes, which will be an eye-sore.

Amenity Issues

- Harmful impact on amenity and local business,
- Overlooking and loss of privacy,
- Noise and pollution from extraction,
- Location of bin stores,
- Overshadowing and loss of daylight/sunlight,
- Loss of views,
- Landscaping – hedgerow needs managing,
- Quality of life more important than viability,
- Increased noise and disturbance – during construction and following occupation, and
- Positioning of care home adjacent to the AQMA likely to expose elderly and/or inform residents to high levels of air pollution.

Transport/Highway/Access Issues

- Road safety concerns for cyclist and pedestrians,
- Steyning Road is already heavily used and has insufficient capacity for construction traffic or additional development traffic and concern raised regarding emergency services access,
- Transport Data/Assessment fails to comply with NPPF, has flawed methodology, misleading information, errors, inaccuracies, false assumptions, overestimated capacities, unverified analyses and fails to assess cumulative impact and the Woodingdean junction,
- Would severely damage sustainable transport services,

## PLANNING COMMITTEE LIST – 20 APRIL 2016

- It is not a sustainable development,
- Insufficient car parking – cycling not a realistic alternative, will add to severe parking pressures in the area,
- Traffic congestion and existing traffic in the High Street are damaging historic buildings and the aged infrastructure and causing congestion which will be exacerbated by proposal,
- High Street road and pavements are not wide enough, should not actually be a road. HGV's and buses have to mount the kerbs and cause traffic jams,
- Poor access arrangement, access road onto Marine Drive is not shown on the plans,
- Proposal should include a small to medium car park for visitors to the village,
- The Council's January 2016 Interim Report on the Lewes Road improvements has made it clear that Linden's traffic figures are even more inaccurate than previously realised, with a considerable impact on the Air Pollution Assessment for the AQMA, and
- There is no assessment provided on the strategic road network (A27).

### Other Issues

- Increased pollution, poor air quality levels and associated health problems. Disputes methodology of submitted Air Quality Assessment,
- Limited and inadequate existing infrastructure, including in terms of existing oversubscribed schools, nurseries, hospitals, doctor/dentist surgeries, power supplies and road networks,
- Construction operations and heavy construction plant and traffic would ruin the village with noise, dirt, dust and pollution,
- Harmful loss of open space and historic buildings which can never be replaced,
- Increased flood, drainage and sewage problems,
- An EIA is required due to the sensitivity of the site and differences between the screened proposal,
- Ground stability,
- Low level of landscaping provision,
- Section 106 monies should be spent locally,
- Removal of the hedge all the way down St Aubyns Mead,
- Position of trees in the rear gardens of plots 48 and 39 are so near the existing lampposts that security of parking and night viability will be reduced for St Aubyns residents,
- Adverse impact on tourism and commercial businesses in village,
- The campus is naturally separated from the field by The Twitten, believe the field and campus should be considered separately,
- Alterations to the boundary flint walls along Steyning Road and The Twitten are contrary to public consultation information,
- De-valuation of surrounding properties,
- Lack of public consultation on proposed demolition and provision of a care home,

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- There are already existing/too many care homes in Rottingdean, many with current vacancies – this proposal does not support a balanced community,
- Loss of public sports field facilities where no alternative provision exists,
- Peacehaven urban area is growing and is prominent to Rottingdean,
- A smaller number of larger homes would be much more acceptable,
- No affordable housing provided,
- Boundary with Kipling Court must be installed and maintained by the developer,
- Proposal is contrary to Council policies, Planning Brief, Localism Act, One Planet City, the Parish neighbourhood development plan and the NPPF (especially paragraph 132),
- In 2015 elected members of the Council voted unanimously to endorse the designation of the playing field as a “Local Green Space” this should be upheld,
- Neither houses or care home provide any real benefit for village residents and is purely money-making schemes on behalf of the developer,
- Cumulative impacts of all other development in area need to be considered,
- No archaeological plan is present to ensure that if there are traces of ancient settlement that they are identified before being lost,
- Impact on wildlife. There are errors in biodiversity checklist. Bat survey is incomplete and inadequate and contradictions between reports prepared by different consultants re ecology,
- There are more suitable brownfield sites in City to develop before developing Greenfield sites,
- Only existing school buildings should be developed,
- Figures stated for staff of proposed care home is badly researched and figures incorrect,
- Proposed planting scheme between plots 19 to 23 to mitigate overlooking will eventually destroy neighbouring flint wall,
- Old school buildings should be retained for educational purposes,
- There are so many planning applications in place for the east of Brighton that unless the Council look at the bigger picture area is going to be overwhelmed by new builds with no infrastructure in place,
- Increased light pollution,
- Loss of tennis courts and swimming pool which are used by local residents
- Building on the playing field is not the only viable option – residents should be able to scrutinise the viability assessment,
- Electrical and gas surveys have been based solely on residential use and not a commercially run, very large care home,
- The scheme does not accord with Sport’s England’s exception or the guidance within paragraph 74 of the NPPF,
- Southern end of playing field is suitable for recreational and sporting use, assertion that the gradient makes it exempt is unfounded and absurd,
- Loss of the school but the provision of a care home is not a direct replacement as implied,

- Cothill Education Trust refused an offer made by parents and another private school to take it over. Acceptable redevelopment should determine the value Cothill will get from the sale of the site,
- Loss of trees have not been discussed with local community,
- Degree of opposition from local community, this is not made clear in Statement of Community Involvement which itself is flawed as at no time was the demolition of Listed Building presented to the community,
- Council rejected the Meadow Vale application which is on the outskirts of the village, how can it possibly justify approving this application which is right in the heart of the village on green space,
- The application is procedurally flawed. There is no such legal entity as “Linden Homes” as the identity of this apparent joint application (with Cothill) is not give, in breach of the legislation,
- Some large houses are planned, for which there is no demand,
- Offer to part fund the Council’s Air Quality improvement plan for the AQMA does not meet its obligation under planning law to contribute to a reduction in the AQMA’s air pollution, and
- The scheme is contrary to Rottingdean emerging Neighbourhood Plan in relation to traffic congestion, air quality and encouraging sustainable transport.

5.2 **Ten (10)** representations of support have been received from the addresses which are contained in full within **Appendix A** of this report. The following grounds of support are stated:

- Need more housing as people need to live somewhere and house prices are too expensive so more houses are needed to satisfy the demand, consider site to be an ideal place to add to the housing stock,
- Need site to be occupied, good for local economy,
- Would benefit the village and local businesses. Increase footfall in village should help traders and generate more local income,
- Would give residents use of surrounding field. The school field is no longer in use, the front of it was built on years ago,
- Badly need care homes for an aging population,
- Steyning Road would be made wider,
- Development would be in keeping with the village as a whole and will provide a further recreation ground for children and adults alike, and
- Traffic would be similar to when it was a school. Do not think that the development will add significant to the existing excessive traffic passing through the village.

5.3 **Five (5)** representations of comment have been received from the addresses which are contained in full within **Appendix A** of this report. The following comments are stated:

- Viability noted, reduction in unit numbers and increased green space supported,
- Improved pedestrian connectivity,
- Concern over impact on GP services,

## PLANNING COMMITTEE LIST – 20 APRIL 2016

- Should request a full report from the developers to ensure that they are considering how to minimise impact to the traffic flow during development,
- Should include additional car parking for visitors to the village,
- Stress need for as much underground car parking as possible,
- Due care and consideration of the Heritage assets needed,
- Visitor numbers to village are likely to increase, helping the viability of the retail shops and other businesses that rely upon local clientele,
- Care home should become retirement apartments,
- The remainder of the filed should be developed as family recreational ground with a variety of popular pursuits that all age groups are able to enjoy,
- The pavilion should be renovate together with the war memorial and converted into a light refreshment café and the hire of equipment,
- Hedgerow running north to south along the western boundary of the Twitten should be removed to expose the continuous listed flint wall and improve safety,
- Twitten should be widened and a cycle lane incorporated alongside, and
- The S106 Agreement with the City Council could partly pay for the recreational facilities and/or ongoing maintenance along with assessing potential for grant funding.

5.4 Following re-consultation of the revised plans and documents received on 29<sup>th</sup> February 2016 **Eighteen (18)** further representations of objection have been received from the addresses which are contained in full within **Appendix B** of this report. Additional points of objection raised are as follows:

### Transport/Highway/Access Issues

- Jobs in the nursing home are unlikely to be taken up locally and will therefore exacerbate traffic issues.
- Loss of existing parking spaces on Steyning Road/Newlands Road to create access to development. Additional on-street parking pressure will create more congestion as roads to narrow to allow two cars to pass and will make roads/pavements more hazardous especially to mothers with children and wheelchair users,
- Parking surveys undertaken on a Saturday, which is in fact one of the quietest days of the week for local shops and is therefore unrepresentative. It also does not acknowledge the twice-daily term-time impact of drop-off and pick up traffic to the two local primary schools,
- False traffic predictions,
- Insufficient parking for development especially for care home staff, doctors, ambulances and delivery trucks. No on-site parking to be provided to serve the playing field, and
- Road ware.

### Other Issues

- Lack of infrastructure including schools, GPs, sewerage and drainage systems,
- If field has to be developed a small number of high value residential units would have less impact than a 62 bed care home,



- In the developers facility report it is emphasised non-suitability of the SW corner of the playing field as a sports ground despite the total field having been used as a sports ground since the early 1920s. There are other recreational uses of the field, archery, cricket and tennis.
- Development of the existing school is fine, housing infilling where appropriate is not objected to,
- Care home residents will have no safe recreation space outside the care home as no enclosed space or garden is envisaged for residents,
- Based on staff numbers for existing care homes in area, more staff would be require for the proposed care home than stated,
- There are more suitable pieces of land to develop rather than destroy a place of great beauty in the name of profit,
- Proposed houses on plots 39 and 48 would abut the fence owned by Kipling Court Ltd at the top of St Aubyns Mead. These new properties would be located so close that they will need sash windows rather than those that open outwards. Sets harmful precedent to move the buildings north, which would impact further on proposals to maintain some of the existing field,
- False assertion that SW corner is not suitable as a plying field is clearly designed to weaken case for retaining the field in its entirety,
- Believe care home will fail and be converted to flats in the future,
- Developer had no intention of keeping school open, having rejected offers from other private schools to take it on,
- False stories about size of development required to make it viable,
- Flooding. Field acts as a flood plain for all the houses around it. Village will be flooded, especially the High Street, if houses and a large block (the care home) are built on the field. Village needs this small oasis of green for recreational uses as well as a safety measure, and
- The density is unacceptably high for the area.

5.5 **Blind Veterans UK:** Object. Development is out of keeping with surrounding area. School should retain its existing structure as historical building. No proper consultative process; Sets precedent for further development in small Downlands village.

5.6 **Former School Pupils/Chairman/Headmasters:** Comment. The Chapel was the central point of the school's day to day life. With important artefacts contained within.

All the fittings, the pews, memorial windows and roundels (smaller windows) were donated by parents and other relations, which contributed to the unique atmosphere of this place which became very special to generations of the school community.

The contents should be moved to another school where the Memorial Boards, photographs, roundels and pews would be displayed and seen every day by the children to serve as a reminder of the sacrifice that these Old Boys made in two World Wars. The Trust has offered to house all this in a suitable space in the middle of their school in Oxfordshire.

Have considerable concern that proposal retains Chapel in situ. Believe that is completely the wrong decision. Have already had a number of requests for items donated to the Chapel to be returned to the donors. Believe that this should be done.

Concern raised over who will be responsible for the maintenance of the Chapel and who will visit it. It will be in the middle of a housing development with have nothing in it and unlikely to be visited.

5.7 **Ovingdean Residents and Preservation Society:** Object. Development will place undue strain on the local infrastructure which cannot currently cope let alone in the future. Will have a high impact on the air quality in the area which is already above EU regulations. Is situated in an area which is an area of beauty, peace and calm in the village which will be irrevocably ruined. Feel a development on this site disrupted is totally inappropriate and not in keeping for such a lovely site.

5.8 **Regency Society:** Comment. Supports the development of the site for housing and the proposed treatment of most of the Listed Building that lie within the former school campus site which forms part of Rottingdean Conservation Area. Have some concerns about the proposals for the future of the Listed Chapel and feel a clearer statement is needed regarding its future.

Main concerns relate to the proposals for the former playing field. Believe that the application fails to make best use of this part of the site, which lies outside the Conservation Area.

Although the playing field does not fall within the urban fringe, believe that it too could and should be developed to help meet the City's housing needs given the serious shortfall of land and pressure on urban fringe.

The application proposes development on a relatively small area at the southern end of the playing field. Concern raised regarding the lack of affordable housing. Would argue for the development of the whole site with a mix of homes of varying sizes, including a significant amount of affordable housing. Affordable housing would be of more social benefit than the retain public open space.

There is a serious shortage of space in the City and therefore this site should be used to its maximum potential rather than retaining open space.

The playing field has not been publicly accessible in the past: it was a private space for the exclusive use of the school. The village and surrounding area has an abundance of public open space. For these reasons the argument for retaining it as an open space is unconvincing.

Have no objection to the principle of a care home on the site. However, the design of the proposed building is disappointing. There is no significant secure outdoor space for use by residents. The building itself is uninspired: A major new building in the centre of the village should offer a bold architectural statement which adds to the village's this diversity.

5.9 **Councillor Mary Mears:** Objects to the proposal. Letter Attached.

5.10 **Simon Kirby MP,** Objects to the application on the following grounds;

- Increased pollution and congestion resulting from a large number of additional properties and their associated cars. The A259 coast road and Rottingdean High Street already become extremely congested at peak times of the day, with hundreds of cars,
- Parking in Rottingdean is also likely to deteriorate due to the greatly increased number of cars,
- Concerns about the provision of school places and GP places locally, which are already under considerable pressure.
- Concern that the sewage and drainage infrastructure will not be sufficient to cope with the many additional residential properties,
- Application is for a very large number of properties in a relatively small area and so will be very high density. This would be likely to negatively affect the present character of the village, and
- Many local residents are concerned about the loss of the old school playing field. Many people feel that it is inappropriate that a precious green space in the village would be lost in order that more buildings can be constructed.

5.11 **Rottingdean Parish Council:**

(12/10/2015) Comment. Disappointed that the brownfield site could not be redeployed for its formerly designated C1 and C2 uses but recognise the limitations and challenges of the existing structures and the differing levels within the site.

Design - Welcome the retention and conversion of the original Field House (Grade II listed), Rumneys and artisan cottages to provide units of accommodation and are generally supportive of the principle of new residential development on the brownfield site to meet local needs and breathe new life into the High Street. Pleased to see the intention to retain the green courtyard areas, with existing trees and proposed additional planting but object to the removal of the terrace in the southern courtyard. Pleased to note the intention to use building materials and design features in keeping with the Conservation Area and to limit construction height to 2 to 2.5 storeys on the brownfield site. Believe the proposal for 38 dwellings, including the residential conversions, on the brownfield site represents a suitable density of development.

Housing Mix - The proposed varied housing mix is a good fit with the demonstrated needs identified by RPC's recently commissioned Housing Needs Survey. The Parish are dismayed at the removal of affordable units, as specified in the earlier outline plans. Feel that a shared ownership scheme would be of benefit to Rottingdean's older population and local young people to remain in or settle in the village.

Heritage Assets – Welcome the retention of the heritage assets of the site; the Chapel, war memorial, sports pavilion and fountain as these have significance not only for the Village but also for alumni, their families and former personnel at the school. Seeks assurances that English Heritage have been consulted on and have not objected to the proposed demolition of almost 61% of Field House,

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including an area dating from 1830. Pleased to see that the scheme proposes to enhance the views of and access to the Chapel. RPC also welcomes retention of the boundary flint wall to west of Field House and respect for other flint walls to the north and east.

Former Playing Field - As detailed in the planning brief the playing field provides the village with a key green buffer adjacent to the Conservation Area and the congested High Street. Also provides key strategic views across the village to Beacon Hill and the Windmill that contribute to the characteristic pattern of green spaces throughout our downland village. Strongly welcomes the proposal to hand over part of the playing field for community use with a 10 year maintenance fund. However, is seeking Local Green Space designation for the entire playing field.

The Parish are of the view that the brownfield development proposals for this prestigious site at the heart of the village and its Conservation Area are viable on a stand-alone basis and therefore object to the partial development of the field.

Care Home – The Parish recognise need for dementia care facilities in the area and welcome the proposal in principle to make provision for these, preference would be for these to be provided within the boundaries of the brownfield site. However, the care home is too large a facility to be provided at this central location, it is out of scale with the immediate environment and would generate unacceptably high numbers of additional traffic movements from associated services, staff and visitors, leading to additional congestion on the seafront and in the village, especially along the Steyning Road/Newlands Road route.

Impacts on Local Infrastructure – Concerned about the reduction in available parking spaces as a result of this development particularly in Steyning Road and Newlands Road. Concern is also raised regarding the impact on existing GP surgeries. The site would be a good opportunity for a new surgery. Believe there is inadequate provision for education of younger children as the local primary schools are full.

(Additional comments 31/03/2016 following receipt of further information/ minor amendments) Parish Council's overarching concerns and objections raised previously are not addressed in latest applications in particular with regards to air pollution and traffic volumes. The location of the site makes a highly negative impact on both traffic flows and air quality inevitable without interventions to ease congestion or reduce traffic through the village. The cumulative impact of the proposal and other developments in area is significant to an already illegal situation.

Disappointed that it has been necessary for the Council to begin an enforcement case about the Chapel and its contents.

Remains a strong point that have not been given access to the Viability Report. Is impossible to present counter arguments when not allowed to see figures it is based upon. Is not in the spirit of the NPPF or Localism Act.

- 5.12 **Rottingdean Preservation Society:** Object. The granting of the application would bring more traffic to the village of Rottingdean which already suffers severe air pollution, more than anywhere in Brighton. The restricted High Street encloses south going traffic with cars, lorries and buses waiting at the lights with their engines running. The proposed dwellings would bring more traffic to the village with dire results. The residence of more people in the village would put strain on schools, doctor surgeries as well as drainage and sewerage. The serious problems need to be tackled before building can begin at the school site.
- 5.13 **SAFE (St Aubyns Field Evergreen):** Object. Have serious concerns regarding omissions and anomalies in the submitted Transport Assessment. Have received no response from Linden Homes about these concerns or clarification about which company has made the planning application (Linden or Cothill).

The applicant's maintain that development on the playing field is essential to the viability and as such their viability assessment should be made publically available.

SAFE contend that the scheme is not viable without building on the playing field. Financial viability on any scheme is going to be dependent on the price for the land. It is very important that the applicant's viability report is properly considered and its assumptions and modelling tested so that a fair decision can be reached. Accordingly the viability report should be subject to public scrutiny without which it should be disregarded. Consideration by the District Valuer alone is insufficient.

(Comments 16/12/2015) The following issues are the more significant issues identified to date; exceedence of air quality levels, extant school principle, playing field, areas of difference with planning brief, demolition of 60% of Listed Buildings, loss of green space, greenfield/brownfield designation, viability report disclosure, viability report land value, inadequate transport assessment, affordable housing, construction phase impacts, flooding, infrastructure, cumulative impacts and sustainable development.

- 5.14 **Saltdean Swimmer:** Object on grounds of;
- Loss of playing field,
  - Air Quality/pollution will be worsened, contrary to the NPPF and Council policy. Will effect health and be bad for business,
  - Increased water problems,
  - Increased traffic congestion, and
  - Need consideration of the cumulative impact of other recent approvals in area. There should be a halt to new developments in Rottingdean and the areas around until such time that air quality is in line with EU standards and adequate infrastructure is in place.
- 5.15 **The Brighton Society:** Comment. Supports the scheme for 48 new dwellings in the playing field as well as the retention of the Listed Buildings as a care home, although with some alterations. This is a welcome windfall site, therefore recommend refusal to the proposed dramatic reduction of new dwellings on the site. If an operator cannot be found for the care home the building should be converted to flats.

There are already several areas of open space in close proximity to the site, All open spaces have to be maintained and this involves costs. This space was not previously open to the public therefore much needed housing is not going to deprive residents of Rottingdean of a facility that they previously enjoyed.

Object to the design of the roofs at the entrance to the site, which is out of character.

Are not certain what future is proposed for the chapel – would recommend it is converted to provide more housing. Believe that there are already sufficient buildings in community use in Rottingdean.

5.16 **Brighton & Hove Archaeological Society:** Comment. The archaeology of Rottingdean is relatively unknown and as such any intervention may produce important records of past landscapes and ancient activity.

5.17 **CAG:** Recommend Approval with the following comments;

- Welcomes the retention of two-thirds of the play field and the preservation of listed structures. Strongly recommend that when retained open space is transferred to the Council it should be with a covenant that it is retained as a public space in perpetuity.
- There should be a full survey of Field House to identify any features in the part due for demolition and an investigation of the mathematical tiles at the front. Also suggest that the windows in the outer bays should be retained as two over two sliding sashes, but in the original part of the building the Victorian canted bays should be replaced with segmental tripartite windows.
- The garage in front of Field House must be removed as a condition of approval of the scheme.
- There needs to be greater clarity regarding the future use of the chapel, bearing in mind that most of the historic features have been removed, and
- The gables to the two buildings at the entrance to the site off Steyning Road should be reduced in prominence as they give a false impression of what is going to be within the site.

5.18 **County Archaeologist:** Comment. Site is situated within an Archaeological Notification Area defining the historic settlement of Rottingdean. An archaeological desk-based assessment and heritage statements for the built heritage at the site have been submitted.

Whilst there has been no standing building archaeological survey undertaken and the built heritage reports lacks phased plans for individual buildings or the site as a whole (there is map regression), the approach does seek to conserve and enhance the most obviously significant heritage assets at the site.

The archaeological desk-based assessment, which has drawn on evidence from the Historic Environment Record (HER) confirms that the site is likely to have archaeological interest with respect to below-ground evidence of prehistoric,

Romano-British and subsequent activity. The significance of any such remains, however, is likely to have been reduced by recent development impacts, including the levelling of the playing fields and the construction of relatively modern buildings and structures. Despite these impacts it is probable that archaeological remains will exist at the site.

In the light of the potential for impacts to heritage assets (including historic buildings and below ground archaeological remains) at this site, it is considered that the area affected by the proposals should be the subject of a programme of archaeological works.

**5.19 County Ecologist:**

(Comments 19/10/2015) Comment. Provided that the recommended mitigation measures are carried out the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.

(Additional comments 10/12/2015 regarding assessment of Arboricultural Report)  
It is recommended that any trees to be removed are assessed for their bat roost potential. If they have potential, further surveys will be required to inform appropriate mitigation.

(Comments 24/03/2016 following receipt of further information/ minor amendments) The amendments will not have any impacts on biodiversity, and as such, advice previously provided remains valid. The additional information confirms that trees on site were assessed as having negligible bat roost potential, and therefore that no further surveys are required.

**5.20 East Sussex Fire and Rescue Service:**

(24/09/2015) Comment. Plans do not appear to indicate satisfactory access for fire appliances for fire fighting purposes as will be required by Building Regulations the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to private dwellings within a 45m of all points within each dwelling.

When considering active fire safety measures for all types of premises, would recommend the installation of sprinkler systems.

(Comments 14/03/016 following receipt of further information/ minor amendments) Access for fire appliances is satisfactory. Access for fire-fighting is satisfactory.

**5.21 East Sussex County Council Transport Officer: Comment.** Confirm that East Sussex County Council (ESCC) as Highway Authority does not consider that the development will have an impact on the ESCC highway network. The submitted TA demonstrates that the development is likely to generate 29 and 48 trips in the am and pm peak hours respectively compared to 116 and 39 as the existing use. This small increase in trips in the pm Peak (+9) will be diluted via a number of route choices and destinations so that the number of vehicles added to the ESCC

network is unlikely to be noticeable. It is also noted that the site is well located to take advantage of frequent bus services and many local services are within walking distance (schools, doctors' surgeries and shops). The proposed Travel Plan will further encourage use of sustainable travel.

- 5.22 **Environment Agency:** Comment. The site is located in Flood Zone 1, defined by the NPPF as having a low probability of flooding. In this instance have taken a risk based approach and will not be providing bespoke comments or reviewing the technical documents in relation to the proposal. The site lies on a principal aquifer. All precautions must be taken to avoid discharges and spills to the ground both during and after construction.
- 5.23 **Highways England:** No objection. The strategic road network (SRN) is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Would be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN. Having considered proposal have no objection.
- 5.24 **Historic England:**  
(Original comments 4/11/2015 and 16/03/2016 following receipt of further information/ minor amendments) Comment. Considers that an appropriate redevelopment of this now vacant site has the potential to secure the future of the Listed school building as well as that of the memorial Chapel, which is listed by virtue of its connection to and historical association with the school. Consider that further information and amendments to the scheme are required to achieve mitigation of harm and that further enhancements are also possible, as required by NPPF policy.
- 5.25 **Southern Gas Networks:** Comment. Note the presence of Low/Medium/Intermediate Pressure gas main in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. Should where required confirm the position of mains using hand dug trial holes.
- 5.26 **Southern Water:** Comment: Initial investigations indicate that foul sewage disposal can be provided to service the proposed development. Can provide a water supply to the site.

Under current legislation and guidance Sustainable Urban Drainage Systems (SUDS) rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water systems which may result in the inundation of the foul sewerage system.



**5.27 Sports England:**

(Original comments 12/10/2015) Objects. Whilst the transfer of land to the Council and the refurbishment of the pavilion is welcomed, it does not compensate for the loss of playing field and does not comply with National Policy as there is no replacement playing field being proposed which is equivalent or better in terms of quantity and quality in a suitable location.

Sport England object as it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

(Additional comments 11/3/2016 following receipt of additional information) Objects. The applicant has submitted a report undertaken by TGMS to further argue the site is incapable of accommodating playing pitched or part of a playing pitch.

Sport England has considered the proposal in light of paragraph 74 of the NPPF. The submitted sport facility report addendum is useful but position on the application remains the same and an objection is raised on the basis that the scheme is not considered to accord with any of the exceptions to Sport's England's Playing Field Policy or with Paragraph 74 of the NPPF.

**5.28 Sussex Police:** (30/09/2015 and 21/03/2016) Comment. Pleased to note that the submission gave mention to some crime prevention measures to be incorporated into the design and layout. The NPPF demonstrates the Government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Residential dwellings – the design and layout has produced outward facing dwellings and back to back gardens. This leaves the streets free, un-obscured and overlooked. Parking has been provided for with in-curtilage bays, garages, car ports and on street parking bays. Where communal parking occurs it is important that they must be within view of an active room within the property. Doors and ground floor including easily accessible windows are to conform to PAS 024-2012.

It is important that the boundary between public space and private areas are clearly indicated. It is desirable for dwelling frontages to be open view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall railings or timber picket fence. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the fence and be lockable. Such gardens must be located on or as near to the front building line as possible.

Have concerns over the inclusion of the existing Twitten in encouraging access across the development. In order to provide a safe and secure pathway, the Twitten will need to be cleared of overgrown vegetation and foliage and a

maintenance policy introduced to keep it tidy and clear. At present it is an uninviting, narrow, unlit footpath and ideally requires illuminating to ensure the safety and security of the users.

Care Home – Access control will be essential in maintaining authorised access to and from the building. Reception is correctly situated to observe and greet visitors and to direct them accordingly. The main entrance doors should have remote entry facility when out of hours use. Trades person buttons are to be omitted. From a safety and security perspective for the resident's, consideration should be given to controlling the doors into the residential element of the building from reception and the lift coded.

All external doors, ground floor and any easily accessible windows are to conform to PAS 024-2012 or LPS 1175 SR2 with laminated glazing that confirms to BS EN 356 P1A. In the interest of reducing opportunist theft ask that limiters are fitted to all ground floor windows. External fire doors should devoid of any external furniture and be linked via an alarm to reception that indicate when a door is opened or left ajar.

Clear demarcation lines providing defensible space will need to be included into the design of the care home as there are vulnerable doors and windows from rooms 1-10.

The proposed cycle bin stores for plots 36-38 will need internal segregation to keep cycles security intact.

Finally lighting throughout the development will be an important consideration and is to conform to the recommendations within BS 5489:2013.

5.29 **UK Power Networks:** Has no objection.

**Internal:**

5.30 **Access Officer:** Comment. Comments relate to the new housing only. Amendments required with regards to Lifetime Homes generally. Note that the necessary wheelchair accessible units do not appear to be provided.

5.31 **Adult Social Care Commissioning Manger:** Comment. Strongly support care home development of those facilities that provide beds/facilities that the Council or Health is able to purchase using their set rates. Nursing homes and all care homes for people with dementia are particularly needed in the city.

5.32 **Arboriculturist:** Loss of 34 trees, three groups of trees and a section of hedging, none of which is worthy of re Preservation Orders. Overall no objection subject to conditions regarding tree protection and landscaping.

5.33 **City Clean:** Comment. Concerned about the access points for the refuse vehicle. Access from Steyning Road may be ok so long as there is a wide enough angle for the refuse trucks to turn into. However the other access point appears to be on a main road. Confusion about the bin collection points, City Clan would not collect waste and recycling from proposed care home. Would therefore request that the

development provide suitable storage for the separation of recycling ensuring the waste generated by its operations is in a sustainable manner. Storage of waste receptacles must be off street.

- 5.34 **City Parks: Objects**. If the maintenance contribution is for 10 years and limited to £93,000 then City Parks would not be able to take on the remaining section of the playing field and pavilion (the developer would either have to maintain or find alternative mechanism if the lost space is to be mitigated).

Could only take on the remaining section of the playing field and pavilion where a 25 year maintenance contribution is provided equivalent to £20,000 per annum (i.e. 500,000 total lump sum). This sum is based on the current layout and there being no identified use for the pavilion.

- 5.35 **Economic Development Officer: Comment**. Has no adverse comments to make in respect of the applicant and welcome the additional housing that will contribute to the City's challenging housing needs and the residential care home which will provide much needed accommodation for the City's ageing population and generate 60 fulltime and 18 part-time jobs.

Due to the size of the development, which includes 38 new build residential units (C3), if approved, an Employment and Training Strategy will be required to include a commitment to using an agreed percentage of local labour. It is proposed for this development that the percentage of 20% local employment (where appropriate) for the demolition and construction phases is required and full liaison with the Local Employment Scheme Co-ordinator is requested at an early stage in accordance with the Developer Contributions Interim Technical Guidance.

In addition to the Employment and Training Strategy requests a contribution through a S106 agreement for the payment of £19,000 towards the Local Employment Scheme in accordance with the Developer Contributions Guidance (10 units and above - £500 per unit.  $38 \times £500 = £19,000$ ).

- 5.36 **Education: (23/09/2015) Comment**. Would look to secure an education contribution of £171,400.60 for primary and secondary school provision in the part of the City.

- 5.37 **Environmental Health:**

Noise

(28/09/2015 & 14/10/16) Comment. Insufficient information has been provided to make an informed comment.

(Comments 21/03/2016 following receipt of minor amendments/additional information) Insufficient information to make an informed comment.

It is understood that the field will be handed over to the Council and that currently the exact use of the playing field is unknown. A worst case scenario has therefore been presented in a noise assessment. This report shows that there is the potential for residents to be affected by noise from a sports pitch, if it is placed

adjacent to resident's gardens. Given it is unknown where the pitch will be placed it would be unreasonable to expect mitigation to be installed at this stage. When/if the sports pitch is erected, consideration should be given to its location and potential mitigation if it proposed near to residents gardens.

It is also noted that the submitted report highlighted the need for the acoustically treated ventilation to be provided in habitable rooms, as WHO/BS8233 criteria can only be met with the windows closed. As such the need for ventilation should be conditioned.

The acoustic report also outlines that the care home development may have a number of fixed items of plant. The Council's standard condition for plant and machinery should therefore also be attached.

#### Air Quality

(Comments 12/11/2015 and 21/03/2016 following receipt of minor amendments/additional information) Recommend Refusal as insufficient information submitted in relation to air quality. In order to assess the application for air quality require clarification and updates on a number of matters.

5.38 **Flood Risk Management Officer:** Recommends approval subject to a condition regarding the submission and approval of the detailed design and associated management and maintenance plan of surface water drainage for the site.

5.39 **Heritage:**

(Comments 2/11/2015) Recommends refusal. The site includes the Grade II Listed '76 High Street' and Grade II Listed associated flint wall to the front boundary. 76 High Street is the main school building. The listing includes all extensions attached to the original 76 High Street. This therefore includes the chapel, contrary to what is stated in the Heritage Statement (para 4.78).

Curtilage Listed Buildings include all pre-1948 structures and buildings within the curtilage and in associated use at the time of listing. This extends to structures on the playing field, given this was in the same ownership and associated use at the time of listing.

The Conservation Area includes the entirety of the camps site; such all buildings in this area form part of a designated asset.

The playing field is located to the east and divided from the campus by a Twitten. The playing field forms part of the setting of the Conservation Area. The Twitten itself is identified as an important permeation route in the Conservation Area.

A heritage statement and separate impact assessment have appropriately been included in the application. There are however some limitations to the submitted document: The heritage statement is not set-out in a legible manner; the text does not make reference to the room numbers and the room numbers themselves are repeated in a confusing manner. No phased plans or plans indicating the significance or historic integrity of different spaces have been

submitted. Given the complexity of the building/building extensions, this would usefully be submitted.

The document makes limited reference to original historic documents, nor to the national/regional context as set out in Historic England Listed Selection Guides and other research, such that some statements appear unsupported. For example, para 4.75 states the chapel 'is understood to have been built in 1913', but it is unclear what evidence this date is based upon. Original sources should be referenced.

The significance of individual features/areas impacted by the scheme, and the level of impact on these individual features is not always identified.

Whilst retention of the main building as a single unit would be most appropriate, its sympathetic conversion to flats is accepted in principle. The proposed conversion requires amendment in order to preserve and better reveal the plan form, and to retain the proportions in particular of the principal rooms.

Further information is required in order to fully assess the acceptability of demolishing the northern block and associated extensions. It is considered likely that a portion of this should be retained. In any event, the proposed replacement block is of overly high status, such that it competes with the status of the main building and obscures the historic record.

The proposed retention of the listed Chapel (and should be repaired as part of the application) although there is concern that no future use for the chapel has yet been identified.

The proposed conversion of the curtilage listed cottages and new development to the campus site is considered acceptable in principle, subject to amendments. The site should reflect the character of 'backland development' in the area, and the courtyard character of the site.

No contextual view has been provided of the site from Beacon Hill. This is important in assessing the acceptability of the design of the new development, and in considering the scale of impact of the proposed development on the playing field. The green space of the playing field is an important part of the setting of the conservation area. It forms part of a green buffer (as identified in the conservation area character statement) which provides a visual separation between development associated with the historic village and surrounding 'suburban' development. Development on the field harms the setting of the conservation area, and is therefore unacceptable in principle in heritage terms.

(Comments 24/03/2016 following receipt of further information/minor amendments)

Wall to Steyning Road: Demolition of a section of a wall could be accepted as part of a scheme which is considered acceptable overall, on the grounds that this demolition is limited to the minimum required to achieve safe access to the site and thus achieve a viable re-use of the heritage assets on the site. Sympathetic

re-use of the site and its listed buildings could outweigh the less than substantial harm caused through demolition of a section of the wall.

It remains that the exact location of the entrance could be slightly adjusted (whilst retaining the same level of demolition) if necessary to accommodate an appropriate scheme, given that the size of the proposed opening is greater than the size of the existing opening. However, there is no in principle objection to the proposed location of this opening.

View from Beacon Hill: A contextual view has been submitted showing the view from Beacon Hill. It is unclear whether this is a verified view or not. Nevertheless, the submitted image of the existing view shows the significance of the existing space in providing a visual separation between development associated with the historic village and the 'suburban' development to the east which was developed without reference to the historic character and layout of the historic village. The significance of this portion of green buffer is clearly identified within the Rottingdean Conservation Area Character Statement.

Overall the harm caused to the setting of the Conservation Area is significant. In terms of the NPPF, the level of harm is considered to be at the upper extent of 'less than substantial harm'.

The proposed development on the playing fields causes harm to the setting of the conservation area, in addition to the harm caused to the listed (and curtilage listed) buildings. This further compounds the level of harm caused by the scheme as a whole. Development on the playing fields thus causes further disparity between the level of harm caused and the identified heritage benefits. It therefore follows that the heritage objection to the principle of development on the playing field remains.

Notwithstanding the above in principle objection, the contextual view also supports previous concerns regarding the massing of the proposed care home. The unbroken ridgeline and roofscape to this element contrasts with the small scale urban form of the historic village. It dominates over the form of the listed school, itself a large building in the conservation area. It would be appropriate for the massing of the building and its roof form to be broken down into smaller elements in order to reflect the character of the area.

**Housing Strategy:**

(Original comments 12/10/2015) The City-wide Housing Strategy has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent.

Scheme currently proposes to provide 48 residential units plus a 62 bedspace residential care facility to be run by private provider Porthaven. No affordable housing is currently offered on the site with the claim being that this would make the scheme unviable.

This is not accepted by housing. The required housing contribution should be provided in accordance with the council's affordable Housing brief and would equate to 19 units in line with our Housing Strategy 2015 and identified need our required tenure mix (as published in the Affordable Housing Brief) is 55% rented and 45% shared ownership. This would equate to 10 units rented and 9 shared ownership.

10% of the affordable housing is required to be wheelchair accessible (and 5% of all units in the scheme). For the affordable housing this equates to 2 units. Given our preferred tenure mix and experience of registered provider partners marketing wheelchair accessible shared ownership on other schemes, wheelchair accessible homes for Affordable Rent would be our preferred option as wheelchair accessible shared ownership has often proved unaffordable for local people. The scheme proposal does not appear to mention wheelchair housing.

The proposed space standards of the units fall within the acceptable space standards as outlined in the new nationally described space standards.

(Additional comments 7/3/2016 following receipt of further information/minor amendments) The provision of no affordable housing units due to viability is now challenged by an independent viability report provided by the DVS which confirms that a scheme with the required 40% affordable included would be viable.

Provision of zero affordable housing at this significant development is not accepted by housing. The required housing contribution should be provided in accordance with the Council's affordable Housing brief and would equate to 20 units in line with Council Housing Strategy 2015 and identified need required tenure mix (as published in the Affordable Housing Brief) is 55% rented and 45% shared ownership. This would equate to 11 units rented and 9 shared ownership.

**5.40 Planning Policy:**

(Comments 12/10/2015) Recommends refusal. The application needs to be to be considered against paragraph 14 of the NPPF.

The loss of a third of the playing field, including two tennis courts, raises a significant concern and weighs against the proposal. However this needs to be considered against the benefits arising from the transfer of the remainder of the playing field to public ownership, therefore improving the accessibility of this asset to the local community. Sufficient developer contributions should be secured through a S106 agreement to facilitate the maintenance of the playing field by City Parks for a period of 25 years.

The City has a significant unmet housing requirement. The development will make a welcome contribution towards the provision of new homes, with the residential redevelopment of the site supported in the recently adopted Planning Brief. This weighs in favour of the proposal. However, the proposal does not comply with policy due to the absence of an appropriate level of affordable housing provision. Additionally, only 10 dwellings are provided on the partially developed playing field at a relatively low density. Both of these factors weigh significantly against the proposal. This will need to be considered against the

findings of the District Valuer's Report in terms of the viability evidence submitted by the applicant.

In the context of paragraph 14 of the NPPF, provision of a private nursing home on the site is not considered a benefit that outweighs the partial loss of playing field and is considered unacceptable when considered against the policies in the Framework and Local Plan and emerging City Plan.

The ready reckoner gives a figure of £254, 936 for Open Space and Indoor Sport (£40,768 of which is indoor sport).

(1/02/2016 Revised Open Space Contribution) It is reasonable to negotiate the open space contribution figure to be commensurate with the net proposed residential provision (removed 1 x 4 bed unit, 1 x 2 bed unit and 1 x bedsit unit). Revised open space contribution figure is £245,704.58.

(Comments 16/03/2016 following receipt of further information/minor amendments) Recommends Refusal. In terms of the issue of loss of open space/playing field the application should be assessed against City Plan Policy CP16. The proposal is not considered to strictly meet any of the criteria and involves the loss of approximately one third of the existing school playing field. However this loss, and the implications for provision for sports facilities in the context of the historical public access which was restricted, needs to be weighed up against the proposal of the scheme to transfer the remaining part of the playing field into public ownership. This would achieve more effective use of the remaining open space in line with the aims part 1 of Policy CP16. This approach aligns with guidance in paragraph 74 of the NPPF.

In addition the applicant makes the case in the Planning Statement that development on part of the playing field is necessary to enable a viable scheme to bring forward the whole site for development. This assertion has been confirmed by the District Valuer's, therefore an exception to the policy to allow the partial redevelopment, in principle, of the field can be allowed in this instance in order to realise the wider benefits of the scheme.

One of the benefits of the scheme is the proposed development of 48 dwellings which would contribute to the city's housing target. A residential use is supported, in principle, by the Planning Brief for the site and the SHLAA. This represents a significant benefit of the scheme against the City's shortfall in meeting housing requirements. However, by far the majority of the residential units are provided on the campus part of the site and only 10 dwellings on the playing field at a density of approximately 26 dph. The gain of only 10 dwellings at a low density is not considered a significant benefit when weighed against the loss of 0.4ha of playing field.

The overall benefit of housing provision on the site and playing field is further diminished by the lack of affordable housing proposed in the scheme (normally 40 per cent of new residential units should be affordable in accordance with Policy CP20). The District Valuer's Report concludes that provision of affordable housing as part of the scheme on the basis of 40% overall provision (55%



Affordable Rent, 45% Shared Ownership) would be a viable proposition. The lack of any affordable housing provision is therefore considered to be unacceptable and contrary to city Plan Policy CP20.

It is understood that the City has sufficient private nursing home bed places, however there may be a specific need for dementia care and this should be clarified with Adult Social Care. It is acknowledged there is a shortfall in nursing home places that the Council and Health are able to afford to purchase using the set rates for those who receive public funding, however addressing this need this does not appear to be part of the nursing home proposal. Unless confirmation is received from Adult Social Care that the facility would meet a clear need in the city, the use of the land for this purpose is not an efficient use of the site in the context of the city's agreed housing target, and as such is contrary to part A (b) of City Plan Policy CP1.

The principle of loss of the private school was carefully considered in the Planning Brief for the site. It is considered acceptable when assessed against Policy HO20 in the Local Plan balanced against the need for housing in the city, and subject to the retention of a community facility on the site. It is considered that the retention of the chapel for future community use, secured as part of a S106 legal agreement, would satisfactorily offset the loss of the school and justify an exception to Policy HO20.

The other elements of the scheme on the former school campus are considered acceptable subject to the provision of 40 percent affordable housing; retention of a community facility as part of the scheme; the retention and maintenance of the playing field for public use; and subject to mitigation of the impact of car travel on air quality.

5.41 **Public Art Officer:** Comment. To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'artistic component' schedule, to the value of £44,000, be included in the S106 agreement.

5.42 **Sustainability Officer:**  
(Comments 13/10/2015) Comment. Further information is requested as the scheme falls below expected standards.

(Comments 16/03/2016 following receipt of further information/minor amendments) Comment. Recommendation is to requests further information or apply suggested conditions to ensure development complies with policy CP8.

5.43 **Sustainable Transport Officer:**  
(Comments 27/10/2015 and 22/03/2016 following receipt of further information/minor amendments) Comments. The Highway Authority would not wish to restrict grant of consent subject to the applicant entering into the necessary S06 requirements and conditions regarding cycle parking, disabled parking, S278 standard highway works, pedestrian access, retention of parking areas and electric vehicle charging points.

Travel Plan

(Comments 24/10/2015)- The scheme of Travel Plan measures for the proposed residential element is welcome. The Initial Travel Plan for the care home use is generally acceptable for this stage of the submission, though a wider package of measures to include a one month bus saver ticket or cycle voucher for all new staff would be requested.

(Comments 30/03/2016 following receipt of further information/minor amendments) The implementation of the care home Travel Plan and scheme of residential Travel Plan measures should be secured by condition/S106 as appropriate.

**6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP5	Culture and Tourism
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces

## PLANNING COMMITTEE LIST – 20 APRIL 2016

CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Health City
CP19	Housing Mix
CP20	Affordable Housing

### Brighton & Hove Local Plan:

TR4	Travel Plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE1	Listed Buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in Conservation Areas

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development

### St Aubyns School Site Planning Brief January 2015

Rottingdean Conservation Area Character Statement

**8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the proposed development, the impacts of the proposed development on the visual amenities of the site and surrounding area, (including the Rottingdean Conservation Area and its setting), the impacts upon the Listed Buildings located within the site and their setting and financial viability. The proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology, and sustainability impacts must also be assessed.

**Planning Brief**

8.2 A Planning Brief for the site was prepared to guide the future redevelopment of the former school site following the closure of the school in April 2013. Planning Briefs do not form part of the Local Development Framework and so cannot be given full statutory weight however the guidance within the brief has been subject to public consultation and was approved by the Council's Economic Development and Cultural Committee, as a material consideration in the assessment of subsequent planning applications relating to the site, on the 15<sup>th</sup> January 2015.

8.3 The brief was prepared by the Council in partnership with Rottingdean Parish Council and with the engagement of the landowner, the Cothill Educational Trust (applicant of this application). The Rottingdean Parish Council are currently undertaking the preparation of a Neighbourhood Plan and were keen to see a planning brief produced which would guide the future development of this strategically important site within the Parish.

8.4 The purpose of the brief is to provide a planning framework that helps bring forward a sensitive redevelopment on the site that achieves the following objectives;

- Making efficient use of the land and bringing forward a viable and deliverable scheme,
- Securing the re-use and ongoing maintenance of the Listed Building,
- Preserve the Listed Building and preserve or enhance the character and appearance of the Rottingdean Conservation Area and their respective settings; and
- Maximising the use of the existing playing fields for open space and public recreation.

8.5 The planning brief sets out that a Built Heritage Assessment would be required for the site in its entirety which should outline the historic development of the site before identifying the special interest and significance of the site as a whole and of its constituent parts. Such assessment should inform the development of proposals for the site and dependent on the level of change proposed, a historic building record may also be required ahead of any redevelopment of the site.

The brief states that subject to the findings of the Built Heritage Assessment development proposals should have regard to;

- The Grade II listed main building (including Chapel), listed boundary wall and the curtilage Listed Buildings should in principle be repaired and retained. Strong justification would be required for the loss of the whole or any part of a listed or curtilage Listed Building, based on the findings of the Built Heritage Assessment,
- The green space adjacent to the Chapel (including Mulberry tree) and croquet lawn should be retained as part of any redevelopment,
- The 'courtyard' character should be preserved and enhanced,
- Surviving historic external and internal features to the main building should be retained. The building should remain as a single unit however there may be potential for subdivision to provide a viable scheme. This would need strong justification and as far as possible be sympathetic to the original plan form and circulation routes,
- The continued role of the existing playing fields as an open green space, acting as a buffer between the historic village and surrounding suburban development,
- Any new proposed development will need to be sensitively designed, of an appropriate scale and massing and the visual impact will need to be minimised. Development should remain deferential to the main Listed Building, and
- For parts of the site where development may be considered acceptable, it is likely that 2 storeys with attic would be an acceptable maximum height, dependent on design and topography.

8.6 Part 9 of the Planning Brief sets out the site constraints and opportunities for development. The brief states that developers should ensure proposals respond positively to the design challenges and ensure that their approach to the redevelopment of the site is design-led.

8.7 The Planning Brief acknowledges the requirements of the NPPF with regards to the presumption in favour of sustainable development, the protection and enhancement of the historic environment and to provide sufficient housing to meet the needs of present and future generations. The brief states that the principle of residential use of the site within a scheme that acknowledges and respects the significance of the heritage assets present in and around the whole site as well as the presence of the playing field would, therefore be acceptable. In this respect the core aspects of any residential proposal would be expected to meet the following objectives;

- The reuse and retention of St Aubyns Listed school and curtilage listed cottages;
- Sympathetic new development of the remainder of the campus site as defined in the brief; and
- Development which takes account of the strategic views across the playing field.

The document states that it is important that the requirements of the Brief are realistic and deliverable however this should not be to the detriment of heritage assets and as such developers are required to provide clear and convincing justification for any harm caused to heritage assets as a result of putting forward a viable scheme. In these circumstances, the Local Planning Authority needs to assess whether the benefits arising from the proposed development outweigh the harm caused to heritage assets and/or the departure from policy.

### **City Plan**

- 8.8 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

### **Loss of School/Policy HO20**

- 8.9 Policy HO29 relates to the retention of community facilities, including schools unless one of four exceptions for their loss applies.
- 8.10 As set out above the Planning Brief for the site was prepared following the closure of the school in 2013. The principle of the loss of the private school (use class C2) was carefully considered and accepted in the Brief and as such the Brief does not necessarily seek the retention of educational facilities at the site.
- 8.11 Within the submitted Planning Statement it is stated that the proposed care home would "provide an alternative community facility that would also offset the loss of the previous school use and in itself provide a valuable facility for the community". However it is not considered that a privately operated care home can be considered as a community facility against criteria d of policy HO20.
- 8.12 Within the submitted Planning Statement it is also stated that "the proposals also involve the retention of The Chapel [Grade II listed] with discussions ongoing with local groups in respect to the potential future use and maintenance of the building." It is considered that the retention of the Chapel for a community use would satisfactorily offset the loss of the school and justify an exception to Policy HO20 however as set out below no future use of the Chapel is set out as part of the proposal.
- 8.13 Whilst the proposed care home and retention of the existing Chapel are not considered to provide other types of community facilities in terms of policy HO20 due to the adoption of the Planning Brief it is considered that the former school is no longer required, in accordance with criteria d of policy HO20.

### **Viability**

- 8.14 Housing affordability is a major issue for many residents within the City. Policy CP20 of the City plan relates to affordable housing on windfall sites and states that on sites providing 15 or more (net) dwellings (including conversions/changes

of use) 40% onsite affordable housing provision is required. No affordable housing provision is proposed as part of the application.

- 8.15 As part of the application a viability report was submitted in which it is stated that neither schemes assessed (school campus with part of the playing field and school campus only) would viably sustain any affordable housing provision.
- 8.16 The applicant's report was referred to the District Valuer (DV) for an independent assessment with regards to whether any on-site affordable housing provision could be provided as part of a viable scheme and whether a scheme without development on the southern part of the playing field would be viable (such assessment took into account the required maintenance fund for the retained playing field and S106 contributions).
- 8.17 The DV did not concur with the applicant's viability report and concluded that a development of the school campus site and a portion of the playing field would be viable with the inclusion of 40% affordable housing (equating to 20 units, of which 11 are affordable rent and 9 shared ownership). A scheme with 40% affordable housing provision was also considered viable even when taking into account the provision of the required retained playing field maintenance fund and S106 contributions set out later in this report (including a contribution towards open space which is no longer sought for reasons set out below). As such the applicant has failed to justify an exception to policy CP20.
- 8.18 It is acknowledged that the DV assessment also concluded that a scheme with no development in the playing fields and all private units (i.e. no affordable housing units) on the campus part of the site would not be viable.

**Design/Layout/Visual Amenities/Heritage**

- 8.19 City Plan policy CP12 relates to Urban Design and sets out the general strategic design criteria expected of new development whilst policies HE1, HE2, HE3, HE6 and HE8 of the Local plan and policy CP15 of the City Plan relate to Heritage issues.
- 8.20 The school building is of particular significance due to its formal façade, which faces onto and is clearly visible from the High Street and views along Park Road to the west. Despite the school building being built over time, the near symmetry and formal architectural style, alongside the size and scale of the building, denotes its status, which is particularly evident in relation to the scale and predominantly vernacular style neighbouring properties. The main school building is set back from the main High Street building line which further strengthens the contrast with neighbouring properties and therefore its relative higher status. This difference contributes to the understanding of the building and the character of the Conservation Area.
- 8.21 As set out above the campus part of the school site is located within the Rottingdean Conservation Area and therefore all buildings within the campus area form part of a designated asset. The enclosed 'courtyard' character of the campus site is akin to that seen in Kipling Gardens on the green.

- 8.22 The Rottingdean Conservation Area Character Statement evaluates the location, setting and history of the village in which the site is located within. Within this document the school campus part of the development site is identified as being within The High Street distinct character area (stated to be the commercial heart of the village). The High Street area of the Conservation Area comprises buildings with varying architectural style and detailing, which emphasises the area's long history and piecemeal development.
- 8.23 The school playing field, whilst not within the Conservation Area, is considered to be of particular importance as part of the setting of the Conservation Area. It provides an important reminder of the once rural setting of the village, and a distinction between the historic village and surrounding development. This is a distinction between development that responds to the grain and form of the historic village and development that has been laid out without reference to this, rather than an arbitrary division based only on date of construction. Although the current form and shape of the green space are not historic, it is the open, green character which is of particular importance. This is evident in strategic views V1a and particularly V1c as set out in the associated Character Statement. The space is identified in its entirety as part of the green buffer surrounding the Conservation Area within the Character Statement.
- 8.24 The predominant building height in the area is two to three storeys, it is however noted that St Aubyns Mead flats are 4 storeys in height whilst properties adjacent to the Marine Drive access point are 3 storeys in height. The associated site Planning Brief states that the height of proposed new development must not exceed the indicative heights shown in the document, being a maximum of 2 to 3 storeys on the southern and northern side of the school campus and a maximum of 2 storey in the centre of the school campus site (the brief does not discuss development of the playing field in terms of site constraints and opportunities). The brief also states that development must be lower to the immediate east of the Listed Building to protect the relationship between the main building, its immediate curtilage and the playing field. It must also ensure that developments respond to the significant changes in level from west to east across the site.
- 8.25 The majority of the proposed development would comprise of two storeys however the proposed new building to be located either side of the proposed Steyning Road access point (Plots 3 and 4) would comprise two and half storeys as would the western part of the proposed care home. As such it is considered the proposed development heights accords with the Planning Brief.
- 8.26 The proposed development would incorporate a palette of materials including brick, tile hanging, white painted windows, flint, clay/slate tiles and render and features such as bay windows, chimneys and porches.
- 8.27 The impacts of specific elements of the proposal on visual amenities/heritage are discussed in more detail below;

Proposed Development on School Campus Site



- 8.28 It is noted that a number of contextual views have been submitted as part of the application including the later submission of a contextual view from Beacon Hill (view 1c in the associated Conservation Area Character Statement).
- 8.29 The school campus proposed development layout would be focused around a series of courtyards with housing facing these areas. It is considered that the layout of the new roads and buildings within the campus site should reflect the urban grain and character of the development in Rottingdean village and should seek to preserve and better reveal the courtyard/enclosed character of the existing site. Backland development in Rottingdean is generally characterised by a strong sense of linearity, strong building lines and small scale 'humble' vernacular buildings. As such it is considered that the linearity of the roads should be strengthened. It is noted that such alteration may require the entrance from Steyning Road to be realigned (which is discussed in more detail below).
- 8.30 The surface treatment of the proposed roads, pavements and the angle to the corners should reflect the character of area and as such the proposed Tegula permeable paving is considered inappropriate.
- 8.31 It is noted that the Council's Heritage Officer states that care should be taken to ensure that car parking with the development does not dominate the proposed streetscapes and that either more discreet locations for car parking should be sought or the amount of car parking should be reduced. The provision of parking within the site is discussed in more detail in the Transport section of this report.
- 8.32 The proposed new buildings would generally be of a vernacular revival style however it is considered that it would be appropriate for the proposed development to more accurately reflect the historic vernacular, rather than the vernacular revival. Although the proposed materials would all be local vernacular materials found in the area it is considered that the proposed designs display an untraditionally high level of variety. As such, it is considered that the palette of materials should be reduced. The level of detailing would also be appropriately modest. The eaves should not be boxed in (where these overhang) and openings should generally align between floors. Large expanses of blank wall should be avoided. Brick lintels above windows are appropriate, but should generally be segmental rather than flat. There should also be an adequate traditional brick/tile (or similar) sill detail.
- 8.33 Half-hipped roof forms are generally not a traditional feature of domestic architecture; being more normally employed within agricultural buildings.
- 8.34 The proposed porches on the new building dwellings would appear excessive in size. Any porches should reflect historic designs in the area and their size should be minimized and be no wider than the proposed door width.
- 8.35 The inclusion of chimneys and stepped roofs appropriately add interest and break-up the proposed roofscape.
- 8.36 It is considered that all elevations should be given appropriate consideration; particularly where 'rear' or 'side' elevations front on to public spaces including the Twitten. Secondary elevations may also be visible in longer views of the site.

- 8.37 It is considered that the proposed houses flanking the Steyning Road entrance would be over-dominant in the street scene, giving the impression of a 'major gateway' or similar. The scale of the proposed gable roof forms in particular of units 3 and 5 and the proposed hipped roof forms to units 6 and 7 should be reduced.
- 8.38 The proposed flat-roofed dormers to unit 5 are positioned in an untraditional manner; it is considered that they should either be set lower (such that the window breaks the eaves line) or a more traditional dormer approach may be appropriate (set higher within the roof slope). There should be more regularity to the opening sizes and proportions to this unit. Chimney stacks may appropriately be added. The car port below unit 5 should more appropriately include vertically boarded doors, to provide a sense of solidity and 'mews' appearance to the building.
- 8.39 In heritage terms it is considered that the proposed freestanding car port to be located to the east of the converted Cottages should be omitted from the proposal.
- 8.40 Proposed units 8 to 23 generally would have an appropriately strong sense of linearity and building line however the front boundaries to these proposed dwellings should be altered to form a solid boundary between public and private lane.
- 8.41 The design of proposed units 17 and 18 should be reconsidered in light of traditional designs within the village.
- 8.42 With regards to proposed new builds 19 to 23, although the inclusion as a gable end fronting the street is considered an acceptable approach, the proposed junction between it and the ridgeline in units would be awkward. It is noted that the proposed rear elevation is incorrectly labelled as 'south'.
- 8.43 From the plans submitted it is unclear how the existing change in level across the campus part of the site would be addressed, particularly to the rear of the main school building, and whether it is proposed to retain the existing terracing in this location. Further plans showing sections across the site particularly at the rear of Field House were requested but have not been submitted. The existing terracing, although the actual design is unlikely to be particularly historic, provides a clear distinction between the 'formal' grounds immediately behind the house which form its immediate setting, and the wider grounds and setting of the house. The distinct level change, steps and trees were in place by at least 1926. A distinction in this location would therefore appropriately be retained. An appropriate level of tree planting would also improve the setting of the Listed Building. Given the sensitivity of the setting of the Listed Building in this location, it would be appropriate for a contextual view to be submitted showing the view from the proposed rear entrance of the main building towards the east and larger scale details of the treatment of the terracing/level change (i.e. a section through here).
- 8.44 It is considered the layout of the proposed school campus development could be adjusted to retain the existing entrances onto the Twitten. As well as retaining an historic opening in use, this would also allow for greater access onto the Twitten and help improve its sense of security.

Impact on Listed Buildings/Curtilage Listed Buildings

- 8.45 The listing for the school includes all extensions attached to the original 76 High Street (including the chapel contrary to what is stated in the submitted Heritage Statement).
- 8.46 The campus site forms an important part of the setting of the Listed Field House whilst the playing field also lies within the setting of this Listed Building. In addition the curtilage listed sports pavilion and drinking fountain are important features on the school playing field and identify the intended use of the space. The curtilage listed war memorial, which is also located on the playing field, is linked to the commemorative significance of the Chapel described in this report. The memorial also commemorates those 'old boys' who dies in the War.
- 8.47 It is noted that the sports pavilion (which is stated to be refurbished as part of the proposal), drinking fountain and war memorial would be retained, which is considered appropriate. Repairs to these retained structures should be made as part of the proposed scheme. Any works other than minimal like for like repair would however also require Listed Building consent.

Demolition of Listed Buildings/Structures

- 8.48 Two Listed Building consent applications have also been submitted concurrent to this application with regards to the demolition of existing buildings/ structures across the site and the conversion and refurbishment of the Grade II Field House and curtilage Listed Buildings.
- 8.49 The post-1948 buildings located on site are proposed to be demolished as part of the proposal, which is considered acceptable in principle.
- 8.50 The main school building, northern block and extensions are of significance in revealing the development of the property over time, changes in education and the changing needs of school buildings over time. This includes the contrast between the balanced extensions to those areas in public view and the more ad hoc development to the north/north-east. The previous development of the building is particularly apparent in the varied architecture and roof forms of the northern extensions, and in the varied date/style of features that survive to some rooms. In particular, the buildings appear to have been much altered and extended in the early 20th century. This reveals much about the history of the school at this time (which expanded from 5 pupils at its foundation in 1895 to over 100 in the early 20th century), and should be viewed in the wider context of changes in education at this time.
- 8.51 Whilst a Heritage Statement and separate impact assessment have been submitted as part of the application it is considered that there are some limitations to these submitted documents. The submitted heritage statement provides a limited analysis of the historic phasing of the northern block of Field House and the associated extensions and the significance of the individual parts. The narrative provided is not cross-referenced to the room numbering or photographs, and no plans are provided as part of the submission to accurately indicate the phasing or significance of constituent parts. It is acknowledged that the buildings

have been extended/alterd in an ad hoc manner, and present little coherent form to the interior nor exterior. They are nevertheless significant in what they reveal about the development of the site, the changing needs and requirements of its educational use and in indicating the site's major expansion in the early 20th century. Parts of the complex date to the Regency period, and are of further significance due to the age of the fabric, and particularly where features such as corning and the Regency-style fireplace survive. Further analysis is required as to the phasing of the structures and their relative significance; these should be shown on plans to provide clarity and greater accuracy to the submitted narrative.

- 8.52 Notwithstanding that stated above, it is considered likely that at least some sections are of greater than 'low' significance and are thus of sufficient significance to warrant retention as part of the proposal. This should be determined through further in depth analysis as indicated previously but is likely to include at least the two sections of the northern block with hipped roofs and unpainted render elevations (ground floor rooms A and K) if not a greater extent. These sections in particular also contribute more greatly to the setting of the main building as viewed from the rear and from Beacon Hill.
- 8.53 Based on the information submitted it is considered that the submission fails to justify the demolition of the block and associated extensions to the north of Field House. Without sufficient information to allow a full assessment it is considered that a portion of the northern block of Field House and the associated extensions should be retained and that the proposed demolition would result in the loss of an important historic building.
- 8.54 The V-shaped buildings located to the north-east of the main school building are a curtilage listed structure. The flint walls of this building contribute to the character of the site. However, these buildings have been heavily altered, the spaces themselves are of limited interest and do not reflect an educational use and they have minimal relationship with the main school building. It is also acknowledged that their location and size/shape would make their retention and re-use difficult. There is therefore no objection to their loss as part of an acceptable scheme.
- 8.55 The shooting range building, which is located in the southern section of the site, is an early 20<sup>th</sup> century structure which is considered to be curtilage listed. The heritage statement and impact assessment should include consideration of this structure. This should establish whether the building was constructed as a shooting range and place it within the context of similar structures of this date.
- 8.56 Due to the lack of information provided as part of the application the Local Planning Authority is unable to assess the significance of the loss of the curtilage listed shooting range building.

External Alterations to Field House/Cottages/Rumneys

- 8.57 A number of internal and external works/alterations are proposed in association with the conversion of Field House into 6 residential units and the Cottages/Rumneys into 4 residential units. Whilst these proposed external alterations are discussed in concurrent Listed Building consent application

BH2015/03110, the proposed external works also need to be assessed within this application.

- 8.58 Field House, the main school building, is of significance as an early large-scale residence in the village and due to its early use as a school. In this regard, the plan form (which remain evident despite alterations) and surviving historic features are of significance.
- 8.59 Historic photographs support that the rear elevation of Field House was not historically symmetrical. The proposed external alterations to the Listed Building seek to introduce a level of regularity and symmetry which thus has no historic precedent. The subtle differences and irregularity of the existing rear elevation reveal much about the development of the building. This is significant in understanding the history of the building and should be preserved. Furthermore, the proposed alterations to the rear elevation are considered inappropriate where they would reflect inappropriate alterations to the interior of the building as subject of concurrent application BH2015/03110.
- 8.60 In principle, all historic window openings should be retained. Some existing windows have been altered to UPVC, however it is unclear whether these have consent. These existing UPVC windows should be replaced as part of the works to timber hung sashes to match the originals. Historic windows should be retained, unless it can be established that these are beyond repair. It would be appropriate for an inventory of windows to be submitted, including a photograph of the existing as well as the proposed design (where relevant).
- 8.61 As part of the proposed conversion of Field House a lift would be installed between ground and second floor levels. The associated lift shaft would break through the roof form of Field House. This would present an unacceptable impact on the historic fabric of the historic roof, and to its historic form and as such the proposed lift shaft is considered unacceptable.
- 8.62 The proposal includes an extension to the second floor level of Field House, northwards over the north wing. The existing north wing appears to retain its original roof form, a large section of which would be removed by this proposal (only a very small portion was impacted by the addition of the 1980s stair). This proposed roof extension would also be clearly visible from the front elevation, where it would join the mansard-style roof to the main building with the north wing, impacting on the juxtaposition and visual break between the two historic roof forms. The resultant roof form would also not be traditional. It is acknowledged that the south wing of the building provides some precedent for such an alteration to the roof; however it is considered that such a precedent is not sufficient to outweigh the visual and physical harm that would be caused by the proposal.
- 8.63 The proposal includes the insertion of new conservation style rooflights within the existing and altered rear/northern roofslope of the building. It is considered that the number of proposed new rooflights should be reduced to a minimum and the existing rooflight should be amended to a conservation style rooflight of appropriate proportions.
- 8.64 Removal of the modern garage building to the front of the main school building is considered appropriate as this structure currently detracts from the principal frontage of the building.

- 8.65 The retention of the curtilage Listed Cottages and Rumneys within the re-development of the school site is considered appropriate. However it is considered that some of the proposed external alterations, namely the proposed alterations to existing window/glazed door openings and the insertion of additional porches would have a detrimental impact on the character and appearance of these Grade II curtilage Listed Buildings.

Alterations to Boundary Flint Walls

Wall to Swimming Pool

- 8.66 The proposal includes the demolition of the existing flint wall located to the north of the swimming pool, in order to accommodate proposed plots 17 and 18. The loss of this wall would cause some harm to the subdivided/enclosed courtyard character of the site. The harm caused by such demolition of the wall would be considered in balance as part of an acceptable scheme as a whole. Its removal could also be appropriately mitigated through the inclusion of further flint walls/a sense of enclosure as part of the proposed re-development of the school campus site.

Steyning Road

- 8.67 The site currently has two existing driveway access points accessed off Steyning Road, one to the western end of the wall and one towards the centre, associated with the existing buildings known as Rumneys and The Lodge (Headmaster's House). Within the associated Planning Brief it is stated that Steyning Road is the preferred access point to the site and would allow for a two vehicle width ingress and egress, if the headmaster's house was demolished. The Brief however does also state that "Any proposed demolition of the flint boundary wall should be kept to an absolute minimum".
- 8.68 As part of the proposal the existing access point located towards the centre of the Steyning Road flint wall would be enlarged to provide a two way vehicular access point into the site from Steyning Road in addition to a pedestrian footway on the western side of the road and associated visibility splays. Such proposed enlargement would result in the loss of a substantial amount of early 20<sup>th</sup> century wall. The existing wall is considered to be a significant element of the street scene in addition to creating a strong sense of boundary to the site.
- 8.69 Whilst the acceptability of this proposed access point in terms of highway issues is discussed in more detail in the Sustainable Transport section of this report it is noted that the Transport Officer has stated that it would not be possible to reduce the width of the proposed access to below 5m if it is intended that vehicles such as refuse trucks are to enter the site from this proposed Steyning Road access point.
- 8.70 In terms of Heritage impacts, following initial concerns raised by the Council's Heritage Officer, in that it was considered that the size of the proposed opening would give undue prominence to the new opening in the Steyning Road street scene, the agent has stated that the proposed new entrance from Steyning Road has been designed to limit the amount of curtilage listed wall required to be demolished. The Heritage Officer has responded to state that demolition of a

section of a wall could be accepted as part of an overall acceptable scheme to redevelop the school site, on the grounds that such demolition is limited to the minimum required to achieve safe access to the site and thus achieve a viable re-use of the heritage assets on the site. It is considered that as part of an overall acceptable scheme the sympathetic re-use of the site and its Listed Buildings could outweigh the less than substantial harm caused through demolition of a section of the Steyning Road historic boundary wall.

- 8.71 With regards to the strengthening of the linearity of the proposed new roads (discussed elsewhere in this report) the Heritage Officer remains of the opinion that the exact location of the proposed Steyning Road access point could be slightly adjusted (whilst retaining the same level of demolition) if necessary to accommodate an appropriate scheme, given that the size of the proposed opening is greater than the size of the existing opening. There is however no in principle objection to the proposed location of the opening.

Twitten Wall

- 8.72 The proposal includes alterations to the existing historic flint wall located on the western side of the public Twitten. Two existing openings within this flint wall would be in-filled and a new access point would be created, to provide access from the Twitten to an area between proposed plots nos. 16 and 17. It is considered that the existing openings in the flint wall should be retained in use where possible but where they are required to be lost to accommodate an overall acceptable proposal, evidence of the original openings should be retained. If an overall acceptable scheme was proposed further details of the proposed new openings would be required in addition to the retained walls retaining their current detailing and finish (including capping and any piers) to that the differing age of the different elements remains legible and to ensure that a uniformity is not imposed to the site where there has not been one before, which would obscure the historic record. Such issues could be dealt with via a condition if overall the proposal was considered acceptable.

Chapel

- 8.73 Given that the existing Chapel is attached to the main Listed Building, it is considered to form part of the listing of the school, despite what is stated within the applicant's submitted Heritage Statement. As such any alterations to the Chapel would require Listed Building consent.
- 8.74 The Chapel is of significance as a rare example of a small early 20<sup>th</sup> century school Chapel, focused on children and due to its intimate connection with the school (for example former pupils of the school are depicted in the stained glass windows of the Chapel). The function of the Chapel is evident from its exterior but it is its interior that is of particular character and charm. The Chapel is of commemorative value due to its use as a memorial chapel, including photographs, panels and stained glass commemorating the schools 'old boys' who died in the world wars, such as the son of Rudyard Kipling who lived in Rottingdean village and therefore brings a local significance.
- 8.75 The proposal shows the retention of the Chapel but following demolition of parts of Field House the Chapel would become separated from the retained main

'school' building. Within the submission little information has been provided regarding any works required to separate (and make good) the Chapel from the remainder of the building and whether this would have structural implications for the Chapel. Such works are likely to require Listed Building consent.

- 8.76 The Chapel is currently in a poor condition. It is considered that works to repair, improve and enhance the Chapel's condition should be included as part of the proposed development (if these works go beyond exact like for like repair Listed Building consent may be required).
- 8.77 The interior of the Chapel is of particular significance and should be preserved intact. It is considered important that a use for the retained Chapel building is found as part of the re-development of the school site, in order to ensure that it is persevered and has a viable and sustainable future (it is acknowledge that some uses would require change of use permission).
- 8.78 The Chapel building currently has a limited setting, of which the green space and Tree Protection Order trees are the primary elements. It is noted that the trees and green space would be preserved by the proposal, although its setting would be impacted by the inclusion of car parking in close proximity. Its direct association with the school would however be lost through severance of the physical link and the proposed new block between Field House and the Chapel.
- 8.79 It is considered that the legibility/accessibility of the Chapel from the new site building could be appropriately enhanced, dependent on the end-use of the building.
- 8.80 No details of what improvements/repairs/enhancements would be made to the Chapel as part of the re-development of the school site are provided as part of the submission and no future use has been identified. Overall it is considered that the applicant has failed to identify the Chapel's architectural importance as part of the Listed school building and fails to demonstrate that the proposal would result in the viable retention, protection and preservation of the listed Chapel and its historic fabric.

New Building (Plots 30-35)

- 8.81 Following the proposed demolition of the existing northern block and extension to Field House, set out above, the proposal comprises of the construction of a new 2 storey block to the north-east of the retained part of Field House, which would provide 6 new residential units.
- 8.82 In addition to the harm that would be caused by the loss of the northern block and extensions of Field House (discussed above) it is considered that the proposed replacement block, forming plots 30 to 35, would cause harm to the setting of the retained Listed Building. The architectural style of this proposed building would be overly grand for its location, at the rear of a Listed Building. In addition its scale, bulk and massing is considered to be excessive. Both the proposed architecture and size of this new build building would compete with the dominance and architectural/historic interest of the main building. As such this proposed building would obscure the historic development and hierarchy of buildings on the site.



Proposed Development on Playing Field

- 8.83 The proposal includes the construction of a new care home and 10 new dwellings (3 and 4 bedroom) in the southern part of the existing playing field, resulting in a development of approximately 0.8Ha of the former playing field.

Dwellings

- 8.84 The proposed new residential buildings would be 2 storeys in height and would have vehicular access provided from Newlands Road.
- 8.85 The proposed residential development on the former playing field would not present a traditional layout and would not reinforce the local character or urban grain of the area. In addition this element of the proposal would fail to successfully address the street, without a strong sense of public/private space or strong building lines.

Care Home

- 8.86 The proposed care home would be sited in the south-western corner of the former playing field and would be accessed via Newlands Road. The proposed care home would predominately be 2 storeys in height however the western section would utilise the east to west gradient of the site and comprise a lower ground floor resulting in this part of the building being almost 3 storeys.
- 8.87 The proposed care home would have a U-shaped main built form with pitched roofs connected by flat roof sections. A series of projecting sections with flat or pitched roof forms would be located along the main northern, western and southern elevations of the proposed building. The elevations would comprise a mix of brick (lower ground floor base), flint (projecting bays) and render (flank elevations) whilst the roof would comprise clay tiles. Brise soleils would also be installed on various elevations.
- 8.88 It is considered that the proposed care home would be excessive in scale, massing and footprint and would appear dominant in relation to the footprint of the main Listed Building, which itself is a relatively large building. The proposed care home would also be an incongruous feature in relation to the tight-knit urban grain of the Conservation Area and to the setting of the Listed Building.
- 8.89 The roof form of the proposed care home is considered to be of an untraditional design. The resulting bulk of the proposed building would not be broken down into lesser parts, and therefore would appear unduly prominent in views, particularly from Beacon Hill where it would be seen in direct relation to the Listed Building and Conservation Area. The submitted contextual view from Beacon Hill supports the concerns regarding the massing of the proposed care home. The unbroken ridgeline and roofscape would contrast with the small scale urban form of the historic village and would dominate over the form of the listed school, which is itself a large building in the Conservation Area. As such it is considered that the massing of the proposed care home and its roof form should be broken down into smaller elements in order to reflect the character of the area.

- 8.90 It is considered that the proposed use of traditional materials in a modern manner would result in an uncomfortable relationship between the different elements, such as the proposed different materials, the large size of openings and the proposed brise soleils.

Impacts on Views from Beacon Hill

- 8.91 Since submission of the application, in response to the Heritage Officer's original comments, a contextual view (it is unknown if this is a verified view or not) has been submitted to show the existing and proposed view from Beacon Hill (a strategic view as set out in the associated character statement, image V1c). Such contextual view is considered important in order to assess the acceptability of the design of the proposed development and in considering the scale of the impact of the proposed development on the playing field.
- 8.92 The submitted image of the existing playing field shows the significance of the existing space in providing a visual separation between development associated with the historic village and the 'suburban' development to the east, which was developed without reference to the historic character and layout of the historic village. The significance of this portion of green buffer is identified within the associated Character Statement.
- 8.93 The Council's Heritage Officer considers that the proposed development of the southern part of the playing field (approximately one third) would significantly affect the effectiveness of the existing 'green buffer' as there would no longer be a significant break between the two distinct areas, with the proposed new development joining up the existing built form. It is considered that the proposal would result in the amount of built form which would be joined up becoming dominant over those areas where a distinct gap currently remains. As such the proposal would result in the edge of the historic village becoming blurred, eroding the legibility of the Conservation Area and its historic development.
- 8.94 The height and amount of development on the school campus site also encroaches on to the visual break in development, as the proposed roofline breaks into the existing vegetation on the playing field boundary. The Heritage Officer has however acknowledged that the harm that would be caused by this element in isolation would be relatively minor, however it would have a cumulative impact alongside the more significant harm caused by the development on the playing field itself.
- 8.95 Furthermore the Heritage Officer considers that the identified strategic views across the playing field towards the listed Beacon Windmill, where the windmill can be viewed in its isolated downland setting, and the extent of the Conservation Area is viewed in relation to its green buffer would be affected by the proposal. Although no view has been submitted as part of the application showing the proposal from this direction, it is considered the proposed development on the playing field would reduce the extent of this view and thus cause harm to the setting of the Conservation Area and the relationship between the village and the listed windmill.

- 8.96 Overall it is considered that the harm that would be caused to the setting of the Conservation Area from the proposed development on the playing field would be significant. In terms of the NPPF, the level of harm is considered to be at the upper extent of 'less than substantial harm'.
- 8.97 In considering the acceptability of a development proposal, the NPPF states that harm at this level should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPG defines optimum viable use (where a range of uses are possible), as the use likely to cause least harm to the significance of the assets. The public benefits of the proposal, weighed against the harm, are assessed at the end of this report.
- 8.98 For the reasons set out later it is considered that there is a disparity between the heritage benefits of the proposal and the harm that the proposed development on the playing field would have on the setting of the Conservation Area and to the Listed/curtilage Listed Buildings. An objection on heritage grounds to the principle of development on the playing field therefore remains.

**Residential Accommodation Provision/Density/Standard of Accommodation**

- 8.99 The City is subject to very significant constraints on the capacity of the City to physically accommodate new development. The City Plan was adopted in the 24<sup>th</sup> March 2016 and proposes a modified housing target for a minimum of 13,200 new homes to reflect the capacity and availability of land/sites in the City. This housing target means that the City is significantly short of being able to meet its own objectively assessed full housing requirement, which has been assessed to be 30,120 dwellings over the Plan period.
- 8.100 The provision of 48 dwelling units, via a mix of refurbishment/conversion of existing buildings and new build apartments/houses would make a welcome contribution to the City's housing requirements and to the five year supply of deliverable housing sites in accordance with CP1 of the City Plan Part One. A residential use is supported, in principle, by the Planning Brief for the site and the Strategic Housing Land Availability Assessment (SHLAA).
- 8.101 The issue regarding lack of affordable housing with regards to policy CP20 has already been discussed above.
- 8.102 The proposed housing mix would be as follows;
- 2 x 1 bedroom apartment (both new build)
  - 11 x 2 bedroom apartments (5 new build, 6 conversion),
  - 9 x 2 bedroom dwellings (6 new build, 3 conversion),
  - 22 X 3 bedroom dwellings (21 new build, 1 conversion), and
  - 4 x 4 bedroom dwellings (all new build).
- 8.103 Developments should provide a good housing mix and choice of housing type. The proposal comprises an overall mix of 1, 2, 3 and 4 bedroom properties which is considered to satisfy the requirements of policy CP19.
- 8.104 Policy CP14 relates to housing density and states that to make a full efficient use of the land available, new residential development will be expected to

achieve a minimum net density of 50 dwellings per hectare. The density and quantity of housing proposed on the playing field (10 new build units) would equate to approximately 26 units per hectare, a density which is considered relatively low.

- 8.105 Policy CP14 allows for lower densities where it can be adequately demonstrated that the development would reflect the neighbourhood’s positive characteristics or would better contribute towards creating a sustainable neighbourhood. In order to meet the requirements of the policy, it is considered that a more efficient use could be made of the land and the housing should be of a higher density, taking into account potential heritage and amenity impacts. This would make a greater contribution towards the unmet housing requirements and make full use of the site in the context of CP14.

The proposed dwellings would provide the following size accommodation;

No. of Beds	1 Storey	2 Storey	Detail
1	50m <sup>2</sup>	-	ments
2	82.6 m <sup>2</sup>	61m <sup>2</sup> - 71 m <sup>2</sup>	hed Cottages
2		72.6 m <sup>2</sup>	Detached
2		79.4 m <sup>2</sup>	ce/End of Terrace
2	75m <sup>2</sup>		ments
2		73m <sup>2</sup> - 127m <sup>2</sup>	hed School Apartments
3		5.7m <sup>2</sup> -119.1m <sup>2</sup>	Detached/End of terrace
3		5.7m <sup>2</sup> - 96.9 m <sup>2</sup>	ce/Detached
4		04m <sup>2</sup> - 107 m <sup>2</sup>	hed

- 8.106 Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government’s Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings. It is noted that some of the proposed converted units would have floor areas slightly below the standards set out in the national document referred to however overall it is considered that adequate accommodation would be provided throughout a majority of the proposed dwellings and as such refusal on this basis of some of the proposed converted units not meeting the standards is not considered warranted.

- 8.107 Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5% of all residential units in large scale schemes to be wheelchair accessible. It is not apparent from the submission which units would be able to provide wheelchair accessible units in compliance with policy HO13.

- 8.108 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Part 7 of the submitted Design and Access Statement refers to access within the site and states that level access

would be provided to a majority of the proposed new residential units however this is not reflected in the submitted elevational plans due to the presence of a step into the proposed entrances of the new build properties. The comments raised by the Council's Access Officer are also noted such as the lack of entrance level such accessible WCs and turning circles however it is considered that the issues raised could be addressed via amendments to the layout of the properties. Where step-free access to the proposed dwellings could be achieved, should permission be granted, a condition to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations would be required.

**8.109 Care Home Standard of Accommodation**

It is stated within the submission that the proposed 62 bed (single occupancy) care home would provide nursing care for residents with high dependency nursing needs as well as those living with dementia (it is stated that the proposal would include 31 beds on a dedicated dementia unit, although such specialist care is not indicated on the plans submitted).

8.110 Policy HO11 relates to the provision of new residential care/nursing homes and states that permission will be granted where it can be demonstrated that the proposal;

- a) Will not adversely affect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking,
- b) Provides adequate amenity space,
- c) Is accessible to people with disabilities; and
- d) Provides for operational parking in accordance with the Council's standards.

8.111 Criteria a, b and d are discussed elsewhere in this report. With regards to criterion c it is considered that the proposed care home layout and the facilities proposed (including a lift and bathrooms with hoist) would result in the proposed care home being accessible to people with disabilities.

8.112 Paragraphs 7 and 50 of the NPPF seek to ensure sustainable, inclusive and mixed communities are created and a mix of housing is provided to meet the needs of different groups in the community.

8.113 As part of the application a needs assessment for elderly care provision has been provided in support of the proposed care home provision. This submitted report concludes that, based on the assessed market catchment area, there would be a large shortfall of market standard bedspaces (207), assuming that all planned beds are developed, with a higher shortfall (367) if only considering only planned bed spaces under construction. With regards to the Local Planning Authority catchment area it is stated that the proposed supply is in equilibrium with demand when all planned beds are included however a shortfall of 132 bedspaces would exist when only planned beds under construction are included. The assessment also calculates that there will be a significant shortfall of beds providing specialist dementia care within dedicated environments for both market and local authority catchment areas (503 and 481 respectively). As such the applicant considers

that the proposed care home, which includes a dedicated dementia unit, would make a valuable contribution to meeting the bedspace shortfall in the assessed area.

- 8.114 In the context of the City's significant housing requirements, as set out in policy CP1, the need for additional care/nursing home places in the City on part of a playing field should be carefully considered. The Council's Adult Social Care Commissioning Manager has commented that as the proposal is for a private care/nursing home it would not meet the primary needs in the City in terms of Council/health funded places, however nursing/care homes for people with dementia are particularly needed in the City. If the care home did not meet a specialist care need in the City, the provision of a care home would not be considered an efficient use of the land in the context of the City's agreed housing target and Policy CP1.
- 8.115 The provision of specialist dementia care could be secured if overall the proposal is considered acceptable.
- 8.116 The proposed care home would provide accommodation over 2 floors, with 31 bedrooms (each with en-suite wet room) on each floor. In addition a number of ancillary facilities would be provided including a cafe (with outside terrace), visitors lounge, a resident activity room, cinema and private dining room. A lower ground floor level would also be provided on the western side (which would utilise the existing topography of the site) to accommodate a kitchen, a laundry, ancillary storage and staff office space/facilities. It is considered that the standard of accommodation throughout the proposed care home is acceptable.
- 8.117 It is noted that within the submission it is identified that the proposed care home would provide between 70 and 80 new jobs (a mix of full and part time qualified and unqualified roles).
- 8.118 It is also stated in the submission that the proposed care home would include private rooms that could, in agreement with the site manager, be used by local groups and organisations however no further details of such arrangements have been provided and as such it is not considered that such elements could be considered as providing community facilities.

**Amenity/Open Space/Recreation Provision/ Loss of Southern Part of Playing Field**

- 8.119 The Open Space, Sport and Recreation Study 2008 objectively assessed the open space needs of the City. It found that overall the City does not have any surplus open space and with the increased demand from an increasing population, an additional amount in excess of 160 hectares is required by 2030. The 2011 Update reviewed the findings of the 2008 study and considered the extent of open space provision in each ward of the City. The open space studies took into account open space studies carried out in 2006-2007, pre-dating the designation of the South Downs National Park. Sites identified which now fall within the National Park therefore now have less flexibility in their use, particularly is they fall within a natural/semi natural classification. Thus whilst Rottingdean Coastal Ward, in which the site is located, is not shown to have an overall deficit

in open space either now or in 2030, this is primarily due to the extent of natural/semi natural open space within the National Park, which serves a different purpose to playing fields.

- 8.120 The outdoor sports facilities provision for Rottingdean Coastal ward will be in deficit by 2030 (after correcting an error in the Study which included a pitch and putt golf course, since closed). Due to the central location of the St. Aubyn's school playing field in Rottingdean Village, it is considered a key open space that should be retained unless material circumstances justify a partial loss.

Loss of Southern Part of Playing Field

- 8.121 The part of the application site to the east of the public Twitten currently provides a playing field which is privately owned by the school and currently provides no formal recreational facilities to local residents.
- 8.122 The proposal comprises of development on the southern part of the existing playing field (approximately 0.9Ha) for a care home and 10 new dwellings, whilst the retained part of the playing field (approximately 1.6Ha) would be transferred to the Council.
- 8.123 Within the submission it is stated that the transfer of the northern part of the existing school playing field to the Council would result in the retained field becoming a public open space. The applicant has stated that "In order to secure such a key benefit it is necessary for some development to take place on the former playing fields in order to provide sufficient funding to enable the transfer and maintenance of the retained area of open space for public use. If not, this area of open space would remain private and not accessible to the general public".
- 8.124 Evidence indicates there is no surplus open space within the built up area and that there is a need to retain existing and increase the amount of open space within the City and locality in order to meet requirements. There are concerns that an incremental loss of open space is not sustainable in view of the predicted increase in population and the constraints of the City. As a consequence the ability to provide alternative/additional open space is limited and there is also an impact on flexibility (as an open space reduces in size the flexibility in its use also reduces).
- 8.125 Two tennis courts would be directly lost as part of the proposal with no plans indicated for replacements, resulting in a specific loss of this type of facility.
- 8.126 Paragraph 74 of the NPPF specifically considers open space and states that existing open space, including playing fields, should not normally be built on unless one of the exception criteria is met. One of the criteria is that "the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location". It is acknowledged that the increased accessibility of the remaining open space would result in a better quality provision in the local area, however, this is counterbalanced by the loss of the tennis courts and the reduction in quantity.

- 8.127 Such level of protection is reflected in policies CP16 (Open Space) and CP17 (Sports provision) of the City Plan. Policy CP16 resists the loss of open space, stating that planning permission will not be granted for proposals that result in the loss of open space unless one of four criteria is met. It is not considered that any of the four criteria are strictly met; however it is noted that the overall aim of the policy does include seeking better, more effective and appropriate use of all existing open space.
- 8.128 Sport's England also has a Playing Field Policy to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demands of the pitch sports. This policy identifies 5 exceptions to Sport England's normal position of opposing development which would result in the loss of playing fields
- 8.129 Sport's England has stated that the proposal would result in the loss of a playing field which is considered capable of accommodating an adult size football pitch in addition to the loss of two tennis courts. Furthermore Sport's England has stated that whilst the proposal would result in the retention of the existing sports pavilion no plans have been provided to demonstrate what existing/proposed facilities this retained structure would provide.
- 8.130 Following Sport's England's original objection to the proposal an Addendum to the applicant's Sports Facility Report has been submitted in which the part of the playing field to be lost has been assessed with regards to the capability of the land forming part of a playing pitch (in relation to Sport's England Policy Exception E3). It is stated in the Addendum report that policy exception E3 forms a significant part of the applicant's case supporting the partial redevelopment of the playing field. Whilst the report acknowledges that the area has been used in the past, it is concluded (following a an appraisal and assessment against the performance quality standards benchmark) that the proposal affects only land incapable of forming all or part of a pitch due to the topography/gradient of the related part of the field.
- 8.131 Sport's England has assessed the proposal and, despite the submission of the Addendum, continues to object to the proposal on the grounds that whilst the relevant part of the playing field does not meet with the performance quality standards, it is still a playing field, which is capable of accommodating formal sport and that "The severity of slopes may limit the level of competition which can be played, but it does not demonstrate the playing field is not capable of accommodating sport". As such Sport's England does not considered that the proposal complies with any of the exceptions to their Policy or Paragraph 74 of the NPPF.
- 8.132 As set out above whilst the land forms existing open space, it is not formally usable/accessible by local people. One objective of the site's Planning Brief is "to encourage public use of existing open space for outdoor recreation in order to secure improvements in the health and social well-being of the local community".
- 8.133 The development on part of the playing field is deemed necessary by the applicant to provide a viable scheme to the development, which has been



confirmed within the DV Viability Report therefore an exception to policy to allow the partial development, in principle, of the playing field could be allowed in this instance in order to realise the wider benefits of the scheme.

Retained Playing Field

- 8.134 Approximately 1.6Ha of the existing playing field (the northern section) would be retained within the proposal. Currently the playing field does not benefit from public access.
- 8.135 The existing sports pavilion, war memorial and drinking fountain would be located within the retained playing field area.
- 8.136 With regards to the retention of the existing open space, policies CP16 and CP17 of the City Plan are relevant. These policies aim to safeguard, improve, expand and promote access to the City's open spaces and facilitate the Council's aspiration to increase participation in sports and physical activity.
- 8.137 The existing playing field is an identified open space and sports area. In respect of the current proposal the partial loss of the existing school playing field is being considered on the basis that the loss would be mitigated by the retention of the remainder for public use. Retention is required in order to meet the existing objectively assessed open space needs. The option explored in the application is for the transfer of the retained playing field land to the City Council with a maintenance fund of £93,000 to cover a 10 year period. It is stated that such transfer and fund provision is proposed in order to secure the long term public access. However due to public sector austerity the Council is only in a position to accept additional land where sufficient monies are provided to ensure maintenance for 25 years, for which a maintenance cost of £500,000 would be required. Without the transfer of the retained playing field and associated features, such as fencing and the existing sports pavilion in a good state of repair, and the provision of the maintenance fund the applicant would need to demonstrate how the land would be retained and maintained to provide satisfactory/unrestricted public access (which is a material consideration regarding the loss of part of the existing open space).

Proposed Amenity Space

- 8.138 Policy HO5 relates to the provision of private amenity space in residential development. Apart from proposed units 5 and 30 to 35, all of the proposed new build residential units would have access and use of private external amenity space.
- 8.139 With regards to the proposed converted buildings and unit 5 and units 30 to 35 communal open space would be provided to the rear of Field House, adjacent to the Chapel and in front of the converted Cottages/Rumneys.
- 8.140 With regards to the proposed care home a landscaped external amenity area would be provided to the west of the proposed care home in addition to a small strip along the southern elevation and a central courtyard. From the landscape plans submitted it would appear that the proposed external amenity space would have a mix of landscaped features and would include seating areas.

- 8.141 The proposal would not meet the amenity space standards set out within criterion (b) of policy HO11 however it is acknowledged that the proposed care home would provide care for residents with high dependency nursing needs as well as those living with dementia and therefore some residents may be less mobile and as such it is considered that a lower standard can be accepted.
- 8.142 It is considered that outlook from bedrooms and proposed communal areas (such as the proposed internal lounges, activity room and café) are a particularly crucial issue for less mobile residents. The development has been designed so that all of the proposed bedrooms and communal areas would have windows which either overlook the external garden/courtyard area or the street surroundings, and as such there are no principle internal rooms proposed. In addition the rooms proposed on the northern side of the care home would face towards the retained playing field and therefore out have outlook onto an open space.
- 8.143 Overall criterion b of policy HO11, relating to adequate amenity space, is considered to have been addressed by the proposal in that while there is less outdoor amenity space than required by the standards, there is adequate indoor amenity space and open space outlook from within the bedrooms and internal communal areas. The internal space provided, together with the external areas laid out for walks/seating meets the needs of the future residents so that refusal is not warranted for failure to comply with the external amenity standards stated.

Open Space Contribution

- 8.144 New housing development such as that proposed is deemed to increase the population in an area and therefore generates demand for additional open space.
- 8.145 Notwithstanding the principle of partial development of the playing field discussed above, part 2 of City Plan Policy CP16 relates to new development and requirements for new open space. It is considered that the opening up of the currently private playing field for public use would significantly improve the quality and accessibility of open space in the vicinity. As a result a contribution towards off site provision is therefore not considered required in this instance.

**Impact upon Amenity**

- 8.146 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.147 It is noted that the Planning Brief refers to the heights of buildings that would be considered acceptable across parts of the site and that the heights of the development in this application accords with such constraints however the proposed heights etc. of the development must be assessed, as below, in terms of impact upon the amenities of neighbouring properties.

Lighting

- 8.148 The proposal would comprise lighting to communal areas, external doors, car parking and garage areas and some footpaths. It is considered that details of

external light of the development would be obtained via a condition if overall the proposal was considered acceptable to ensure that such lighting would not have an adverse impact upon the amenities of future residents of the development and neighbouring residents.

Noise and Light from Retained Playing Field

- 8.149 As set out above it is intended that the retained part of the playing field would be transferred to the Council however it is not set out in the application how the retained playing field would be utilised. There are several references in the application to it becoming a sports pitch of some kind (it is stated that the retained area would be large enough to accommodate a football pitch or cricket pitch) and that a sports pitch may have flood lights to allow it to be used at night.
- 8.150 Following the Council's Environmental Health Officer's original comments a Noise Assessment report has been submitted in which an assessment of a 'worst case' activity (namely noise from a football pitch) has been assessed.
- 8.151 The applicant has also stated that historically the existing field has been used for sports pitches. Therefore given the previous use of the field for a number of years within a predominantly residential area the applicant does not consider that should the retained field be used for sports pitches that there would be any adverse impact on local residents due to noise.
- 8.152 The Environmental Health Officer has assessed the submitted noise report and has acknowledged that the retained field would transfer to the Council with the proposed position of any formal sport pitches currently unknown. The report shows that there would be a potential for residents to be affected by noise from a proposed sports pitch if placed adjacent to resident's gardens. However, given that it is unknown at this stage where a pitch would be created it is considered unreasonable to expect mitigation to be installed at this stage. When a sports pitch is to be created consideration should be given to its location and potential mitigation if proposed near to resident's gardens (it is acknowledged that such creation is likely to be after transfer to the Council should overall the proposal be considered acceptable).
- 8.153 It is also noted that the submitted noise report has highlighted the need for acoustically treated ventilation to be provided in habitable rooms, as WHO/BS8233 criteria could only be met with windows closed. It is considered that the need for ventilation should be dealt with via a condition.

Construction Noise

- 8.154 It is considered that local residents could be affected during construction of the proposed development as there would be a vast amount of construction proposed, in very close proximity to local residents.
- 8.155 Construction by its very nature does have noisy phases and would inevitably be noticeable at various stages to various individuals throughout the build and therefore the onus is on the developer to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good

'neighbour'. This issue could be ensured via a Construction Environmental Management Plan if overall the proposal was considered acceptable.

Conversion of Field House

- 8.156 The proposal would result in the conversion of the retained part of Field House into 6 new residential units. Due to the former nature of Field House as a school it is not considered that the principle of the conversion of this building to residential would have a significant adverse impact upon the amenities of neighbouring properties.
- 8.157 It is considered that views from windows towards neighbouring properties would either be oblique due to the positioning of Field House in respect of existing neighbouring properties. It is noted that Field House and the proposed new build (Plots 30-35) would be in close proximity to one another however it is considered that any views between these two properties would also be oblique.
- 8.158 Overall it is not considered that the proposed conversion of Field House would have a significant adverse impact upon the amenities of neighbouring properties.

Conversion of Cottages/Rumneys

- 8.159 The existing Cottages and Rumneys are located in the north-western section of the site, adjacent to the boundary with commercial/residential properties located on the High Street. The proposal would result in the conversion of these existing buildings into 4 new residential units. It is not considered that such conversion in principle would have a significant adverse impact upon the amenities of neighbouring properties given the existing mix commercial and residential nature of the surrounding area.
- 8.160 Due to the nature and positioning of the purposed new window/door openings in these converted properties it is not considered that such works would have a significant adverse impact upon the amenities of neighbouring properties with regards to overlooking or loss of privacy.

New Build Residential Units on Campus Site

Plots 2-7

- 8.161 Proposed Plots 2 to 7 would replace existing buildings located within the school campus. The built form of the proposed new builds would be located further away from the boundary with Steyning Road than the existing. The proposed built forms of Plots 4 to 7 would be located opposite existing properties on Steyning Road whilst Plots 2 and 3 would be located single storey garages. A majority of the proposed ground floor level of the proposed 2/2½ storey properties would be located behind the retained boundary flint wall, the height of which reflects the east to west gradient of Steyning Road.
- 8.162 A distance of approximately 16m would be located between the built form of the proposed new dwellings fronting Steyning Road and the existing properties located to the north of the site. Despite the proposal resulting in an increase in height of buildings located on the northern side of the school campus compared to the existing buildings, overall it is not considered that the proposal would not have a significant adverse impact upon the amenities of the northern

neighbouring properties including with regards to loss of light/sunlight, overlooking, loss of privacy or outlook due to the distance that would be located between the built forms of the proposed and existing buildings and the fact that an area of open space would be retained to the east of the proposed terrace in addition to a gap in built form to the south provided by the proposed main access point into the campus part of the site.

Plots 8 to 16

- 8.163 Due to the siting of the proposed dwellings within Plots 8 to 16 it is not considered that the construction of these new dwellings would have a significant adverse impact upon the amenities of neighbouring properties.

Plots 30-35

- 8.164 The demolition of the rectangular block and associated extensions to the north of Field House would result in increased open space at the rear of adjacent properties located on the High Street. The proposed new build (Plots 30 to 35) would be constructed approximately 15m from the boundary with these western neighbouring properties. Due to this proposed distance and the existing built form of Field House it is not considered that the proposed new build to comprise Plots 30 to 35, would have a significant adverse impact upon the amenities of neighbouring properties located on the High Street.

- 8.165 It is acknowledged that the northern sited properties within the Deans Mews development (approved under application BH2011/01773) were required to comprise non-obscured glazing in parts of the north facing windows below 1.7m above floor level however it does not appear that such requirement has been complied with in all properties facing the former school site.

- 8.166 The southern elevation of the proposed new build (Plots 30-35) would be located approximately 29m from the boundary with Denes Mews. Whilst objections have been raised from residents of Denes Mews with regards to overlooking and loss of privacy overall due to the separation distance it is not considered that the proposed new build(Plots 30-35) would have a significant adverse impact with regards to the amenities of Denes Mews. In addition it is not considered that this element of the proposal would have a significant adverse impact upon the amenities of properties on the High Street, again due to the distance between these properties and the proposed new building.

Plots 18-23

- 8.167 Objections received refer to the impacts of proposed Plots 18 to 23 on the new residential development at Denes Mews. However no windows are located in the eastern elevations of this neighbouring development. Although the proposed new dwellings forming Plots 18 to 23 would be visible from front and rear windows in the Denes Mews development, overall it is not considered that the proposed two storey residential would have a significant adverse impact upon the residents of Denes Mews given the distance between the built form of the new dwellings and the existing neighbouring properties, their associated orientation to one another and the lack of windows in the Denes Mews development directly facing the proposed new buildings.

- 8.168 A minimum distance of approximately 7m would be located between the southernmost sited new dwelling (Plot 23) and the existing built form of the northern part of Marine Court. No windows would be proposed within the southern elevation of this end of terrace property. Any views from the proposed eastern facing windows in this proposed terrace towards Marine Court would be oblique.
- 8.169 It is considered that the existing windows in the lower part of the northern elevation of Marine Court face onto the existing northern boundary. The proposed roof form of the southern end of terrace property would slope away from Marine Court whilst the proposed southern flank elevation would not extend across the width of the northern elevation of Marine Court; it would only be located opposite the western part of the neighbouring northern elevation, with open areas either side. Whilst it is acknowledged that the southern elevation of the proposed terrace forming Plots 19 to 23, which would be lower than the Marine Court, would have some adverse impact upon the amenities of the occupiers located on the western side of the northern part of Marine Court, as a result of the proximity of the proposed development to this neighbouring property, it is not considered that the harm would be so significant to warrant refusal.

New Build Residential Units on Former Playing Field

- 8.170 A distance of approximately 24m would be located between the eastern building line of the proposed dwellings to be constructed in the south-eastern corner of the former playing field and existing properties on Newlands Road whilst a distance of approximately 11m would be located between the southern building line of these new dwellings and neighbouring properties located on St Aubyns Mead.
- 8.171 Due to the topography of the site and the surrounding area the proposed two storey dwellings to be constructed on the former playing field would be located lower than that of the existing properties on Newlands Road. Due to the distance that would be located between the built forms of the proposed and existing dwellings it is not considered that the proposed residential units in the south-eastern corner of the former playing field would have a significant adverse impact upon the amenities of existing properties on Newlands Road with regards to loss of sunlight/daylight or overshadowing.
- 8.172 Proposed Plots 39, 40, 41 and 42 would comprise window openings facing east towards properties on Newlands Road. However due to the slight variation in height between the properties on the eastern side of Newlands Road and the development site and the distance that would be located between built forms, it is not considered that the proposal would have a significant adverse impact upon the amenities of the eastern neighbouring properties with regards to overlooking or loss of privacy.
- 8.173 Due to the proposed 2 storey built form and positioning in respect of existing properties located on St Aubyn's Mead it is not considered that the proposed new build residential development on the former playing field would have a significant adverse impact upon the amenities of the southern neighbouring properties with regards to loss of light/sunlight or over shadowing.

- 8.174 Due to the positioning of proposed window openings in the southern elevations of Plots 39 and 48, which would face onto St Aubyns Mead, and the positioning of windows in the southern neighbouring properties it is not considered that the proposal would have a significant adverse impact upon the amenities of the southern neighbouring properties with regards to overlooking or loss of privacy from these proposed new build dwellings.
- 8.175 Whilst the proposed playing field development would have an impact upon the outlook from eastern and southern sited neighbouring properties with regards to loss of views across the former playing field, the loss of such views is not a material planning consideration. The impacts upon strategic views into and out of the Conservation Area are discussed elsewhere in this report.

#### Care Home

- 8.176 As set out above, the proposed care home would be located on the south-western part of the former playing field. The proposed care home would be located on a west to east gradient which results in the western side being formed of almost 3 storeys and the eastern side as 2 storeys in height.
- 8.177 As seen in submitted section FF (plan no. 701) the height of the proposed care home would be lower than Kipling Court, located to the south-east of the proposed care home. The proposed care home would however be sited higher than Marine Court (located to the west of the site) and the 2 storey dwellings located to the south of the site on St Aubyn's Mead. However due to the separation distances between the proposed built form of the care home and that of the southern and western neighbouring properties, the orientation of the St Aubyn's Mead dwellings in relation to the proposed care home, the orientation of the sun and the minimal amount of windows in the side elevation of the southern/western neighbouring properties (a majority of windows in the eastern elevation of Marine Court are located below the existing eastern boundary treatment) overall it is not considered that the proposed care home would have a significant adverse impact upon the amenities of the existing southern/western neighbouring properties with regards to outlook, loss of light/sunlight or overshadowing.
- 8.178 It is also not considered that the proposed care home would have a significant adverse impact upon the amenities of neighbouring properties with regards to overlooking or loss of privacy due to the positioning of existing neighbouring windows and the separation distance between the built form of the proposed care home and the existing neighbouring properties.
- 8.179 The recently submitted noise assessment outlines that the proposed care home may have a number of fixed items of plant. It is considered that noise generated by such proposed plant could be controlled via the attachment of a condition if overall the proposal was considered acceptable.

#### **Sustainable Transport**

##### Pedestrian Access

##### To the Site

- 8.180 Given the nature and scale of the development proposed the applicant is proposing several pedestrian access points into the site from the adopted highway;
- Steyning Road – pedestrian access from proposed vehicular access point and retaining the existing pedestrian access point onto the playing field ,
  - Newlands Road – pedestrian access from proposed vehicular access point and direct access onto Newlands Road from the properties fronting Newlands Road,
  - High Street – existing pedestrian access retained shared with vehicular access,
  - Marine Drive (A259) – existing access retained shared with existing vehicular access, and
  - Twitten – existing access points onto the playing field are to be retained however proposal would provide alternative access points into the campus element of the development.

Within the Site

- 8.181 The proposed new access routes from Steyning Road and Newlands Road would serve the majority of the proposed development. A shared surface approach to the internal access routes is proposed, which would remain in private ownership and not be adopted by the Council.
- 8.182 In terms of permeability through the site it is considered that the proposal would ensure that there are direct pedestrian routes from the majority of residential development in all directions.
- 8.183 Since submission of the application amendments have been made to the proposal to provide a clear pedestrian route to properties 8 to 13, to address the Transport Officer's original concerns.
- 8.184 It is noted that the proposed steps to the north of Field House have not been replaced by a ramp as requested originally by the Highway Authority as the applicant has stated that due to the level distance the provision of a ramp is not possible.
- 8.185 Within their original comments the Highway Authority requested that improvements were made to the route to and from the proposed care home. It is noted that some minor amendments have been made with a small area of additional hardstanding being created. The applicant has stated that Highway Authority's request would result in steps being required meaning that the route would not be wheelchair accessible. However it is not apparent which element of the requested improvements would require steps and as such the Highway Authority is still of the view that improvements could be made, especially by extending the footway just outside the entrance to the care home car park so that a continuous route is provided from Newlands Road. It is considered that such further improvements could be obtained via a condition if overall the proposal is considered acceptable.
- 8.186 The Highway Authority also requested that the applicant considered the provision of an additional alternative pedestrian access route to the care home from the west, via the existing Twitten in order to provide a shorter, more direct route between the proposed care home and the High Street. The applicant's response



receive on the 29<sup>th</sup> February states that “It is also not proposed to incorporate a gate on the northern boundary given the security implications this would have...”. However the Highway Authority’s request was for access to be provided on the western boundary to the Twitten not the northern boundary. Such access could be controlled to retain security of the premises or for the additional access to be for staff only, which would have the benefit of shortening pedestrian trips between the site and High Street. It is considered that such access could be obtained via a condition if overall the proposal is considered acceptable.

Cycle Parking

- 8.187 With regards to the proposed residential units SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For the proposed development of 48 residential units the minimum cycle parking standard would be 64 cycle parking spaces in total (including 48 for the residential units and 16 visitor spaces).
- 8.188 Since submission of the application it has been confirmed that with the exception of proposed plots 9, 12 and 15, all other plots would have rear garden access for cycle storage and/or designated cycle storage. The Council’s Transport Officer has however stated that such access appears to require carrying bikes through a property and as such is not deemed acceptable. Either cycle parking should be provided at the front of properties or direct rear access should be provided where possible. It is considered that this issue could be addressed via a condition if overall the proposal is acceptable, rather than warranting refusal.
- 8.189 In terms of the proposed care home the minimum standard is 1 cycle parking space per 10 staff. It is stated within the application that the proposed care home would employ 27 staff; therefore the minimum standard would be 3 cycle parking spaces. The proposal includes 4 Sheffield stands providing a total of 8 spaces, which is above the minimum standard required for a care home as set out in SPG04. Since submission of the application it has been confirmed that such storage provision would be covered.
- 8.190 5 Sheffield stands are also proposed within the retained part of the playing field, close to the retained sport pavilion. Such provision is welcomed. Given the relative short stay nature of this proposed cycle parking demand, covered stands are not required in this location.

Car Parking

Residential Development

- 8.191 SPG04 states that a maximum car parking standard for residential units outside of a controlled parking area is 1 space per dwelling plus 1 car space per 2 dwellings for visitors.
- 8.192 Based on the proposed residential development the maximum car parking standard would be;
- Campus site - 38 residential units with 57 spaces,
  - Field development – 10 residential units with 15 spaces.

The proposal includes the following parking provision;

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- Campus site – 49 spaces and 6 garages/car port,
- Field development – all 10 proposed residential properties would have a driveway and a free standing garage.

8.193 9 visitor spaces are also proposed, 8 being on the campus site and 1 on the field development site.

8.194 No objection is raised to the proposed level of car parking proposed for the residential element of the proposal.

8.195 Electric Vehicle charging infrastructure is proposed in the garages of the 10 dwellings to be constructed on the former playing field however the Highway Authority would require such charging points to be provided in all garages of the proposal, an issue which could be addressed via a condition.

### Care Home

8.196 SPG04 states that the maximum car parking standard for a C2 nursing home is 1 space per 3 beds for staff and visitors and 1 car space per resident staff. Based on the proposed residential development of a 62 bed care home the maximum car parking stand would be 21 spaces. It is noted that the proposed development would provide parking provision slightly above the maximum parking standards permitted however the Transport Officer does not consider that refusal is warranted as no significant harm would be caused by the additional provision in this instance.

8.197 Given the proposed level of car parking provision of the care home and the proposed travel plan to be produced it is not considered that there would be significant overspill car parking from the proposed care home which would cause parking or road safety concerns.

### Playing Field

8.198 No on-site parking is proposed for the retained playing field which would be transferred to the Council for public use however the applicant has forecast from first principles the likely parking demand associated with the retained playing field.

8.199 Taking a worst case scenario of the sports field being used by both adults and juniors on a weekend the applicant forecasts the largest parking demand would be 36 vehicles. Even assuming that a higher proportion of people travel to the site by car this could result in a demand of 42 vehicles associated with the retained playing field. The Transport Officer has stated that when checking this against the number of parking spaces within the survey area for the Saturday survey there would be between 76 and 95 spaces available. As such it is considered that the potential overspill parking from the proposed retained playing field would not cause a significant transport impact which would warrant refusal.

### Retained Chapel

8.200 The existing Chapel was formally a facility for the school pupils and had no public use. Whilst the Chapel building would be retained as part of the proposal no

future use is identified and no car parking provision would be provided for the Chapel.

Disabled Parking

Residential Development

- 8.201 With regards to the proposed residential units SPG04 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per 10 residential units.
- 8.202 All residential units proposed would have access to at least 1 car parking space and as a result if a resident was disabled they would have a dedicated parking space which would be for their sole use. Therefore in this instance it is not considered necessary for any of the residential units to have a dedicated disabled bay.

Care Home

- 8.203 In terms of the proposed C2 care home SPG04 states that the minimum standard is 1 space per establishment up to 20 beds then 1 additional space per 20 beds. Therefore the minimum disabled car parking standard for the proposed 62 bed care home is 3 spaces. It is noted that since submission of the application the number of disabled car parking spaces, which would serve the proposed care home, has been reduced from 4 to 3 spaces however such level of provision would still be in accordance with the minimum standards as set out in SPG04 and therefore is deemed acceptable. The layout of the retained bays has also been altered to ensure that they accord with required standards.

Servicing and Deliveries

- 8.204 The main servicing activity associated with the proposed residential development would be that of the collection of refuse and recycling. There may however be more servicing movements associated with the operation of the care home.
- 8.205 The applicant is proposing that refuse and recycling would be collected from within the site and that the main access points would be from Steyning Road for the proposed residential element and from the proposed access road off Newlands Road for the care home. As part of the application a swept path analysis of a large refuse vehicle (9.86m in length, 3 axle) has been submitted with shows vehicle movements within the development demonstrating that a vehicle of such a size could access and turn around within the site.

Vehicular Access

- 8.206 The site currently has vehicular access points via two existing driveways onto Steyning Road, a single width access onto High Street and a gated maintenance access to the current private playing field, from Newlands Road. Private access from Marine Drive (A259) to the south of the site also exists.
- 8.207 Within the Planning Brief access points from Steyning Road, Marine Drive and St Aubyns Mead were examined and it was also noted that the current access to the school site from High Street is both inadequate and challenging for vehicles exiting from this access point, as visibility is obscured by the high boundary wall and the two storey house flanking the exit. However the Brief states that "Whilst

this access point is currently substandard in terms of visibility, its re-use for a comparable level of movement would not be ruled out”.

- 8.208 The following access points are proposed to serve the development;
- New priority access on Steyning Road – to serve 16 house and 11 apartments,
  - New priority access on Newlands Road – to serve 7 houses and the care home,
  - Two new vehicle crossovers on Newlands Road – to serve 3 houses,
  - Retained access on High Street – to serve 6 apartments, and
  - Retained access on Marine Drive (A259) - to serve 5 houses.
- 8.209 The applicant states that such access points would help with traffic dispersal from the site across the surrounding Highway Network and hence to help minimise traffic impact.

#### Public Transport

- 8.210 Whilst local bus stops and main bus services routes are located within the vicinity of the site improvements would be needed to public transport infrastructure in order for the development to benefit from a quality public transport service that provides a real choice for residents.

#### Trip Generation

- 8.211 As part of the application, in order to forecast the likely impact of the proposal on the road network, traffic surveys have been submitted and the applicant has forecast the vehicle trip generation for the extant use (as a residential school and nursery), the proposed use (residential and care home) and a permitted use which would not need planning permission to occupy and operate from the site (a private hospital).
- 8.212 From cross checking the TRICS database the Council’s Transport Officer has confirmed that the vehicle trips associated with the land uses are broadly in line with what the Highway Authority would expect. However it is noted that the trip rate for a private hospital use appears to be slightly high when checked against other sites within the TRICS database.
- 8.213 The applicant has calculated the extant use on the basis that there would be 163 pupils. Even assuming a worst case scenario of not including the 20 pupils who were boarders the forecast vehicle trips would reduce to 351 (143 pupils x 1.991 trip rate = 285 vehicle trips). Plus the nursery trips of 66 equals 351 total vehicle trips, the same as the forecast proposed uses. It is considered a worst case scenario reducing the number of pupils by boarders as the trip rates for the sites from TRICS would have included some level of boarding as they are residential schools.
- 8.214 The applicant has undertaken further sensitivity testing of the proposed vehicle trips in light of comments made by the Highway Authority at pre-application stage where the use of edge of town centre sites was questioned. The applicant has removed edge of town centre sites for the purposes of this sensitivity analysis and primarily used suburban and edge of town sites.

8.215 The Transport Officer has stated that the addition of 4 additional trips on the network when comparing the existing and proposed uses would not be considered significant.

Highway Impact

- 8.216 In order to assess a future year scenario (2017) the applicant has grown the base traffic flows to 2017 using the industry standard TEMPRO growth factors. Brighton Marina has been included as a committed development for 2017 base and development scenarios and the applicant has also included a proposed residential development at 6 Falmer Avenue and Meadow Vale, Ovingdean even though these applications are not classed as committed developments as they currently do not have planning permission.
- 8.217 The trip distribution is based upon a gravity model which predicts traffic movements on the basis of distance from a location and the destinations size or draw and 2011 census travel to work data for the locality. Trips then have been assigned to the road network based on the likely route to locations based upon the trip purpose. This general approach to trip assignment is one of several methods which are accepted and common practice. The applicants assumed routing of vehicles could under forecast the number of vehicles using High Street in the proposed scenario. The assignment of parents dropping off; which primarily is assumed to take place on Steyning Road, is different to how residents will access the site in the proposed scenario (Appendix S) even though they are travelling to the from the same place to same location.
- 8.218 This approach has enabled the applicant to have traffic flows for the road network for future year 2017 scenario with committed development and development flows included and a 2017 extant traffic flows scenario which also included committed development flows.
- 8.219 The applicant has then undertaken junction modelling work of particular junctions with the appropriate industry standard modelling software.
- 8.220 In the 2017 scenarios without development traffic but including committed developments the junction would operate above theoretical capacity at peak times; specifically on the Marine Drive (A259) arms. If the school was re-occupied again the Marine Drive arms of the junction would operate above theoretical capacity (A259 Marine Drive E AM peak RFC 102.9% & A259 Marine Drive W PM peak RFC 105.2%). When assessing the 2017 with development traffic scenario it can be seen that the impact is broadly similar to the impact of the extant school use (A259 Marine Drive E AM peak RFC 103.2% & A259 Marine Drive W PM peak RFC 105.7%).
- 8.221 The junction assessments of the Marine Drive (A259)/High Street junction, undertaken by the applicant indicate that the proposed development would not have a significantly greater impact than that of the extant permission or a future year scenario with committed development traffic.

- 8.222 From knowledge of how the Marine Drive (A259)/High Street junction operates the Highway Authority is aware that it can currently operate over theoretical capacity at peak times. The proposed trip generation from the development is not considered to significantly add additional trips above those that could be generated by the extant use, especially given the requested mitigation and therefore the residual cumulative impacts of this development are not considered to be severe, as set out by the National Planning Policy Framework (NPPF) and therefore would not warrant a refusal on these grounds.
- 8.223 Highways England has also assessed the application with regards to impact upon the strategic road network but has raised no objections to the proposal.

Travel Plan

Residential Travel Plan

- 8.224 The submitted scheme for residential Travel Plan measures is considered to be in line with what would be expected for a residential development of the type proposed. The provision of welcome packs and a choice of two £250 travel vouchers for each household in particular is welcomed, though given the location of the site it is considered that the latter would be best restricted to bus and cycle as opposed to including bus and car clubs. The residential Travel Plan measures set out in the application could be secured via a S106 Agreement if overall the proposal is considered acceptable.

Care Home Travel Plan

- 8.225 Since submission of the application the Interim Care Home Travel Plan has been updated following the originally comments made by the Council's Transport Officer. The inclusion of the emergency taxi ride home for car sharers is noted. The associated restrictions are acknowledged and considered appropriate, the purpose would be to give car sharers the confidence that they could return home (at potentially anti-social hours for a use of the nature proposed) in the unlikely event that their planned journey fails and it is considered this would be achieved.
- 8.226 Given that the majority of the travel plan measures are aimed at staff, it would be important for these to be in place prior to occupancy of the care home so that staff traveling to the site for the first time can make decisions about how they will travel sustainably.
- 8.227 The proposed 10% reduction in single occupancy car trips by care home staff over five years and interim targets of 5% and 8% in years one and three respectively are considered suitable and realistic. These should however be reviewed in light of baseline surveys following occupation as the applicant's agent has stated. Although the focus is on staff travel and targets for visitor travel would not necessarily be expected, a package of measures directed specifically at visitors (as is included in the submitted Travel Plan) would be.
- 8.228 The Council's Transport Officer requested that the package of proposed measures set out in the original care home Travel Plan submitted include measures to provide staff with a sustainable travel voucher of their choice or monthly bus season ticket to strengthen the current package of measures set out and to help encourage new staff to try out sustainable travel options. Despite

such request it has been confirmed by the agent that it is not proposed to include a sustainable travel voucher for staff. The Council's Transport Officer however considers that the likely cost of the level of sustainable travel voucher that would be expected for the care home use (e.g. monthly/ one-week bus ticket) would be relatively low and as such it is not considered that there is a strong reason for not including them. An example would be the provision of a one week bus saver ticket (although one month would be more desirable) for each new employee on opening of the care home (approximately £20 per employee). It is considered that without the inclusion of such measures, the Travel Plan would provide limited incentive for staff to try out sustainable modes from the outset of their employment, a key moment in time for encouraging behaviour change towards sustainable modes.

- 8.229 It is recommended that the implementation of a Travel Plan, to include baseline monitoring and details of a Travel Plan Coordinator and the associated sustainable travel vouchers be included as part of any subsequent conditions/S106 agreement should overall the proposal be considered acceptable.

#### Highway Works

- 8.230 The proposed highway works to Newlands Road and Steyning Road to implement new vehicle crossovers should be undertaken through a section 278 agreement with the Highway Authority. The applicant is proposing a vehicle entry treatment within the site at the Steyning Road and Newlands Road access. The Highway Authority would look for the entry treatment to be placed on the immediate entry into the side road. This has the benefit of slowing vehicles down but also provided a level pedestrian access and priority on the footway. Further details should be secured via condition.

- 8.231 The applicant is proposing that the internal access roads from Newlands Road and Steyning Road are to remain private and not adopted by the Highway Authority.

#### S106

- 8.232 The Highway Authority would look for the applicant to make a financial contribution of £83,000. This requested S106 contribution would ensure that the proposed development provides suitable and safe access to the site by all modes including walking and public transport, that suitable routes are provided between the development site and key local destinations such as local schools, medical facilities, shops and public transport and that fullest possible use of sustainable travel has been made to the site, in line with the NPPF.

- 8.233 In addition the Highway Authority would require the S106 Agreement to include the provision of a Construction Management Plan, a Travel Plan for the care home and a Residential Travel Pack, measures which have been discussed elsewhere in this report.

#### **Arboriculture/ Landscaping**

- 8.234 As part of the application an Arboricultural report has been submitted which provides an assessment of the proposed development on 66 individual trees and 10 groups of trees or hedges growing on or immediately adjacent to the site. The

submitted report is considered to be comprehensive and the contents of which is agreed with by the Council's Arboriculturist.

- 8.235 The proposal would result in the loss of 34 trees including three groups of trees and a section of hedge located along the southern boundary wall of the site.
- 8.236 The semi-mature Beech Tree (categorised as a "B" grade tree) is considered to be of moderate quality and has no public amenity value and therefore it is not considered to be worthy of a Tree Preservation Order.
- 8.237 27 trees have been categorised as a "C" grade tree which means they are of low quality. These trees include a line of 9 Sycamores in the middle of the site that have previously been pollarded at 4 to 5m. Further Sycamores would also be lost along with an Elder, Euonymous and Willow. None of these trees are considered to be worthy of a Tree Preservation Order.
- 8.238 6 further trees have been categorised as "U" grade trees namely Apple, Elder, Pear and Mulberry meaning that they should be removed regardless of whether the development proceeds.
- 8.239 The Council's Arboriculturist has no objection to the removal of the trees. The 3 trees on the site covered by a Tree Preservation Order would be retained and accommodated within the proposed development.
- 8.240 Landscape plans have been submitted as part of the proposal; these plans are considered to be comprehensive. In addition details of the proposed hard landscaping materials are set out within the submitted Landscape Design and Appraisal Statement.
- 8.241 As previously stated the proposal would result in the loss of some of the existing trees/hedges located across the site. New tree planting would comprise of a total of 48 replacement including new street/garden and parkland trees, which would mitigate those that are to be removed.
- 8.242 Should the proposal overall be considered acceptable conditions regarding the submission of a detailed Arboricultural Method Statement regarding tree protection and the landscaping of the development would be required.

### **Archaeology**

- 8.243 Policy HE12 of the Local Plan relates to scheduled ancient monuments and other important archaeological sites. The policy states that development proposals must preserve and enhance sites known and potential archaeological interest and their setting.
- 8.244 The development site is situated within an Archaeological Notification Area defining the historic settlement of Rottingdean. An archaeological desk-based assessment and heritage statements for the built heritage at the site have been submitted. The latter comprises heritage audits (including photo audits), statements of significance and heritage impact assessment for both the school campus site and for the former playing field site.



- 8.245 Whilst there has been no standing building archaeological survey undertaken and the built heritage reports lacks phased plans for individual buildings or the site as a whole (there is map regression) the approach does seek to conserve and enhance the most obviously significant heritage assets at the site.
- 8.246 The archaeological desk-based assessment confirms that the site is likely to have archaeological interest with respect to below-ground evidence of prehistoric, Romano-British and subsequent activity. The significance of any such remains however is likely to have been reduced by recent development impacts, including the levelling of the playing fields and the construction of relatively modern buildings and structures. Despite these impacts it is probable that archaeological remains will exist at the site.
- 8.247 In light of the potential for impacts to heritage assets (including historic buildings and below ground archaeological remains) at the site the County Archaeologist requests that the area affected by the proposals be subject of a programme of archaeological works should permission be granted. This would enable any heritage assets with historic or archaeological interest that would be impacted by the development to be either preserved in situ or where this is demonstrably not possible, recorded in advance of their loss.

**Ecology/Biodiversity/Nature Conservation**

- 8.248 Policy CP10 of the City Plan aims to conserve, restore and enhance biodiversity and promote improved access to it whilst SPD 11 on Nature Conservation & Development, provides further guidance regarding development and biodiversity.
- 8.249 As part of the application a Bat Roost Survey and an Ecological Constraints and Opportunities Assessment have been submitted. The County Ecologist has confirmed that the submitted surveys have been carried out broadly in accordance with national best practice and are sufficient to information suitable mitigation, compensation and enhancement.

Designated Sites/Protected Species

- 8.250 Given the location, nature and scale of the proposed development it is considered that there are unlikely to be any significant effects on any site designated for their nature conservation value.
- 8.251 The site currently comprises amenity grassland, species poor hedgerows, buildings, bare ground, hard standing, scattered ornamental trees and ornamental planting and is of relatively low Protected Species.
- 8.252 During the survey undertaken no evidence of roosting bats was found in any of the existing buildings however it is considered that they have the potential to support bats and as such a precautionary approach should be taken to their demolition or refurbishment, an issue which could be secured via a condition should the application overall be considered acceptable.
- 8.253 Since submission it has been confirmed that the existing trees on site which are to be removed as part of the proposal were also assessed for bat roost potential

as part of the ecological assessments and were judged to have no bat potential. As such the County Ecologist has confirmed that no further bat surveys are required.

- 8.254 The site has been shown to provide foraging and commuting habitat for bats and there are known bat roosts in the local area. A sensitive lighting scheme should therefore be designed in line with national best practice guidelines.
- 8.255 The site has the potential to support breeding birds, which are protected. In order to avoid disturbance to nesting birds any demolition or removal of vegetation that could provide nesting habitat should be carried out outside the breeding season (generally March to August). Or a nesting bird check should be carried out prior to any clearance work by a qualified ecologist.
- 8.256 The County Ecologist considered that it is unlikely that the site supports any other protected species and therefore no specific mitigation is required. However if protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.

Mitigation Measures/Enhancement Opportunities

- 8.257 With regards to protected species it is considered that bird and bat boxes and/or bricks should be provided on site to mitigate for the loss of nesting and potential roosting habitats.
- 8.258 In addition it is considered that the site offers opportunities for biodiversity enhancement. The County Ecologist refers to opportunities such as the provision of green walls and/or biodiverse roofs, the use of species of known value to wildlife within the landscaping scheme and the establishment of native wildflower grassland.
- 8.259 The County Ecologist states that whilst the submitted soft landscape scheme includes a good proportion of native and/or wildlife species, the proposed Rosa rugose should be excluded from the schedule as this species offers comparatively few benefits for wildlife in urban areas and within SPD11 the use of such specie in landscaping schemes is discouraged.
- 8.260 Whilst it is noted that some of the County Ecologist's suggested biodiversity opportunities would be unsuitable within the proposal it is considered that opportunities for biodiversity enhancement and a revised landscape scheme could be dealt with via a condition if overall the proposal was considered acceptable.

**Sustainability**

- 8.261 City Plan policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.262 Policy CP8 sets out the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013 and water

efficiency standards of 110 litres/person/day. With regards to major non-residential development a BREEAM 'excellent' is expected to be achieved.

- 8.263 In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development.
- 8.264 The Planning Brief refers to sustainability. For example the Brief recommends that an energy strategy be produced for the site including an assessment of the feasibility of sustainable refurbishment of the historic building; potential for renewable technologies and the potential for a site district heat network. The building standards recommended in the Brief are; BREEAM 'excellent' for the refurbished Listed Building; BREEAM 'excellent' for new builds; Lifetime Homes and Code Level 4 for housing (subject to the Governments Housing standard review). The Government has now indicated changes to national Housing standards and therefore the Code Level 4 can longer be required. The Brief also refers to sustainability opportunities such as biodiversity enhancements, greening of buildings, planting of an orchard, food growing areas, rainwater harvesting and the employment of a sustainability caretaker.
- 8.265 The information submitted as part of the application does not refer to policy CP8 and consideration of this policy has not been well incorporated into the scheme design and many elements of the policy has not been addressed. The overarching standards proposed for the development falls short of the standards expected by policy CP8.
- 8.266 The information submitted sets out that the proposed dwellings would achieve a standard of 7.10% reduction in carbon emissions against Part L 2013 whilst a standard of BREEAM 'very good' (shell and core) rating has been targeted for the proposed care home. As such the required overarching standards for both residential development and the non-residential development have not been met by the proposal and there is no justification offered for proposing a lower standard.
- 8.267 Whilst it is acknowledged and welcomed that the proposed residential dwellings are proposed to be built to a reasonable fabric performance standard that improves on Building Regulations minimum performance thresholds, the proposed dwellings, care home, layout and landscaping fail to address sustainability policy to a satisfactory level and no reason has been provided to explain why policy has not been addressed.
- 8.268 Overall the proposal would fail to meet the minimum sustainability standards and the applicant has failed to provide justification for the lower standards set out in the submission, as such the proposal is contrary to policy CP8 of the City Plan.

#### Waste Management

- 8.260 Part 9 of the submitted Design and Access Statement relates to refuse and recycling storage and collection and the submitted plans show the proposed storage facilities and the intended positions for the development. An assessment

of proposed servicing/delivery vehicular access, such as for the collection of such refuse, is set out in the transport section above.

- 8.270 The comments received from the Council's City Clean department are noted however it is considered that sufficient details of the proposed storage of refuse and recycling facilities have been provided, in accordance with policy, and that issues regarding collection and access points could be resolved should overall the proposal be considered acceptable.
- 8.271 With regards to the proposed care home, as this would be a commercial property refuse collection would not occur by the Council's City Clean department.
- 8.272 It is noted that no information has been submitted with regards to the minimisation and management of waste that would be produced during construction, demolition and excavation however it is considered that this issue could be dealt with via a condition if overall the proposal is considered acceptable.

#### **Developer Contributions**

- 8.273 In addition to the transport contribution and the transferred playing field maintenance fund discussed above, should overall the proposal be considered acceptable contributions towards the local employment scheme, education and public art/realms would also be required. Such S106 contributions amounts were taken into consideration as part of the DVs Assessment of the proposed development and it was concluded that such amounts would not affect the viability of the scheme (even if 40% affordable housing provision were to be provided).

#### Local Employment Scheme

- 8.274 The Developer Contributions Interim Technical Guidance provides the supporting information to request a contribution towards the Local Employment and Training Scheme in addition to the commitment to using 20% local employment, for the demolition and construction phases. In this instance a financial contribution of £19,000 would be sought (based on £500 per each new build residential unit).

#### Education

- 8.275 A contribution of £171,400.60 towards the cost of providing primary and secondary education infrastructure in the related part of the City, for the school age pupils the development would generate, would be required.

#### Public Art/Realms

- 8.276 Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works whilst policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm. In addition policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' should be included as part of a S106 agreement, to the value of at least £44,000, in order to ensure that the proposal complies with the stated policies.

**Other Considerations**

Flood Risk and Water Drainage

- 8.277 Policy CP11 states that the Council will seek to manage and reduce flood risk and any potential adverse effects on people or property.
- 8.278 The Environment Agency has stated that the site is located within a Flood Zone 1, defined as having a low probability of flooding.
- 8.279 The Council's Flood Risk Management Officer has assessed the application and has no objection in principle, however it is requested that further information is required regarding the detailed design and associated management and maintenance plan of surface water drainage should overall the proposal be considered acceptable, which could be obtained via a condition. A maintenance plan is important to ensure that the system would be monitored, maintained and repaired as needed by a competent person. The maintenance plan would need to be clear as to who is responsible for the drainage system for the lifetime of the development.

Air Quality

- 8.280 Policy SU9 of the Local Plan relates to pollution and nuisance control. This policy states that development that may be liable to cause pollution and/or nuisance to land, air or water will only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk, when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.
- 8.281 Since 2013 an Air Quality Management Area (AQMA) has been designated in the centre of Rottingdean, along the High Street, between the A259 and the T-junction with Vicarage Lane, declared in relation to nitrogen dioxide levels and as such air quality and the impact of the proposal on the AQMA needs to be considered. Although a small part of the site is located within the AQMA it is noted that neither the proposed care home nor none of the proposed residential units built/created as a result of the proposal would sit in the footprint of the AQMA.
- 8.282 As part of the application an Air Quality Assessment has been submitted. As a result of the Council's Air Quality Officer's original comments on the proposal an Addendum to the assessment has also been submitted.
- 8.283 In summary the submitted Air Quality Assessments argues negligible impacts from the proposed and other proposed developments and significant impacts on the AQMA from multiple developments (cumulative). The submitted costing calculator suggests the cost of pollution due to the proposed development would be £100,000. The submitted Addendum outlines that mitigation measures already proposed as part of the development exceed the estimated cost of the impact.

- 8.284 Despite the submission of the Air Quality Assessment an associated Addendum the Council's Air Quality Officer concludes that insufficient information has been submitted as part of the application and clarification and further information regarding the following matters is required;
- The impacts of other committed developments (with planning permission) should be assessed cumulatively,
  - Whilst a Verification Process is presented it is requested that an adjustment factor is avoided. It appears road traffic emissions calculations for the High Street scenario are under estimated,
  - The traffic data for the High Street based in the new surveys is lower than expected and lower than the flows used to declare the AQMA and to determine the Council's Air Quality Action Plan. It should be explained how the Annual Average Weekday Traffic was derived and which source it was obtained from,
  - The archive monitoring from Telscombe Cliffs is compared with Rottingdean High Street and the main reason for differences offered is the street canyon or confined space. However also of importance is the close proximity of the residential façade, the attitude of the street to the hills and the window and the very slow movement of traffic for most of the year. Slow stop-start traffic would have higher emissions rates,
  - Defra's Emissions Factor Toolkit (EFT) is used to estimate emissions from road traffic. EFT uses the European Environment Agency's COPERT 4 v10 to assess emissions. The Council's Air Quality Officer believes that this tool underestimates diesel emissions in slow traffic. A critique is required on the suitability of COPERT using the Cambridge Environmental Research Consultants (CERC) presentation document. If an adjustment is applied to the emissions rates as CERC suggests, the developments impact on the AQMA is likely to more than predicted,
  - Particulate model predictions or emissions seem not to have been verified. At least 50% of  $PM_{2.5}$  emissions are not from the vehicle exhaust and derive from brake, tyre, road wear and re-suspension. Contributions for these impacts should be included in the emissions cost calculator. If included the cost of pollution from the development would be more than the stated £100,000. The contribution from particles is compared with the EU  $PM_{2.5}$  objective quoted as  $25 \mu\text{g}/\text{m}^3$ . It is suggested this is part of the Air Quality Strategy (AQS national strategy for England). A comparison with the objective set out in the next point below is required,
  - To complement the 2015 Air Quality Action Plan for nitrogen dioxide the Council is working towards compliance with the National Exposure Reduction Target for  $PM_{2.5}$  to be achieved by 2020. For the UK's reference year (2010) the Average Exposure Indicator (AEI) was  $13 \mu\text{g} \text{m}^{-3}$ ; on this basis, the Air Quality Directive sets an exposure reduction target of 15%. This equates to reducing the AEI to  $11 \mu\text{g} \text{m}^{-3}$  by 2020. The detailed methodology and results of this calculation are presented in the Defra's technical report on UK air quality assessment. A target of  $11 \mu\text{g} \text{m}^{-3}$  is less than the concentrations of  $PM_{2.5}$  outlined in the Addendum for the proposed development. The percentages compared against other assessment levels are not deemed to be relevant to the targets that the Council is working towards,

- The Preston Park background monitor is more than 200m from any road or premises and therefore has much lower pollution than almost all of the local urban area. Pollution is very low for much of the South Downs National Park, especially close to ridges and hilltops. However this is not the same scenario as the sheltered village in a valley with a clustered building canopy and emissions from wood and coal fireplaces, stoves, oil ranges and gas boilers. Inclusion of Preston park background is justified although it is noted the higher results from 2010 have been excluded from the Air Quality Assessment Addendum, and
- The submitted Air Quality Assessment Addendum includes an assessment of significance. It is suggested that one of the diffusion tube monitors, E22, is not a relevant location for exposure, because it is outside a shop rather than a residence. The façade tubes E22 and E23 on both sides of the High Street are representative of the residential building façade. Defra's Local Air Quality Management Guidance states that monitors need to be relevant for nearby exposure for example the same distance from a road section as the faced or nearby residential receptor. Therefore an explanation is required as to why the two High Street monitors are stated to be 'not applicable' in the significance table 7 of the submitted Air Quality Assessment Addendum.

8.285 Due to the clarification and additional information required as set out above the Local Planning Authority is unable to make a full assessment of the impacts of the proposed development on the Rottingdean AQMA and local air quality.

#### Land Contamination

- 8.286 A Phase 1 Environmental Assessment and a partial site investigation report have been submitted as part of the application with regards to land contamination. The submitted report has identified a potential hot spot of lead which is considered to present a potential risk to human health. The report therefore recommends that a full Phase II Intrusive Investigation is undertaken at the site, an issue which could be dealt with a condition if overall the proposal was considered acceptable.
- 8.287 It is noted that the submitted report makes reference to asbestos within the structure of the existing buildings. As some of these buildings would be converted to residential use, the Council's Environmental Health Officer would expect a structural asbestos report detailing how any asbestos identified would be dealt with to ensure that it does not impact on future residents.
- 8.288 Whilst a site report presents what has been intrusively examined, the Council's Environmental Health Officer has stated that there will always remain a degree of uncertainty over what else may be on the site which was not planned or expected and therefore an approval should be subject to a discovery strategy to ensure that any unexpected or accidental discoveries made during the construction phase be dealt with in a controlled manner.

#### **Proposal Public Benefits versus Development Harm Assessment**

- 8.289 Following adoption of the City Plan on the 24<sup>th</sup> March this year no relevant policies are out-of-date. It is acknowledged that the NPPF makes clear that developments should be considered in the context of the presumption in favour of

sustainable development. The NPPF also makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development (as defined by paragraphs 18 to 219 of the NPPF taken as a whole), especially in terms of three dimensions, being economic, social and environmental.

- 8.290 The public benefits of the proposal are identified as being a contribution towards the City's housing target, the provision of a care home providing some specialist dementia care, the transfer of the retained playing field into public ownership, the provision of jobs at the proposed care home and during the demolition and construction phases, the provision of a construction and training and employment strategy including the encouragement of local workers during construction and demolition phases (part of the required S106 agreement), an increase in local household spending, increased demand for services and bringing Field House and the curtilage listed cottages/Rumneys back into use which would ensure their future conservation, benefits which would be consistent with the three dimensions of sustainability.
- 8.291 Whilst the loss of a third of the playing field (including two tennis courts) raise a significant concern and weighs against the proposal it has been acknowledged above that the loss of part of the playing field would enable a viable re-development of the school site to be achieved, as confirmed by the DV. Furthermore the transfer of the retained playing field to the Council, with an associated maintenance fund, would not only allow formal public access/use but would achieve a more effective use of the remaining open space than at present. Under these circumstances it is considered that the partial loss of part of the playing field for development could be allowed in order to secure the benefits of the wider redevelopment of the site.
- 8.292 Whilst the Chapel building would be retained, the proposal fails to provide a future use of the Chapel that would ensure that it is persevered and has a viable and sustainable future.
- 8.293 Whilst the benefits of additional housing provision is noted and the principle of the loss of part of the playing field is acceptable (in order to realise the wider benefits of the proposal previously discussed) it is however considered that the proposed development on the playing field as proposed is disappointingly low (approximately 26dph). A gain of only 10 dwellings at such a low density is not considered a significant benefit when weighed against the loss of approximately 0.4ha of playing field. The overall benefit of housing provision within the proposal is further diminished by the lack of affordable housing provision (40% provision was considered viable by the DV). The density of the development on the playing field combined with the lack of affordable housing represents a lost opportunity for housing delivery in the City considering our housing need.
- 8.293 The proposed design and scale of the new residential buildings across the site and the design, scale, footprint and massing of the proposed care home are considered to be inappropriate and of harm to the character and appearance of the school site and the wider area including the Conservation Area and its setting and the setting of Listed Buildings within the site.



- 8.294 The proposed development would fail to meet the minimum sustainability standards and the applicant has failed to provide justification for the lower standards set out in the submission.
- 8.295 With regards to heritage, as set out previously the harm that would be caused by the proposal to the setting of the Conservation Area is considered significant. In terms of the NPPF the level of harm is considered to be at the upper extent of 'less than substantial harm'. In considering the acceptability of a development proposal, the NPPF states that harm at this level should be weighed against the public benefits of the proposal, including securing its optimum viable use (para 134).
- 8.296 The National Planning Policy Guidance defines optimum viable use (where a range of uses are possible), as the use likely to cause least harm to the significance of the asset. In heritage terms, the optimum use of the main listed building would therefore be in single institutional use to avoid subdivision of the interior. It is nevertheless acknowledged that there is a heritage benefit of bringing the Listed Building back into use to ensure its future conservation.
- 8.297 For the reasons set out in this report the proposed conversion of Field House into 6 residential units would cause considerable harm to the significance of the Listed Building and as such the proposed conversion would not be consistent with the conservation of the building, nor that it is optimal.
- 8.298 Other adverse harm to the Listed Buildings/curtilage Listed Buildings/structures has also been discussed within this report such as the proposed external alterations to the cottages. It is considered that the overall identified level of harm to the Listed Buildings/curtilage Listed Buildings on the site is considered too great to be outweighed by the identified heritage public benefit of bringing the site back into use.
- 8.299 Whilst the loss of part of the playing field is considered acceptable in principle for reasons set out previously, in heritage terms it is considered that the proposed development on the playing fields would cause harm to the setting of the Conservation Area, in addition to causing adverse harm to the listed (and curtilage listed) buildings. This further compounds the level of harm caused by the scheme as a whole. Development on the playing field thus causes further disparity between the level of harm caused and the identified heritage benefits.

## **9 CONCLUSION**

- 9.1 The public benefits of the proposed development are noted, including the re-use of currently vacant school buildings, the future conservation of Listed Buildings, the delivery of much-needed housing and the transfer of the retained playing field to the Council for public open. However these public benefits are outweighed by the overall shortcomings of the proposed development, including the lack of provision of affordable housing, the failure of the proposal to secure a future use of the Chapel, the harm caused by the massing/design of new buildings and the harm that would be caused to Listed Buildings/curtilage Listed Buildings as a result of the proposed conversion and/or

alterations in addition to the harm caused to the Conservation Area and its setting and the setting of Listed Buildings.

**10 EQUALITIES**

If overall considered acceptable the proposal would be required to comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). However the applicant has failed to demonstrate that a proportion of the proposed residential units would be built to a wheelchair accessible standard.

**11 REASON FOR REFUSAL / INFORMATIVES**

Reasons for Refusal:

1. The proposed development fails to provide any affordable housing provision despite being assessed as financially viable when including the maximum 40% affordable housing provision and as such is contrary to policy CP20 of the City Plan.
2. The applicant has failed to demonstrate that a proportion of the proposed residential units would be built to a wheelchair accessible standard. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan.
3. The proposed development would fail to achieve minimum sustainability standards and the applicant has failed to provide justification for the proposed lower sustainability standards. The proposal is therefore contrary to policy CP8 of the City Plan and the St Aubyns School Site Planning Brief.
4. The Local Planning Authority has not been able to assess the likely impacts of the proposed development with respect to Air Quality within the Rottingdean Air Quality Management Area, due to omissions in the submission. Consequently it has not been possible to identify whether and what mitigation measures may be appropriate and therefore the Local Planning Authority is unable to complete a full assessment of the proposal. The proposal is therefore considered to be contrary to policies SU9 of the Brighton & Hove Local Plan.
5. The submission fails to justify the demolition of the block and associated extensions to the north of Field House. Based upon the information submitted the proposed development would result in the loss of an important historic building, contrary to policy HE2 of the Brighton & Hove Local Plan and policy CP15 of the City Plan.
6. The submitted Heritage Statement and Impact Assessment fails to include the curtilage listed shooting range and as such the Local Planning Authority is unable assess the significance of the loss of this building, contrary to policy HE2 of the Brighton & Hove Local Plan and policy CP15 of the City Plan.
7. The proposed external alterations to the rear of Field House would introduce a level of regularity and symmetry to the rear elevation which has no historic precedent and subsequently would result in an adverse impact upon the understanding of the historic development of the building. In addition the proposed external alterations to the roof of Field House would result in the loss of sections of the historic roof form and would have harmful impacts upon the historic fabric and historic form of the Grade II Listed Building. As such the proposed alterations to Field House would be harmful to the character, appearance and historic significance of the Grade II Listed Building, contrary

- to policies HE1 and HE2 of the Brighton & Hove Local Plan and CP15 of the City Plan.
8. The proposed alterations to the window/glazed door openings and the extension of the of the weather boarding on the main elevation of the Cottages and the addition of porches to the Cottages and Rumneys would have a harmful impact on the character and appearance of these Grade II curtilage Listed Buildings, contrary to polices HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the City Plan.
  9. The proposed building providing units 30 to 35, by virtue of its grand architectural style, excessive scale, bulk and massing would compete with the dominance and architectural/historic interest of the retained Field House, obscuring the historic development and hierarchy of buildings on the site whilst the design, palette of materials, detailing roof forms and layout of the proposed new residential dwellings and new roads fail to reflect the local character, urban grain and character of development in Rottingdean village. Furthermore the proposed care home, due to its excessive scale, massing and footprint would appear dominant in relation to the footprint of the Listed Field House and would have an unbroken ridgeline and roofspace that would contrast with the small scale urban form of Rottingdean village. As such the proposed new buildings are considered to have an adverse and harmful impact upon the visual amenities of the site, the associated street scenes and the wider area including the Conservation Area and its setting and the setting of Listed Building, compromising the quality of the local environment. The proposal is therefore considered contrary to policies QD5, HE3 and HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the City Plan.
  10. In the absence of an acceptable scheme for the redevelopment of the site, the demolition of all/part of existing historic flint walls across the site is considered harmful to the historic character and appearance of the former school site, contrary to policy HE2 of the Brighton & Hove Local Plan CP15 of the City Plan.
  11. Whilst the proposal would result in the retention of the school Chapel the submission fails to identify the Chapel as a Listed Building and fails to identify its historic significance. Insufficient information has been submitted regarding any works required to separate and make good the Chapel from the remainder of the school building and what structural implications this may have for the Chapel. Furthermore the proposal fails to identify a future use for the retained Chapel to ensure its viable and sustainable future. As such the proposal is considered contrary to policies HO20 and HE1 of the Brighton & Hove Local Plan CP15 of the City Plan.
  12. The proposed development on the southern part of the playing field would erode the visual separation between development associated with the historic Rottingdean village and the suburban development to the east, and would therefore have an adverse impact upon the setting of the Rottingdean Conservation Area contrary to policy HE6 of the Brighton & Hove Local Plan CP15 of the City Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in

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favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Red Line Plan	FD14-1132 -50A	Rev. C	29 <sup>th</sup> February 2016
Developable Area Plan	FD14-1132 -50A1	Rev. A	29 <sup>th</sup> February 2016
Existing Site Survey	FD14-1132 -51	-	24 <sup>th</sup> August 2015
Existing Site Sections	FD14-1132 -52	-	24 <sup>th</sup> August 2015
Existing Site Sections	FD14-1132 -53	-	24 <sup>th</sup> August 2015
Existing Street Scenes	FD14-1132 -54	-	24 <sup>th</sup> August 2015
Existing Street Scenes	FD14-1132 -55	-	8 <sup>th</sup> September 2015
Proposed Site Layout	FD14-1132 -56	Rev. D	29 <sup>th</sup> February 2016
Proposed Site Layout showing Brighton & Hove City Council Tra Area	FD14-1132 -57	Rev. B	29 <sup>th</sup> February 2016
Site Location Plan Showing Buildings & Structures to be Removed	FD14-1132 -59	Rev. B	29 <sup>th</sup> February 2016
Plots 2 & 3 Proposed Floor Plans	FD14-1132 -110	-	24 <sup>th</sup> August 2015
Plots 2 & 3 Proposed Floor Plan & Roof Plan	FD14-1132 -111	-	24 <sup>th</sup> August 2015
Plots 2 & 3 Proposed Elevations	FD14-1132 -112	-	24 <sup>th</sup> August 2015
Plots 2 & 3 Proposed Elevations	FD14-1132 -113	-	24 <sup>th</sup> August 2015
Plots 4-7 Proposed Floor Plan	FD14-1132 -120	-	24 <sup>th</sup> August 2015
Plots 4-7 Proposed Floor Plan	FD14-1132 -121	-	24 <sup>th</sup> August 2015
Plots 4-7 Proposed Floor Plan	FD14-1132 -123	-	24 <sup>th</sup> August 2015
Plots 4-7 Proposed Floor Plan	FD14-1132 -124	-	24 <sup>th</sup> August 2015
Plots 4-7 Proposed Floor Plan	FD14-1132 -125	-	24 <sup>th</sup> August 2015
Plots 4-7 Proposed Floor Plan	FD14-1132 -126	-	24 <sup>th</sup> August 2015

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Plots 4-7 Proposed Floor Plan	FD14-1132 -127	-	24th August 2015
Plots 8-10 Proposed Floor Plans	FD14-1132 -130	-	24th August 2015
Plots 8-10 Proposed Roof Plan	FD14-1132 -131	-	24th August 2015
Plots 8-10 Proposed Elevation	FD14-1132 -132	-	24th August 2015
Plots 8-10 Proposed Elevations	FD14-1132 -133	-	24th August 2015
Plots 8-10 Proposed Elevation	FD14-1132 -134	-	24th August 2015
Plots 11-13 Proposed Floor Plans	FD14-1132 -140	-	24th August 2015
Plots 11-13 Proposed Roof Plan	FD14-1132 -141	-	24th August 2015
Plots 11-13 Proposed Elevations	FD14-1132 -142	-	24th August 2015
Plots 11-13 Proposed Elevations	FD14-1132 -143	-	24th August 2015
Plots 14-16 Proposed Floor Plans	FD14-1132 -150	-	24th August 2015
Plots 14-16 Proposed Roof Plan	FD14-1132 -151	-	24th August 2015
Plots 14-16 Proposed Elevations	FD14-1132 -152	-	24th August 2015
Plots 14-16 Proposed Elevations	FD14-1132 -153	-	24th August 2015
Plot 17 Proposed Floor Plans & Roof Plan	FD14-1132 -160	-	24th August 2015
Plot 17 Proposed Elevations	FD14-1132 -161	-	24th August 2015
Plot 18 Proposed Floor Plans & Roof Plan	FD14-1132 -170		
Plot 18 Proposed Elevations	FD14-1132 -171	-	24th August 2015
Plots 19-23 Proposed Floor Plans	FD14-1132 -180	-	24th August 2015
Plots 19-23 Proposed Roof Plan	FD14-1132 -181	-	24th August 2015
Plots 19-23 Proposed Elevation	FD14-1132 -182	-	24th August 2015
Plots 19-23 Proposed Elevations	FD14-1132 -183	-	24th August 2015
Plots 19-23 Proposed Elevation	FD14-1132 -184	-	24th August 2015
Plots 24-29 Proposed Floor Plan	FD14-1132 -190	-	24 <sup>th</sup> August 2015
Plots 24-29	FD14-1132	-	24 <sup>th</sup> August 2015

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Proposed Floor Plan	-191		
Plots 24-29 Proposed Floor Plan	FD14-1132 -192	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Floor Plan	FD14-1132 -193	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Floor Plan	FD14-1132 -194	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	FD14-1132 -195	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	FD14-1132 -196	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	FD14-1132 -197	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	FD14-1132 -198	-	24 <sup>th</sup> August 2015
Plots 30-35 Proposed Floor Plan	FD14-1132 -200	-	24 <sup>th</sup> August 2015
Plots 30-35 Proposed Floor Plan	FD14-1132 -201	-	24 <sup>th</sup> August 2015
Plots 30-35 Proposed Roof Plan	FD14-1132 -202	-	24 <sup>th</sup> August 2015
Plots 30-35 Proposed Elevation	FD14-1132 -203	-	24 <sup>th</sup> August 2015
Plots 30-35 Proposed Elevation	FD14-1132 -204	-	24 <sup>th</sup> August 2015
Plots 30-35 Proposed Elevation	FD14-1132 -205	-	24 <sup>th</sup> August 2015
Plots 30-35 Proposed Elevation	FD14-1132 -206	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Floor Plan	FD14-1132 -210	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Floor Plan	FD14-1132 -211	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Roof Plan	FD14-1132 -212	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Elevation	FD14-1132 -213	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Elevation	FD14-1132 -214	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Elevation	FD14-1132 -215	-	24 <sup>th</sup> August 2015
Plots 39 & 48 Proposed Floor Plans & Roof Plan	FD14-1132 -220	-	24 <sup>th</sup> August 2015
Plots 39 & 48 Proposed Elevations	FD14-1132 -221	-	24 <sup>th</sup> August 2015
Plots 40 & 41, 46 & 47 Floor Plans & Roof Plan	FD14-1132 -230	-	24 <sup>th</sup> August 2015
Plots 40 & 41, 46 & 47 Proposed Elevations	FD14-1132 -231	-	24 <sup>th</sup> August 2015

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Plots 42 & 45 Proposed Floor Plans	FD14-1132 -240	-	24 <sup>th</sup> August 2015
Plots 42 & 45 Proposed Roof Plan	FD14-1132 -241	-	24 <sup>th</sup> August 2015
Plots 42 & 45 Proposed Elevations	FD14-1132 -242	-	24 <sup>th</sup> August 2015
Plots 42 & 45 Proposed Elevations	FD14-1132 -243	-	24 <sup>th</sup> August 2015
Plots 43 & 44 Proposed Floor Plans & Roof Plan	FD14-1132 -250	-	24 <sup>th</sup> August 2015
Plots 43 & 44 Proposed Elevations	FD14-1132 -251	-	24 <sup>th</sup> August 2015
Plots 43 & 44 Proposed Elevations	FD14-1132 -252	-	24 <sup>th</sup> August 2015
Plots 30-35 Bin & Cycle Store Plans & Elevations	FD14-1132 -400	-	24 <sup>th</sup> August 2015
Plots 24-29 Bin Store Plans & Elevations	FD14-1132 -401	-	24 <sup>th</sup> August 2015
Plots 36-38 Bin & Cycle Store Plan & Elevations	FD14-1132 -402	-	24 <sup>th</sup> August 2015
Plots 6-7 Bin Store Plans and Elevations	FD14-1132 -403	-	24 <sup>th</sup> August 2015
Plot 9, 12 & 15 Bin Store Plans and Elevations	FD14-1132 -404	-	24 <sup>th</sup> August 2015
Plots 19-23 Bin Store Plans and Elevations	FD14-1132 -405	-	24 <sup>th</sup> August 2015
Plots 39, 40, 47 & 48 Garage Plans & Elevations	FD14-1132 -450	-	24 <sup>th</sup> August 2015
Plots 41 & 46 Garage Plans and Elevations	FD14-1132 -451	-	24 <sup>th</sup> August 2015
Plots 1-3 Car Barn Plans & Elevations	FD14-1132 -452	-	24 <sup>th</sup> August 2015
Generic Cycle Store Plans & Elevations	FD14-1132 -453	-	24 <sup>th</sup> August 2015
Proposed Site Sections	FD14-1132 -700	-	24 <sup>th</sup> August 2015
Proposed Site Sections	FD14-1132 -701	-	8 <sup>th</sup> September 2015
Proposed Street Scenes	FD14-1132 -702	-	24 <sup>th</sup> August 2015
Proposed Street Scenes	FD14-1132 -703	-	8 <sup>th</sup> September 2015
Existing & Proposed Wall along Steyning Road	FD14-132 -800	-	8 <sup>th</sup> September 2015
Proposed Site Layout Showing Developable Area	FD14-1132 -950	Rev. B	29 <sup>th</sup> February 2016
Care Home Proposed Floor Plan	14-075-119	Rev. G	24 <sup>th</sup> August 2015

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Care Home Proposed Floor Plan	14-075-120	Rev. G	24 <sup>th</sup> August 2015
Care Home Proposed Floor Plan	14-075-121	Rev. G	24 <sup>th</sup> August 2015
Care Home Proposed Floor Plan	14-075-135	Rev. D	24 <sup>th</sup> August 2015
Care Home Proposed Elevations	14-075-150	Rev. E	24 <sup>th</sup> August 2015
Care Home Proposed Elevations	14-075-151	Rev. E	24 <sup>th</sup> August 2015
Care Home Proposed Elevations	14-075-152	Rev. E	24 <sup>th</sup> August 2015
Building Survey Main Building - Basement	LH/1501018 MB	-	8 <sup>th</sup> September 2015
Building Survey Main Building - Ground Floor	LH/1501018 MG	-	8 <sup>th</sup> September 2015
Building Survey Main Building - First Floor	LH/1501018 MF	-	8 <sup>th</sup> September 2015
Building Survey Main Building - Second Floor	LH/1501018 MS	-	8 <sup>th</sup> September 2015
Building Survey External Floor Plans	LH/1501018 EFP	-	8 <sup>th</sup> September 2015
Elevation Layout	LH/1501018 EL	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 1	LH/1501018 E1	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 2	LH/1501018 E2	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 3	LH/1501018 E3	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 4	LH/1501018 E4	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 1	LH/1501018 T1	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 2	LH/1501018 T2	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 3	LH/1501018 T3	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 4	LH/1501018 T4	-	8 <sup>th</sup> September 2015
Combined Hard and Soft Landscape General Arrangement Plan(Sheet 1 of 4)	D2294 L. 201	-	24 <sup>th</sup> August 2015
Combined Hard and Soft Landscape General Arrangement Plan(Sheet 2 of 4)	D2294 L. 202	-	24 <sup>th</sup> August 2015
Combined Hard and Soft Landscape General Arrangement Plan(Sheet 3 of 4)	D2294 L. 203	-	24 <sup>th</sup> August 2015



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Combined Hard and Soft Landscape General Arrangement Plan(Sheet 4 of 4)	D2294 L. 204	-	24 <sup>th</sup> August 2015
Soft Landscape Schedule and Specification	D2294 L. 205	-	24 <sup>th</sup> August 2015

**Appendix A - St Aubyns School, 76 High Street, Rottingdean – BH2015/03108**

**Letters of Objection**

<b>Property Name / Number</b>	<b>Street</b>	<b>Town</b>	<b>Postcode</b>
12A			BN2 7GR
4			BN2 7HA
Abe Hill			
Adam Stemp			
Alison Sherring			
Alison Wilkins			BN2 7GA
Audrey Lazarus			
Bazehill House			BN2 7DB
C Hilder			
Cecilia Roseberry			
David Lazarus			
Elizabeth Plumb			
Emma Cockburn			
Geoffrey Lazarus			
Henrietta Palmer			
James Lawson			
John, Michael & Monica Wells			
Kay Notley			
Lis Rosser			
Mrs G Vincent			
P Kilby			
Paul Goodall			
Ross Dargahi			
Sheila Baker			
Steven Warriner			BN2 7BB
55	Ainsworth Avenue		BN2 7BG
15	Arlington Gardens		
1	Ashdown Avenue		
2	Ashdown Avenue		
113	Bannings Vale		
184	Bannings Vale		
82	Bannings Vale		
19	Bazehill Road		
Apartment 5, 27	Bazehill Road		
Canon Gate (x2)	Bazehill Road		
9	Brambletyne Avenue		
19	Burnes Vale		
21	Burnes Vale	Rottingdean	BN2 7DW

25	Burnes Vale		
7	Burnes Vale		
15	Chailey Avenue		
16(x2)	Chailey Avenue	Rottingdean	BN2 7GH
18(x2)	Chailey Avenue		
20(x2)	Chailey Avenue		
22(x2)	Chailey Avenue	Rottingdean	BN2 7GH
3	Chailey Avenue		
31	Chailey Avenue		
37	Chailey Avenue		
41	Chailey Avenue		
47(x2)	Chailey Avenue		
9	Chailey Avenue		
11	Challoners Close		
14	Challoners Close		
6	Challoners Close	Rottingdean	BN2 7DG
24	Chichester Drive West		
27	Chichester Drive West		
44	Chichester Drive West		
18	Chorley Avenue		
20 Saint Matthews Court	College Terrace	Brighton	BN2 0EX
78	Coombe Vale		
12	Court Farm Road		
7	Court Ord Cottages		
12	Court Ord Road		
17	Court Ord Road		
324(x2)	Cowley Drive		
12	Cranleigh Avenue		
13	Cranleigh Avenue		
25	Cranleigh Avenue	Rottingdean	BN2 7GN
27(x2)	Cranleigh Avenue		
34	Cranleigh Avenue		
37(x2)	Cranleigh Avenue		
122(x2)	Crescent Drive North		
115	Dean Court Road		
12 Tudor Close	Dean Court Road		
15	Dean Court Road		
5 Tudor Close(x2)	Dean Court Road		
54	Dean Court Road		
58	Dean Court Road		
61	Dean Court Road		
69	Dean Court Road		
79	Dean Court Road		
82	Dean Court Road		

85	Dean Court Road		
91	Dean Court Road		
2	Denes Mews		
6	Denes Mews		
7	Denes Mews		
8	Denes Mews		
5	Eileen Avenue		
29	Eley Crescent		
24	Eley Drive		
26	Eley Drive		
34	Eley Drive		
50	Eley Drive		
6	Eley Drive		
67	Eley Drive		
68	Eley Drive		
27	Elvin Crescent	Rottingdean	BN2 7FF
39	Elvin Crescent		
40	Elvin Crescent		
61	Elvin Crescent		
18	Falmer Avenue		
60	Falmer Avenue		
29	Falmer Road		
3 Winton Cottage(x2)	Falmer Road		
Bellaria	Founthill Road		
2 Heathshott	Friars Stile Road	Richmond	TW10 6NT
16	Gorham Avenue		
23	Gorham Avenue	Rottingdean	BN2 7DP
25(x2)	Gorham Avenue		
27(x2)	Gorham Avenue		
28	Gorham Avenue		
42(x2)	Gorham Avenue		
50	Gorham Avenue		
11	Grand Crescent		
16	Grand Crescent	Rottingdean	BN2 7GL
19	Grand Crescent		
28 (x2)	Grand Crescent	Rottingdean	BN2 7GL
29	Grand Crescent		
36	Grand Crescent		
41	Grand Crescent		
50	Grand Crescent		
Flat 2, 44(x2)	Grand Crescent		
9	Greenbank Avenue		
18	Hailsham Avenue		
2(x2)	Hempstead Road		
102/104(x2)	High Street		
112	High Street	Rottingdean	BN2 7HF

23 St Margarets	High Street		
33 St Margarets Court	High Street		
61A	High Street		BN2 7HE
69	High Street		
72/74	High Street		
IF 1 Margos Mews	High Street		
Just So, 3 Margos Mews	High Street		
Stanley House, 116	High Street		
46A	Inwood Crescent		
12	Knole Road		
5(x2)	Knole Road		
13	Lenham Road West		
16	Lenham Road West		
2A	Lenham Road West		
5(x2)	Lenham Road West		
8	Lenham Road West		
39	Lewis Road	Chichester	PO19 7LZ
17	Linchmere Avenue		
18	Little Crescent		
6	Longhill Close		
20	Longhill Road		
Beacon Point	Longhill Road		BN2 7BE
126	Lustrells Crescent		
23	Lustrells Crescent		
Point Clear	Lustrells Road		
3	Marine Close		
111	Marine Drive		
14 Marine Court, 65	Marine Drive		
2 Marine Court, 65	Marine Drive	Rottingdean	BN2 7LG
8A	Marine Drive		
11	Meadow Close		
47	Meadow Close		
1	Meadow Vale		
15	Nevill Road		
21	Nevill Road		
27	Nevill Road		
28	Nevill Road		
36(x2)	Nevill Road		
40(x3)	Nevill Road		
7	New Barn Road		
12	Newlands Road		
16(x4)	Newlands Road		
18	Newlands Road		
20(x2)	Newlands Road	Rottingdean	BN2 7GD
22	Newlands Road		

24	Newlands Road		
28(x2)	Newlands Road		
3 Ocean Reach	Newlands Road		
30	Newlands Road		
Flat 8, Ocean Reach, 2	Newlands Road		
West Winds, 6	Newlands Road		
5	Northgate Close		
101(x2)	Oaklands Avenue		
Honeysuckle Cottage	Olde Place Mews		
18	Ovingdean Close	Brighton	BN2 7AD
6 Meadow Vale	Ovingdean Road	Brighton	BN2 7AA
Threeways	Ovingdean Road		BN2 7BB
Woodingcote House	Ovingdean Road	Ovingdean	BN2 7AA
1	Park Crescent		
17	Park Crescent		BN2 7NH
7 Cownway Court	Park Crescent		
11	Park Road		
15	Park Road		
20	Park Road		
25	Pinewood Close	Eastbourne	BN22 0SA
22B	Pippins Field	Uffculme, Devon	EX15 3BS
32	Rowan Way	Rottingdean	BN2 7FP
33(x2)	Rowan Way	Rottingdean	BN2 7FP
33(x2)	Rowan Way		
34	Rowan Way		
37	Rowan Way	Rottingdean	BN2 7FP
43	Rowan Way		
61	Saltdean Drive		
74(x2)	Saltdean Drive		BN2 8SD
28	Southdown Avenue	Peacehaven	BN10 8RX
1	St Aubyns Mead		
1 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
12 Kipling Court	St Aubyns Mead		
13	St Aubyns Mead		
15	St Aubyns Mead		BN2 7HY
18	St Aubyns Mead		
2	St Aubyns Mead	Rottingdean	BN2 7HY
2 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
20	St Aubyns Mead		
23	St Aubyns Mead		
24	St Aubyns Mead		
25	St Aubyns Mead		
3	St Aubyns Mead	Rottingdean	BN2 7HY
3 Kipling Court	St Aubyns Mead		
5 Kipling Court	St Aubyns Mead		

7	St Aubyns Mead		
7 Kipling Court	St Aubyns Mead		
9 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
Unknown	St Aubyns Mead	Rottingdean	BN2 7JT
Windmill View	St Aubyns Mead	Rottingdean	BN2 7HY
64	Stanstead Crescent		
110	Station Road	Hampton	TW12 1AS
Braemar House (x2)	Steyning Road	Rottingdean	BN2 7GA
Eagles	Steyning Road		
Eastfield(x2)	Steyning Road	Rottingdean	BN2 7GA
Emsworth(x2)	Steyning Road		
Ground Floor Brookside	Steyning Road	Rottingdean	
Rotherdown	Steyning Road		
St Edmunds(x2)	Steyning Road		
Strood	Steyning Road	Rottingdean	BN2 7GA
The Hideaway(x2)	Steyning Road	Rottingdean	BN2 7GA
29 The Dene	The Green	Rottingdean	BN2 7HA
Aubrey House	The Green		
Court Barn	The Green		
Dale Cottage(x3)	The Green		
Hillside(x2)	The Green		
Pax	The Green		
Squash Cottage	The Green		
St Martha's Convent (x2)	The Green		
The Elms	The Green		
Saint Martha's Convent	The High Street		
16	The Rotyngs		
9	The Rotyngs	Rottingdean	BN2 7DX
20 Trafalgar Gate	The Strand, Brighton Marina		
11	The Vale		
14	The Vale		
15	The Vale		
2 Forge House	Vicarage Lane		
2	Vicarage Terrace		
3	Victoria Mews		
5	Wanderdown Close		
8	Wanderdown Drive		
7	Wanderdown Way		
8	Wanderdown Way		
7	Welesmere Road		
18(x2)	West Street	Rottingdean	BN2 7HP
18A	West Street	Rottingdean	BN2 7HP
39	Westfield Avenue North		
61(x2)	Westfield Avenue North		

18	Westfield Avenue South	Saltdean	BN2 8HT
69	Westmeston Avenue		
96	Wicklans Avenue		
8	Wilkinson Close		

### Letters of Support

Property Name / Number	Street	Town	Postcode
Unknown	Unknown		
57	High Street		
47(x3)	High Street		
100	High Street		
45	Rottingdean Place		BN2 7FS
Corner House	Steyning Road		BN2 7GA
40	Ashdown Avenue		BN2 8AH
The Old Engine House			SN7 7QD

### Comment Letters

Property Name / Number	Street	Town	Postcode
Cara Starbuck			
24	Chailey Avenue	Rottingdean	
Homeleigh, 8	Northgate Close	Rottingdean	BN2 7DZ
Kipling Cottage	The Green		
58	Unknown		BN2 7FP



**Appendix B - St Aubyns School, 76 High Street, Rottingdean – BH2015/03108**

**Letters of Objection**

<b>Property Name / Number</b>	<b>Street</b>	<b>Town</b>	<b>Postcode</b>
20 Newlands Road		Rottingdean	BN2 7GD
29 St Aubyns Mead		Rottingdean	BN2 7HY
7 Denes Mews		Rottingdean	BN2 7AH
8 Kipling Court		Rottingdean	BN2 7JT
61a	High Street	Rottingdean	BN2 7HE
1 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
12 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
2 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
3 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
5 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
7 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
Windmill View	St Aubyns Mead	Rottingdean	
3	St Aubyns Mews	Rottingdean	BN2 7HY
Corner House (Flat 1)	Steyning Road	Rottingdean	BN2 7GA
Eastfield	Steyning Road	Rottingdean	BN2 7GA
Our Lady of Lourdes Queen of Peace Church	Steyning Road	Rottingdean	BN2 7HB
Rotherdown	Steyning Road	Rottingdean	BN2 7GA
Bernard Turnball	Unknown	Unknown	

COUNCILLOR REPRESENTATION

**From:** Mary Mears  
**Sent:** 13 October 2015 5:28 PM  
**To:** Liz Arnold  
**Cc:** Jeanette Walsh  
**Subject:** Objection to Planning Application BH2015/03108 St Aubyns School.

Liz Arnold.  
Principal Planning Officer.  
Development Control.

13<sup>th</sup> October 2015

**Re Planning Application BH2015/03108 St Aubyns School 76 High Street Rottingdean..**

As a Councillor for Rottingdean Coastal ward, I wish to object to the above planning application for the following reasons:

In my view this planning application is a serious over development of the former St Aubyns School. And will have a detrimental impact on Rottingdean village. The proposal to build 48 residential homes, Plus a 62 bed home is too large a development on the site for the village, where the infrastructure is already at breaking point.

So much so that the council earlier this year included Rottingdean High Street in its Local Transport Plan 4 the council's own officer reported over 14 thousand vehicles per day using Rottingdean High Street, with pollution levels higher than EU regulations higher even than North Street in Brighton. The high Street has no cycle lanes, has narrow or no pavements and has a bottle neck at its narrowest point.

This application with additional care home staff, new residents, deliveries extra car journeys will increase the congestion levels not only in the High Street but also will impact on Steyning and Newlands Road the application also includes a proposal to use an entrance at Marine Dive just above the very busy junction at Rottingdean, In my view this is a very dangerous access and has potential for very serious accidents.

Rottingdean already has three care homes in the village, providing 75 bed spaces. As well as a retirement home, all have vacant places. A new care home would increase the already large numbers of elderly and disabled residents in the village, and put additional strain on our local GP services

This proposed development would not only have a detrimental impact on road capacity in the village but also on the sewage and drainage. The High Street has been flooded in the past unable to cope with heavy surface water. The village has insufficient school places for a development of this size.

As a ward Councillor I wish to reserve my right to speak on this application at the planning committee.

**Councillor Mary Mears**  
**Conservative Member for Rottingdean Coastal Ward**

# **ITEM B**

**St Aubyns School 76 High St, Rottingdean  
BH2015 / 03110  
Listed Building Consent**

**20 April 2016**



<b><u>No:</u></b>	<b>BH2015/03110</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>St Aubyns School 76 High Street Rottingdean Brighton</b>		
<b><u>Proposal:</u></b>	<b>Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9no two bedroom and 1no three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	08/09/2015
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	03 November 2015
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Boyer Planning, UK House 82 Heath Road Twickenham London TW1 4BW		
<b><u>Applicant:</u></b>	Linden Homes & The Cothill Educational Trust, C/O Boyer Planning UK House 82 Heath Road Twickenham London TW1 4BW		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** Listed Building Consent for the reasons set out in section 11 and subject to no new material considerations being raised during the re-consultation period ending on the 8<sup>th</sup> April 2016.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 St Aubyns School closed in mid-2013 but had been a fee paying school with boarding facilities (use class C2). The former school is located in its own grounds on the eastern side of the High Street.
- 2.2 The site, which incorporates the playing fields to the rear/east of the school buildings and which is in a single use as a school, measures approximately 3.3Ha, although the campus and field is physically divided by a public Twitten that runs between Steyning Road and Marine Drive.
- 2.3 In addition to the main school building, the Chapel and the boundary wall flint wall fronting the High Street are Grade II listed however all buildings, structures and flint walls located within the site (school campus and playing field), which were built before 1948, and were in associated use at the time of listing, are considered curtilage listed.

- 2.4 The school campus, which measures approximately 0.86Ha includes;
- The main a school building (known as Field House/76 High Street) and its adjoining Chapel (Grade II Listed),
  - The listed boundary wall fronting the High Street (Grade II listed),
  - A row of internally linked terraced cottages (including Rumneys) (pre-1948 and curtilage listed),
  - Other outbuildings associated with the school (circa 1980-1995) including classrooms, dormitories, gymnasium, changing rooms, and Headmaster's residence,
  - An outdoor swimming pool,
  - Shooting range (pre-1948 and curtilage listed),
  - Terraced gardens, and
  - Equipped children's play area.
- 2.5 The existing playing field measures approximately 2.5Ha. The playing field comprises;
- Sports pavilion (pre-1948 and curtilage listed),
  - War memorial (pre-1948 and curtilage listed),
  - Water fountain (pre-1948 and curtilage listed), and
  - 2 tennis courts with associated net fencing and cricket nets.
- 2.6 The school campus site is located within the Rottingdean Conservation Area, the boundary of which runs along the eastern side of the Twitten.
- 2.7 A boundary of the South Downs National Park is located approximately 119m to the east of the playing field.

### 3 RELEVANT HISTORY

**BH2015/03112** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Concurrent Listed Building Consent Application.

**BH2015/03108** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works. Concurrent Full Planning Application.

**BH2008/02986** - Installation of porous macadam tennis/netball court on school playing fields with fencing to height of 2.75m. Approved 15/01/2009.

**BH2005/01964/CL** - Certificate of lawfulness for proposed conversion of ancillary residential into classrooms. Approved 23/08/2005.

**BH2000/01649/LB** - Retention of existing classroom (Renewal of temporary listed building consent granted under ref. BN95/1443/LB). Approved 12/09/2000.

**BH2000/01648/FP** - Retention of existing classroom (Renewal of temporary planning permission granted under ref. BN95/1442/FP). Approved 12/09/2000.

**86/0273/LBC**- Alterations and extension to north side of existing garages/staff accommodation to form staff house fronting Steyning Road. Granted 25/04/86.

**81/1359 (LBC /1139)** – Construction of permanent gateway on to Twitten for access from playing field to existing school. Refused 5/01/1982.

**BN81/493 (LBC/1055)** – Retention of opening in Twitten wall for duration of building works to new gymnasium, so as to give access to site. Granted 14/05/81.

**BN80/1838 (LBC/991)** – Additions to and conversion of old gym into changing rooms/lavs and Classroom X, erection of new Gymnasium. Granted 22/01/81.

**BN80/1085** – Demolition of parts of old buildings and erection of extension to Laboratory, Classroom IX, tennis court and new Art room. Granted 4/07/80.

**BN78/729(LBC/CA)** – Demolition of existing dilapidated classrooms fronting Steyning Road and erection of buildings to form classrooms, changing room, dormitories and garage. Granted 30/05/78.

**BN76/1389 (LBC 527)** New entrance door and lavatory window, removal of chimney stacks; internal alterations to re-plan and form new bathrooms, dormitories and staff accommodation to cottage/sanatorium block. Granted 14/10/76.

**BN75/2848 (LBC 474)** – Proposed construction of outdoor swimming pool. Granted 5/02/76.

#### **4 THE APPLICATION**

- 4.1 Listed Building Consent is sought for the conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9 no. two bedroom and 1 no. three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: Thirty Seven (37)** representations of objection have been received from the addresses which are contained in full within **Appendix A** of this report. The following grounds of objection are stated:

- Steyning Road is already heavily used and has insufficient capacity for construction traffic or additional development traffic and concern raised regarding emergency services access,
- Inadequate infrastructure, including schools, sewers, dentists, doctors and roads,
- Damage to Listed Buildings, heritage assets and flint walls including Twitten,
- Lack of public consultation,

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- Increase traffic problems, including parking problem, worse road safety and traffic congestion,
- Increased air pollution,
- Submitted traffic assessment contains errors, is inaccurate and misleading,
- Increased danger for pedestrians and cyclists,
- Residents have not been able to view the viability report,
- Increased noise and disruption including during construction phase,
- Unsafe proposed access points onto High Street, A259 and Steyning Road,
- No more development can be accommodated in area, cumulative effects of all the proposed and approved developments in the area need to be taken into consideration,
- Lack of school places in village would mean additional traffic as children would have to be transported elsewhere,
- No affordable housing provision,
- Already too many care homes in area,
- Over-development, too high density, over-crowding and urban sprawl,
- Risk of flooding from surface water run-off, and poor sewerage infrastructure,
- Loss of valuable green space,
- Contrary to Council policies and NPPF,
- Loss of community facility,
- View from National Park will be changed,
- Adverse impact on tourism,
- Application is not a standalone application and should be considered in conjunction with the two other applications,
- Many historic buildings in the village do not have foundations and some have tunnels to the sea, excessive traffic puts these irreplaceable national treasures in jeopardy,
- Cothill Education Trust refused an offer made by parents and another private school to take it over. Acceptable redevelopment should determine the value Cothill will get from the sale of the site,
- Although presented as one site there are two areas, which should be considered separately,
- Disruption to wildlife,
- Loss of Rottingdean's character and quaintness, and
- Brown-field sites in City should be developed first.

Following re-consultation of minor amendments and receipt of further information on the 29<sup>th</sup> February 2016 1 **One (1)** further representation of objection to the revised proposal have been received from the addresses which are contained in full within Additional points raised are as follows: of this report. Additional points of objection raised are as follows:

- The latest amendments do not change original objections,
- Jobs in the nursing home are unlikely to be taken up locally and will therefore exacerbate traffic issues. Also seems unlikely that



staff/visitors will cycle or come by public transport. No penalties on the developer/care home operator for failing to meet targets,

- Models/methodology used in air quality assessment, no penalties for getting it wrong, and
- If field has to be developed a small number of high value residential units would have less impact than a 62 bed care home.

5.2 **CAG: Recommend Approval** with the following comments;

- Welcomes retention of two-thirds of the playing field and the preservation of listed structures. Strongly recommend that when retained open space is transferred to the Council it should be with a covenant that it is retained as a public space in perpetuity,
- There should be a full survey of Field House to identify any features in the part due for demolition and an investigation of the mathematical tiles at the front. Also suggest that the windows in the outer bays should be retained as two over two sliding sashes, but in the original part of the building the Victorian canted bays should be replaced with segmental tripartite windows,
- The garage in front of Field House must be removed as a condition of approval of the scheme,
- There needs to be greater clarity regarding the future use of the Chapel, bearing in mind that most of the historic features have been removed, and
- Gables to the two buildings at the entrance to the site off Steyning Road should be reduced in prominence as they give a false impression of what is going to be within the site.

5.3 **Historic England:**

(Original comments 4/11/2015 and 16/03/2016 following receipt of further information/ minor amendments) Comment. Considers that an appropriate redevelopment of this now vacant site has the potential to secure the future of the Listed school building as well as that of the memorial Chapel, which is listed by virtue of its connection to and historical association with the school. Consider that further information and amendments to the scheme are required to achieve mitigation of harm and that further enhancements are also possible, as required by NPPF policy.

5.4 **Rottingdean Parish Council:**

(12/10/2015) Comment. Has no objection, subject to in principle approval from English Heritage and the Council's own Heritage Team of the proposals to demolish almost 61% of the Grade 2 listed building, referred to as Field House. Seeking approval would be in accordance with the Planning Brief.

(Additional comments 31/03/2016 following receipt of further information/ minor amendments) Parish Council's overarching concerns and

objections raised previously are not addressed in latest applications in particular with regards to air pollution and traffic volumes. The location of the site makes a highly negative impact on both traffic flows and air quality inevitable without interventions to ease congestion or reduce traffic through the village. The cumulative impact of the proposal and other developments in area is significant to an already illegal situation.

Disappointed that it has been necessary for the Council to begin an enforcement case about the Chapel and its contents.

Remains a strong point that have not been given access to the Viability Report. Is impossible to present counter arguments when not allowed to see figures it is based upon. Is not in the spirit of the NPPF or Localism Act.

- 5.5 **SAFE Rottingdean:** The heritage assessment is incomplete and misleading.

The more significant issues identified to date are exceedence of air quality levels, extant school principle, plying field, areas of difference with planning brief, demolition of 60% of Listed Buildings, loss of green space, greenfield/brownfield designation, viability report disclosure, viability report land value, inadequate transport assessment, affordable housing, construction phase impacts, flooding, infrastructure, cumulative impacts and sustainable development.

- 5.6 **Simon Kirby MP, Objects** to the application on the following grounds;
- Increased pollution and congestion resulting from a large number of additional properties and their associated cars. The A259 coast road and Rottingdean High Street already become extremely congested at peak times of the day, with hundreds of cars,
  - Parking in Rottingdean is also likely to deteriorate due to the greatly increased number of cars,
  - Concerns about the provision of school places and GP places locally, which are already under considerable pressure,
  - Concern that the sewage and drainage infrastructure will not be sufficient to cope with the many additional residential properties,
  - Application is for a very large number of properties in a relatively small area and so will be very high density. This would be likely to negatively affect the present character of the village, and
  - Many local residents are concerned about the loss of the old school playing field. Many people feel that it is inappropriate that a precious green space in the village would be lost in order that more buildings can be constructed.

- 5.7 **Councillor Mears: Objects** to the proposal. Letter Attached.

**Internal:**

- 5.8 **Heritage:** (2/11/2015) Recommends refusal. The site includes the Grade II Listed '76 High Street' and Grade II Listed associated flint wall to the

front boundary. 76 High Street is the main school building. It should be noted that the Listed Building Description is for identification purposes only, and does not indicate the extent of listing. The listing includes all extensions attached to the original 76 High Street. This therefore includes the chapel, contrary to what is stated in the Heritage Statement (para 4.78).

Curtilage Listed Buildings include all pre-1948 structures and buildings within the curtilage and in associated use at the time of listing. This extends to structures on the playing field, given this was in the same ownership and associated use at the time of listing.

Whilst retention of the main building as a single unit would be most appropriate, its sympathetic conversion to flats is accepted in principle. The proposed conversion requires amendment in order to preserve and better reveal the plan form, and to retain the proportions in particular of the principal rooms.

The proposed conversion of the curtilage listed cottages and new development to the campus site is considered acceptable in principle, subject to amendments. The site should reflect the character of 'backland development' in the area, and the courtyard character of the site.

(Comments 24/03/2016 following receipt of further information/minor amendments)

Wall to Steyning Road: Demolition of a section of a wall could be accepted as part of a scheme which is considered acceptable overall, on the grounds that this demolition is limited to the minimum required to achieve safe access to the site and thus achieve a viable re-use of the heritage assets on the site. Sympathetic re-use of the site and its listed buildings could outweigh the less than substantial harm caused through demolition of a section of the wall.

It remains that the exact location of the entrance could be slightly adjusted (whilst retaining the same level of demolition) if necessary to accommodate an appropriate scheme, given that the size of the proposed opening is greater than the size of the existing opening. However, there is no in principle objection to the proposed location of this opening.

## **6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

- City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

#### Brighton & Hove Local Plan:

- HE1 Listed Buildings  
HE2 Demolition of a listed building  
HE4 Reinstatement of original features on Listed Buildings

#### Supplementary Planning Guidance

- SPGBH11 Listed Building Interiors

#### Supplementary Planning Documents:

- SPD09 Architectural Features

#### St Aubyns School Planning Brief

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 In association with the proposal set out in the concurrent Full Planning Application, Listed Building Consent is sought for the conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide a total of 9 no. two bedroom and 1 no. three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten.
- 8.2 The proposed works to the Field House/Cottages/Rumneys include;
- the provision of new masonry and stud walls,
  - the creation/blocking-up of openings,

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- provision of new doors including apartment front doors and glazed bi-fold doors,
  - alterations to existing external walls,
  - the insertion of a new lift,
  - the creation of bathrooms and kitchens,
  - creation of new bay windows,
  - new windows,
  - insertion of new cupboard doors to form storage,
  - the raising of mezzanine floor level,
  - new roof construction,
  - insertion of new dormer window,
  - insertion of new rooflights,
- The proposal also includes;
  - the blocking-up of existing openings in the Twitten wall, and
  - the creation of new openings in the Twitten wall and wall fronting Steyning Road.

8.3 Many of the issues raised by third party objectors set out in section 5 above relate only to the concurrent Full Planning Application and are not material planning considerations in the determination of this Listed Building Consent Application. The main considerations in the determination of this application relate to whether the proposed works and alterations would have a harmful impact on the historic character, architectural setting and significance of the Grade II Listed Building/curtilage listed buildings/structures.

### **Planning Brief**

- 8.4 A Planning Brief for the site was prepared to guide the future redevelopment of the former school site following the closure of the school in April 2013. Planning Briefs do not form part of the Local Development Framework and so cannot be given full statutory weight however the guidance within the brief has been subject to public consultation and was approved by the Council's Economic Development and Cultural Committee, as a material consideration in the assessment of subsequent planning applications relating to the site, on the 15<sup>th</sup> January 2015.
- 8.5 The brief was prepared by the Council in partnership with Rottingdean Parish Council and with the engagement of the landowner, the Cothill Educational Trust (applicant of this application). The Rottingdean Parish Council are currently undertaking the preparation of a Neighbourhood Plan and were keen to see a planning brief produced which would guide the future development of this strategically important site within the Parish.
- 8.6 The purpose of the brief is to provide a planning framework that helps bring forward a sensitive redevelopment on the site. In terms of Heritage the brief sets out the following development objectives;
- To breathe new life into this Listed Building in the heart of Rottingdean village,
  - To preserve those features that contribute to the special interest of the Listed Building, and

- To encourage new development of the highest design standard, by preserving and enhancing the character of the Conservation Area and setting of the Listed Building.
- 8.7 The planning brief sets out that a Built Heritage Assessment would be required for the site in its entirety which should outline the historic development of the site before identifying the special interest and significance of the site as a whole and of its constituent parts. Such assessment should inform the development of proposals for the site and dependent on the level of change proposed, a historic building record may also be required ahead of any redevelopment of the site. In terms of demolition the brief states that subject to the findings of the Built Heritage Assessment development proposals should have regard to;
- 8.8 “The Grade II listed main building (including chapel), listed boundary wall and the curtilage Listed Buildings should in principle be repaired and retained. Strong justification would be required for the loss of the whole or any part of a listed or curtilage Listed Building, based on the findings of the Built Heritage Assessment”.
- 8.9 The document acknowledges that it is important that the requirements of the brief are realistic and deliverable; however this should not be to the detriment of heritage assets.

**Policy**

- 8.10 The NPPF states that in considering applications for development Local Authorities should take account the desirability of sustaining or enhancing the significance of heritage assets and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 132 of the NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.
- 8.11 As heritage assets are irreplaceable, developers are required to provide clear and convincing justification for any loss of or harm caused to these assets in order to provide a viable scheme. In these circumstances, the Local Planning Authority needs to assess whether the benefits arising from the proposed development outweigh the harm caused to heritage assets and/or the departure from policy.
- 8.12 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
  - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.13 Policy HE2 of the Local Plan prohibits the demolition/major alteration of a Listed Building except in exceptional cases and where 3 stated criterion are all met including that clear and convincing evidence has been provided that viable alternative uses cannot be found, redevelopment would produce substantial benefits for the community which would decisively outweigh resulting loss and

the physical condition has deteriorated through no fault of the owner/applicant for which evidence can be submitted. This policy also states that demolition or major alterations will not be considered without acceptable detailed plans for the site's development.

- 8.14 Policy CP15 of the City Plan requires the promotion of the City's Heritage and to ensure that the historic environment plays an integral part in the wider social, cultural and economic and environmental future of the City through aims including the conservation and enhancement in accordance with its identified significance, giving the greatest weight to designated heritage assets and their settings and prioritising positive action for such assets at risk through neglect, decay, vacancy or other threats.

#### **Heritage Significance**

- 8.15 The St Aubyns School site includes the Grade II Listed '76 High Street' (the main school building known as Field House) and Grade II Listed associated flint wall to the front boundary. The listing includes all extensions attached to the original 76 High Street (including the chapel contrary to what is stated in the submitted Heritage Statement).
- 8.16 Curtilage Listed Buildings include all the pre-1948 structures and buildings located within the curtilage and in associated use at the time of the listing including structures on the playing field.
- 8.17 Field House is of particular significance due to its formal façade, facing on to the High Street. This is clearly visible from the High Street and views along Park Road. Despite being built over time, the near symmetry and formal architectural style, alongside the size and scale of the building, denote its status. This is particularly evident in relation to the scale and predominantly vernacular style neighbouring properties. The building is set back from the main building line, which further strengthens the contrast with neighbouring properties and therefore its relative higher status. This difference contributes to the understanding of the building. The school building is also of significance as an early large-scale residence in the village, and due to its early use as a school which then remained in educational use. In this regard, the plan form (which remains evident, despite alterations) and surviving historic features are of significance.
- 8.18 The main building, northern block and extensions are of significance in revealing the development of the property over time, changes in education and the changing needs of school buildings over time. This includes the contrast between the balanced extensions to those areas in public view and the more ad hoc development to the north/north-east. The previous development of the building is particularly apparent in the varied architecture and roof forms of the northern extensions, and in the varied date/style of features that survive to some rooms. In particular, the buildings appear to have been much altered and extended in the early 20th century. This reveals much about the history of the school at this time (which expanded from 5 pupils at its foundation in 1895 to over 100 in the early 20th century), and should be viewed in the wider context of changes in education at this time.

- 8.19 The curtilage listed cottages, with render, brick and weatherboarding exteriors, are modest early 20th century structures. Their quaint character contributes to the setting of the school buildings. They contribute to the understanding of the school's development in the early 20th century. Their architecture complements that of the chapel, sports pavilion and other early 20th century timber structures on the site.

**Heritage Statement and Impact Assessment**

- 8.20 A heritage statement and separate impact assessment have appropriately been included as part of the application submission. It is however considered that there are some limitations to these submitted documents. The heritage statement is not set-out in a legible manner; the text does not make reference to the room numbers and the room numbers themselves are repeated in a confusing manner (the comments below refer to the room references set out in this document as best as possible). Furthermore no phased plans or plans indicating the significance or historic integrity of different spaces have been submitted. Given the complexity of the building/building extensions, this would be useful. The significance of individual features/areas impacted by the scheme and the level of impact on these individual features is not always identified.

**Conversion of Field House**

- 8.21 Field House, which comprises of four floor levels (including basement), has previously been in use as a single house, then as a school. As such, it is considered that it would be most appropriate for it to remain in single use; which would allow the historic plan form and circulation routes to remain, and minimize the amount of alteration/loss of fabric and features. It is however recognized that as part of an acceptable wider scheme and in order to find a viable use, its sensitive conversion is likely to be considered acceptable.
- 8.22 As set out above, the proposal would result in the conversion of Field House into 6 residential units, each providing two bedrooms. In converting this building sensitively to residential units it is important that the buildings front elevation remains intact and that the plan form and circulation routes are legible. The principal rooms should be retained in terms of their proportions and detailing. Where cornices, skirtings, doors, architraves and fireplaces survive, these should also be retained in situ.
- 8.23 Heritage benefits are required in order to outweigh the harm of subdivision. To this end, the original/historic plan form should be reinstated wherever possible, in order to better reveal the significance of the Listed Building.
- 8.24 The structural assessment submitted as part of the application suggests that additional steel beams/joists would be required. It is considered that such works has the potential to have a significant impact on historic fabric. Full details are required on the level of insertion and the proposed location of any new steels/structural interventions, in order to allow the Local Planning Authority to make a full assessment of the potential impacts of such works on the historic character and fabric of the Listed Building.



- 8.25 The retention of the main stair case is considered appropriate however any works required to upgrade the staircase (e.g. as a protected means of escape) should be indicated as part of the application for assessment, as these may impact on the historic fabric or appearance of the stair.
- 8.26 A riser is proposed to the hallway between the main entrance and the stair at ground floor level and in the same position at first floor level. It is considered that the positioning of the proposed riser at ground floor would interrupt views between the main entrance and stair, which from two of the main elements of the historic house and an important part of the legibility of its circulation routes. They are complemented by the archway within the hall, views of which would also be interrupted. The riser would also interrupt the sense of proportion to the hallway and the character of the space. To the first floor the proposed riser would disrupt the positioning of an historic door and architrave. Risers in these locations are therefore not considered acceptable.
- 8.27 A lift is proposed between ground, first and second floor levels. The proposed lift would impact on the proportions of two rooms to each floor, as well as the plan form and circulation routes of the property as a whole. The insertion of a lift would also require the loss of a number of historic doors and door openings. The lift shaft would also rise through the roof form, and therefore lead to the loss of a section of historic roof form and fabric of the Listed Building.
- 8.28 Furthermore, the insertion of the lift would require substantial structural intervention, where it rises through the floors, through the roof and to strengthen the ground floor to support its weight. Although some details of this structural intervention have been provided, it is considered highly likely this would have a significant impact on the historic fabric of the property. For these reasons, the lift is considered to cause unacceptable harm to the significance of the Listed Building, and as such is not considered acceptable.
- 8.29 A number of kitchens and bathrooms are proposed to be inserted/relocated within the building. Further information is required to ensure that the associated pipework/services/ventilation would be accommodated appropriately. It would be most appropriate for this to be accommodated within the floor void, but without notching or cutting through joists. As such, the direction of joists should be indicated. Boxed-in pipework above floor level/suspended ceilings would not be appropriate.

#### Basement Level

- 8.30 Within the submitted Heritage Statement (paragraph 4.37) it is indicated that the basement appears to have kept its essential plan form, with a simple, utilitarian appearance. There does not appear to be any historic evidence submitted to justify the position of the proposed partitions. It appears that the partition between storage plots 26 and 27 is a substantial solid wall and thus likely to be original fabric. Its loss would alter the original plan form, reducing the possibility of its later reinstatement. There are also structural concerns regarding the loss of a solid wall at this level of the building, which are not covered by the structural assessment provided as part of the application. This wall should be retained.

8.31 The age and significance of the basement stair is unclear; it appears that it may be an original external rear stair. If the stair is original/historic, it should be retained as part of the proposal.

8.32 From the information submitted it is not known whether any fireplaces survive to the basement.

Ground Floor

8.33 *Main building Room A:* It is proposed to remove the partition within this room, which would allow for more traditional proportions to the room. It is however also proposed to remove the existing wall between the front and rear room (rooms A and D/E). The thickness of this wall shown on the building survey submitted suggests this is an original wall, as does its alignment with walls below (basement) and above (mezzanine/first floor). This is supported by the position of the two fireplaces to this room (although the inclusion of two fireplaces to one room of this size is unusual. The fireplaces are themselves non-original, although it is likely their positions/the chimney breasts are historic).

8.34 The proposed replacement wall abuts the chimney breast to the front room, leading to a non-traditional arrangement which disrupts any appreciation of this feature. This element of the proposed works is considered harmful to historic character and fabric of the Listed Building and therefore the wall should be kept in its original position.

8.35 The proposed opening with steps between this room and the north wing would lead to an awkward relationship with the neighbouring fireplace. Although it is acknowledged that access is required between these two elements, it should be located as sympathetically as possible.

8.36 *Main building Room B:* It is proposed to re-align the wall between the hall and front south room (room B and C in the photographic audit). Although it is unclear from the information submitted whether there is any evidence for its original location (this wall to the floor above is also differently aligned), it would align with the wall to the rear room and would accord with traditional layouts. As such, it is considered acceptable, provided the wall is finished to match the existing, including the door, architrave, cornices and skirtings, which should be re-used where possible.

8.37 The archway to the hallway is not currently shown on the plans; its retention should be indicated.

8.38 *Main building Room S:* The retention of the stair is appropriate. Details of the design of the existing rear door should be confirmed in order to determine the acceptability of its replacement.

8.39 *Main building Room C:* The proportions of this room are disrupted by the proposed lift. It is unclear why the wall between this room and room G to the rear is proposed to be totally rebuilt, it would be appropriate for this wall to retain its current alignment.

8.40 *Main building Room D/E:* Reinstatement of the proportions of this room is appropriate, through the removal of the corridor and realignment of the rear elevation. The wall between room A and D/E should be retained in its original position and the door to the north wall should thus be relocated.

- 8.41 *Main building Room F:* The loss of this lean-to glazed structure is considered appropriate.
- 8.42 *Main building Room G:* The insertion of the proposed lift would impact on the proportions of this room, as would the slightly re-aligned wall and proposed large opening. The wall should be retained on its current alignment and the opening reduced to the height and width of a double-door opening.
- 8.43 *South wing Room A:* The proportions of this room including the relationship between the fireplace and the remainder of the room are significant features which should be retained, as such the proposed bathroom is not considered acceptable and should be relocated.
- 8.44 Further information on the ‘doors’ proposed to be reinstated as ‘windows’ is required, including photographs of the existing and which existing window is proposed to be replicated. This would appropriately form part of a window inventory.
- 8.45 *South wing Room B/C/D/E:* This area is much altered and does not form part of the principal rooms of the property. The loss of the early 20th century spiral stair is considered acceptable. The reconfiguration of the spaces is also generally acceptable. However, it is unclear why the walls to rooms C require rebuilding; these walls should be retained on their current alignment unless suitable justification for their required rebuilding is provided. The doors, architraves and other historic features should be retained. The safe should also be retained. The retention of these features should be added to the plans. The fireplace within the proposed en-suite is currently boarded over. It should be confirmed whether a fireplace exists in this location, if it does, the fireplace should be reinstated.
- 8.46 Two windows to the southern wall are proposed to be blocked. These appear to be historic features and would appropriately be incorporated into the design.
- 8.47 *North wing Room A:* As per the south wing, the proportions of this room and the relationship between the fireplace and the room should be retained, as this reveals much about the status and use of this room historically. The proposed bathroom is thus considered unacceptable in this location, especially due to the resulting visual harm to the high status fireplace/mantel piece and the physical harm of the two walls abutting this feature.
- 8.48 *North wing Room B:* It would be appropriate for the tiled floor to be retained. The wall between this area and room A should be retained to allow the proportions of the room to survive.
- 8.49 *North wing Room C:* This area has been heavily altered through the insertion of a stair in circa 1980s. Rebuilding to a more coherent footprint is considered acceptable, although it is acknowledged that the proposed rebuilt form is not based on historic evidence.

Mezzanine

- 8.50 The rebuilding of the mezzanine room at a higher level represents a substantial alteration to the historic building. Such works would impact on the historic fabric, plan form and circulation routes of the historic building. This element of the proposal would also require the canted bay window and fireplace to be rebuilt. The impact of the proposed works to the mezzanine level on these features is

considered unacceptably harmful to the historic significance and understanding of the historic building.

- 8.51 The proposed layout of the altered mezzanine level would leave the fireplace in isolation and protruding into the room, compounding the harm caused to this feature.

First Floor

- 8.52 *Main house Room A*: The loss of the inserted partitions to this room is an improvement. However, the loss of the historic wall between this room and the mezzanine is unacceptable, particularly given the physical impact this would have on the mezzanine fireplace. The wall should be retained in its existing position.
- 8.53 *Main house Room C/E*: The loss of the corridor is considered to be an improvement. The wall between this room and room F should be retained rather than rebuilt.
- 8.54 It is unclear why the wall between room B and C requires rebuilding. This would appropriately be retained and the existing (fixed shut) door re-used. The proposed lift disrupts the proportions of the room and the location of doors (thus the circulation routes of the building).
- 8.55 *Main house Room F*: The proposed lift would also disrupt the proportions to this room. From the information submitted it is not known why it is proposed to deepen the thickness of the wall between the stair and room C.
- 8.56 The conversion of the cupboard to the west of the fireplace (cast iron insert and mantelpiece survive) to a new door opening is considered acceptable given the current arrangement and provided the door is replaced with a more appropriate design.
- 8.57 *South wing Room A*: This forms one of the principal rooms of the historic building. Its proportions should be retained; there is the potential to improve these proportions through removal of the existing partition walls to the southeast corner. The relationship between the room and its fireplace should also be retained.
- 8.58 From the submission it is unclear why it is considered necessary to remove the south-facing windows to this room, these windows should be retained.
- 8.59 *South wing room B and C*: The loss of the spiral stair and reconfiguration of this part of the property is considered acceptable, given the lesser status of this space and the high level of alteration. However, the windows to the south elevation should be retained wherever possible, the majority of these windows appear original to the construction of the wing, and were certainly in situ by 1926. The exception to this is the small window third from the south, the opening for which does not appear to be original. This window would appropriately be removed. The existing UPVC windows do not appear to have obtained consent, and thus should be reinstated as timber hung sash windows.
- 8.60 *North wing Room A*: As one of the principal rooms, its proportions should be retained.
- 8.61 *North wing Rooms to rear (unnumbered)*. This area is heavily altered through the insertion of a stair; evidence survives to its previous arrangement: Its

reconfiguration to a more traditional footprint and layout is considered appropriate.

8.62 Second Floor

The spine wall running parallel with the front/rear walls of the main house is a strong feature in the current plan form. It would be appropriate for this to remain a strong feature throughout, and be reinstated between rooms A and B. The removal of the lift would help allow this feature to be retained.

- 8.63 It appears that the existing self-contained flat was not included in the photo survey/heritage assessment. At least one fireplace survives, which should be retained. The proportions of the rooms should be retained within the conversion and historic doors/architraves and other features retained.

External:

- 8.64 Historic photographs support that the rear elevation was not historically symmetrical. The proposed external alterations to the Listed Building seek to introduce a level of regularity and symmetry which thus has no historic precedent. The subtle differences and irregularity of the existing rear elevation reveal much about the development of the building. This is significant in understanding the history of the building and should be preserved. Furthermore, the proposed alterations to the rear elevation are considered inappropriate where they would reflect inappropriate alterations to the interior of the building as discussed above, for example the raised height of the mezzanine room. A light touch approach should be taken, which seeks to retain as much historic fabric as possible, although it is acknowledged that the appearance/condition of the elevation can be improved. The subtle change in plane between the two halves of the property should be retained.
- 8.65 In principle, all historic window openings should be retained. Some existing windows have been altered to UPVC, it is unclear whether these have consent. These UPVC windows should be altered as part of the works to timber hung sashes to match the originals. Historic windows should be retained, unless it can be established that these are beyond repair. It would be appropriate for an inventory of windows to be submitted, including a photograph of the existing as well as the proposed design (where relevant).
- 8.66 The proposed lift shaft would break through the roof form. This would present an unacceptable impact on the historic fabric of the historic roof, and to its historic form and as such the proposed lift and associated lift shaft are considered unacceptable.
- 8.67 It is proposed to extend the second floor northwards over the north wing. The north wing appears to retain its original roof form, a large section of which would be removed by this proposal (only a very small portion was impacted by the addition of the 1980s stair). The proposed extension would also be clearly visible from the front elevation, where it would join the mansard-style roof to the main building with the north wing, impacting on the juxtaposition and visual break between the two historic roof forms. The resultant roof form would also not be traditional. It is acknowledged that the south wing of the building provides some precedent for such an alteration to the roof; however it is considered that such a precedent is not sufficient to outweigh the visual and physical harm of the proposal.

- 8.68 The proposal includes the insertion of new conservation style rooflights within the existing and altered rear/northern roofslope of the building. The number of proposed new rooflights should be reduced to a minimum and the existing rooflight should be amended to a conservation style rooflight of appropriate proportions.
- 8.69 Removal of the modern garage building to the front of the main school building is considered appropriate as this structure currently detracts from the principal frontage of the building.
- 8.70 Whilst retention of the main building (Field House) as a single unit would be most appropriate, overall its sympathetic conversion to flats is considered acceptable in principle as part of a wider acceptable scheme that restores and provides a viable use of the Listed Building. However as a result of the issues set out above, it is considered that elements of the internal and external alterations proposed in association with the conversion of Field House into 6 residential units would have significant harmful impacts upon the character, appearance, significance and historic fabric of the Grade II Listed Building.

**Proposed Conversion of the Cottages and Rumneys**

- 8.71 The two storey terraced block, known as the Cottages and Rumneys, are located in the north-western corner of the campus part of the school site. Within this Listed Building application consent is also sought for the conversion of these properties to 3 two bedroom properties and a three bedroom property (Rumneys).
- 8.72 The retention of these curtilage listed structures within the re-development of the school site is considered appropriate. The existing interiors of these buildings are already much altered and therefore the proposed internal changes, including the insertion of staircases is considered acceptable. Where fireplaces/chimney breasts exist, it would be appropriate for these to be retained or reinstated. The window surrounds/other details should be re-applied where it is proposed to add insulation to the walls, such issues could be ensured if overall the proposal was considered acceptable.
- 8.73 To the exterior, significant alterations are proposed to the window/glazed door openings on the main elevation (east elevation) of the Cottages and southern elevation of Rumneys. It is considered that such alterations would produce an inappropriate uniformity to the group of properties which would obscure the historic record. These openings should be retained in their existing locations. The exception would be the small window fourth from the south, which appears to be a later insertion.
- 8.74 The proposed addition of two new porches to the main elevation of the Cottages to match the existing porch is considered inappropriate as this would obscure the historic record by introducing uniformity to the front elevation of the cottages. The junction between the existing brick dressings and the new porches would also be awkward, as they were not designed to accommodate such a structure (this is in contrast to the door with an existing porch, where the porch was built in conjunction with the remainder of the building).

- 8.75 It is also not considered appropriate to extend the existing weatherboarding across to the pebble-dashed building.
- 8.76 Historic windows should be retained wherever possible. The acceptability of replacement windows should be determined following the receipt of a window inventory.
- 8.77 Conservation rooflights are considered acceptable to the west elevation, as these will be largely invisible in the street scene and rooflights currently exist to this elevation.
- 8.78 The removal of the existing single storey extension and associated external staircase located to the southern end of the cottages, the removal of the existing single storey extension and poor quality lean to extension located towards the northern side of the main elevation of the cottages and the removal of the first floor protruding section located between the cottages and Rumneys (above the lean to extension) is considered acceptable.
- 8.79 The loss of the top light casements to the northern elevation of Rumneys is considered appropriate. The proposed porch which would be inserted on the northern elevation however would lead to an awkward junction with the roofslope, which is a significant feature of the property and should be removed from the proposal.
- 8.80 It is noted that the style of the Rumneys dormer windows on the submitted roof plan appears to be gable end rather than hipped however no alterations to these dormers other than the replacement of the windows are proposed and therefore it would appear that the roof plan is incorrect.
- 8.81 Overall the proposed conversion of the curtilage listed Cottages and Rumneys to residential units is considered acceptable in principle however for reasons stated above, elements of the proposed external works would have detrimental impacts on the character, architectural setting and significance of the Grade II curtilage listed buildings.

#### **Alterations to Boundary Flint Walls**

- 8.82 The proposal includes alterations to the existing historic flint wall located on the western side of the public Twitten. Two existing openings within this flint wall would be in-filled and a new access point would be created, to provide access from the Twitten to an area between proposed plots nos.16 and 17. It is considered that the existing openings in the flint wall should be retained in use where possible but where they are required to be lost to accommodate an overall acceptable proposal, evidence of the original openings should be retained. If an overall acceptable scheme was proposed further details of the proposed new openings would be required in addition to the retained walls retaining their current detailing and finish (including capping and any piers) to that the differing age of the different elements remains legible and to ensure that a uniformity is not imposed to the site where there has not been one before, which would obscure the historic record. Such issues could be dealt with via a condition if overall the proposal was considered acceptable.
- 8.83 It is noted that the existing flint wall located to the north of the swimming pool would also be demolished in order to accommodate proposed plots 17 and 18,

however the removal of this wall is discussed in the concurrent Listed Building Consent application as relates to its complete demolition.

- 8.84 The site currently has two existing driveway access points accessed off Steyning Road, one to the western end of the wall and one towards the centre, associated with the existing buildings known as Rumneys and The Lodge (Headmaster's House). Within the associated Planning Brief it is stated that Steyning Road is the preferred access point to the site and would allow for a two vehicle width ingress and egress, if the headmaster's house was demolished. The Brief however does also state that "Any proposed demolition of the flint boundary wall should be kept to an absolute minimum".
- 8.85 As part of the proposal the existing access point located towards the centre of the Steyning Road flint wall would be enlarged to provide a two way vehicular access point into the site from Steyning Road in addition to a pedestrian footway on the western side of the road and associated visibility splays. Such proposed enlargement would result in the loss of a substantial amount of early 20<sup>th</sup> century wall. The existing wall is considered to be a significant element of the street scene in addition to creating a strong sense of boundary to the site.
- 8.86 Whilst the acceptability of this proposed access point in terms of highway issues is discussed in more detail in full planning application it is noted that the Transport Officer has stated that it would not be possible to reduce the width of the proposed access to below 5m if it is intended that vehicles such as refuse trucks are to enter the site from this proposed Steyning Road access point.
- 8.87 In terms of Heritage impacts, following initial concerns raised by the Council's Heritage Officer, in that it was considered that the size of the proposed opening would give undue prominence to the new opening in the Steyning Road street scene, the agent has stated that the proposed new entrance from Steyning Road has been designed to limit the amount of curtilage listed wall required to be demolished. The Heritage Officer has responded to state that demolition of a section of a wall could be accepted as part of an overall acceptable scheme to redevelop the school site, on the grounds that such demolition is limited to the minimum required to achieve safe access to the site and thus achieve a viable re-use of the heritage assets on the site. It is considered that as part of an overall acceptable scheme the sympathetic re-use of the site and its Listed Buildings could outweigh the less than substantial harm caused through demolition of a section of the Steyning Road historic boundary wall.
- 8.88 With regards to the strengthening of the linearity of the proposed new roads (discussed in the associated full planning application) the Heritage Officer remains of the opinion that the exact location of the proposed Steyning Road access point could be slightly adjusted (whilst retaining the same level of demolition) if necessary to accommodate an



appropriate scheme, given that the size of the proposed opening is greater than the size of the existing opening. There is however no in principle objection to the proposed location of the opening.

## **9 CONCLUSION**

- 9.1 In conclusion it is considered that elements of the proposed alterations to the interior/exterior of Field House, the Cottages and Rumneys would have a detrimental impact on the historic fabric and plan form and character and appearance of the Grade II Listed Building and curtilage Listed Buildings, contrary to polices of the Brighton & Hove Local Plan and City Plan.
- 9.2 In addition, in the absence of an acceptable scheme for the redevelopment of the site, the demolition of parts of existing historic walls fronting Steyning Road and the Twitten would result in the loss of historic fabric and form and a large prominent gap in the Steyning Road boundary, which are considered to be of harm to the historic character and appearance of the existing flint walls, the historic school site and the Steyning Road street scene.
- 9.3 It is not considered that the benefits arising from the proposed development, including the provision of new residential units and the occupancy of an existing vacant Listed Building, outweighs the adverse harm caused to the heritage assets and the departure from policy.

## **10 EQUALITIES**

None identified.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### Reasons for Refusal:

1. The internal works proposed in association with the conversion of Field House to form 6 self-contained residential units, including the rebuilding of the mezzanine room at a higher level, the insertion/removal of partition walls, the insertion of a riser at ground and first floor levels and the insertion of a lift, would have an adverse impact on the original plan form and circulation routes of the Listed Building, and would result in the disruption/loss of original historic fabric/features. As such the proposed works would be harmful to the character and historic fabric of the Grade II Listed Building, contrary to policies HE1, HE2 and HE4 of the Brighton & Hove Local Plan and CP15 of the City Plan.
2. The proposed external alterations to the rear of Field House would introduce a level of regularity and symmetry to the elevation which has no historic precedent and subsequently would result in an adverse impact upon the understanding of the historic development of the building, currently apparent from this rear elevation. In addition the proposed external alterations to the rear elevation would reveal inappropriate internal alterations, such as the raising in height of the mezzanine level. As such the proposed alterations would be harmful to the character, appearance and historic significance of the Grade II Listed Building, contrary to policies HE1, HE2 and HE4 of the Brighton & Hove Local Plan and CP15 of the City Plan.

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3. The proposed external alterations to the roof of Field House, namely the insertion of a lift shaft, the northern wing roof extension and the insertion of a number of rooflights, would result in the loss of sections of the historic roof form and would have harmful impacts upon the historic fabric and historic form of the Grade II Listed Building. As such the proposed alterations to the roof form would be harmful to the character, appearance and historic significance of the Grade II Listed Building, contrary to policies HE1 and HE2 of the Brighton & Hove Local Plan and CP15 of the City Plan.
4. Insufficient information has been provided for the proposed alterations to Field House with regards to existing window openings, the insertion of steel beams/joists related to the proposed lift, pipework/services/ventilation to proposed kitchens and bathrooms and details of any works required to upgrade the existing main staircase, to demonstrate that such works would be appropriately accommodated and would not have a harmful impact on the historic fabric of the Listed Building. It is not therefore possible to determine that the proposed works would not have a harmful impact on the character and appearance of the Grade II Listed Building, contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the City Plan.
5. The proposed alterations to the window/glazed door openings and the extension of the of the weather boarding on the main elevation of the Cottages and the addition of porches to the Cottages and Rumneys would have a harmful impact on the character and appearance of these Grade II curtilage Listed Buildings, contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the City Plan.
6. In the absence of an acceptable scheme for the redevelopment of the site, the demolition of parts of existing historic walls fronting Steyning Road and the Twitten would result in the loss of historic fabric and form and a large prominent gap in the Steyning Road boundary, which are considered to be of harm to the historic character and appearance of the existing flint walls, the historic school site and the Steyning Road street scene. The scheme is considered contrary to policy HE1 and HE2 of the Brighton & Hove Local Plan CP15 of the City Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Red Line Plan	50A	Rev. C	29 <sup>th</sup> February 2016
Developable Area Plan	50A1	Rev. A	29 <sup>th</sup> February 2016
Existing Site Survey	51	-	24 <sup>th</sup> August 2015

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Existing Site Sections	52	-	24 <sup>th</sup> August 2015
Existing Site Sections	53	-	24 <sup>th</sup> August 2015
Existing Street Scenes	54	-	24 <sup>th</sup> August 2015
Existing Street Scenes	55	-	8 <sup>th</sup> September 2015
Proposed Site Layout	56	Rev. D	29 <sup>th</sup> February 2016
Site Location Plan Showing Buildings & Structures to be Removed	59	Rev. B	29 <sup>th</sup> February 2016
Proposed Site Sections	700	-	24 <sup>th</sup> August 2015
Proposed Site Sections	701	-	24 <sup>th</sup> August 2015
Proposed Street Scenes	702	-	8 <sup>th</sup> September 2015
Plots 24-29 Proposed Floor Plan	190	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Floor Plan	191	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Floor Plan	192	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Floor Plan	193	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Floor Plan	194	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	195	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	196	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	197	-	24 <sup>th</sup> August 2015
Plots 24-29 Proposed Elevation	198	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Floor Plan	210	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Floor Plan	211	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Roof Plan	212	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Elevation	213	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Elevation	214	-	24 <sup>th</sup> August 2015
Plots 1, 36-38 Proposed Elevation	215	-	24 <sup>th</sup> August 2015
Proposed Street Scenes	703	-	8 <sup>th</sup> September 2015
Existing & Proposed Wall along Steyning Road	80	-	8 <sup>th</sup> September 2015
Proposed Site Layout Showing Developable Area	950	Rev. B	29 <sup>th</sup> February 2016
Building Survey Main Building - Basement	LH/1501018/ MB	-	8 <sup>th</sup> September 2015
Building Survey Main Building - Ground Floor	LH/1501018/ MG	-	8 <sup>th</sup> September 2015
Building Survey Main Building - First Floor	LH/1501018/ MF	-	8 <sup>th</sup> September 2015
Building Survey Main	LH/1501018/	-	8 <sup>th</sup> September 2015

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Building - Second Floor	MS		
Building Survey External Floor Plans	LH/1501018/ EFP	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 1	LH/1501018/ E1	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 2	LH/1501018/ E2	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 3	LH/1501018/ E3	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 4	LH/1501018/ E4	-	8 <sup>th</sup> September 2015
Elevation Layout	LH/1501018/ EL	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 1	LH/1501018/ T1	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 2	LH/1501018/ T2	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 3	LH/1501018/ T3	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 4	LH/1501018/ T4	-	8 <sup>th</sup> September 2015
Heritage Impact Assessment	AHC REF: ND/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Impact Assessment and Justification	AHC REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance	AHC REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit I	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit II	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit III	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit IV	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Structural Appraisal for Conversion of Existing Field House at St Aubyns School Rottingdean	G1190	August 2015	24 <sup>th</sup> August 2015
Structural Appraisal of Retained Cottages at St Aubyns School Rottingdean	G1190	August 2015	24 <sup>th</sup> August 2015

## Appendix A - St Aubyns School, 76 High Street, Rottingdean – BH2015/03110

### Letters of Objection

Property Name / Number	Street	Town	Postcode
Bazehill House			BN2 7DB
Beacon Point			BN2 7BE
Dale Cottage			BN2 7HA
Mulberry House			BN2 7GA
Steven Warriner			BN2 7BB
15	Chailey Avenue	Rottingdean	BN2 7GH
22(x2)	Chailey Avenue	Rottingdean	BN2 7GH
37	Chailey Avenue	Rottingdean	BN2 7GH
11	Challoners Close	Rottingdean	BN2 7DG
44	Chichester Drive West		BN2 8SH
17	Court Ord Road		BN2 7FD
5 Tudor Close	Dean Court Road	Rottingdean	BN2 7DF
13	Falmer Avenue		BN2 8FH
27 (x2)	Gorham Avenue	Rottingdean	BN2 7DP
Flat 2, 44	Grand Crescent	Rottingdean	BN2 7GL
23 St Margaret's	High Street	Rottingdean	BN2 7HS
72	High Street		BN2 7HF
Stanley House 116	High Street	Rottingdean	BN2 7HF
16	Lenham Road West	Rottingdean	BN2 7GJ
6	Longhill Close	Ovingdean	BN2 7AX
Point Clear	Lustrells Road	Rottingdean	BN2 7DS
2 Marine Court, 65	Marine Drive	Rottingdean	BN2 7LG
21	Nevill Road	Rottingdean	BN2 7HH
36	Nevill Road	Rottingdean	BN2 7HG
101(x2)	Oaklands Avenue		BN2 8PD
74	Saltdean Drive		BN2 8SD
7 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
Rotherdown	Steyning Road	Rottingdean	
The Hideaway	Steyning Road	Rottingdean	BN2 7GA
Dale Cottage	The Green	Rottingdean	BN2 7HA
14	The Vale	Ovingdean	BN2 7AB
8	Wanderdown Drive		BN2 7B2
7	Wanderdown Way	Ovingdean	BN2 7BX
8	Wanderdown Way	Brighton	BN2 7BX

**Appendix B - St Aubyns School, 76 High Street, Rottingdean – BH2015/03110**

**Letters of Objection**

<b>Property Name / Number</b>	<b>Street</b>	<b>Town</b>	<b>Postcode</b>
Rotherdown	Steyning Road	Rottingdean	BN2 7GA

COUNCILLOR REPRESENTATION

**From:** Mary Mears  
**Sent:** 13 October 2015 8:58 AM  
**To:** Liz Arnold  
**Cc:** Jeanette Walsh  
**Subject:** Objection to Planning Application BH2015/03110

Liz Arnold .  
Principal Planning Officer.  
Development Control.

12<sup>th</sup> October 2015

**Re: Planning Application BH2015/03110 St Aubyns School 76 High Street  
Rottingdean. Listed Building Consent.**

As a ward councillor for Rottingdean Coastal Ward, I wish to object to the above planning application for the following reasons

This planning application follows on from planning application BH2015/0312 Demolition of a Grade 11 Listed Building. This proposes to demolish 60% of the former school building Application BH2015/03110 covers the conversion and refurbishment works.

The most serious element of this application in my view is the removal of large areas of the flint wall along side Steyning Road and the Twitten.

Rottingdean is a Conservation Area. In my opinion the approval of these plans would contravene the Rottingdean Conservation Area Character Statement that identifies St Aubyns school campus as of special architectural interest. This planning application if approved would destroy part of the history of the site and also the character of Rottingdean Village.

As this is part of a major planning application, I wish to reserve my right to speak at the planning committee.

**Councillor Mary Mears  
Conservative Member for Rottingdean Coastal Ward**



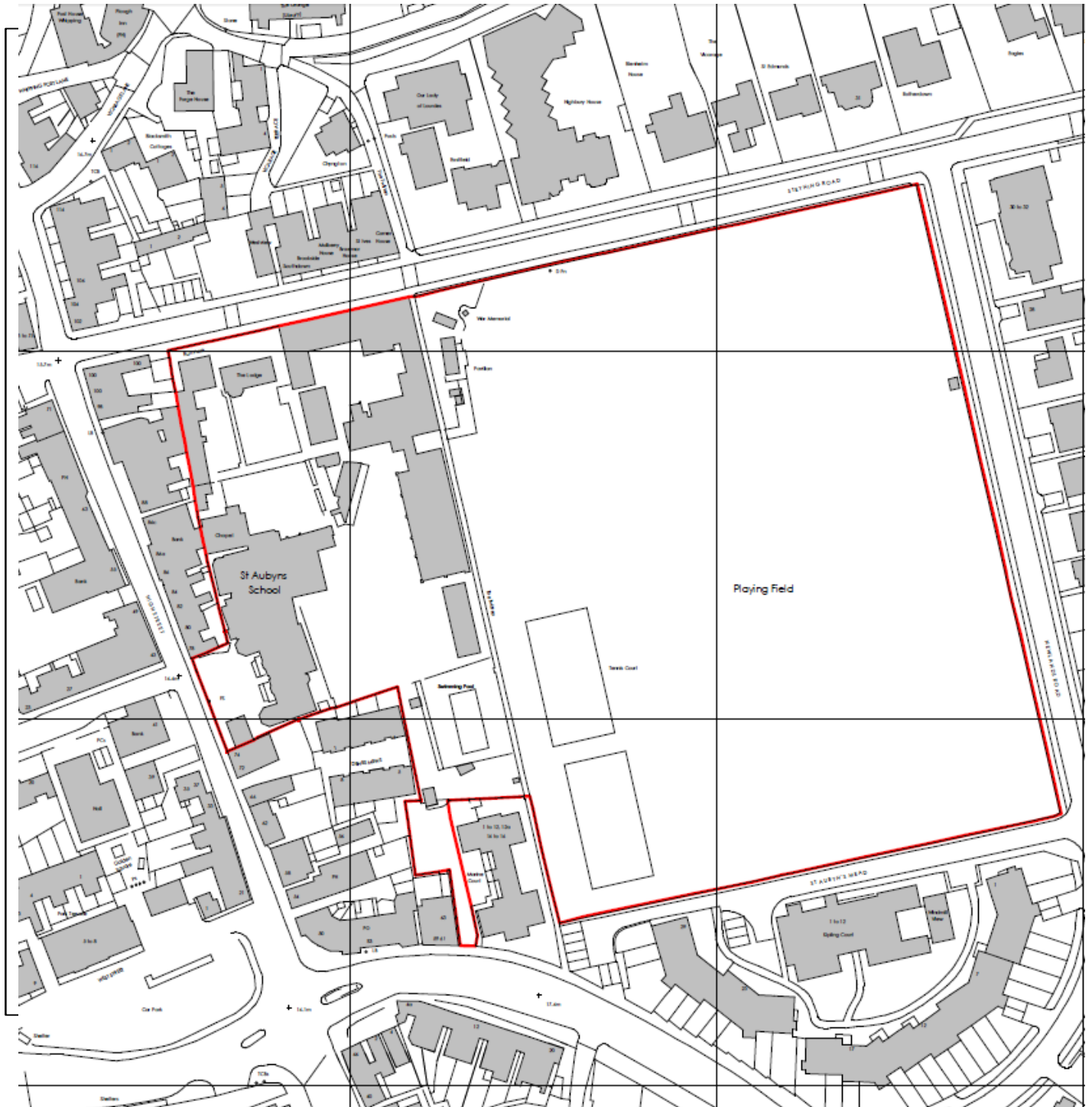


# **ITEM C**

**St Aubyns School 76 High St, Rottingdean  
BH2015 / 03112  
Listed Building Consent**

**20 April 2016**

# BH2015/03112 Former St Aubyns School, 76 High Street, Rottingdean



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/03112</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>St Aubyns School 76 High Street Rottingdean Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	08/09/2015
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	03 November 2015
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Boyer Planning, UK House 82 Heath Road Twickenham London TW1 4BW		
<b><u>Applicant:</u></b>	Linden Homes and The Cothill Educational Trust, C/O Boyer Planning UK House 82 Heath Road Twickenham London TW1 4BW		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** Listed Building Consent for the reasons set out in section 11 and subject to no new material considerations being raised during the re-consultation period ending on the 8<sup>th</sup> April 2016.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 St Aubyns School (closed in mid-2013 but had provided boarding facilities and therefore falls within use class C2) is located in its own grounds on the eastern side of the High Street.
- 2.2 The site, which incorporates the playing fields to the rear/east of the school buildings and which is in a single use as a school, measures approximately 3.3Ha, although the campus and field is physically divided by a public Tritten that runs between Steyning Road and Marine Drive.
- 2.3 In addition to the main school building, the Chapel and the boundary wall flint wall fronting the High Street are Grade II listed however all buildings, structures and flint walls located within the site (school campus and playing field), which were built before 1948, and were in associated use at the time of listing, are considered curtilage listed.

- 2.4 The school campus, which measures approximately 0.86Ha includes;
- The main a school building (known as Field House/76 High Street) and its adjoining Chapel (Grade II Listed),
  - The listed boundary wall fronting the High Street (Grade II listed),
  - A row of internally linked terraced cottages (including Rumneys) (pre-1948 and curtilage listed),
  - Other outbuildings associated with the school (circa 1980-1995) including classrooms, dormitories, gymnasium, changing rooms, and Headmaster's residence,
  - An outdoor swimming pool,
  - Shooting range (pre-1948 and curtilage listed),
  - Terraced gardens, and
  - Equipped children's play area.
- 2.5 The existing playing field measures approximately 2.5Ha. The playing field comprises;
- Sports pavilion (pre-1948 and curtilage listed),
  - War memorial (pre-1948 and curtilage listed),
  - Water fountain (pre-1948 and curtilage listed), and
  - 2 tennis courts with associated net fencing and cricket nets.
- 2.6 The school campus site is located within the Rottingdean Conservation Area, the boundary of which runs along the eastern side of the Twitten.
- 2.7 A boundary of the South Downs National Park is located approximately 119m to the east of the playing field.

### 3 RELEVANT HISTORY

**BH2015/03110** - Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9 no. two bedroom and 1no three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten. Concurrent Listed Building Consent Application.

**BH2015/03108** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works. Concurrent Full Planning Application.

**BH2008/02986** - Installation of porous macadam tennis/netball court on school playing fields with fencing to height of 2.75m. Approved 15/01/2009.

**BH2005/01964/CL** - Certificate of lawfulness for proposed conversion of ancillary residential into classrooms. Approved 23/08/2005.

**BH2000/01649/LB** - Retention of existing classroom (Renewal of temporary listed building consent granted under ref. BN95/1443/LB). Approved 12/09/2000.

**BH2000/01648/FP** - Retention of existing classroom (Renewal of temporary planning permission granted under ref. BN95/1442/FP). Approved 12/09/2000.

**86/0273/LBC**- Alterations and extension to north side of existing garages/staff accommodation to form staff house fronting Steyning Road. Granted 25/04/86.

**81/1359 (LBC /1139)** – Construction of permanent gateway on to twitten for access from playing field to existing school. Refused 5/01/1982.

**BN81/493 (LBC/1055)** – Retention of opening in Twitten wall for duration of building works to new gymnasium, so as to give access to site. Granted 14/05/81.

**BN80/1838 (LBC/991)** – Additions to and conversion of old gym into changing rooms/lavs and Classroom X, erection of new Gymnasium. Granted 22/01/81.

**BN80/1085** – Demolition of parts of old buildings and erection of extension to Laboratory, Classroom IX, tennis court and new Art room. Granted 4/07/80.

**BN78/729(LBC/CA)** – Demolition of existing dilapidated classrooms fronting Steyning Road and erection of buildings to form classrooms, changing room, dormitories and garage. Granted 30/05/78.

**BN76/1389 (LBC 527)** New entrance door and lavatory window, removal of chimney stacks; internal alterations to replan and form new bathrooms, dormitories and staff accommodation to cottage/sanatorium block. Granted 14/10/76.

**BN75/2848 (LBC 474)** – Proposed construction of outdoor swimming pool. Granted 5/02/76.

#### **4 THE APPLICATION**

- 4.1 Listed Building Consent is sought for the demolition of the rectangular block and associated extensions to north of Field House (main school building), the demolition of the building to north-east of Field House and other associated structures.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: One Hundred and Thirty Five (135)** representations of objection have been received from the addresses which are contained in full within **Appendix A** of this report. The following grounds of objection are stated:

- Steyning Road is already heavily used and has insufficient capacity for construction traffic or additional development traffic and concern raised regarding emergency services access,
- If applications BH2015/03110 and BH2015/03108 are rejected then this application would not apply,
- Demolition of Listed Buildings will set a dangerous precedent and is unacceptable,
- Planning Brief for the site stresses the importance of retaining the Listed Buildings,
- No Listed Building in a Conservation Area should be demolished,

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- Damage/demolition/destruction of flint walls,
- Oversubscribed school in area would mean parents using their cars to transport children to other schools, increasing traffic further,
- Change of use of site,
- Increase in noise and disturbance in village, including during construction phase,
- Dust, dirt and atmospheric pollution and traffic congestion/increased road dangers during demolition and construction phase,
- Appearance of the new build block will not be appropriate in a 'historic village' and Conservation Area,
- Proposed access/egress points will not be safe, especially for pedestrians,
- Lack of community consultation,
- Misrepresentation in supporting documents of Listed Buildings,
- Increase in traffic and road congestion,
- More housing is not sustainable,
- The heritage assessment is incomplete and misleading,
- Cothill Education Trust refused an offer made by parents and another private school to take it over. Acceptable redevelopment should determine the value Cothill will get from the sale of the site,
- Although presented as one site there are two areas, which should be considered separately,
- Loss of playing field, which is a 'green lung' for Rottingdean and potential recreation area for local community,
- Viability report is inappropriately being used as a reason for demolishing part of a Listed Building, does not present an assessment of the viability of a development of the school campus with nothing on the playing field. No evidence is available to neighbours to support assertion that the development is not viable without partial use of the playing field and demolition of 60% of a Listed Building. The developer's Financial Viability Report should be disregarded as it is not a public document and so its key assumptions cannot be challenged,
- The care home is too large for the site and out of keeping with the local environment. No further care homes needed,
- Density of development is too great,
- Over-development of site,
- Increase danger for pedestrians and cyclists,
- Change of landscape and view from National Park,
- Contrary to Council policy, site Planning Brief, Localism Act, One Planet City and the NPPF,
- Increased flood and surface water run-off risk,
- Traffic submission made by developer is misleading/incomplete/inaccurate so should be disregarded,

- Inadequate infrastructure including schools, dentists, hospitals, doctors, sewers and drains. Application results in the loss of an education facility,
- Resulting urban sprawl,
- Adverse impacts on wildlife,
- Building is an iconic part of Rottingdean,
- Adverse impact on the Conservation Area,
- Increased air pollution,
- Increased parking problems,
- Many historic buildings in the village do not have foundations and some have tunnels to the sea, excessive traffic puts these irreplaceable national treasures in jeopardy, and
- Rottingdean does not have the capacity to absorb more and more development, the village cannot be turned into a town.

5.2 **One (1)** letter of comment has been received from **12 Court Farm Road** assuming that the application to demolish 60% of the school building will not impinge on the front façade which is listed.

Following re-consultation of minor amendments and receipt of further information on the 29<sup>th</sup> February 2016 1 **One (1)** further representation of objection to the revised proposal have been received from the addresses which are contained in full within Additional points raised are as follows: of this report. Additional points of objection raised are as follows:

- The latest amendments do not change original objections,
- Jobs in the nursing home are unlikely to be taken up locally and will therefore exacerbate traffic issues. Also seems unlikely that staff/visitors will cycle or come by public transport. No penalties on the developer/care home operator for failing to meet targets,
- Models/methodology used in air quality assessment, no penalties for getting it wrong, and
- If field has to be developed a small number of high value residential units would have less impact than a 62 bed care home, and

5.3 **CAG: Recommend Approval** with the following comments;

- Welcomes retention of two-thirds of the playing field and the preservation of listed structures. Strongly recommend that when retained open space is transferred to the Council it should be with a covenant that it is retained as a public space in perpetuity,
- There should be a full survey of Field House to identify any features in the part due for demolition and an investigation of the mathematical tiles at the front. Also suggest that the windows in the outer bays should be retained as two over two sliding sashes, but in the original part of the building the Victorian canted bays should be replaced with segmental tripartite windows,

- The garage in front of Field House must be removed as a condition of approval of the scheme,
- There needs to be greater clarity regarding the future use of the Chapel, bearing in mind that most of the historic features have been removed, and
- Gables to the two buildings at the entrance to the site off Steyning Road should be reduced in prominence as they give a false impression of what is going to be within the site.

**Historic England:**

- 5.4 (Original comments 4/11/2015 and 16/03/2016 following receipt of further information/ minor amendments) Comment. Considers that an appropriate redevelopment of this now vacant site has the potential to secure the future of the Listed school building as well as that of the memorial Chapel, which is listed by virtue of its connection to and historical association with the school. Consider that further information and amendments to the scheme are required to achieve mitigation of harm and that further enhancements are also possible, as required by NPPF policy.
- 5.5 **Rottingdean Parish Council:** Comment. Has no objection, subject to in principle approval from English Heritage and the Council's own Heritage Team of the proposals to demolish almost 61% of the Grade 2 listed Field House. Seeking approval would be in accordance with the Planning Brief.
- 5.6 (Additional comments 31/03/2016 following receipt of further information/ minor amendments) Parish Council's overarching concerns and objections raised previously are not addressed in latest applications in particular with regards to air pollution and traffic volumes. The location of the site makes a highly negative impact on both traffic flows and air quality inevitable without interventions to ease congestion or reduce traffic through the village. The cumulative impact of the proposal and other developments in area is significant to an already illegal situation.
- 5.7 Disappointed that it has been necessary for the Council to begin an enforcement case about the Chapel and its contents.
- 5.8 Remains a strong point that have not been given access to the Viability Report. Is impossible to present counter arguments when not allowed to see figures it is based upon. Is not in the spirit of the NPPF or Localism Act.

**SAFE Rottingdean:**

- 5.9 (12/10/2015) Object. Proposal is contrary to adopted Planning Brief. Application requires the demolition of 60% of a Listed Building, will lead to substantial harm to a designated heritage asset and affect the Conservation Area. Proposal contrary to NPPF and PPG guidance. Will create a damaging precedent in Rottingdean Parish. Application form is



not correctly completed and misleads. Supporting documents contain misrepresentations.

The Viability Report has not been made available to the public and therefore should be disregarded.

(Additional comments 16/12/2015) The heritage assessment is incomplete and misleading.

The more significant issues identified to date are exceedence of air quality levels, extant school principle, playing field, areas of difference with planning brief, demolition of 60% of Listed Buildings, loss of green space, greenfield/brownfield designation, viability report disclosure, viability report land value, inadequate transport assessment, affordable housing, construction phase impacts, flooding, infrastructure, cumulative impacts and sustainable development.

**5.10 Saltdean Swimmers:** Object on grounds of;

- The demolition of 60% of the Grade II Listed Buildings will lose heritage assets,
- Demolition would cause dirt and dust problems,
- Effect on air quality from demolition phase and additional development traffic. Will effect health contrary to NPPF, and
- Increased traffic congestion,

**5.11 Simon Kirby MP,** Objects to the application on the following grounds;

- Increased pollution and congestion resulting from a large number of additional properties and their associated cars. The A259 coast road and High Street already become extremely congested at peak times of the day, with hundreds of cars,
- Parking in Rottingdean is also likely to deteriorate due to the greatly increased number of cars,
- Concerns about the provision of school places and GP places locally, which are already under considerable pressure,
- Concern that the sewage and drainage infrastructure will not be sufficient to cope with the many additional residential properties,
- Application is for a very large number of properties in a relatively small area and so will be very high density. This would be likely to negatively affect the present character of the village, and
- Many local residents are concerned about the loss of the old school playing field. Many people feel that it is inappropriate that a precious green space in the village would be lost in order that more buildings can be constructed.

**5.12 Councillor Mears:** Objects to the proposal. Letter Attached.

**Internal:**

**5.13 Heritage:** (2/11/2015) Recommends refusal. The site includes the Grade II Listed '76 High Street' and Grade II Listed associated flint wall to the front boundary. 76 High Street is the main school building. The listing includes all extensions attached to the original 76 High Street. This

therefore includes the Chapel, contrary to what is stated in the Heritage Statement (para 4.78).

Curtilage Listed Buildings include all pre-1948 structures and buildings within the curtilage and in associated use at the time of listing. This extends to structures on the playing field, given this was in the same ownership and associated use at the time of listing.

The main building, northern block and extensions are of significance in revealing the development of the property over time, changes in education and the changing needs of school buildings over time.

Further information is required in order to fully assess the acceptability of demolishing the northern block and associated extensions. It is considered likely that a portion of this should be retained.

(Comments 24/03/2016 following receipt of further information/minor amendments) Additional comments relate to concurrent applications BH2015/03108 and BH2015/03110.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

Brighton & Hove Local Plan:  
HE2 Demolition of a listed building

Supplementary Planning Documents:  
SPD09 Architectural Features

St Aubyns School Planning Brief

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 In association with the proposal set out in the concurrent Full Planning Application, Listed Building Consent is sought for the demolition of the rectangular block and associated extensions to the north of Field House (main school building), the demolition of the building to the north-east of Field House and other associated structures within the school campus site and associated playing field.
- 8.2 Many of the issues raised by third party objectors set out in section 5 above relate only to the concurrent Full Planning Application and as such are not material planning considerations in the determination of this Listed Building Consent Application. The main considerations in the determination of this application relate to the impacts of the proposed demolition of the listed buildings/structures and curtilage listed buildings/structures.

### **Planning Brief**

- 8.3 A Planning Brief for the site was prepared to guide the future redevelopment of the former school site following the closure of the school in April 2013. Planning Briefs do not form part of the Local Development Framework and so cannot be given full statutory weight however the guidance within the brief has been subject to public consultation and was approved by the Council's Economic Development and Cultural Committee, as a material consideration in the assessment of subsequent planning applications relating to the site, on the 15<sup>th</sup> January 2015.
- 8.4 The brief was prepared by the Council in partnership with Rottingdean Parish Council and with the engagement of the landowner, the Cothill Educational Trust (applicant of this application). The Rottingdean Parish Council are currently undertaking the preparation of a Neighbourhood Plan and were keen to see a planning brief produced which would guide the future development of this strategically important site within the Parish.
- 8.5 The purpose of the brief is to provide a planning framework that helps bring forward a sensitive redevelopment on the site. In terms of Heritage the Brief sets out the following development objectives;
- To breathe new life into this Listed Building in the heart of Rottingdean village,
  - To preserve those features that contribute to the special interest of the Listed Building, and
  - To encourage new development of the highest design standard, by preserving and enhancing the character of the Conservation Area and setting of the Listed Building.

- 8.6 The Brief sets out that a Built Heritage Assessment would be required for the site in its entirety which should outline the historic development of the site before identifying the special interest and significance of the site as a whole and of its constituent parts. Such assessment should inform the development of proposals for the site and dependent on the level of change proposed, a historic building record may also be required ahead of any redevelopment of the site. In terms of demolition the Brief states that subject to the findings of the Built Heritage Assessment development proposals should have regard to;
- 8.7 “The Grade II listed main building (including Chapel), listed boundary wall and the curtilage Listed Buildings should in principle be repaired and retained. Strong justification would be required for the loss of the whole or any part of a listed or curtilage Listed Building, based on the findings of the Built Heritage Assessment”.
- 8.8 The document acknowledges that it is important that the requirements of the Brief are realistic and deliverable; however this should not be to the detriment of heritage assets.

**Policy**

- 8.9 The NPPF states that in considering applications for development Local Authorities should take account the desirability of sustaining or enhancing the significance of heritage assets and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 132 of the NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.
- 8.10 As heritage assets are irreplaceable, developers are required to provide clear and convincing justification for any loss of or harm caused to these assets in order to provide a viable scheme. In these circumstances, the Local Planning Authority needs to assess whether the benefits arising from the proposed development outweigh the harm caused to heritage assets and/or the departure from policy.
- 8.11 Policy HE2 of the Local Plan prohibits the demolition/major alteration of a Listed Building except in exceptional cases and where 3 stated criterion are all met including that clear and convincing evidence has been provided that viable alternative uses cannot be found, redevelopment would produce substantial benefits for the community which would decisively outweigh resulting loss and the physical condition has deteriorated through no fault of the owner/applicant for which evidence can be submitted. This policy also states that demolition or major alterations will not be considered without acceptable detailed plans for the site’s development.
- 8.12 Policy CP15 of the City Plan requires the promotion of the City’s Heritage and to ensure that the historic environment plays an integral part in the wider social, cultural and economic and environmental future of the City through aims including the conservation and enhancement in accordance with its identified significance, giving the greatest weight to designated heritage assets and their

settings and prioritising positive action for such assets at risk through neglect, decay, vacancy or other threats.

**Heritage Significance/Impact Assessment**

- 8.13 The St Aubyns School site includes the Grade II Listed '76 High Street' (the main school building) and Grade II Listed associated flint wall to the front boundary. The listing includes all extensions attached to the original 76 High Street (including the chapel contrary to what is stated in the submitted Heritage Statement).
- 8.14 Curtilage Listed Buildings include all the pre-1948 structures and buildings located within the curtilage and in associated use at the time of the listing including structures on the playing field.
- 8.15 The main building (Field House), northern block and extensions are of significance in revealing the development of the property over time, changes in education and the changing needs of school buildings over time. This includes the contrast between the balanced extensions to those areas in public view, and the more ad hoc development to the north/north-east. The development of the property is particularly apparent in the varied architecture and roof forms of the northern extensions, and in the varied date/style of features that survive to some rooms. In particular, the buildings appear to have been much altered and extended in the early 20th century. This reveals much about the history of the school at this time (which expanded from 5 pupils at its foundation in 1895 to over 100 in the early 20th century), and should be viewed in the wider context of changes in education at this time.
- 8.16 Whilst a Heritage Statement and separate impact assessment have been submitted as part of the application it is considered that there are some limitations to these submitted documents. The submitted heritage statement provides a limited analysis of the historic phasing of the northern block of Field House and the associated extensions and the significance of the individual parts. The narrative provided is not cross-referenced to the room numbering or photographs, and no plans are provided as part of the submission to accurately indicate the phasing or significance of constituent parts. It is acknowledged that the buildings have been extended/altered in an ad hoc manner, and present little coherent form to the interior nor exterior. They are nevertheless significant in what they reveal about the development of the site, the changing needs and requirements of its educational use and in indicating the site's major expansion in the early 20th century. Parts of the complex date to the Regency period, and are of further significance due to the age of the fabric, and particularly where features such as cornicing and the Regency-style fireplace survive. Further analysis is required as to the phasing of the structures and their relative significance; these should be shown on plans to provide clarity and greater accuracy to the submitted narrative.
- 8.17 Notwithstanding that stated above, it is considered likely that at least some sections are of greater than 'low' significance and are thus of sufficient significance to warrant retention as part of the proposal. This should be determined through further in depth analysis but is likely to include at least the two sections of the northern block with hipped roofs and unpainted render

elevations (ground floor rooms A and K) if not a greater extent. These sections in particular also contribute more greatly to the setting of the main building as viewed from the rear and from Beacon Hill.

- 8.18 The V-shaped buildings located to the north-east of the main school building are a curtilage listed structure. The flint walls of this building (alongside other flint walls on the site) contribute to the enclosed and historic character of the site. However, these buildings have been heavily altered, the spaces themselves are of limited interest and do not reflect an educational use and they have minimal relationship with the main school building. It is also acknowledged that their location and size/shape would make their retention and re-use difficult. There is therefore no objection to their loss as part of an acceptable scheme.
- 8.19 The shooting range building, which is located in the southern section of the site, is an early 20<sup>th</sup> century structure which is considered to be curtilage listed. The heritage statement and impact assessment should include consideration of this structure. This should establish whether the building was constructed as a shooting range, place it within the context of similar structures of this date in order to determine its significance.
- 8.20 The post-1948 buildings on the site are proposed to be demolished. This is considered acceptable in principle.
- 8.21 Alterations to existing historic flint walls fronting Steyning Road and the Twitten across the site are discussed in the concurrent Listed Building Consent application however it is noted that the proposal also includes the demolition of the existing flint wall located to the north of the swimming pool, in order to accommodate proposed plots 17 and 18. The loss of this wall would cause some harm to the subdivided/enclosed courtyard character of the site. The harm caused by such demolition of the wall would be considered in balance as part of an acceptable scheme as a whole. Its removal could also be appropriately mitigated through the inclusion of further flint walls/a sense of enclosure as part of the proposed re-development of the school campus site.

## **9 CONCLUSION**

- 9.1 In conclusion, based on the information submitted it is considered that the submission fails to justify the demolition of the block and associated extensions to the north of Field House. Without sufficient information to allow a full assessment it is considered that a portion of the northern block of Field House and the associated extensions should be retained and that the proposed demolition would result in the loss of an important historic building.
- 9.2 Due to the lack of information provided as part of the application the Local Planning Authority is unable to assess the significance of the loss of the curtilage listed shooting range building.
- 9.3 In addition, in the absence of an acceptable scheme for the redevelopment of the site, the demolition of the existing historic flint wall located to the north of the swimming pool is considered to be of harm to the historic character and appearance of the historic school site.

**10 EQUALITIES**

None identified.

**11 REASON FOR REFUSAL / INFORMATIVES**

Reasons for Refusal:

1. The submission fails to justify the demolition of the block and associated extensions to the north of Field House. Based upon the information submitted the proposed development would result in the loss of an important historic building and therefore harm to the Listed Building, contrary to policy HE2 of the Brighton & Hove Local Plan and policy CP15 of the City Plan.
2. The submitted Heritage Statement and Impact Assessment fails to include the curtilage listed shooting range and as such the Local Planning Authority is unable to assess its significance and the resulting harm of the loss of this building, contrary to policy HE2 of the Brighton & Hove Local Plan and policy CP15 of the City Plan.
3. In the absence of an acceptable scheme for the redevelopment of the site, the demolition of the existing historic flint wall located to the north of the swimming pool is considered to be of harm to the historic character and appearance of the historic school site, contrary to policy HE2 of the Brighton & Hove Local Plan CP15 of the City Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Red Line Plan	50A	Rev. C	29 <sup>th</sup> February 2016
Developable Area Plan	50A1	Rev. A	29 <sup>th</sup> February 2016
Existing Site Survey	51	-	24 <sup>th</sup> August 2015
Existing Site Sections	52	-	24 <sup>th</sup> August 2015
Existing Site Sections	53	-	24 <sup>th</sup> August 2015
Existing Street Scenes	54	-	24 <sup>th</sup> August 2015
Existing Street Scenes	55	-	8 <sup>th</sup> September 2015
Proposed Site Layout	56	Rev. D	29 <sup>th</sup> February 2016
Site Location Plan Showing Buildings & Structures to be Removed	59	Rev. B	29 <sup>th</sup> February 2016
Proposed Site Layout Showing Developable Area	950	Rev. B	29 <sup>th</sup> February 2016
Building Survey Main Building - Basement	LH/1501018/ MB	-	8 <sup>th</sup> September 2015

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Building Survey Main Building - Ground Floor	LH/1501018/MG	-	8 <sup>th</sup> September 2015
Building Survey Main Building - First Floor	LH/1501018/MF	-	8 <sup>th</sup> September 2015
Building Survey Main Building - Second Floor	LH/1501018/MS	-	8 <sup>th</sup> September 2015
Building Survey External Floor Plans	LH/1501018/EFP	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 1	LH/1501018/E1	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 2	LH/1501018/E2	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 3	LH/1501018/E3	-	8 <sup>th</sup> September 2015
Building Survey Elevations Sheet 4	LH/1501018/E4	-	8 <sup>th</sup> September 2015
Elevation Layout	LH/1501018/EL	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 1	LH/1501018/T1	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 2	LH/1501018/T2	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 3	LH/1501018/T3	-	8 <sup>th</sup> September 2015
Topographical Survey - Sheet 4	LH/1501018/T4	-	8 <sup>th</sup> September 2015
Heritage Impact Assessment	AHC REF: ND/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Impact Assessment and Justification	AHC REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance	AHC REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit I	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit II	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit III	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015
Heritage Audit and Assessment of Significance Photographic Audit IV	AH REF: ND/DB/9273	August 2015	24 <sup>th</sup> August 2015



## Appendix A - St Aubyns School, 76 High Street, Rottingdean – BH2015/03112

### Letters of Objection

Property Name / Number	Street	Town	Postcode
Mimi Connolly			BN2 7HA
Mulberry House			BN2 7GA
Norean Harlint			
Steven Warriner			BN2 7BB
4			BN2 7HA
12A			BN2 7GR
9	Ashurst Avenue	Saltdean	BN2 8DR
82	Bannings Vale	Saltdean	BN2 8DG
113	Bannings Vale	Saltdean	BN2 8DH
184	Bannings Vale	Saltdean	Bn2 8DJ
Bazehil House	Bazehill Road		BN2 7DB
13 (x2)	Bazehill Road	Rottingdean	BN2 7DB
Flat 2, 11	Belgrave Place	Brighton	BN2 1EL
9	Brambletyne Avenue	Saltdean	BN2 8EL
17	Burnes Vale	Rottingdean	BN2 7DW
19	Burnes Vale	Rottingdean	BN2 7DW
15	Chailey Avenue	Rottingdean	BN2 7GH
16 (x2)	Chailey Avenue	Rottingdean	BN2 7GH
18	Chailey Avenue	Rottingdean	BN2 7GH
22	Chailey Avenue	Rottingdean	BN2 7GH
37	Chailey Avenue	Rottingdean	BN2 7GH
47	Chailey Avenue	Rottingdean	BN2 7GH
12 (x2)	Chailey Crescent	Saltdean	BN2 8DP
11	Challoners Close	Rottingdean	BN2 7DG
33	Chichester Drive East	Brighton	BN2 8LD
44	Chichester Drive West		BN2 8SH
78	Coombe Vale	Saltdean	BN2 8HL
17	Court Ord Road		BN2 7FD
324 (x2)	Cowley Drive	Woodingdean	BN2 6TP
27 (x2)	Cranleigh Avenue	Rottingdean	BN2 7GN
122 (x2)	Crescent Drive North	Woodingdean	BN2 6SF
12 Tudor Close	Dean Court Road	Rottingdean	BN2 7DF
54	Dean Court Road	Rottingdean	BN2 7DJ
55 (x2)	Dean Court Road	Rottingdean	BN2 7DL
61	Dean Court Road	Rottingdean	
69	Dean Court Road	Rottingdean	BN2 7DL
79	Dean Court Road	Rottingdean	
85	Dean Court Road	Rottingdean	BN2 7DL
6	Eley Drive	Rottingdean	BN2 7FH
27 (x2)	Gorham Avenue	Rottingdean	BN2 7DP
42	Gorham Avenue	Rottingdean	BN2 7DP

50	Gorham Avenue	Rottingdean	BN2 7DP
2	Gorham Close	Rottingdean	Bn2 7EA
44	Grand Crescent	Rottingdean	BN2 7GL
Flat 2, 44	Grand Crescent	Rottingdean	BN2 7GL
2 (x2)	Hempstead Road	Saltdean	BN2 8QD
Mill Cottage	High Street	Rottingdean	BN2 7HE
St Margaret' Convent	High Street	Rottingdean	
102/104	High Street	Rottingdean	BN2 7HF
3 Margos Mews	High Street	Rottingdean	BN2 7HE
23 St Margarets	High Street	Rottingdean	BN2 7HS
69	High Street	Rottingdean	BN2 7HE
72	High Street	Rottingdean	BN2 7HF
102	High Street	Rottingdean	BN2 7HF
116	High Street	Rottingdean	BN2 7HF
46A	Inwood Crescent	Brighton	BN1 5AQ
16	Lenham Road West	Rottingdean	BN2 7GJ
17	Linchmere Avenue	Saltdean	BN2 8LE
18	Little Crescent	Rottingdean	BN2 7GF
6	Longhill Close	Ovingdean	BN2 7AX
20	Longhill Road	Ovingdean	BN2 7BE
23	Lustrells Crescent	Saltdean	BN2 8AR
126	Lustrells Crescent	Saltdean	BN2 8FL
Point Clear	Lustrells Road	Rottingdean	BN2 7DS
3	Marine Close	Saltdean	BN2 8SA
2 Marine Court, 65	Marine Drive	Rottingdean	BN2 7LG
47	Meadow Close	Rottingdean	BN2 7FB
21	Nevill Road	Rottingdean	BN2 7HH
36	Nevill Road	Rottingdean	BN2 7HG
3 Ocean Reach	Newlands Road	Rottingdean	BN2 7GD
16 (x4)	Newlands Road	Rottingdean	BN2 7GD
18	Newlands Road	Rottingdean	BN2 7GD
20 (x2)	Newlands Road	Rottingdean	BN2 7GD
24	Newlands Road	Rottingdean	BN2 7GD
28	Newlands Road		BN2 7GD
101(x2)	Oaklands Avenue		BN2 8PD
1	Park Crescent	Rottingdean	BN2 7HN
7 Conway Court	Park Crescent	Rottingdean	BN2 7JB
20	Park Road	Rottingdean	BN2 7HL
3	Rowan Way	Rottingdean	BN2 7FP
34	Rowan Way	Rottingdean	BN2 7FP
10	Saltdean Drive	Saltdean	
61	Saltdean Drive	Saltdean	BN2 8SD
74	Saltdean Drive		BN2 8SD
28	Southdown Avenue	Peacehaven	BN10 8RX
1 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
2	St Aubyns Mead	Rottingdean	BN2 7HY
3	St Aubyns Mead	Rottingdean	BN2 7HY
7	St Aubyns Mead	Rottingdean	BN2 7HY

7 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
9 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
10 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
12 Kipling Court	St Aubyns Mead	Rottingdean	BN2 7JT
20	St Aubyns Mead	Rottingdean	BN2 7HY
24	St Aubyns Mead	Rottingdean	BN2 7HY
25	St Aubyns Mead	Rottingdean	BN2 7HY
Windmill View	St. Aubyns Mead	Rottingdean	BN2 7HY
79	Stanstead Crescent	Woodingdean	BN2 6TR
64	Stansted Crescent	Woodingdean	BN2 6TQ
Eastfield	Steyning Road	Rottingdean	BN2 7GA
Rotherdown	Steyning Road	Rottingdean	BN2 7GA
St Edmunds (x2)	Steyning Road	Rottingdean	BN2 7GA
The Hideaway (x2)	Steyning Road	Rottingdean	BN2 7GA
Aubrey House	The Green	Rottingdean	BN2 7HA
Challoners	The Green	Rottingdean	BN2 7DD
Dale Cottage	The Green	Rottingdean	BN2 7HA
Hillside (x2)	The Green	Rottingdean	BN2 7HA
Pax	The Green	Rottingdean	BN2 7HA
14	The Vale	Ovingdean	BN2 7AB
20	Trafalgar Gate, Brighton Marina	Brighton	BN2 5UY
5	Truleigh Close	Woodingdean	Bn2 6TS
Flat 2, Forge House	Vicarage Lane	Rottingdean	BN2 7HD
5	Wanderdown Close	Ovingdean	BN2 7BY
8	Wanderdown Drive		BN2 7BZ
7	Wanderdown Way	Ovingdean	BN2 7BX
8	Wanderdown Way	Brighton	BN2 7BX
Windmill Mews 14A	West Street	Rottingdean	BN2 7HP
39	Westfield Avenue North	Saltdean	BN2 8HS
96	Wicklans Avenue		BN2 8EP

**Appendix B - St Aubyns School, 76 High Street, Rottingdean – BH2015/03112**

**Letters of Objection**

<b>Property Name / Number</b>	<b>Street</b>	<b>Town</b>	<b>Postcode</b>
Rotherdown	Steyning Road	Rottingdean	BN2 7GA



**PLANNING COMMITTEE LIST  
20 April 2016**

**COUNCILLOR REPRESENTATION**

**From:** Mary Mears  
**Sent:** 11 October 2015 7:33 PM  
**To:** Liz Arnold  
**Cc:** Jeanette Walsh  
**Subject:** Objection to Planning Application BH2015/03112

Liz Arnold  
Principal Planning Officer.  
Development Control

11<sup>th</sup> October 2015

**Re Planning Application BH2015/03112 St Aubyns School 76 High Street Rottingdean.  
Demolition of a Grade 11 Listed Building.**

As a ward councillor for Rottingdean Coastal ward, I wish to object to the above planning application for the following reasons.

The development proposal is for demolition of 60% of the former school building. Field House. This in my view is contrary to the planning brief set out by Brighton and Hove Council for the site, and presentations I have attended at public meetings.,

Rottingdean is a Conservation Area the Character Statement identifies St Aubyns School campus as of special architectural interest.

There is a specific criteria which allows for demolition, and in my view this has not been met. Guidance set out in PPG15, Planning and Historic Environment advises that once lost, listed buildings cannot be replaced. They represent a finite resource and an irreplaceable asset. It is my understanding that during the last 25 years. No consent has been given to demolish a listed building in either Brighton or Hove..

There have always been very tight regulations with regards to planning in Rottingdean Conservation Area, with very strict controls. Therefore demolition on this scale is contrary to everything that has been put in place

The application also shows access from Marine Drive., this leads onto the very busy A259. The entrance is sited very close to the junction at Rottingdean; In my opinion is a very dangerous spot so close to a very busy junction. With potential for serious accidents

It is also worth noting the affordable housing element has been removed from this scheme. With a 62 bed care home added. The council cannot use the care home numbers towards the Cities housing needs

As this is a major application I wish to reserve my right to speak at the planning committee.

**Councillor Mary Mears  
Conservative Member for Rottingdean Coastal Ward  
Brighton & Hove City Council**

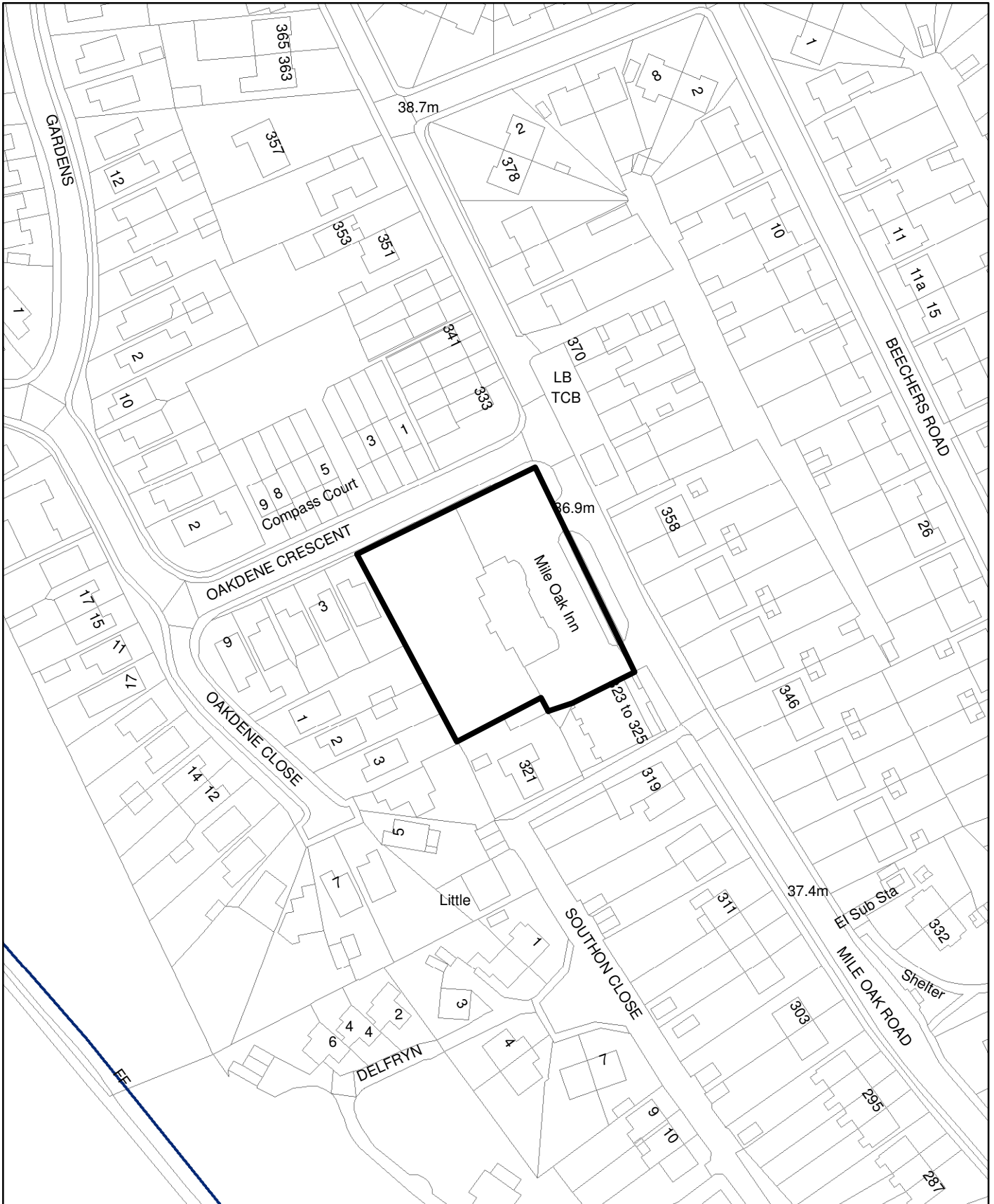


# **ITEM D**

**Mile Oak Inn, Mile Oak Road, Portslade  
BH2015 / 04564  
Full Planning**

**20 April 2016**

# BH2015/04564 Mile Oak Inn, Mile Oak Road, Portslade



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/04564</b>	<b><u>Ward:</u></b>	<b>NORTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Mile Oak Inn Mile Oak Road Portslade</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side extension and erection of retail unit (A1) adjoining existing public house (A4).</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	17/12/2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11 February 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Marrons Planning, 1 Meridian South Meridian Business Park Leicester LE19 1WY		
<b><u>Applicant:</u></b>	Punch Partnerships PTL Ltd, C/O Marrons Planning 1 Meridian South Meridian Business Park Leicester LE19 1WY		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the Mile Oak Inn, a detached Public House on the northwest side of Mile Oak Road at the junction with Oakdene Crescent. The pub has a car park in the forecourt and a substantial garden to the rear and north side. There is ancillary living accommodation above the pub.
- 2.2 The site lies opposite a small parade of shops, formed of 4 units. The parade operates on a local scale serving the surrounding neighbourhood with a small convenience store, barber and takeaways. With the exception of this row of shops, the area is largely residential with a range of detached, semi-detached and terraced houses and flats.
- 2.3 Mile Oak Road is the principal throughfare through this residential area and served by local buses.

## 3 RELEVANT HISTORY

**BH2014/04148-** Erection of single side extension and erection of single storey retail unit (A1) adjoining existing public house (A4). Refused 005/06/2015 for the following reasons:

1. *The proposed development, by virtue of its design, excessive footprint, positioning and extensive flank elevation fronting on to Oakdene Crescent*

*is considered to represent an overdevelopment of the site. The building would appear crammed-in as it fails to take in to account building lines, plot and building sizes and the spaces between buildings which characterise the area. Furthermore the new development would present a largely inactive frontage to Oakdene Crescent to the detriment of the visual amenity of the area. The proposal is contrary to policy QD1, QD2 and QD3 of the Brighton & Hove Local Plan*

2. *The proposed development, including storage area and external refuse yard would be located close to the neighbouring boundary with no.1 Oakdene Crescent. Given the proximity of the development to this boundary and the intensive use of the site proposed, it is considered that the development would significantly impact on the occupier's enjoyment of their house by reason of increased noise and disturbance. The development is considered contrary to policy QD27 of the Brighton & Hove Local Plan.*
3. *The lack of an assessment of parking accumulation from both the existing pub and proposed retail use, together with the fact that no on-street parking survey has been undertaken, has meant that the applicant has failed to demonstrate that the proposed development will not have a material negative impact upon road safety and parking amenity in the local area. The proposals have therefore failed to demonstrate compliance with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.*
4. *The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1, TR8 and QD28 of the Brighton & Hove Local Plan.*

**BH2007/00740-** Remove window & replace with door to gain access to patio area. Installation of retractable awning. Approved 29/05/2007

#### **4 THE APPLICATION**

- 4.1 The application is a resubmission following the above refusal and again seeks planning permission for the erection of a single storey retail unit (A1) within a side extension to the public house (A4). The retail unit would have a total floor area of 345sqm of which 250sqm would comprise the main retail floorspace. The extension also includes a new kitchen for the public house and an ATM to the north side elevation.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External Neighbours:**

- 5.1 **Forty (40) letters have been received from 305, F9 323-325, 348, 357 (x2), 358, 360, 362, 376 (x3) Mile Oak Road; 4 Park Close; 16 Wickhurst Close; 15 Wickhurst Rise; 1, 9 Stanley Avenue; 2, 6, 14 Oakdene Close; 4 Oakdene Gardens; 1, 27, 127 (x2), 137 Oakdene Crescent; 1, 3, 6, 9 Compass Court Oakdene Crescent; 17 Beechers Road; 44 Wolseley Road; 59 Chalky Road; 72 Ridgeway; 4 Southern Close; F3 Northerlea Drove Road; 50 & 80a Graham Avenue; 19 Sefton Road; and Unknown (x2) objecting to the proposed development for the following reasons:**

## PLANNING COMMITTEE LIST – 20 APRIL 2016

- Unnecessary and unwanted development. Another supermarket in the area is not required
- The amendments have not addressed the previous concerns
- Increased vehicle movements would cause a significant danger to highway users, including pedestrians and children from nearby schools
- Insufficient parking will lead to careless, illegal or dangerous parking, which already occurs. 363 vehicles a day will only increase this
- Parking already obstructs residents driveways, including those of disabled residents.
- Parking is already out of hand
- Increased congestion
- The parking survey will not have taken account of the attraction of the supermarket in the entire Mile Oak catchment and is therefore invalid
- The parking analysis has taken a very narrow snap shot of the situation and as a result paints a rather biased picture of the impact the development will have
- Peak hours for the shop would be the same as for the pub, where the car park is never empty
- No guarantee deliveries would be outside of peak hours
- Improvements to the public house facilities will also increase traffic and parking need
- Parking surveys were carried out on a Tuesday and Wednesday, not peak times
- Additional staff parking will be required
- There is already parking pressure in the area when the pub holds an event,
- Loss of green space, including pub garden
- Additional parking affecting the local bus route and access for emergency vehicles
- Additional noise and disturbance with the plant and machinery,
- The proposed structure is much greater in footprint than the Mile oak Inn and is totally out of keeping with its surrounds
- The development would be out of scale and harmful to the character appearance of the surrounding area,
- The development appears crammed in and would be an eyesore
- A blot on the Downs on the edge of the National Park
- Concern over litter, anti-social behaviour and the sale of alcohol
- The development of the flats next door with no onsite parking has already resulted in parking problems
- Disruption from building works
- The relocation of the storage and refuse area will offer little reduction in noise pollution, vermin activity and disturbance
- Impact of storage and refuse area on quality of life at 1 Oakdene Crescent, being mainly used once the shop is closed after 11pm
- Additional traffic and noise harmful to residents amenity
- Loss of local shops
- Loss of community facilities at the public house

- 5.2 A petition of objection has been received with **155 signatories**. The reasons for objection are:
- The changes in the revised application are too small and unimportant to be relevant
  - The revisions give no extra thought to the local environment and community
  - The revised structure is still considerably larger than the pub itself and not in keeping with the surrounds
  - Noise, small and disturbance generated by the store and refuse area will carry in the wind
  - The existing 30 parking spaces will be reduced to 18, a 70% reduction
  - The applicant admits the shortage of parking will create problems
  - Deliveries will create access problems for emergency vehicles and customers
- 5.3 **Sixteen (16)** letters of support have been received from **321 (x2), 341, 346, 382 Mile Oak Road; 34 (x3) Beechers Road; 101 Downland Court; 66 Highdown; 49 Thornhill Rise; 43 Broomfield Drive; 66 Highdown; 93 The Crescent; Flat at Mile Oak Inn, and Mile Oak Inn**. The reasons for support are:
- The proposed shop would provide a better alternative to expensive existing local stores
  - There is no supermarket in walking distance to buy fresh goods
  - Increased employment
  - It will safeguard the future of the pub which is a focal point of the community
- 5.4 The landlord of the Mile Oak Inn public house has submitted an excel spreadsheet with a list of **169 addresses** in support of the scheme.
- 5.5 **Sussex Police: Comment**  
Sussex Police raise concern over the numbers of parking bays and proposed deliveries, with the main retail delivery resulting in the loss of four parking bays and for around an hour and potentially blocking visitors vehicles access to the store.
- Internal:**
- 5.6 **Planning Policy No objection**  
This is a resubmission of a previous application (BH2014/04148) for a similar development on the same site, which was refused in June 2015 for four reasons, none of which were policy related.
- 5.7 City Plan Policy CP4 relates to retail provision and states that applications for new edge and out of centre retail development will be required to address the tests set out in national policy, i.e. the NPPF and National Planning Policy Guidance (NPPG).
- 5.8 In line with the NPPF, para 24, the applicant has undertaken a sequential site assessment, however this was produced to support the previous application and dates from December 2014. The case officer has re-visited these parades

and has established that there remain no suitable vacant units at the present time. No concerns are therefore raised in relation to Policy CP4 and national policy.

**5.9 Environmental Health No objection**

The applicant has submitted an acoustic report which states that noise control measures may be required to achieve the levels identified by the report and it will be necessary to review plant selection. New plant will need separate planning consent and the applicant should ensure that it complies with the standard of 5dB below the background level as identified in the acoustic report.

5.10 All deliveries will occur during normal opening hours, primarily during the morning, and will, typically, comprise a general grocery delivery on weekdays and Saturday, frozen food deliveries on two days and smaller deliveries (fresh food, milk, bread and newspapers) on each day of the week. Deliveries are proposed between 7:00am and 6:00pm.

**5.11 Sustainable Transport Team: No objection**

The Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and that the applicant enters into a S106 agreement to contribute £21,250 towards sustainable transport measures in the local area.

**5.12 Servicing & Deliveries (including goods & people pick up / drop off)**

Deliveries to the store would occur from the existing pub car park. The applicant states that the delivery vehicle would enter the site from the northern access and exit via the southern access. Due to the nature of the road network this is not the most direct route to the site and does result in additional vehicle mileage. The applicant has stated that the store expects one main delivery per day. There will also be other deliveries of bread, milk and newspapers.

5.13 In order to ensure a vehicle can safely access the site the applicant has undertaken a swept path analysis of a 12m delivery vehicle entering the site and leaving again. The swept path demonstrates that a delivery vehicle can access the site. However, the swept path is undertaken on the basis that there are no vehicles parked opposite the site access on Mile Oak Road. If vehicles were parked on Mile Oak Road opposite the site access just to the south of the bus stop it would inhibit delivery access to the site. In order to ensure safe access to the site the Highway Authority would look for the applicant to fund the necessary TRO to implement Double Yellow Line parking restrictions opposite the northern site access.

5.14 The Highway Authority would also recommend that the need to produce a Delivery & Servicing Management

**5.15 Vehicular Access**

The site is to be served by the existing access points onto Mile Oak Road. The applicant is proposing minor adjustments including the provision of dropped kerbs and tactile paving at both the southern and northern access points. The Highway Authority has no objections to the proposed vehicular access

arrangements and these amendments should be secured via Grampian condition.

5.16 Car Parking

The applicant is proposing a total of 18 car parking spaces (1 of which is for the sole use of Blue Badge holders) to serve both the existing public house and retail unit. Currently the site has 20 marked bays but there is the potential for some informal parking outside of formal marked bays.

5.17 SPG04 states that the maximum car parking standard for an A1 retail use outside of a CPZ is 1 space per 30m<sup>2</sup> of gross floor space plus 1 car space per 3 staff. For this retail development of 345m<sup>2</sup> the maximum car parking standard is 14 spaces. While for the public house (264m<sup>2</sup>) the maximum car parking standard in SPG04 is 1 car parking space per 5m<sup>2</sup> of public area plus 1 car parking space per 2 full time staff members. Therefore the proposed level of car parking is in line with the maximum standards.

5.18 A similar application (BH2014/04148) was previously refused for the following reason:

*“The lack of an assessment of parking accumulation from both the existing pub and proposed retail use, together with the fact that no on-street parking survey has been undertaken, has meant that the applicant has failed to demonstrate that the proposed development will not have a material negative impact upon road safety and parking amenity in the local area. The proposals have therefore failed to demonstrate compliance with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.”*

5.19 In order to address this reason for refusal the applicant has commissioned two separate weekday on-street parking surveys in the local area which are broadly in line with the Lambeth Parking Survey Methodology but have been tailored to suit the proposed retail land use. The surveys were undertaken on two separate weekdays between 15.30 and 21.30 hours and covered a walk distance of 200m. The survey demonstrated that even during times of maximum on-street parking demand (21.30 on both days) there were still approximately 100 available spaces in the survey area.

5.20 The applicant acknowledges that if cars parked on both sides of the carriageway it would be reduced down to an extent that two cars could not pass. This adds further weight to the need for the developer to fund double yellow line parking restrictions on Mile Oak Road outside the site.

5.21 In order to assess the likely overspill car parking a survey has been undertaken of the existing demand for the pub car park. The existing demand has been added to the parking accumulation for a convenience store to forecast the likely demand for parking should the pub and convenience store both be operational. The proposals provide 18 on-site car parking spaces however the highest forecast parking demand is for 22 vehicles at 19.00. This would lead to overspill parking of approximately 4 vehicles. Given the availability of parking in the vicinity of the site the Highway Authority does not consider this level of overspill car parking to be significant nor warrant a reason for refusal.

- 5.22 The Highway Authority would however seek a contribution from the applicant to implement double yellow line restrictions on Mile Oak Road in front of the site to prevent vehicles parking on the western side of the road.
- 5.23 Trip Generation/Highway Impact  
The applicant has interrogated the industry standard software package TRICS to forecast the likely trips associated with the existing public house and proposed retail store. It is noted that the Highway Authority did not recommend a reason for refusal on the basis of the forecast trip generation for the previous application (BH2014/04148).
- 5.24 Based on the survey findings from the TRICS database the applicant forecasts that for a store of this size (345m<sup>2</sup>) the daily two way vehicle trips could be 728. Whilst the daily total person trips forecast to be associated with this development could be 2808 trips. The transport consultant has also obtained customer interview survey data from two local stores in Surrey. This recorded the proportion of trips based on the nature of the shopping trip. These were allocated as daily items, top up shopping and main food shop. This provides an indication as to the type of shopping trip likely to be associated with the retail store. The TRICS database has then been used to forecast the likely modal split and then these modal splits have been applied to the type of shopping trip (daily items, top up shop and main shop). This provides an indication of the type of shopping trip and how many trips for each mode will take place.
- 5.25 The applicant then concludes that as the shopping facility is a local convenience store for local residents the majority of the trips will already have been occurring in the area and will therefore already be on the transport network. The applicant discounts various trips by type of shop and mode and considers that only main shop vehicle trips would add new trips onto the network and that all other trips currently occur on the network.
- 5.26 The Highway Authority acknowledges that a proportion of the trips would already be taking place on the transport network and not all trips would be newly created trips. The proportion of newly created trips could be higher than forecast by the applicant. It is also noted that the new store will have a localised increased impact as people divert from one area of the network to travel to this new store. It is also noted that there are deficiencies in the existing pedestrian network.
- 5.27 There are existing deficiencies in the local pedestrian network. Several crossing points have full height kerbs and no tactile paving. As the proposed store is a local facility serving the residential areas in the immediate vicinity there is likely to be a large proportion of walking trips to be associated with the store. If the Local Planning Authority are minded to grant this application the Highway Authority would recommend that a S106 agreement is entered into requiring a contribution of £21,250 towards pedestrian and public transport improvements in the local area.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP4 Retail provision
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP11 Flood risk
- CP12 Urban design

#### Brighton & Hove Local Plan (retained policies 2016):

- TR7 Safe development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- QD5 Design – street frontage
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- HO20 Retention of community facilities

#### Supplementary Planning Guidance



SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SDP06 Trees and Development Sites

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the formation of the retail unit in terms of planning policy, the impact of the proposed development on the existing use in terms of the viability of the public house as a community facility, the design and scale of the external works, the impact of the development on the amenity of neighbouring occupiers, as well as the impact of the development in terms of traffic and transport and impact on the infrastructure.
- 8.2 **Planning Policy:**  
The application site sits outside of the designated shopping centres of the city, and does not sit within a local parade. City Plan Policy CP4 relates to retail provision and states that applications for new edge and out of centre retail development will be required to address the tests set out in national policy (the NPPF and National Planning Policy Guidance). National planning policy sets out that a sequential site assessment should be undertaken but an impact assessment is not required for proposals under 2,500sqm unless the local authority have their own locally set thresholds. The City Plan Part 1 policy CP4 sets out a locally set threshold for 1,000 sqm for the requirement of a retail impact assessment.
- 8.3 In line with the NPPF, para 24, the applicant has undertaken a sequential site assessment, however this was produced to support the previous application and dates from December 2014.
- 8.4 The scope of the assessment carried out to support the previous scheme was considered to be 'proportionate and appropriate for the given proposal' in line with Paragraph 10 of the NPPG. It assessed whether there were any available units within small parades in the 1000m catchment area agreed during pre-application advice. These parades are on Mile Oak Road (directly opposite the application site), Graham Avenue and Valley Road. From the site visit only one unit within these parades was vacant (on Graham Avenue) however the small size of the unit is not comparable to the size of the retail unit sought under this application. As such it remains that there are no suitable sequentially preferred vacant units in the vicinity of the site, and policy CP4 has been satisfied accordingly. The principle of placing a retail unit on the site is therefore accepted.
- 8.5 **Impact on the existing use of the site**  
The existing public house has function room facilities which are to be retained as part of the proposals, along with the public house itself. Accordingly it is not considered that the proposed development would result in the loss of community facilities, in accordance with policy HO20 of the Brighton & Hove Local Plan. Concerns regarding the loss an area of pub garden have been noted however an

adequate garden area would be retained and it is not considered that a reduction in the size of the garden would affect the viability of the public house. The applicants have identified that the proposal would support the continued viability of the existing public house however in the absence of any further detail this carries little weight in the determination of the application

**8.6 Design and Appearance:**

The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

8.7 The area surrounding the site is residential in character, comprising largely terraced, semi-detached and detached houses and bungalows set in regular plots. The application site forms a two storey public house set on a large corner plot, recessed from the general building line to Mile Oak Road. The public house is of a traditional pitch roofed appearance, with a distinctive symmetrical form. The main frontage to Mile Oak Road is dominated by a hardstanding which formally caters for 18 parking bays accessed via two separate entranceways. A large garden sits to the north side and rear. Immediately adjacent to the south is a modern three storey block of flats which departs from the general suburban character of the street.

8.8 As before, the proposed retail unit would be set in a side extension to the north side of the public house, extending along the Oakdene Crescent site frontage. The extension has been revised in a number of ways that, although each relatively minor, cumulatively allow the addition to sit more comfortably adjacent to the public house and within the wider street scene compared to the previous scheme.

8.9 The extension has been reduced in length along Oakdene Crescent from 28m to 24.8m and set back from the street by an additional 1.3m so it now broadly aligns with the adjacent bungalows to the street. This setback and building length, although still large by comparison, would better respect the general character and layout of the street, with space to the front to allow for planting to help screen and reduce the impact of this flank elevation. The flank elevation would be punctuated by traditional windows that mirror those to the public house. To avoid an unduly blank, inactive and defensive elevation a condition is recommended requiring these windows to be unobscured at all times. This, in combination with the setback and planting, should ensure the large flank elevation does not unduly dominate or otherwise harm the appearance of the street. Final details of the landscaping would be secured by condition.

8.10 To the front, the extension would replicate the scale and materials to the public house without dominating its symmetrical two storey form. The form of the extension has been part separated from the main building to help achieve this. Large windows and doors would be set to this elevation providing a clear legibility

into the retail unit. Again, to avoid large graphics or shelving disrupting these windows, a condition is attached to ensure they remain unobstructed at all times.

8.11 Whilst the alterations to the extension are not necessarily considerable, the reduction in depth and setback, and improved articulation, is such that no significant harm is now identified. The extended building, already a departure from the general scale and tighter urban grain that characterises the wider area, would retain good sized space to the front, side and rear and a sense of spaciousness in the plot would remain, with planting to help soften the appearance further. Accordingly the proposal is considered to better respect the appearance of the site and layout and form of the wider area in accordance with policy CP12 of the City Plan Part One.

**8.12 Impact on amenity**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.13 The previous application was refused in part owing to the intensive use of the site and its proximity to 1 Oakdene Crescent having an adverse impact on the amenities of adjacent occupiers. Particular concern was raised at the proximity of the external refuse area to 1 Oakdene Crescent. This application has reduced the size of the retail unit and increased the separation of the refuse area from the site boundary by 1.8m. The refuse area would now sit 5.8m from the side elevation of 1 Oakdene Crescent and also be of a reduced size from the previous scheme. As previous, it is not considered that this area would impact on light and outlook to 1 Oakdene Crescent given its separation, position on lower ground level, and the extensive solid and vegetated boundary treatments between. This screening would also help to reduce noise from use of the refuse area.

8.14 The application confirms that deliveries would be carried out from the car park at the front of the site, with only refuse collections being carried out from the rear part of the site fronting Oakdene Crescent. This arrangement is secured by condition, with a further condition limiting use of the refuse area. Subject to these conditions it is not considered that the refuse area would result in significant harm to the amenities of adjacent occupiers, in particular those at 1 Oakdene Crescent.

8.15 In terms of general traffic movements and deliveries at the front of the site, it is not considered that such activity on a main street frontage would be unduly intensive or harmful to the amenities of adjacent occupiers compared to the existing situation. Similarly use of the site from 7am to 11pm seven days a week would not introduce a level of activity that would unduly impact on neighbouring occupiers given the position of the retail unit's entrance and the similar evening opening hours to the adjacent public house. This view is supported by the Noise Assessment submitted with the application, which concludes that a noise impact, including that intermittently from deliveries, would be within the existing ambient traffic levels and would not result in a significant noise impact on nearby dwellings. The Report identifies that plant can be reasonably accommodated without disturbance to neighbouring residents, however this is subject to final

details of external location etc. As no details of plant units and location have been provided, this would need to be addressed under a separate application for planning permission.

- 8.16 Subject to the recommended conditions it is now considered that the proposed retail unit would not result in significant amenity harm to neighbouring occupiers, subject to the recommended conditions.

**8.17 Sustainable Transport:**

Parking demand

The public house as existing provides 20 formal parking spaces for patrons, plus additional informal parking, all accessed from Mile Oak Road. The proposal would reduce parking at the site to 18 formal bays for use by patrons of both the public house and retail unit. Access would remain via the two entranceways fronting Mile Oak Road. Delivery vehicles would use the main car park to park and offload.

- 8.18 The surrounding area is characterised by heavy levels of street parking during the day and evening, with street car parking along the eastern side of Mile Oak Road reducing the road to effectively a single carriageway. Whilst many of the properties on Mile Oak Road have on-site parking, a large proportion of those on Oakdene Crescent and Oakdene Close do not and rely on street parking. A significant number of the representations received raise concern at the levels of overspill parking that will occur and the associated impacts on highway safety.

- 8.19 The previous application was refused in part owing to a lack of detail within the Transport Statement in terms of parking surveys and the cumulative parking and highways impact of both the new retail unit and existing public house.

- 8.20 A new Transport Statement has been submitted that now includes parking surveys and an assessment of the cumulative impact of both the retail and public house uses. As detailed in paragraphs 5.11-5.23 above, Sustainable Transport officers have assessed the new data and consider that any overspill parking during peak evening demand would not be significant, calculated to be 4 vehicles in an area surveyed to have approximately 100 available on street spaces in a 200m radius. To ensure that no overspill parking occurs directly outside the site blocking the carriageway, double yellow lines are requested to be installed fronting the site on the western side of Mile Oak Road.

**8.21 Deliveries**

In terms of deliveries, the Transport Statement identifies that there would be one main delivery per day of up to one hour, with additional minor deliveries of goods such as bread, milk and newspapers. All deliveries would be undertaken at the front of the store.

- 8.22 A swept path analysis for a 12m delivery vehicle (likely to be the main daily delivery vehicle) has been submitted, showing how the vehicle would arrive from the north, manoeuvre and park within the car park, and exit to the south. Whilst the swept path shows a relative ease of access, it is noted that this does not take into consideration the vehicles parked onstreet opposite the site, which would

inhibit access for the delivery vehicle and consequently cause highway blockage. To overcome this Sustainable Transport officers recommend that the applicant fund the placing of double yellow lines opposite the accesses on the eastern side of Mile Oak Road, as well as double yellow lines directly outside the site. These double yellow lines would ensure that the carriageway is not overcrowded by parked vehicles, thereby improving both the existing situation as highlighted by residents, as well as ensuring delivery vehicles can access and exit the site in a safe manner. The placing of the eastern double yellow lines would be carefully managed to take into consideration the parking needs of those dwellings opposite the site who do not have their own onsite parking.

**8.23 Pedestrian network**

Sustainable Transport officers have identified a number of deficiencies in the local pedestrian network. Given that the development would service the local community, increased pedestrian movements are likely therefore a contribution of £21,250 is sought to install dropped kerbs and tactile paving at key junctions in the local area. This is secured in the s106 heads of terms. Subject to this contribution and the recommended conditions, the proposal would not result in significant harm to parking demand and highway safety in the wider area, in accordance with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

**8.24 Sustainability:**

The proposed retail unit would have a total internal floor area of 345sqm therefore in accordance with policy CP8 of the City plan Part One, a condition is applied to ensure the development meets BREEAM 'very good'.

**8.25 Other Considerations:**

There has been some concern from residents regarding the impact of a new retail unit on the existing retail store on Mile Oak Road. Whilst the vitality of existing shopping areas is a material planning consideration, the competition between individual stores is not a matter which can be taken in to account. Discussion on the impact of the development on existing retail provision as a whole is discussed in the policy section of this report and deemed acceptable.

**9 CONCLUSION**

- 9.1 The proposed retail unit and associated extension to the public house are considered acceptable in policy and design terms and subject to conditions would not result in significant harm to the appearance of the site, amenities of adjacent occupiers and to parking capacity or highway safety, in accordance with development plan policies.

**10 EQUALITIES**

- 10.1 The retail unit would have a level threshold.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 S106 Heads of Terms

- £21,250 towards sustainable transport infrastructure in the vicinity of the site and the provision of double yellow lines along the eastern and western sides of Mile Oak Road fronting the site

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location plan and block plan	102	B	17/12/2015
Proposed Site plan	103	F	17/12/2015
Proposed elevations and street scene	104	D	17/12/2015
Proposed ground floor plan	105	G	17/12/2015

- (3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.
- (4) The retail unit hereby permitted shall not be open to customers except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays. No other activity within the site shall take place between the hours of 23.30 and 06.30 daily.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- (5) No servicing (i.e. deliveries to or from either premises) shall occur to the retail unit except between the hours of 07.00 and 18.00 Monday to Sundays (including Bank or Public Holidays).  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- (6) All deliveries to the retail unit hereby permitted shall take place within the public car park fronting Mile Oak Road using the service door to the

front of the extension hereby permitted, and shall at no time take place from the public highway. No deliveries shall be carried out at the rear of the building.

**Reason:** To safeguard pedestrian, bicycle and highway safety and the amenities of adjacent occupiers in accordance with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- (7) No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

**Reason:** To ensure a satisfactory provision of onsite parking, to safeguard the amenities of the occupiers of adjoining properties and to comply with policies TR7, SU10 and QD27 of the Brighton & Hove Local Plan.

- (8) All new hard surfaces to the access and parking areas shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with CP11 of the City Plan Part One.

- (9) All windows to the Mile Oak Road and Oakdene Crescent elevations within the extension hereby permitted shall be fitted with clear glazing which thereafter shall be retained and kept unobstructed at all times.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

11.3 Pre-Occupation Conditions:

- (10) Prior to first occupation of the retail unit hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) details of all hard surfacing;
- b) details of all boundary treatments;
- c) details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, and
- d) details of all measures to protect all trees and vegetation to be retained within or immediately adjacent to the site throughout the duration of construction works.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One..

- (11) The cycle parking detailed on drawing no.103 rev.F received on 17 December 2015 shall comprise Sheffield stands unless an alternative means of securely locking bicycles has been submitted to and approved in writing by the Local Planning Authority. The stands shall be installed prior to the first occupation of the retail unit and shall thereafter be retained for use at all times.

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

- (12) Prior to the first occupation of the retail unit hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries to both the retail unit and public house shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

- (13) Notwithstanding the submitted plans, prior to first occupation of the retail unit hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include 1.2m clear zones to either side of each bay, shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of disabled occupants, staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPG4.

- (14) Unless otherwise agreed in writing by the Local Planning Authority, the retail unit hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the retail unit built has achieved a minimum BREEAM New Construction rating of 'Very Good' 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 CP8 of the City Plan Part One.



- (15) The amended vehicle crossover on Mile Oak Road and proposed dropped kerbs and tactile paving at both the northern and southern site access points on Mile Oak Road as detailed on drawing no.103 rev.F received on 17 December 2015 shall be constructed prior to the first occupation of the retail unit hereby permitted.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- (16) The retail unit hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed retail unit and associated extension to the public house are considered acceptable in policy and design terms and subject to conditions would not result in significant harm to the appearance of the site, amenities of adjacent occupiers and to parking capacity or highway safety, in accordance with development plan policies.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing

## PLANNING COMMITTEE LIST – 20 APRIL 2016

street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.

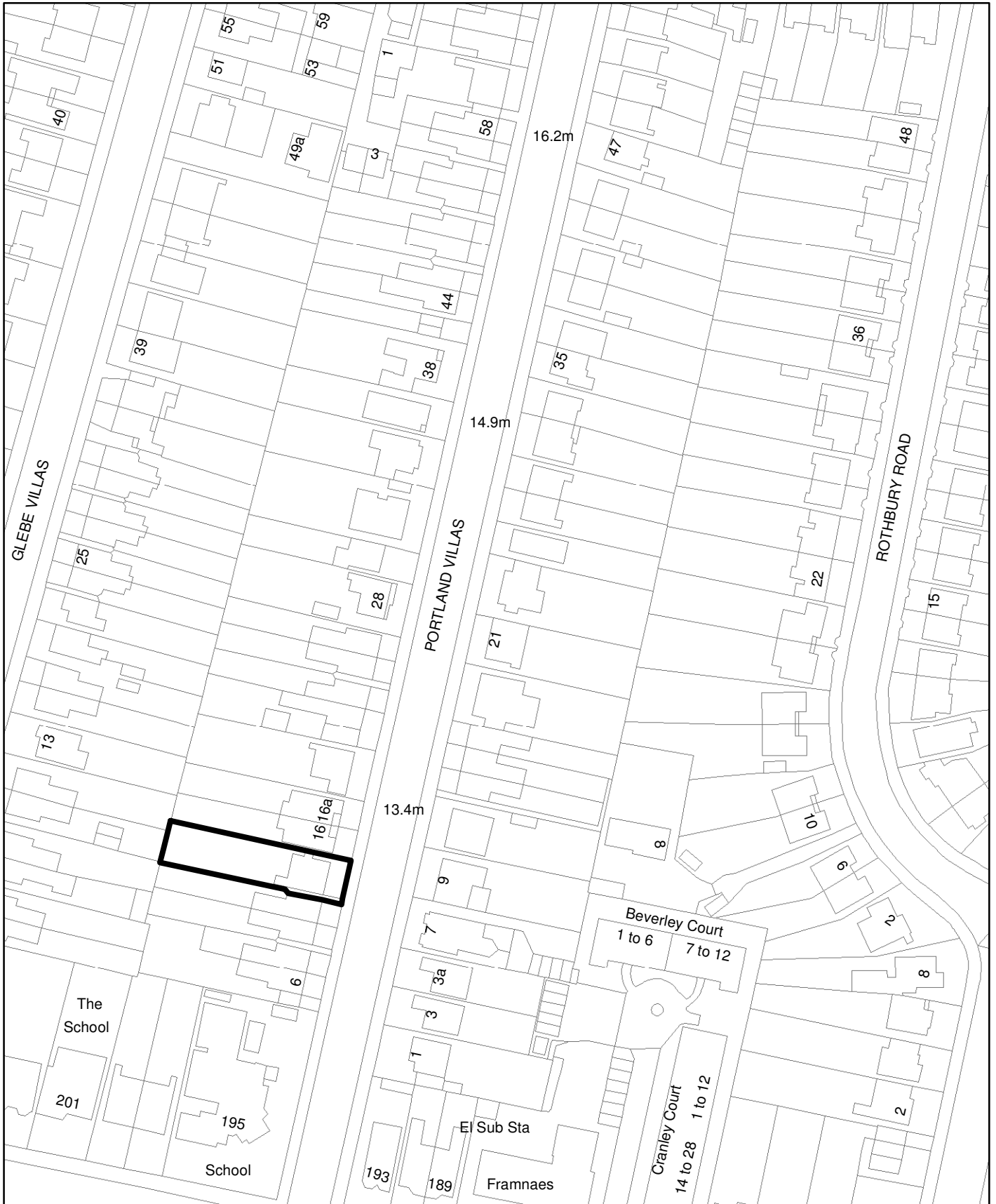
5. The applicant is advised that a separate application for planning permission will be required for all external plant associated with the new retail unit and the kitchen to the public house.

# **ITEM E**

**14 Portland Villas, Hove  
BH2015/04574  
Full Planning**

**20 April 2016**

# BH2015/04574 14 Portland Villas, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/04574</b>	<b><u>Ward:</u></b>	<b>WISH</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>14 Portland Villas Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.</b>		
<b><u>Officer:</u></b>	Helen Hobbs Tel 293335	<b><u>Valid Date:</u></b>	19/01/2016
<b><u>Con Area:</u></b>	n/a	<b><u>Expiry Date:</u></b>	15 March 2016
<b><u>Listed Building Grade:</u></b>	n/a		
<b><u>Agent:</u></b>	Koru Architects, The Studio 15 Lloyd Close Hove BN3 6HY		
<b><u>Applicant:</u></b>	Mr and Mrs Emre, c/o Stone Republic Moonhill Farm Burgess Hill Road Haywards Heath RH17 5AH		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a detached bungalow on the west side of Portland Villas. The bungalow sits between two storey dwellings. Portland Villas varies in character, however the majority of properties are two storeys in height and incorporate traditional features such as gable features and bay windows.

## 3 RELEVANT HISTORY

**BH2015/00279** Demolition of existing property and erection of new detached house. Refused 29/09/2015 for the following reason:

1. *The development, by reason of its design, scale and detailing, would result in an overly dominant and unsympathetic development that would detract significantly from the character and appearance of the site, the Portland Villas street scene and the wider surrounding area. The proposal would fail to emphasise and enhance the positive qualities of the local neighbourhood and is contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.*
2. *The development, by reason of its scale and bulk in close proximity to shared boundaries, would appear overbearing and result in a harmful loss of light and outlook, particularly for occupants of 12 Portland Villas. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*

*The application is now subject to an appeal which is still under consideration.*

#### **4 THE APPLICATION**

- 4.1 The application seeks consent for the demolition of the existing bungalow and erection of a new detached dwelling. The dwelling would be two storeys in height, with additional accommodation in the roof space. The dwelling would provide 4no. bedrooms. The proposal also includes the erection of an outbuilding in the rear garden.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: Nine (9)** letters of representation have been received from **3, 7 (x3), 9, 11 and 13 Glebe Villas, 16 Portland Villas and 73 Pembroke Crescent** objecting the application for the following reasons:

- Overlooking
- Out of keeping with character of area
- Loss of privacy
- Garden room would be out of character
- Roof materials would be out of character

- 5.2 **One (1)** letter of representation has been received from **12 Portland Villas** supporting the application on the grounds that the dwelling would be built to Passivhaus.

- 5.3 **Councillor Robert Nemeth** supports the application. Copy of representation attached.

##### **Internal:**

- 5.4 **Sustainable Transport: Comment**. The Highway Authority would not wish to restrict grant of consent for the above application subject to inclusion of the necessary conditions and informatives.

- 5.5 **Arboriculture: Comment**. Nothing of any arboricultural value will be lost to facilitate the development and therefore the Arboricultural Section has no objection to the proposal. The proposed Highway Crossover appears to be well located but should come no closer than 2.2m from the centre of the adjacent highway tree.

#### **6 MATERIAL CONSIDERATIONS**

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

- 6.2 The development plan is:

- Brighton and Hove City Plan Part One (March 2016)
- Brighton & Hove Local Plan 2005 (saved policies post 2007);

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

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

#### East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation
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#### Brighton & Hove Local Plan:

TR7	Safe development
TR14	Cycle access and parking
SU11	Polluted land and buildings
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the new dwelling on the appearance of the street scene, its impact on the amenities of adjacent occupiers, and transport and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position will be assessed once the Plan is adopted. The City Plan Inspector indicates support for the council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

### **History of the Site**

- 8.3 The site has had a previously refused application for the demolition of the existing bungalow and replacement with a two storey dwelling (BH2015/00279). An appeal has been lodged and a decision is currently awaited. The previous application was refused on two grounds relating to the design and impact on neighbouring amenity (full reasons for refusal set out above). The key differences between the refused scheme and this current application are as follows;

- The dwelling has been relocated 0.5m further to the north.
- The front dormer had been removed, and replaced with a three storey gable feature.
- The fenestration on the front elevation has been reconfigured.
- A front first floor balcony is now proposed, in place of the previously proposed Juliet balconies.
- A front second floor balcony is proposed with the gable,
- The upper floors of the dwelling have been reduced at the rear. The second storey would have a depth of 11.2m (as previously proposed it was 13.9m).
- A three storey rear outrigger with a depth of 3.6 would be added to the north side, replacing the previously proposed rear dormer.
- A ground floor extension with a maximum depth of 7.4m would be included. The footprint of the ground floor addition would wrap around the rear outrigger.
- A first floor balcony would replace the previously proposed Juliet balcony.
- A rear third floor balcony is proposed within the gable.

### **Design:**

- 8.4 The existing bungalow sits between two storey semi-detached dwellings and is set on a wide plot. City Plan policies CP12 and CP14 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. CP14 of the City Plan requires residential development to be of a density that is appropriate to the identified



positive character of the neighbourhood and be determined on a case by case basis.

- 8.5 Planning permission is sought for the construction of a two storey dwelling. The dwelling would be built on the established building line of Portland Villas. It would be of modern design incorporating large areas of glazing on the front and rear. The dwelling would appear as three storeys in height due to the projecting gable features at front and rear. The materials would include a zinc roof, aluminium windows and rendered facades. It is considered that in the context of the street scene, a modern two storey dwelling, if well designed and appropriately scaled, would not be detrimental to the prevailing character of the street scene
- 8.6 There are though significant design concerns relating to the scale, design and detailing of the proposed replacement dwelling. The proposed dwelling would appear as three storeys in height due to the extension of the ridge with an area of flat roof and the three storey front gable feature. The extension of the ridge and the area of flat roof would be highly visible within the streetscene due to the spacing between properties. The surrounding development has traditional gabled roof forms. The additional bulk at roof level would therefore be evident and out of scale with the adjoining scale of development.
- 8.7 The front gable feature is uncharacteristic of the immediate area and fails to respect the character of the surrounding area. Where gable features are evident elsewhere on surrounding properties, they remain modest, subservient features, where only the small pitched roofs protrude above the main eaves of the properties. However of relevance is a recent approval at No 11 Portland Villas, located opposite the application site. The neighbouring consent approved the redevelopment of the existing bungalow replacing it with two semi-detached, two storey properties (approved under BH2015/00124) and the scheme included similar gable features, that are three storeys in height. Significant weight must therefore be given to this previous consent and it is considered that a precedent has been set for three storey front gable features. It should be noted however, that there are differences between the two schemes. These include the use of more characteristic materials, which soften the appearance of the gable features and result in them appearing more in keeping with the surrounding area at no. 11. Furthermore the roofline of the approved dwelling at No. 11 is also more in keeping with neighbouring development.
- 8.8 To the rear, whilst the bulk has been reduced from the previous scheme, the first floor level would still project beyond the prominent rear building line of the adjoining properties, with the exceptions of nos. 16 and 18. Furthermore, it is now proposed to extend the ground floor with an addition that would wrap around the rear outrigger. The ground floor extension would have the appearance of a later addition, rather than incorporated in the overall design of the dwelling. This addition, due to its roof form, excessive footprint and design, would fail to respect the main dwelling and would have a significantly overextended and disjointed appearance. The proposed three storey rear gable, would also have an overextended appearance, due to its height, width and large areas of glazing. The resulting building would create a sense of bulk which is

not repeated elsewhere along Portland Villas and which would appear unduly dominant, out of scale with adjoining development and would form an overdevelopment of the plot.

- 8.9 In terms of the detailing of the dwelling, the proposed materials, particularly the zinc roof, would not reflect existing development in the area and the prevailing character of the area, which the use of materials is part of. Coupled with the design concerns outlined above, would create a contrast with adjoining properties which would harm the visual amenities of the area.
- 8.10 The full height glazing at ground and first floors would fail to reflect the characteristics of the adjoining properties, where fenestration reduces in scale at upper floor levels and where roof extensions are limited to modest projecting gables associated with bay windows. The window design and pattern and the upper floor balconies would give the building a greater perceived height than adjoining development. Again similar detailing was accepted within the approved scheme at No. 11, however features in conjunction with the proposed materials, still result in the scheme appearing out of keeping with surrounding development. It is also proposed to insert balconies at first and second floor level. Where balconies exist within Portland villas, they appear as subservient and more traditional features due to their size, positioning and use of materials and remain at first floor level only. The proposed front balconies within the approved scheme at No.11 are smaller than the proposed balconies within this current scheme and the glazed balustrade would appear less visually intrusive than the proposed metal railings. It is therefore considered that these features exacerbate the inappropriate appearance of the dwelling and the overall appearance of the front elevation would fail to reflect the character and appearance of the surrounding area.
- 8.11 Overall, it is considered that the current scheme has failed to satisfactorily address the previous reasons for refusal and by reason of the design and scale of the dwelling, the proposal would harm the existing character and appearance of the Portland Villas street scene and the surrounding area.
- 8.12 The proposal also includes a detached outbuilding. It would measure 6m by 3.5m, with a roof canopy at the front extending a further 1m. Whilst the outbuilding would have a large footprint, given its siting at the rear of the garden and the size of the plot, it would not be highly visible and therefore this part of the proposal is not considered to cause any significant harm to the character and appearance of the surrounding area.

**Impact on Amenity:**

- 8.13 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.14 The rear of No. 16 Portland would extend further to the rear than the building line of the proposed dwelling. It is therefore considered that there would be

limited impact in terms of loss of light and outlook on this property. The side elevation of no. 16, facing the application site, has a number of openings. Whilst it is acknowledged that the additional height and depth of the proposed dwelling could have a harmful impact on these windows, they appear to be secondary openings and therefore any harm caused would not be significant.

- 8.15 The rear of No. 12 has a more traditional appearance with a deep two storey outrigger projecting from the main part of the building. The rear of the proposed dwelling has been reduced and the building has been repositioned 0.5m to the north, further away from No. 12. Given that the bulk above the eaves level has been reduced and the footprint reduced, any impact on this neighbouring property would no longer be significant enough to warrant refusal. Any bulk from the ground floor extension would be screened by the boundary wall and the existing lean to extension at no. 12 that is adjacent to the boundary.
- 8.16 There is inevitably a degree of mutual overlooking from window openings at upper floor levels in this suburban area. However the proposed balconies at first and second floors cause significant concern in terms of loss of privacy and overlooking. The previous scheme included one inset balcony, which would have had screening to the sides from the roofslope. No objections on amenity grounds were raised in the previous application. The proposed balconies, in the current scheme are considered to cause significant harm due to their positioning, raised positioning and close proximity to neighbouring properties, resulting in a significant loss of privacy and overlooking to adjoining properties.
- 8.17 The proposed outbuilding, would have a height of 3m. It would be visible from neighbouring properties, however would be sited adjacent to the boundary shared with no. 16. This boundary would screen the majority of the outbuilding as would the rear boundary fence. There is sufficient distance separating the outbuilding and no. 12, where the boundary wall is significantly lower. No significant impact would occur from this part of the proposal.

**Standard of Accommodation:**

- 8.18 Policy HO5 requires suitable external amenity space to be provided for new residential development. The proposed garden for the dwelling is considered acceptable and would meet the requirements for a family dwellinghouse.
- 8.19 The layout and location of all habitable rooms are considered acceptable and would provide a good standard of accommodation, with good levels of natural light, outlook and ventilation.

**Sustainable Transport:**

- 8.20 The proposed dwelling would replace an existing residential dwelling and therefore the proposals would not significantly increase trip generation above existing levels. The applicant is providing a cycle store to the front of the property which is deemed acceptable; its implementation would be secured by condition if the application were acceptable in principle.
- 8.21 The applicant appears to be proposing a new vehicular access and 1 car parking space (as per the application form). While the Highway Authority has

no objections in principle to the provision of on-site car parking or a new vehicle crossover further details would be required if the application were to be approved. These details could be secured by condition if the proposal were acceptable in all other respects.

### **Sustainability**

- 8.22 Policy CP8 of the City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This could be secured by condition if the proposal were acceptable in all other respects.

### **Arboriculture**

- 8.23 Nothing of any arboricultural value will be lost to facilitate the development and therefore the Arboricultural Section has no objection to the proposal. The proposed Highway Crossover appears to be well located but should come no closer than 2.2m from the centre of the adjacent highway tree.

## **9 CONCLUSION**

- 9.1 The benefits of the additional housing proposed is outweighed by the resulting harm. The design, scale, detailing and roof materials, would result in an overly dominant and unsympathetic development that would detract significantly from the character and appearance of the site, the Portland Villas street scene and the wider surrounding area. Furthermore the development would result in a loss of privacy and overlooking, to the detriment of the amenity of adjoining properties.

## **10 EQUALITIES**

- 10.1 None identified.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### **11.1 Reasons for Refusal:**

1. The development, by reason of its design, scale, detailing and roof materials, would result in an overly dominant and unsympathetic development that would detract significantly from the character and appearance of the site, the Portland Villas street scene and the wider surrounding area. The proposal would fail to emphasise and enhance the positive qualities of the local neighbourhood and is contrary to policy CP12 of the Brighton and Hove City Plan Part One.
2. The proposed rear balconies, due their size, elevated position and close proximity to neighbouring properties would result unacceptable loss of privacy and overlooking, as well as causing a potential noise disturbance. The proposal would therefore be to the detriment of the amenity of neighbouring properties and would be contrary to policy QD27 of the Brighton & Hove Local Plan.

### **11.2 Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the

PLANNING COMMITTEE LIST – 20 APRIL 2016

approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan and block plan	1115B01	C	18 <sup>th</sup> December 2015
Existing floor plan	1115B 02	B	18 <sup>th</sup> December 2015
Existing east and south elevations	115B03	B	18 <sup>th</sup> December 2015
Existing west and north elevations	1115B04	B	18 <sup>th</sup> December 2015
Proposed ground floor plan	1115B10	D	18 <sup>th</sup> December 2015
Proposed first floor plan	1115B11	D	18 <sup>th</sup> December 2015
Proposed second floor plan	1115B12	E	18 <sup>th</sup> December 2015
Proposed section A-A	1115B13	D	18 <sup>th</sup> December 2015
Proposed east and west elevations	1115B14	C	12 <sup>th</sup> January 2016
Proposed south and north elevations	1115B15	C	12 <sup>th</sup> January 2016
Proposed roof plan	1115B16	C	12 <sup>th</sup> January 2016
Proposed home office	1115B17	A	15 <sup>th</sup> January 2016



PLANNING COMMITTEE LIST  
20 April 2016  
COUNCILLOR REPRESENTATION

**From:** Robert Nemeth  
**Sent:** 27 January 2016 11:53 PM  
**To:** Planning Applications  
**Subject:** BH2015/04574

Dear Sirs

I strongly support this application and would like it to go to Committee in the event that the Case Officer (not yet assigned presumably) is minded to refuse.

I can confirm that the applicants have discussed the case with neighbours and have taken on previous concerns that were raised. Each of the previous issues that was brought up – the balcony, the height at the rear/side, the front elevation, etc – has been addressed. I urge the Officer to point out to the applicants in advance any problems that might arise.

Please confirm that this has been received safely.

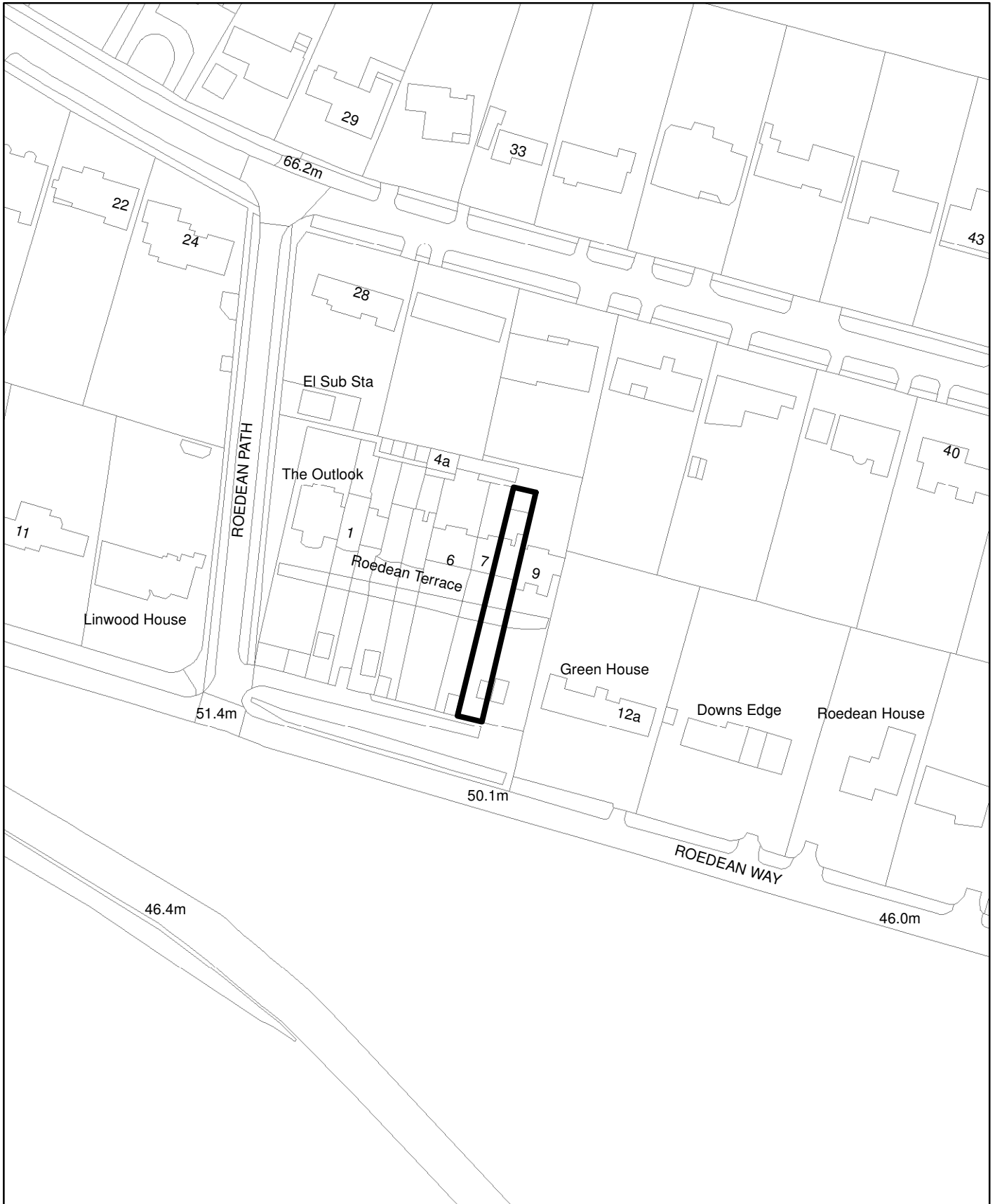
With best wishes

**Cllr Robert Nemeth - Wish Ward  
Brighton & Hove City Council**

# **ITEM F**

**8 Roedean Terrace Brighton  
BH2015 / 04646  
Householder Planning Consent**

**20 April 2016**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/04646</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>8 Roedean Terrace Brighton</b>		
<b><u>Proposal:</u></b>	<b>Planning permission is sought for the erection of a front extension incorporating alterations to the fenestration including the installation of Juliet balconies. In addition permission is sought for the conversion of the existing garage into ancillary accommodation with external alterations and rear extension.</b>		
<b><u>Officer:</u></b>	<b>Emily Stanbridge Tel 292359</b>	<b><u>Valid Date:</u></b>	<b>20/01/2016</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>16 March 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>C Change Ltd, 128 Edward Street Brighton BN2 0JL</b>		
<b><u>Applicant:</u></b>	<b>Mr &amp; Mrs Dubiner, 8 Roedean Terrace Brighton BN2 5RN</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 This application relates to a two storey terraced property situated on the northern side of Roedean Terrace. As existing the property features a detached garage within the front garden area, similar to a number of properties within the terrace.
- 2.2 In addition as existing the property features a half width front extension which is of a similar character to neighbouring properties. The host property is not situated within a conservation area.

## **3 RELEVANT HISTORY**

None relevant

## **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a front extension incorporating alterations to the fenestration including the installation of Juliet balconies. In addition permission is sought for the conversion of the existing garage into ancillary accommodation with external alterations and rear extension.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 **Neighbours: Eight (8)** letters of representation have been received from the occupiers of **1, 3, 7 and 9 Roedean Terrace, 14 Roedean Way, 29 Roedean**

**Crescent, a n unk nown a ddress a nd t he o wners of 5 -6 an d 7 R oedean Terrace objecting to the application on the following grounds:**

- Loss of hedging
- Garage extension not in keeping
- Potential tenants
- Loss of the garage
- Would set a precedent
- Potential of annexe accommodation in the garage extension
- Works visible within the street scene
- Loss of privacy to No's 7 and 9
- Increased on street parking
- The full width balcony is out of character with the rest of the terrace
- Proposed garage is dominant the proposed windows to the southern elevation of the garage are incongruous to the terrace

5.2 **County Archaeology:** No objection.

**Internal:**

5.3 **Highways:** No Objection. There is not expected to be a significant difference resulting from these minor changes and conversion of the garage into a studio especially as the site has a hard standing and is near the end of a private road that has a wide verge for overflow parking if necessary.

## **6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

- City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban Design

#### Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of Amenity

#### Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the visual impact of the proposed development upon the character and appearance of the host property and wider street scene. In addition any impact to the amenities of neighbouring properties shall also be assessed.
- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

### **Character and appearance**

- 8.4 As existing the property features a half width front extension with a slate pitched roof, situated alongside the boundary with No. 7 Roedean Terrace. This application seeks to extend the existing front conservatory so that it results in a full width extension.
- 8.5 The overall height and depth of the extension proposed is the same as that existing, with a depth of approximately 2m and a height of 3.3m at its highest point. The height of the extension proposed measures the same as that to the

west (No.7). The extension proposed sits just behind that existing to the east (No.9).

- 8.6 The proposed extension features a flat roof when viewed from the street scene with an area of flat roof set behind. It is therefore considered that the proposed extension will have a similar appearance to that existing. Furthermore, the extension to the east (No.9) features a flat roof and as such the area behind the front roof slope of the extension is not out of keeping with the character of the terrace. The extension is therefore considered acceptable.
- 8.7 Amendments have also been made during the lifetime of the application which has removed the proposed terrace. The amended plans show that alterations are proposed to the first floor of the property with the enlargement of the existing window openings to facilitate doors with Juliet balconies. The proposed Juliet balconies shall serve a landing area and the front bedroom to the property.
- 8.8 The level of glazing proposed is not significantly increased given the proportions of the existing windows. The proposed Juliet balconies will partially be hidden behind the proposed pitched roof. The height of the balustrading to the Juliet balconies, when viewed from the street scene measures 0.65m. It is not considered that the proposed alterations disrupt the general appearance of the building.
- 8.9 Amendments have been received during the life time of the application with regards to the conversion and extension of the existing garage. The amended plans show that the proposed garage is to be extended to the rear by approximately 1.7m which is an overall reduction of 3.3m in depth on the original proposal.
- 8.10 The existing garage is to be converted into ancillary accommodation to the main dwelling. The agent has confirmed that the proposed outbuilding would be used for a study.
- 8.11 Sliding doors are proposed to the front elevation of the proposed outbuilding which replicates the appearance of a garage door with high level glazing, in order to retain the existing garage appearance when viewed from the street scene. These alterations are considered acceptable.
- 8.12 It is therefore considered that the proposed alterations to the dwelling do not cause demonstrable harm to the character and appearance of the host property or wider street scene. As such the proposed development is in accordance with Policy QD14 of the Brighton & Hove Local Plan.

**Impact on Amenity**

- 8.13 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Both immediate neighbouring properties (No's 7 and 9) feature existing front extensions and as such the proposed full width extension does not result in any overbearing impact to either of these properties.

- 8.14 The proposed extension blocks an existing high level window to No.9 which is obscurely glazed and serves a front porch area, which does not form principle habitable accommodation. As such it is considered that the impact to the front extension of No.9 is considered acceptable.
- 8.15 The proposed terrace has been removed from the scheme and has been replaced by two Juliet balconies. Whilst it is considered that the Juliet balconies would allow for prolonged standing, it is not considered that the degree of additional overlooking would be so significant as to warrant the refusal of this application.
- 8.16 The proposed extended garage is to the southern end of the garden, set sufficiently away from the properties situated on Roedean Terrace. It is not therefore considered that the proposed garage extension will result in significant harm to the amenities of neighbouring residents and as such is considered acceptable.

## 9 CONCLUSION

The proposed extensions would not harm the appearance of the property, the wider area or the amenities of adjacent occupiers, in accordance with development plan policies.

## 10 EQUALITIES

- 10.1 A neighbour has written to draw attention to their sensory and physical difficulties. These matters are acknowledged but in this instance are not material to recommendation. None identified.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location plan	-	-	23.12.2015
<b>Block Plan</b>	-	-	
Existing ground floor plan	001	-	23.12.2015

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Proposed ground floor plan	101	A	23.12.2015
Existing first floor plan and second floor plan & section	002	A	
Proposed first floor plan, second floor plan and section	102	D	10.03.2016
Existing and proposed front elevations	003	E	
Proposed garage plan and elevations	103	D	10.03.2016
Existing garage plan and elevations	004	-	23.12.2015
Existing and proposed section A-A	005	B	10.03.2016

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
  
4. Access to the area of flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
  
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
 The proposed extensions would not harm the appearance of the property, the wider area or the amenities of adjacent occupiers, in accordance with development plan policies.

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3. The applicant is advised that this permission relates solely to the use of the approved outbuilding as ancillary to the main dwellinghouse at 8 Roedean Terrace. Any use as a self-contained unit of accommodation is not permitted and will require a separate application for planning permission.

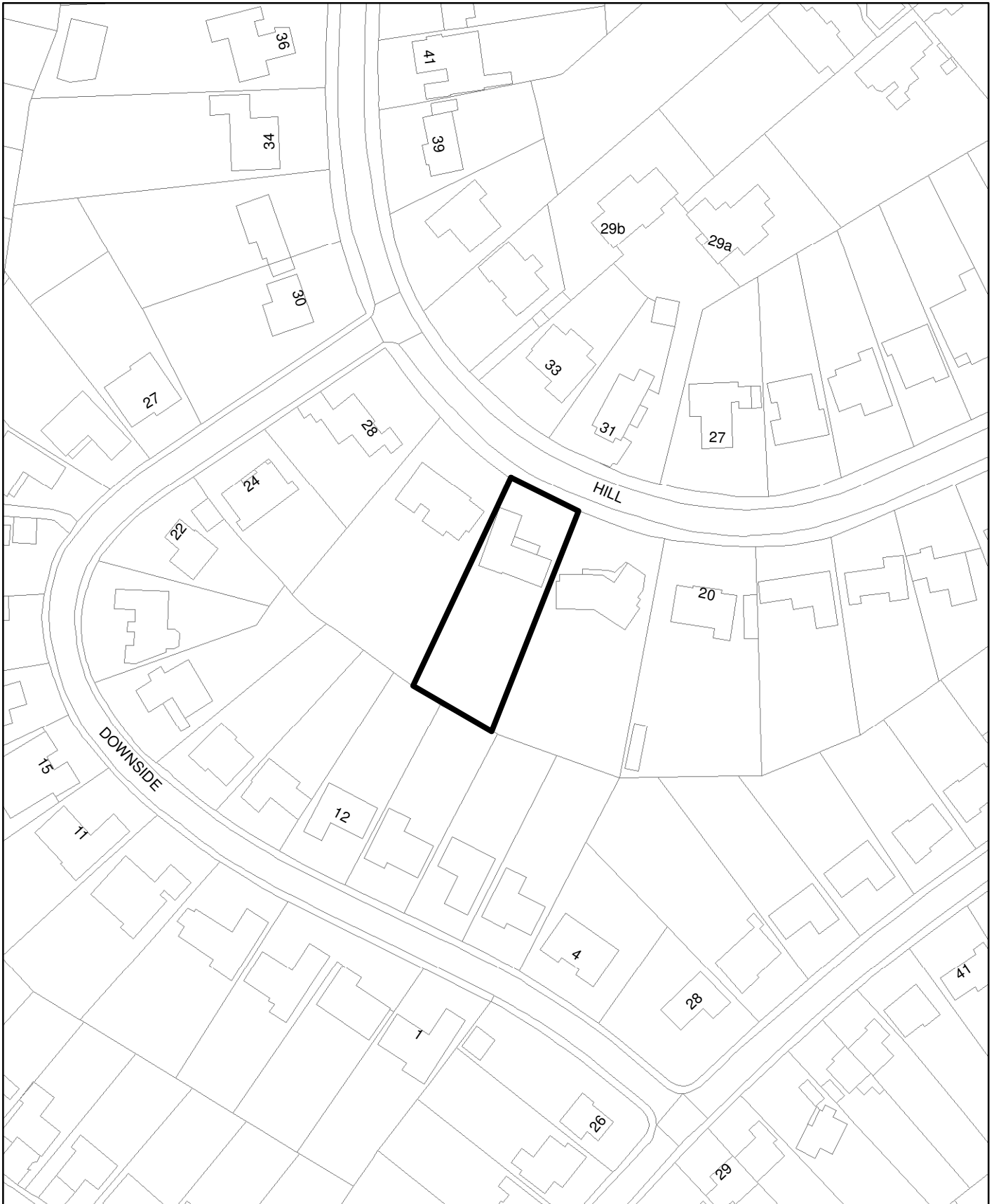




# **ITEM G**

**24 Hill Brow, Hove  
BH2015/03252  
Householder Planning Consent**

**20 April 2016**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/03252</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>24 Hill Brow Hove</b>		
<b><u>Proposal:</u></b>	<b>Enlargement of the existing rear patio with glass balustrading, increased ridge height, rear dormers, front rooflights and alterations to fenestration.</b>		
<b><u>Officer:</u></b>	<b>Luke Austin Tel 294495</b>	<b><u>Valid Date:</u></b>	<b>07/09/2015</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>02 November 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>C-Architecture Limited, 67 Church Road Hove BN3 2NB</b>		
<b><u>Applicant:</u></b>	<b>Mr Steve Charman, 24 Hill Brow Hove BN3 6QF</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to GRANT planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a substantial two-storey detached house located on the south side of Hill Brow, Hove. The property sits below street level in a run of detached houses of various styles. As existing the property includes a rear dormer, a rear gable projection and terraces at both ground and first floor levels.

## 3 RELEVANT HISTORY

**BH2014/00599** - Erection of single storey rear extension, revised fenestration, increased ridge height, rear dormers, front and rear rooflights and associated works. Approved 03/07/2014.

**BH2011/01805** - Ground and first floor extension to front of property including enlarged pitched roof and canopy porch. Approved 03/08/2011.

**BH2009/01199** - Erection of a rear first floor extension with pitched roof. Approved 09/09/2009.

**BH2007/00963** - Roof dormer to rear. Approved 02/05/2007.

**BH2006/04308** - Roof dormer to rear. Refused 12/02/2007.

**BH2004/03489/FP** - Rear extension with balcony over. Approved 25/02/2005.

**BH2004/02748/FP** - Side extension to front porch. Approved 18/10/2004.

**BH2004/02240/FP** - Front boundary wall and new gates. Approved 13/09/2004.

## 4 THE APPLICATION

- 4.1 Permission is sought for the enlargement of the existing rear patio with glass balustrading, increased ridge height, rear dormers, front rooflights and alterations to fenestration. The proposal is largely similar to a previously

approved scheme on site under application BH2014/00599. The main differences relate to the removal of a single storey rear extension and retention of the existing fenestration to the front elevation.

Raised ridge height

- 4.2 The proposal is to raise the ridge height from 7.1m to 7.8m above ground level. The flat roof and parapet to the front elevation would be removed and the main pitched roof widened to come out over the top, and slope down to an eaves height to match the eaves height of the existing front projection, which also has a pitched roof.
- 4.3 The resulting roof would be approximately 5cm lower than the ridge of 26 Hill Brow and 1.4m higher than the roof of 22 Hill Brow. (The same increase in height approved under the previous application).

Revised fenestration

- 4.4 The proposed revised fenestration relates to the installation of two five pane bi-fold doors to the rear elevation. The previous scheme proposed alterations to the front elevation whereby the distinctive narrow, slotted windows on both the ground and first floors would have been replaced with more common and larger styles of window arranged in pairs and as a three on the front projection, and lining up vertically. The front elevation fenestration is no longer proposed to be changed as part of this application

Two rear dormers

- 4.5 The proposal is to remove the large, single dormer from the rear roof slope and to construct two smaller dormers along with a single rooflight. The dormers would have flat roofs and would match the dormers previously approved.

Rooflights-

- 4.6 Three rooflights are proposed on the newly built front roof slope and two further rooflights to the side roof slopes of the front projecting gable. The previous application proposed two rooflights to the front and a single, small unit on the rear roof slope.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours: Four ( 4 )** letters of representation have been received from the occupiers of **10, 12 and 14 Downside** and **29a Hill Brow** objecting to the proposed development, for the following reasons:
- Disruption, noise and dust.
  - The roof will be significantly higher than the neighbouring properties.
  - Will be out of character with the adjoining houses
  - Height increase has been rejected for 35 Hill Brow
  - Loss of privacy
  - Increase in overshadowing
  - Residential area is being downgraded
  - Unclear by how much the ridge height will actually increase
  - The potential for overlooking and loss of privacy is significantly greater than with the earlier application.

5.2 **Councillor B rown:** objects to the proposed works. A copy of this letter is attached to this report.

## **6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

- City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

#### Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

#### Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider street scene and the amenities of adjacent occupiers.

**Design and appearance**

Increased ridge height

- 8.2 SPD12 states that raising the ridge height or reshaping the roof structure is a significant change that will not be appropriate where the existing roof form is an important element of the building's character, contributes positively to the local street scene or where the extension would harm the amenities of adjacent properties.
- 8.3 SPD12 further states that additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the street scene including its topography.
- 8.4 The principal of the increase in the height of the ridge has been approved previously and is considered acceptable. The height of the resulting dwelling would sit between the heights of both neighbouring properties and as such the development would not appear incongruous or inappropriately tall, and the development would respect the topography of the site.
- 8.5 The pitched roof form proposed is in keeping with the general form of existing houses in the local area and would not have an unusual or inappropriate appearance in the street scene.
- 8.6 In addition, the e forward of the pitched roof over the flat projection on the front elevation is considered acceptable and would not be overly prominent or out of character with the street scene.

Dormer windows and rooflights

- 8.7 SPD12 states that dormer windows should be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. In some cases a flat roof may be considered preferable to a pitched roof in order to reduce the bulk of a dormer. The supporting structure for the dormer window should be kept to a minimum as far as possible to avoid a "heavy" appearance and there should be no large areas of cladding either side of the window or below. As a rule of thumb a dormer should not be substantially larger than the window itself unless the particular design of the building and its context dictate otherwise.
- 8.8 Dormer windows should normally align with the windows below. However, in certain cases it may be preferable for dormers to be positioned on the centre line of the building or the centre line of the space between the windows below.
- 8.9 Neighbour comments in respect of the proposed rear dormers have been noted. The comments relate predominantly to amenity issues as opposed to the design and appearance of the dormers.
- 8.10 The existing dormer is tall and over-sized and has a dominant appearance in relation to the rear roof slope. The proposed dormers would be similar in size and appearance to those previously approved under application BH2014/00599. The two proposed dormers would be smaller in size and set well away from the ridge and eaves of the main roof to the dwelling. The dormers would line up with the

centre line of the windows/balcony doors at first floor level and they would also be evenly spaced within the rear roof slope. The dormers would have minimal areas of cladding around the dormer window openings. The dormers proposed are considered to be compliant with SPD12.

- 8.11 Rooflights should be kept as few and as small as possible and should relate well to the scale and proportions of the elevation below, including aligning with windows where possible or centring on the spaces between them where appropriate. Irregular rooflight sizes and positioning should be avoided, and in particular will be resisted on street elevations.
- 8.12 The application proposes three rooflights on the front roof slope. These would be offset to one side of the roof slope. Although the units would add clutter to the front roof slope the rooflights would not dominate the roof slope and would not warrant refusal of the application.
- 8.13 Accordingly, the proposed roof alterations and extensions are considered acceptable and in accordance with the advice contained in SPD12.

Rear decking and alterations to fenestration

- 8.14 The proposed fenestration to the rear would replace existing sliding doors and a window serving the sitting room and living room with full length glazing. The existing masonry wall to the living room would be fully replaced with glazing to both the side and rear elevations. This alteration would not be readily visible from neighbouring properties and although modern in appearance it is not considered likely to detract from the character or appearance of the dwelling.
- 8.15 The proposed rear decking at ground floor level would retain roughly the same footprint however the existing lower section to the eastern side would be raised in height to match the higher section resulting in a full width raised decking with glazed balustrade. The proposed increase in size of the decking has been approved within the previous application and the current proposal would project a lesser depth than the terrace previously approved. This is considered acceptable and would not be harmful to the character or appearance of the dwelling. The existing rear first floor balcony would be retained and would not be increased in size.

**Impact on neighbour amenity**

- 8.16 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.17 The letters received from neighbours have been taken into consideration. The main issues include overlooking from the existing first floor balcony at the rear and the existing and the proposed dormers.
- 8.18 Noise and dust during construction is normally temporary and is not a material consideration that would warrant refusal of planning permission. Environmental

Health have powers under the Environmental Protection Act to control excessive noise and dust if such issues arise.

- 8.19 Consideration is also given as to the impact of the development on neighbours in respect of overshadowing or loss of light.

Ground floor terrace and rear fenestration

- 8.20 Neighbours in Downside have objected partly on grounds of overlooking from the rear decking and extensive glazing at ground floor level. As the proposed decking would retain the same footprint as the existing deck and the separation distance between the rear elevation of the application site and the rear elevations of the nearest properties in Downside (nos. 10 and 12) is approximately 60m, it is not considered that the works at ground floor level would allow for a substantially greater than from the existing arrangement.

- 8.21 Furthermore the principal of extending the decking has been approved under the previous application. The current proposed ground floor terrace would project a lesser depth than the terrace previously approved meaning the opportunity for overlooking would in fact be less than the works proposed within the previous application.

- 8.22 There is also an outbuilding and vegetation set on the boundary which partially obscures views to south from the site.

Proposed rear dormers and first floor balcony

- 8.23 Neighbours have also raised objections regarding the potential overlooking issues from the proposed dormers and the rear balcony at first floor level. Due to the sharply sloping hillside, the application site is on higher ground and this should be taken into consideration.

- 8.24 Notwithstanding the proposed increase to the ridge height, the two proposed dormers would be smaller in size than the existing dormer. The proposed dormers would also be similar in size and siting to those approved within the previous application. The eastern most dormer window would serve a bathroom/sauna and would most likely be obscure glazed or have a blind to protect the applicant's privacy. The second dormer would serve a bedroom however the amount of glazing would be considerably reduced compared to the existing arrangement allowing for a similar outlook and reduced perceived overlooking.

- 8.25 Although concerns have been raised regarding the first floor balcony, the application, unlike the previous proposal, does not propose an increase in the footprint of the balcony and the resultant overlooking would remain unchanged in this regard.

Air conditioning units

- 8.26 The applicant has not submitted details of the air conditioning units. These could generate noise that would disturb the amenity of neighbours. It is recommended a condition is imposed requiring details of the air conditioning units together with



a regulatory condition to ensure sound levels at the nearest noise sensitive façade, 26 Hill Brow, are no more than 5dB below background noise levels.

Overshadowing and loss of light

8.27 There are no habitable room windows to either adjoining property that would be adversely affected by the proposal in terms of loss of light. The properties do not have flank windows and there is sufficient separation between the properties to mitigate against any otherwise overbearing impact. The pitched roof design of the alteration to the front projection would effectively reduce the eaves height, because the existing projection has a flat roof and parapet edge, which is taller.

**9 CONCLUSION**

9.1 The proposed development is considered to be appropriately designed and detailed in relation to the existing house and its surroundings, and would not be detrimental to visual amenity or the character and appearance of the locality.

9.2 The proposal is not considered likely to have a significant adverse impact on the residential amenity of neighbouring occupiers.

**10 EQUALITIES**

None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan, Block Plan and Existing Floorplan	158-E001C	-	07/09/15
Existing Elevations	158-E002A	-	07/09/15
Proposed Plans	158-SK001B	-	07/09/15
Proposed Elevations	158-SK002B	-	07/09/15
Existing and Proposed Street Elevations	158-SK005C	-	07/09/15

3) No extension, enlargement, or alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification)

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 amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan.
- 5) Noise associated with the external air conditioning units incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties, particularly 26 Hill Brow, and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details and retained as such thereafter.  
**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan.

#### 11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

## PLANNING COMMITTEE LIST – 20 APRIL 2016

The proposed development is considered to be appropriately designed and detailed in relation to the existing house and its surroundings, and would not be detrimental to visual amenity or the character and appearance of the locality.

The proposal is not considered likely to have a significant adverse impact on the residential amenity of neighbouring occupiers.

COUNCILLOR REPRESENTATION

**From:** Vanessa Brown  
**Sent:** 07 October 2015 20:43  
**To:** Planning Applications

Dear Sir/Madam

Re: BH2015\ 03252. 24 Hillbrow Hove

As a councillor for Hove Park Ward I am writing to object to the above planning application.

I am particularly concerned about the the roof height and the back elevation. The back of the house overlooks the houses in Downside, particularly numbers 10, 12, and 14. The many windows at the back will overlook these houses in Downside causing a loss of privacy.

There is also a large balcony at the first floor level which will cause a greater loss of privacy.

Hillbrow is higher than Downside which makes the increased height of the house appear overbearing to the houses in Downside.

If the recommendation should be to pass this application I would like it to be decided by the planning committee.

Yours sincerely

Vanessa Brown

Clr Vanessa Brown

<b>PLANNING COMMITTEE</b>	<b>Agenda Item 180</b> Brighton & Hove City Council
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**Information on Pre-application Presentations and Requests 2016**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
tbc	Former Peter Pan playground, adj to Yellow Wave, Madeira Drive, Brighton	East Brighton & Queens Park	Mixed use development including A1/A3/D1/D2 uses and open air swimming pool and boardwalk access to sea.
tbc	65 Orchard Gardens, Hove	Hove Park	Demolition of existing buildings and erection of a five storey building comprising 324sqm offices (B1) on the ground floor, 23no one, two and three bedroom flats (C3) on the upper floors, 22no car parking spaces, cycle storage, refuse/recycling facilities, and associated landscaping.
tbc	76-80 Buckingham Road, Brighton	St Peters and North Laine	Conversion of historic townhouses (numbers 76-79) from D1 to residential. Demolition of number 80 and replacement with 21 flats and D1 use.

**Previous presentations - 2015 / 6**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
29 March 2016	1-3 Conway Street, Hove	Goldsmid	Mixed use development of 188 dwellings, 1,988 sqm office floorspace, 226 sqm retail floorspace and 66 parking spaces, 4 to 17 storeys in height.
29 March 2016	Anston House and site adjacent, 137-147 Preston Road, Brighton	Preston Park	Residential-led redevelopment to provide 218 dwellings and 1,428 sqm commercial floor space (B1/A3) within 3 towers of 13 to 15 storeys in height
08 March 2016	Coombe Farm Westfield Avenue North	Rottingdean Coastal	Residential development comprising of 64 dwellings
16 February 2016	University of Sussex	Hollingdean and Stanmer	Life Science building
16 February 2016	Shelter Hall, 150-151 Kings Rd Arches & 65 Kings Rd (bottom of West	Regency	Demolition of former gym and construction of part 2, part 3 storey building for mixed commercial use (A1/A3) plus

**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in King's House on the date given after scheduled site visits unless otherwise stated.**

	St) & East Street Bastion, Grand Junction Rd		public toilets, substation and new seafront stairs. Erection of relocated seafront kiosk (A1/A3 use) to East Street Bastion
08 December 2015	251- 253 Preston Road, Brighton	Withdean	Demolition of non-original two storey link building. Erection of new three storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.
08 December 2015	Former Texaco Garage, Kingsway, Hove	Central Hove	Circa 50 flats set out over 7 storeys with basement car parking accessed off St Aubyns South, circa 400sqm retail floorspace on the ground floor with associated surface parking accessed off Kingsway.
17 <sup>th</sup> November 2015	University of Sussex	Hollingdean and Stanmer	Reserved matters application for approximately 2000 new student accommodation bedrooms.
27 <sup>th</sup> October 2015	78 West Street & 7-8 Middle Street, Brighton	Regency	Demolition of vacant night club buildings and erection of mixed use building 5-7 storeys high plus basement comprising commercial A1/A3/A4 (retail/restaurant/bar) uses on ground floor & basement and C1 (hotel) use on upper floors with reception fronting Middle St.
4 <sup>th</sup> August 2015	121-123 Davigdor Road, Brighton	Goldsmid	Replacement of existing building with three-part stepped building comprising 48 residential flats and 153sqm of community floorspace.
23 <sup>rd</sup> June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 <sup>rd</sup> June 2015	Former St. Aubyns School, High Street, Rottingdean	Rottingdean Coastal	Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to

Last updated: 10/03/2016 14:29

			provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping; alterations to flint wall.
2 <sup>nd</sup> June 2015	Land bound by Blackman Street Cheapside and Station Street, Brighton	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.
2 <sup>nd</sup> June 2015	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing Sports and Science building fronting Sutherland Road and erection of new three storey Sports and Science building comprising swimming pool, Sports Hall, teaching rooms and rooftop running track and gardens.
10 <sup>th</sup> March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.





### PLANS LIST 20 April 2016

**BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED  
BY THE HEAD OF PLANNING & PUBLIC PROTECTION  
FOR EXECUTIVE DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING  
UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS  
COMMITTEE DECISION**

### PATCHAM

#### BH2015/02093

##### **31 Dale Crescent Brighton**

Erection of a single storey rear extension with raised decking incorporating balustrade and steps to garden level.

**Applicant:** Mr & Mrs Polanski

**Officer:** Luke Austin 294495

**Approved on 11/03/16 DELEGATED**

#### BH2015/04395

##### **86 Overhill Drive Brighton**

Erection of two storey three bedroom single dwelling.

**Applicant:** Jamie Shefford

**Officer:** Mark Thomas 292336

**Refused on 15/03/16 DELEGATED**

#### BH2015/04494

##### **126 Carden Avenue Brighton**

Change of use from health and fitness studio (D2) to retail (A1).

**Applicant:** EBS Trustees Ltd

**Officer:** Stewart Glassar 292153

**Approved on 23/03/16 DELEGATED**

#### BH2015/04672

##### **8 Brangwyn Avenue Brighton**

Erection of first floor rear extension.

**Applicant:** Mr & Mrs Luther

**Officer:** Laura Hamlyn 292205

**Approved on 23/03/16 DELEGATED**

#### BH2016/00094

##### **1 Warmdene Close Brighton**

Erection of two storey side extension, single storey rear extension, erection of 2no. rear dormers and insertion of rooflights to front and side.

**Applicant:** Ms Elizabeth Bourne

**Officer:** Luke Austin 294495

**Refused on 22/03/16 DELEGATED**

### **BH2016/00199**

#### **31 Greenfield Crescent Brighton**

Certificate of Lawfulness for proposed single storey rear extension and alterations to fenestration.

**Applicant:** Mrs Sarah Adams

**Officer:** Molly McLean 292097

**Approved on 23/03/16 DELEGATED**

### **BH2016/00223**

#### **75 Graham Avenue Brighton**

Certificate of Lawfulness for proposed erection of a single storey rear extension.

**Applicant:** Mr Shahin Ali

**Officer:** Molly McLean 292097

**Approved on 23/03/16 DELEGATED**

### **BH2016/00260**

#### **8 Winfield Avenue Brighton**

Erection of two storey detached dwelling (C3).

**Applicant:** Mr Peter Truong

**Officer:** Mark Thomas 292336

**Approved on 23/03/16 DELEGATED**

### **BH2016/00340**

#### **19 The Square Brighton**

Application for Approval of Details Reserved by Conditions 2, 5, 7 and 8 of application BH2013/02596

**Applicant:** Mr Richard Boyle

**Officer:** Nicola Hurley 292114

**Approved on 24/03/16 DELEGATED**

### **BH2016/00509**

#### **65 Baranscraig Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5, for which the maximum height would be 3.159m, and for which the height of the eaves would be 2.959m.

**Applicant:** Mr & Mrs Buss

**Officer:** Molly McLean 292097

**Prior approval not required on 23/03/16 DELEGATED**

### **BH2016/00738**

#### **6 Fernhurst Close Brighton**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 3.5m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Mr & Mrs Mustow

**Officer:** Allison Palmer 290493

**Prior Approval is required and is approved on 29/03/16 DELEGATED**

### PRESTON PARK

#### BH2015/03126

##### **208A Dyke Road Brighton**

Conversion of existing maisonette to 2no flats (C3) incorporating removal of garage at rear and rear conservatory and enlargement of rear balcony area.  
(Amended description)

**Applicant:** Mr D Patel

**Officer:** Mark Thomas 292336

**Approved on 14/03/16 COMMITTEE**

#### BH2015/03834

##### **165 Preston Drove Brighton**

Erection of store to front garden and alterations to front boundary including installation of gate.

**Applicant:** Mr Clifford Standen

**Officer:** Charlotte Bush 292193

**Approved on 29/03/16 DELEGATED**

#### BH2015/04068

##### **25 Springfield Road Brighton**

Alterations including conversion of garage into habitable space alterations to fenestration and driveway, and timber decking to rear garden, in association with the conversion of the property from a maisonette, two no. flats and a studio flat, to a maisonette, two no. flats and a two-bedroom dwellinghouse with associated garden area.

**Applicant:** Ms Shirley Hutchinson

**Officer:** Justine Latemore 292138

**Approved on 30/03/16 DELEGATED**

#### BH2015/04296

##### **153 (and part of 151) Havelock Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr D Parfitt

**Officer:** Laura Hamlyn 292205

**Approved on 23/03/16 DELEGATED**

#### BH2015/04489

##### **2 Chester Terrace Brighton**

Erection of single storey rear extension.

**Applicant:** Mrs Loader

**Officer:** Laura Hamlyn 292205

**Approved on 24/03/16 DELEGATED**

#### BH2015/04666

##### **15 Lucerne Road Rear of 81 Waldegrave Road Brighton**

Prior approval for change of use from storage (B8) to residential (C3) to form a single dwelling.

**Applicant:** Derek Cover

**Officer:** Gareth Giles 293334

Report from 10/03/2016 to 30/03/2016

**Prior Approval is required and is refused on 30/03/16 DELEGATED**

**BH2015/04667**

**1 Southdown Avenue Brighton**

Erection of hip to gable end roof extension and insertion of 4no. rooflights.

**Applicant:** Mrs Lasy Lawless

**Officer:** Laura Hamlyn 292205

**Refused on 18/03/16 DELEGATED**

**BH2016/00149**

**156 Osborne Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and 2nd front rooflights.

**Applicant:** Mr R Salt

**Officer:** Molly McLean 292097

**Approved on 11/03/16 DELEGATED**

**BH2016/00222**

**57 Waldegrave Road Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Joseph Weller

**Officer:** Molly McLean 292097

**Approved on 14/03/16 DELEGATED**

**BH2016/00297**

**1 Kings Parade Ditchling Road Brighton**

Display of internally-illuminated fascia sign (letters and symbol only) and internally illuminated projecting signs.

**Applicant:** HSBC CRE

**Officer:** Justine Latemore 292138

**Approved on 24/03/16 DELEGATED**

**BH2016/00311**

**92 Hythe Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Chris Talman

**Officer:** Luke Austin 294495

**Approved on 24/03/16 DELEGATED**

**BH2016/00328**

**86 Rugby Road Brighton**

Installation of 2 no. rooflights to front roof slope.

**Applicant:** Mr Jude Howell

**Officer:** Luke Austin 294495

**Approved on 24/03/16 DELEGATED**

**BH2016/00335**

**2A Port Hall Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to form 1no two bedroom dwelling.

Report from 10/03/2016 to 30/03/2016

**Applicant:** WP Properties  
**Officer:** Gareth Giles 293334  
**Prior Approval is required and is approved on 24/03/16 DELEGATED**

### **BH2016/00359**

#### **23 Hamilton Road Brighton**

Formation of front bay windows to replace existing windows.

**Applicant:** Mr Keith Lewis  
**Officer:** Luke Austin 294495  
**Approved on 23/03/16 DELEGATED**

### **BH2016/00530**

#### **25 Brigden Street Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.5m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.8m.

**Applicant:** Mr Michael Friel  
**Officer:** Molly McLean 292097  
**Prior approval not required on 23/03/16 DELEGATED**

### **BH2016/00589**

#### **24 Highcroft Villas Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer, side window and alterations to chimney.

**Applicant:** Mr James Ginzler  
**Officer:** Molly McLean 292097  
**Approved on 15/03/16 DELEGATED**

## **REGENCY**

### **BH2014/02100**

#### **Old Ship Hotel 31-38 Kings Road Brighton**

Demolition of existing 3 storey garage and staff accommodation block fronting Black Lion Street and construction of new 6 storey building to provide 8no one bed and 10no two bed flats on the 1st-5th floors and associated cycle and car parking on the ground floor with revised vehicular access together with other associated works including solar panels on the roof.

**Applicant:** Old Ship Hotel (Brighton) Ltd  
**Officer:** Liz Arnold 291709  
**Approved after Section 106 signed on 24/03/16 COMMITTEE**

### **BH2015/01819**

#### **35 Russell Square and 9 St Margarets Place Brighton**

Conversion of existing sauna parlour (Sui generis) at lower ground and ground floor level into 2no. self contained flats and demolition of existing rear extension and erection of 1no studio flat.

**Applicant:** Amherst Worldwide Ltd

Report from 10/03/2016 to 30/03/2016

**Officer:** Paul Vidler 292192  
**Approved on 16/03/16 DELEGATED**

### **BH2015/01820**

#### **35 Russell Square and 9 St Margarets Place Brighton**

Conversion of existing sauna parlour (Sui generis) at lower ground and ground floor level into 2no. self contained flats and demolition of existing rear extension and erection of 1no studio flat.

**Applicant:** Amherst Worldwide Ltd

**Officer:** Paul Vidler 292192

**Approved on 16/03/16 DELEGATED**

### **BH2015/01821**

#### **35 Russell Square and 9 St Margarets Place Brighton**

Demolition of rear extension and erection of 1no two storey dwelling (C3).

**Applicant:** Amherst Worldwide Ltd

**Officer:** Paul Vidler 292192

**Approved on 16/03/16 DELEGATED**

### **BH2015/01822**

#### **35 Russell Square and 9 St Margaret's Place Brighton**

Demolition of rear extension and erection of 1no two storey dwelling (C3).

**Applicant:** Amherst Worldwide Ltd

**Officer:** Paul Vidler 292192

**Approved on 14/03/16 DELEGATED**

### **BH2015/04025**

#### **34 Montpelier Street Brighton**

Formation of rear glass balcony at first floor.

**Applicant:** Mr Anil Seth

**Officer:** Joanne Doyle 292198

**Approved on 15/03/16 DELEGATED**

### **BH2015/04585**

#### **Malvern Hotel 33-34 Regency Square Brighton**

Internal alterations including to layout of ground floor. (Part Retrospective)

**Applicant:** Mr Justin Salisbury

**Officer:** Tim Jefferies 293152

**Approved on 18/03/16 DELEGATED**

### **BH2015/04677**

#### **Flat 4 11 Cavendish Place Brighton**

Internal alterations to layout of flat.

**Applicant:** Ms Olivia Hague

**Officer:** Tim Jefferies 293152

**Approved on 23/03/16 DELEGATED**

### **BH2016/00132**

#### **21-30 Kings Road Brighton**

Display of internally-illuminated fascia signs to front, sides and rear.

Report from 10/03/2016 to 30/03/2016

(Part-Retrospective)

**Applicant:** Amaris Hospitality  
**Officer:** Justine Latemore 292138  
**Approved on 24/03/16 DELEGATED**

### **BH2016/00168**

#### **Flat 17 Sillwood Court Montpelier Road Brighton**

Replacement double glazed UPVC windows and French doors.

**Applicant:** Ms Frances McAllister  
**Officer:** Charlotte Bush 292193  
**Refused on 24/03/16 DELEGATED**

### **BH2016/00191**

#### **13 North Street Brighton**

Application for Approval of Details Reserved by Condition 33 of application BH2013/00710.

**Applicant:** Mr Andrew Folds  
**Officer:** Gareth Giles 293334  
**Approved on 29/03/16 DELEGATED**

### **BH2016/00279**

#### **39 Borough Street Brighton**

Extensions and alterations to rear including demolition of existing outbuildings, single storey extension, first floor extension and installation of PV panels and rooflights. Alterations to front including removal of door, insertion of lowered wide front door and creation of 2no light wells to basement level.

**Applicant:** Mr Jason Mladek  
**Officer:** Helen Hobbs 293335  
**Refused on 23/03/16 DELEGATED**

### **BH2016/00323**

#### **10 Clifton Terrace Brighton**

Extension to rear outrigger with second floor extension above. Alterations including new and replacement windows and doors, enlargement of front dormer and installation of rear rooflight, replacement of spiral staircase with stone steps to courtyard and internal alterations to layout.

**Applicant:** Mr & Mrs Hosh  
**Officer:** Helen Hobbs 293335  
**Refused on 24/03/16 DELEGATED**

### **BH2016/00324**

#### **10 Clifton Terrace Brighton**

Extension to rear outrigger with second floor extension above. Alterations including new and replacement windows and doors, enlargement of front dormer, installation of rear rooflight and replacement of spiral staircase with stone steps.

**Applicant:** Mr & Mrs Hosh  
**Officer:** Helen Hobbs 293335  
**Refused on 29/03/16 DELEGATED**

Report from 10/03/2016 to 30/03/2016

### **BH2016/00506**

#### **15 North Street Brighton**

Application for Approval of Details Reserved by Condition 2 of application

BH2015/00576

**Applicant:** Redevco UK

**Officer:** Joanne Doyle 292198

**Approved on 23/03/16 DELEGATED**

### **ST. PETER'S & NORTH LAINE**

### **BH2015/00971**

#### **25-28 Elder Place Brighton**

Application for removal of conditions 13 and 18 of application BH2014/01943 (Reconfiguration of existing office space and erection of one new storey above existing ground and first floors to facilitate the creation of 4no one bedroom flats and 3no two bedroom flats and associated alterations) that require that the development achieves a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development.

**Applicant:** GoodFood Ltd/Legal Link Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 24/03/16 DELEGATED**

### **BH2015/01412**

#### **44-45 Baker Street Brighton**

Change of use from betting shop (sui generis) to cafe/restaurant (A3) including installation of air conditioning unit and other associated alterations.

**Applicant:** Mr Simon Griggs

**Officer:** Sonia Gillam 292265

**Approved on 18/03/16 DELEGATED**

### **BH2015/03260**

#### **4 Terminus Road Brighton**

Change of Use from retail (A1) to restaurant/hot food takeaway. (A3/A5)

**Applicant:** Bubbly Tea

**Officer:** Mark Thomas 292336

**Approved on 16/03/16 DELEGATED**

### **BH2015/03272**

#### **53 Stanley Road Brighton**

Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom House in Multiple Occupation (Sui Generis), with erection of ground and second floor rear extensions and roof alterations incorporating rear rooflights.

**Applicant:** Mr Y Rna

**Officer:** Joanne Doyle 292198

**Refused on 21/03/16 DELEGATED**



### **BH2015/03591**

#### **11-12 Vine Street Brighton**

Creation of additional floor to create 1 no residential unit (C3) and alterations to fenestration.

**Applicant:** Crush Creative Limited

**Officer:** Clare Flowers 290443

**Approved on 10/03/16 DELEGATED**

### **BH2015/03955**

#### **31 Queens Road Brighton**

Change of use from storage to residential unit (C3).

**Applicant:** Ms Eileen Robinson

**Officer:** Mark Thomas 292336

**Refused on 15/03/16 DELEGATED**

### **BH2015/04549**

#### **9 North Gardens Brighton**

Erection of a single storey rear extension and new two storey bay window to replace existing to front elevation with associated alterations to fenestration.

**Applicant:** Ms Georgie Fogg

**Officer:** Allison Palmer 290493

**Approved on 14/03/16 DELEGATED**

### **BH2015/04603**

#### **171 Upper Lewes Road Brighton**

Erection of single storey rear extension.

**Applicant:** Larkwalk Properties Limited

**Officer:** Luke Austin 294495

**Refused on 24/03/16 DELEGATED**

### **BH2015/04621**

#### **169 North Street Brighton**

Display of internally illuminated fascia signs and menu boxes, externally illuminated hanging signs and non-illuminated canopy and window decals.

**Applicant:** Casual Dining Group

**Officer:** Helen Hobbs 293335

**Refused on 17/03/16 DELEGATED**

### **BH2015/04632**

#### **169 North Street Brighton**

Internal alterations and refurbishment works to restaurant (A3). Replacement of external signage with new illuminated and non-illuminated signage and associated alterations including installation of canopy.

**Applicant:** Casual Dining Group

**Officer:** Helen Hobbs 293335

**Refused on 23/03/16 DELEGATED**

### **BH2015/04681**

#### **9 & 9A Terminus Road Brighton**

Report from 10/03/2016 to 30/03/2016

Certificate of lawfulness for proposed installation of solar panels to adjoining properties.

**Applicant:** Mr Andrew Chapman

**Officer:** Wayne Nee 292132

**Approved on 16/03/16 DELEGATED**

### **BH2016/00002**

#### **The Limes Bromley Road Brighton**

Insertion of new UPVC window to enclose existing balcony to rear elevation.

**Applicant:** Ms Sut Cheung

**Officer:** Joanne Doyle 292198

**Approved on 24/03/16 DELEGATED**

### **BH2016/00135**

#### **128 Gloucester Road Brighton**

Roof extension incorporating raised ridge height and 2no. dormers to front.

**Applicant:** Baron Estates Europe Ltd

**Officer:** Allison Palmer 290493

**Approved on 24/03/16 DELEGATED**

### **BH2016/00266**

#### **49 - 50 Providence Place & 3 & 4 Ann Street Brighton**

Application for Approval of Details Reserved by Condition 25 of Application BH2013/02511.

**Applicant:** Mr Chester Hunt

**Officer:** Adrian Smith 290478

**Approved on 16/03/16 DELEGATED**

## **WITHDEAN**

### **BH2015/03294**

#### **19 Highbank (Land to rear of 12 Bankside) Brighton**

Erection of three storey three bedroom detached house.

**Applicant:** Mr D Manley

**Officer:** Sonia Gillam 292265

**Approved on 24/03/16 DELEGATED**

### **BH2015/03524**

#### **69 Valley Drive Brighton**

Erection of single storey rear extension with terrace above and erection of first floor rear extension with associated alterations.

**Applicant:** Mr Ian Grant

**Officer:** Luke Austin 294495

**Approved on 29/03/16 DELEGATED**

### **BH2015/04319**

#### **8 Woodside Avenue Brighton**

Erection of 1no four bedroom, two storey dwelling (C3) with an undercroft and associated landscaping.

Report from 10/03/2016 to 30/03/2016

**Applicant:** Mr Nigel Gosden & Mrs Pilar Espinoza  
**Officer:** Gareth Giles 293334  
**Refused on 15/03/16 DELEGATED**

### **BH2015/04415**

#### **20 Tongdean Lane Brighton**

Erection of 1no. three bedroom house (C3) to rear incorporating demolition of existing garage and outbuildings and associated parking and landscaping.

**Applicant:** Mr Steve Wood  
**Officer:** Stewart Glassar 292153  
**Refused on 16/03/16 DELEGATED**

### **BH2015/04538**

#### **326-328 Dyke Road Brighton**

Alterations to boundary wall including creation of vehicle and pedestrian timber gates.

**Applicant:** Mrs Zofia Salter  
**Officer:** Laura Hamlyn 292205  
**Refused on 15/03/16 DELEGATED**

### **BH2016/00014**

#### **28 Friar Road Brighton**

Certificate of lawfulness for proposed roof alterations incorporating hip to barn end roof extension, creation of 2no. dormers to rear elevation and replacement of 3no. rooflights to front elevation.

**Applicant:** Miss L Fenwick  
**Officer:** Molly McLean 292097  
**Refused on 16/03/16 DELEGATED**

### **BH2016/00041**

#### **64 Tivoli Crescent Brighton**

Installation of UPVC bi-folding doors, creation of raised patio and timber balustrading.

**Applicant:** Mr M Brown  
**Officer:** Allison Palmer 290493  
**Refused on 15/03/16 DELEGATED**

### **BH2016/00121**

#### **36 Robertson Road Brighton**

Application for variation of condition 2 of application BH2015/03061 (External alterations including alterations to fenestration and excavation works following prior approval application BH2015/01705 for change of use from offices (B1) to residential (C3) to form 2no four bedroom houses and 1no two bedroom house) to permit material alterations to the approved drawings. Removal of condition 4 requiring details of the retaining wall structure adjacent to the approved lightwell and front extensions.

**Applicant:** Copse Mill Properties Ltd  
**Officer:** Stewart Glassar 292153  
**Approved on 10/03/16 DELEGATED**

Report from 10/03/2016 to 30/03/2016

### **BH2016/00142**

#### **49 Tivoli Crescent Brighton**

Certificate of lawfulness for proposed dormer to rear roofspace.

**Applicant:** Mr Wil Mackintosh

**Officer:** Molly McLean 292097

**Approved on 10/03/16 DELEGATED**

### **BH2016/00341**

#### **Dunromin London Road Preston Brighton**

Demolition of existing stone dwarf wall and erection of brick wall.

**Applicant:** Mr Dominic Dorsaneo

**Officer:** Molly McLean 292097

**Refused on 29/03/16 DELEGATED**

### **BH2016/00382**

#### **60 Loder Road Brighton**

Erection of a single storey rear extension.

**Applicant:** Thea Wates

**Officer:** Laura Hamlyn 292205

**Refused on 24/03/16 DELEGATED**

### **BH2016/00628**

#### **284 Dyke Road Brighton**

Application for Approval of Details Reserved by Conditions 4 and 8 of application BH2013/03772

**Applicant:** Mr Roman Lelic

**Officer:** Allison Palmer 290493

**Approved on 15/03/16 DELEGATED**

## **EAST BRIGHTON**

### **BH2015/03148**

#### **St Marys Hall Eastern Road Brighton**

Erection of 3 storey modular building on existing tennis court and car parking area for use as construction site offices for the 3Ts hospital development for a temporary period of up to eight years.

**Applicant:** Laing O'Rourke Construction

**Officer:** Mick Anson 292354

**Approved after Section 106 signed on 22/03/16 COMMITTEE**

### **BH2015/03227**

#### **80 Maresfield Road Brighton**

Erection of a garden room to rear and reduction in size of existing decking.

**Applicant:** Mr Martin Stevens

**Officer:** Joanne Doyle 292198

**Refused on 24/03/16 DELEGATED**

### **BH2015/03662**

#### **32 Chesham Road Brighton**

Report from 10/03/2016 to 30/03/2016

Conversion of ground floor retail unit (A1) to 1no one bedroom flat (C3) including removal of shopfront and installation of new bay window.

**Applicant:** Mr I Dunkerton

**Officer:** Rebecca Fry 293773

**Approved on 15/03/16 DELEGATED**

### **BH2015/04404**

#### **10 Eastern Street Brighton**

Erection of conservatory with terrace to rear and formation of mansard roof with front and rear dormers.

**Applicant:** Ms Julia Harding

**Officer:** Luke Austin 294495

**Approved on 11/03/16 DELEGATED**

### **HANOVER & ELM GROVE**

### **BH2015/04120**

#### **110 & 110A Elm Grove Brighton**

Change of use of existing ground floor retail shop (A1) to residential, incorporating existing ground and first floor maisonette to form 1no two storey dwelling and external alterations to front elevation (C3) (part retrospective).

**Applicant:** Mr Matt Owen

**Officer:** Chris Swain 292178

**Refused on 23/03/16 DELEGATED**

### **BH2015/04448**

#### **5 Hartington Road Brighton**

Demolition of existing two storey extension and erection of four storey extension with roof alterations to rear. Conversion of existing 1no. three bedroom single dwelling into 2no. one bedroom flats and 1 no. three bedroom maisonette.

**Applicant:** Mr Gail Brooks

**Officer:** Gareth Giles 293334

**Refused on 14/03/16 DELEGATED**

### **BH2015/04478**

#### **90 Hartington Road Brighton**

Replacement and extension of existing boundary fence (Retrospective).

**Applicant:** Indigo Property Group

**Officer:** Emily Stanbridge 292359

**Refused on 22/03/16 DELEGATED**

### **BH2016/00057**

#### **47 Belgrave Street Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and front rooflight.

**Applicant:** Mr Henry Dorman

**Officer:** Molly McLean 292097

**Approved on 14/03/16 DELEGATED**

Report from 10/03/2016 to 30/03/2016

### **BH2016/00172**

#### **68 May Road Brighton**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).

**Applicant:** Mr Stuart Wilson

**Officer:** Emily Stanbridge 292359

**Approved on 14/03/16 DELEGATED**

### **BH2016/00179**

#### **119 Lewes Road Brighton**

Application for approval of details reserved by conditions 8, 9, 10, 12, 13, 14a and 15 of application BH2015/01121.

**Applicant:** McLaren (119 Lewes Road) Ltd

**Officer:** Mick Anson 292354

**Approved on 11/03/16 DELEGATED**

### **BH2016/00211**

#### **44A Cobden Road Brighton**

Roof alterations incorporating front and rear dormers, rear extension and insertion of rooflights. Revised fenestration and associated external works.

**Applicant:** A Short & V Gimson

**Officer:** Emily Stanbridge 292359

**Refused on 16/03/16 DELEGATED**

### **BH2016/00264**

#### **5 Agnes Street Brighton**

Erection of single storey side/rear infill extension.

**Applicant:** Dr Anne Galliot

**Officer:** Justine Latemore 292138

**Refused on 24/03/16 DELEGATED**

### **BH2016/00276**

#### **Brighton General Hospital Elm Grove Brighton**

Alterations to fenestration, creation of access ramp with railings and removal of access steps and bollards to the Varndean Building.

**Applicant:** Sussex Community NHS Trust

**Officer:** Emily Stanbridge 292359

**Approved on 24/03/16 DELEGATED**

### **BH2016/00312**

#### **Wellington House Wellington Street Brighton**

Replacement of existing single glazed timber and aluminium windows with double glazed UPVc windows.

**Applicant:** Brighton & Hove City Council

**Officer:** Emily Stanbridge 292359

**Approved on 24/03/16 DELEGATED**

### **BH2016/00347**

#### **46 Newmarket Road Brighton**

Prior approval for the erection of a single storey rear extension, which would

Report from 10/03/2016 to 30/03/2016

extend beyond the rear wall of the original house by 5.7m, for which the maximum height would be 2.5m, and for which the height of the eaves would be 1.5m.

**Applicant:** Mr John Standing

**Officer:** Justine Latemore 292138

**Prior approval not required on 14/03/16 DELEGATED**

### **BH2016/00431**

#### **109A Whippingham Road Brighton**

Application for Approval of Details Reserved by Conditions 7, 8 and 9(1)a of application BH2015/02529

**Applicant:** Soldene Developments Limited

**Officer:** Liz Arnold 291709

**Split Decision on 23/03/16 DELEGATED**

### **BH2016/00580**

#### **6 Toronto Terrace Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.2m, for which the maximum height would be 3.22m, and for which the height of the eaves would be 2.25m.

**Applicant:** Helena Taylor

**Officer:** Molly McLean 292097

**Prior Approval is required and is approved on 23/03/16 DELEGATED**

### **HOLLINGDEAN & STANMER**

### **BH2015/02177**

#### **8 Mountfields Brighton**

Excavation of rear garden to install 5000 litre water tank and garden re-profiling. (Retrospective) (amended description).

**Applicant:** Mr Lars Schuy

**Officer:** Kate Brocklebank 292454

**Approved on 10/03/16 DELEGATED**

### **BH2015/03642**

#### **Arts Building A Arts Road University of Sussex Brighton**

Replacement of existing glazed screen of walkway.

**Applicant:** Sussex Estates and Facilities (SEF)

**Officer:** Charlotte Bush 292193

**Refused on 15/03/16 DELEGATED**

### **BH2015/04218**

#### **196 Ditchling Road Brighton**

Certificate of lawfulness for existing two storey rear extension and use of the property as 4 no. self-contained flats (C3).

**Applicant:** Karin and Barbaros Tanc

**Officer:** Mark Thomas 292336

**Approved on 29/03/16 DELEGATED**

Report from 10/03/2016 to 30/03/2016

### **BH2015/04691**

#### **11 Nanson Road Brighton**

Change of use from small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis).(retrospective).

**Applicant:** Mr Thomas Booker

**Officer:** Chris Swain 292178

**Refused on 22/03/16 DELEGATED**

### **BH2016/00085**

#### **84 & 86 Hollingbury Road Brighton**

Conversion of existing garage into habitable living space with associated alterations and erection of 2no. rear dormers.

**Applicant:** Investsave Ltd

**Officer:** Stewart Glassar 292153

**Approved on 24/03/16 DELEGATED**

### **BH2016/00162**

#### **1 Lynchet Down Brighton**

Erection of single storey rear extension at ground floor level and single storey side extension at first floor level.

**Applicant:** Mr Eyre-Walker

**Officer:** Justine Latemore 292138

**Approved on 14/03/16 DELEGATED**

### **BH2016/00182**

#### **Land adjacent to Watts Building University of Brighton Lewes Road Brighton**

Application for Approval of Details Reservd by Condition 7(i) (first paragraph only) of application BH2015/02004.

**Applicant:** University of Brighton

**Officer:** Mick Anson 292354

**Approved on 23/03/16 DELEGATED**

### **BH2016/00250**

#### **13 Middleton Rise Brighton**

Change of use from five bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis) incorporating first floor side extension and extension of roof over.

**Applicant:** Dr Ryan Scott

**Officer:** Chris Swain 292178

**Refused on 22/03/16 DELEGATED**

### **BH2016/00514**

#### **45 Hollingbury Place Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.27m, for which the maximum height would be 4m, and for which the height of the eaves would be 2.65m.

**Applicant:** Ben Gregory

**Officer:** Molly McLean 292097

Report from 10/03/2016 to 30/03/2016



**Prior approval not required on 23/03/16 DELEGATED**

### **MOULSECOOMB & BEVENDEAN**

#### **BH2015/04139**

##### **Scout Hut 67 Hodshrove Road Brighton**

Erection of two storey rear extension and insertion of rooflights.

**Applicant:** Mr Bell

**Officer:** Chris Swain 292178

**Approved on 16/03/16 DELEGATED**

#### **BH2015/04212**

##### **4 Hornby Road Brighton**

Erection of 1 no two storey two bedroom house.

**Applicant:** Mr J Brand

**Officer:** Chris Swain 292178

**Refused on 15/03/16 DELEGATED**

#### **BH2015/04608**

##### **34 Walmer Crescent Brighton**

Change of use from single dwelling house (C3) to three bedroom small house in multiple occupation (C4).

**Applicant:** Miss Sharon Simpson

**Officer:** Stewart Glassar 292153

**Approved on 29/03/16 DELEGATED**

#### **BH2016/00198**

##### **63 Bodiam Avenue Brighton**

Change of use from four bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4).

**Applicant:** Rivers Birtwell

**Officer:** Chris Swain 292178

**Approved on 14/03/16 DELEGATED**

#### **BH2016/00562**

##### **82 Bevendean Crescent Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.3m, for which the maximum height would be 2.941m, and for which the height of the eaves would be 2.890m.

**Applicant:** Graham Wagland

**Officer:** Molly McLean 292097

**Prior approval not required on 30/03/16 DELEGATED**

#### **BH2016/00583**

##### **18 Colbourne Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.9m.

Report from 10/03/2016 to 30/03/2016

**Applicant:** Rivers Birtwell  
**Officer:** Molly McLean 292097  
**Prior approval not required on 24/03/16 DELEGATED**

### **QUEEN'S PARK**

#### **BH2013/01983**

##### **Cavendish House Dorset Place Brighton**

Application for variation of condition 2 of application BH2012/03569 (Installation of replacement UPVC double glazed windows and aluminum entrance doors) to allow alterations to window fenestration to east and south elevations

**Applicant:** University of Brighton  
**Officer:** Sue Dubberley 293817  
**Approved on 16/03/16 DELEGATED**

#### **BH2015/01909**

##### **32 - 34 Old Steine Brighton**

Application for removal of condition 6 of application BH2007/01836 (Formation of roof terrace with new stair enclosure, acoustic screen and balustrade railings on existing flat roof of building. Relocation of existing air conditioning units. Resubmission of withdrawn application reference BH2006/02414) to allow the use of amplified music or sound on the roof terrace.

**Applicant:** Mr Michael Deol  
**Officer:** Sue Dubberley 293817  
**Refused on 15/03/16 DELEGATED**

#### **BH2015/04361**

##### **52A George Street Brighton**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).

**Applicant:** Mr Mark Black  
**Officer:** Chris Swain 292178  
**Approved on 24/03/16 DELEGATED**

#### **BH2015/04375**

##### **Turnerland Nursery School Sussex Street Brighton**

Demolition of existing lower ground floor finance office and erection of single storey rear extension to connect the main building to detached classroom.

**Applicant:** Ms Julie Plumstead  
**Officer:** Joanne Doyle 292198  
**Approved on 29/03/16 DELEGATED**

#### **BH2016/00137**

##### **Flat 3 4 Clarendon Place Brighton**

Formation of mansard roof incorporating rooflights to front and rear elevations.

**Applicant:** Mr Anthony Allen  
**Officer:** Justine Latemore 292138  
**Refused on 24/03/16 DELEGATED**

Report from 10/03/2016 to 30/03/2016

### **BH2016/00169**

#### **37 Egremont Place Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Daren Kay

**Officer:** Justine Latemore 292138

**Approved on 23/03/16 DELEGATED**

### **BH2016/00208**

#### **61 Sutherland Road Brighton**

Erection of single storey extensions to both side elevations with associated alterations.

**Applicant:** Chris Rowe

**Officer:** Justine Latemore 292138

**Approved on 14/03/16 DELEGATED**

### **BH2016/00214**

#### **47-47A St James Street Brighton**

Application for Approval of Details Reserved by Condition 7 of application BH2014/04083.

**Applicant:** B & J Sharman Properties Ltd

**Officer:** Nicola Hurley 292114

**Approved on 16/03/16 DELEGATED**

### **BH2016/00298**

#### **220 Queens Park Road Brighton**

Erection of single storey side extension.

**Applicant:** Mr James Howard

**Officer:** Justine Latemore 292138

**Approved on 24/03/16 DELEGATED**

## **ROTTINGDEAN COASTAL**

### **BH2014/03849**

#### **Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land**

Application for approval of details reserved by conditions 45, 57, 65, 66 and 67 of application BH2014/02883 for Phase 1 and Phase A only.

**Applicant:** Brunswick Developments Group Plc

**Officer:** Sarah Collins 292232

**Split Decision on 24/03/16 DELEGATED**

### **BH2014/04303**

#### **West Quay Brighton Marina Village Brighton**

Application for approval of details reserved by conditions 11 and 50 of application BH2014/02883 for Phase 1 and Phase A only.

**Applicant:** Brunswick Developments Group Plc

**Officer:** Sarah Collins 292232

**Approved on 24/03/16 DELEGATED**

Report from 10/03/2016 to 30/03/2016

### **BH2015/00211**

#### **Land at Brighton Marina comprising Outer Harbour West Quay and Adjoining Land Brighton**

Application for Approval of Details Reserved by Conditions 41, 42 and 48 of Application BH2014/02883 for Phase 1 and Phase A only .

**Applicant:** Brunswick Developments Group Plc

**Officer:** Sarah Collins 292232

**Approved on 23/03/16 DELEGATED**

### **BH2015/02242**

#### **5B, 5C & 5E Lewes Crescent & 5 Rock Grove Brighton**

External alterations to elevation fronting Rock Grove including removal of existing fire escape, installation of replacement railings and gate, and reconstruction of porch.

**Applicant:** 5 Lewes Crescent Management Co

**Officer:** Wayne Nee 292132

**Approved on 29/03/16 DELEGATED**

### **BH2015/02243**

#### **5B, 5C & 5E Lewes Crescent & 5 Rock Grove Brighton**

External alterations to elevation fronting Rock Grove including removal of existing fire escape and associated internal fire door upgrade, installation of replacement railings and gate, and reconstruction of porch.

**Applicant:** 5 Lewes Crescent Management Co

**Officer:** Wayne Nee 292132

**Approved on 29/03/16 DELEGATED**

### **BH2015/03019**

#### **63 Marine Drive Rottingdean Brighton**

Application for removal of condition 3 of BH2010/02093 (Conversion of existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side.)

**Applicant:** Mr Keith Pryke

**Officer:** Sue Dubberley 293817

**Refused on 15/03/16 DELEGATED**

### **BH2015/04160**

#### **7 Dean Court Road Rottingdean Brighton**

Demolition of existing garage and erection of new three bay garage.

**Applicant:** Mr N Kermod

**Officer:** Luke Austin 294495

**Approved on 24/03/16 DELEGATED**

### **BH2015/04279**

#### **30 Chorley Avenue Saltdean Brighton**

Erection of single storey side and rear extension. (Part retrospective).

**Applicant:** Mr Naeem Khalid

**Officer:** Luke Austin 294495

Report from 10/03/2016 to 30/03/2016

**Refused on 22/03/16 DELEGATED**

**BH2015/04367**

**7 Marine Close Saltdean Brighton**

Erection of 1no four bedroom bungalow (C3) and alterations to existing dwelling.

**Applicant:** Mr Andrew Sinclair

**Officer:** Chris Swain 292178

**Refused on 18/03/16 DELEGATED**

**BH2015/04368**

**7 Marine Close Saltdean Brighton**

Remodelling of dwelling including two storey rear extension, extension to roof and raised ridge height, reduction to width of dwelling, creation of front balcony, relocated dropped curb and associated alterations.

**Applicant:** Mr Andrew Sinclair

**Officer:** Chris Swain 292178

**Refused on 18/03/16 DELEGATED**

**BH2015/04457**

**4 Northfield Rise Rottingdean Brighton**

Alterations to existing dormer and insertion of 2no. new dormers to front.

**Applicant:** Mrs Tara Eniston

**Officer:** Gareth Giles 293334

**Approved on 10/03/16 DELEGATED**

**BH2015/04502**

**9A and 9B Arundel Place Brighton**

Erection of extensions at third floor level with associated alterations.

**Applicant:** Mr Nick Monti & Mr Marc Lacombe

**Officer:** Allison Palmer 290493

**Refused on 24/03/16 DELEGATED**

**BH2015/04664**

**14 Chorley Avenue Saltdean Brighton**

Erection of rear extension at first floor level and associated alterations.

**Applicant:** Mr Suresh

**Officer:** Allison Palmer 290493

**Approved on 30/03/16 DELEGATED**

**BH2016/00018**

**16 Cranleigh Avenue Rottingdean Brighton**

Erection of a part one, part two storey side extension and a front extension to replace existing bay window. Addition of fibreboard cladding to front, rear and side elevations.

**Applicant:** Mr Matthew Attia

**Officer:** Allison Palmer 290493

**Refused on 21/03/16 DELEGATED**

**BH2016/00050**

**41 Westmeston Avenue Saltdean Brighton**

Report from 10/03/2016 to 30/03/2016

Demolition of existing detached garage and erection of single storey side and rear extension, and formation of front porch. Alterations to roof incorporating hip to barn end extension, front and rear rooflights, rear dormer with balcony and associated works.

**Applicant:** Mrs Agata Chochlinski

**Officer:** Allison Palmer 290493

**Refused on 24/03/16 DELEGATED**

### **BH2016/00092**

#### **20 Lustrells Crescent Saltdean Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extensions, front rooflight, side window and rear dormer.

**Applicant:** Matthew Westgarth

**Officer:** Molly McLean 292097

**Approved on 14/03/16 DELEGATED**

### **BH2016/00128**

#### **27 Chichester Drive East Saltdean Brighton**

Demolition of rear sunroom and erection of rear extension with balcony and steps and gable end roof extension with rooflights to sides.

**Applicant:** Ms Kirstie Jarrams

**Officer:** Emily Stanbridge 292359

**Approved on 10/03/16 DELEGATED**

### **BH2016/00175**

#### **72 Tumulus Road Saltdean Brighton**

Certificate of lawfulness for proposed single storey rear and side extensions, creation of front porch, hip to gable roof extension with dormer to rear and 2no front rooflights.

**Applicant:** Mr Ricky Manthorpe

**Officer:** Molly McLean 292097

**Refused on 16/03/16 DELEGATED**

### **BH2016/00202**

#### **Arundel Court Arundel Road Brighton**

Roof alterations including creation of mansard roof to form 2no two bedroom flats.

**Applicant:** Sevenbuild Freeholds Ltd

**Officer:** Stewart Glassar 292153

**Refused on 11/03/16 DELEGATED**

### **BH2016/00246**

#### **57 Meadow Close Rottingdean Brighton**

Roof alterations including hip to barn end roof extension, front and rear dormers and rooflight to front elevation and erection of single storey side and rear extension.

**Applicant:** Rob Stevens and Keiran Fitsall

**Officer:** Molly McLean 292097

**Refused on 24/03/16 DELEGATED**

### **BH2016/00451**

#### **24 Westfield Avenue South Saltdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.2m, for which the maximum height would be 4m, and for which the height of the eaves would be 2.8m.

**Applicant:** Mr Mark Woodley

**Officer:** Molly McLean 292097

**Prior approval not required on 18/03/16 DELEGATED**

### **WOODINGDEAN**

### **BH2015/04539**

#### **10 Millyard Crescent Brighton**

Conversion of existing garage and store into granny annexe with associated alterations.

**Applicant:** Mr & Mrs Scott

**Officer:** Luke Austin 294495

**Refused on 18/03/16 DELEGATED**

### **BH2015/04591**

#### **29 Downsway Brighton**

Demolition of garage and part of existing rear extension and erection of single storey side extension incorporating roof extensions, raised ridge height, rooflights and associated works.

**Applicant:** Mr Thom Levitt

**Officer:** Emily Stanbridge 292359

**Refused on 14/03/16 DELEGATED**

### **BH2016/00072**

#### **9 Deans Close Brighton**

Certificate of Lawfulness for proposed demolition of garage and erection of single storey side/rear extension.

**Applicant:** Mrs S Maspn

**Officer:** Molly McLean 292097

**Refused on 15/03/16 DELEGATED**

### **BH2016/00370**

#### **Land adjoining 64 Connell Drive Brighton**

Non Material Amendment to BH2012/01394 for the removal of the first floor side windows located on gable wall and inclusion of brick feature wall.

**Applicant:** Mr Geoff Wells

**Officer:** Wayne Nee 292132

**Approved on 23/03/16 DELEGATED**

### **BH2016/00424**

#### **34 Warren Avenue Brighton**

Application for Approval of Details Reserved by Conditions 9 and 11 of Application BH2015/02503.

Report from 10/03/2016 to 30/03/2016

**Applicant:** Westcott Developments  
**Officer:** Liz Arnold 291709  
**Approved on 23/03/16 DELEGATED**

### **BRUNSWICK AND ADELAIDE**

#### **BH2014/00093**

##### **Lansdowne Place Hotel Lansdowne Place Hove**

Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 47no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design)

**Applicant:** Lansdowne Investments Ltd (in Administration)  
**Officer:** Paul Vidler 292192  
**Approved on 24/03/16 COMMITTEE**

#### **BH2015/03232**

##### **Land to rear of 45 Brunswick Place Hove**

Demolition of garages and erection of 1no two bedroom dwelling (C3).

**Applicant:** Mr Joe Knoblauch  
**Officer:** Helen Hobbs 293335  
**Refused on 15/03/16 DELEGATED**

#### **BH2015/03561**

##### **Basement Rear 43 Lansdowne Place Hove**

Internal alterations and refurbishment works. Installation of replacement timber French doors and window in lightwell.

**Applicant:** Mr M Sorokin  
**Officer:** Ryan OSullivan 290480  
**Approved on 11/03/16 DELEGATED**

#### **BH2015/03562**

##### **Basement Rear 43 Lansdowne Place Hove**

Installation of replacement timber French doors and window in lightwell.

**Applicant:** Mr M Sorokin  
**Officer:** Ryan OSullivan 290480  
**Approved on 11/03/16 DELEGATED**

#### **BH2015/04522**

##### **Flat 3 Lansdowne Mansions 110-112 Lansdowne Place Hove**

Erection of single storey rear extension and internal alterations to layout of flat.

**Applicant:** Richbusy Ltd  
**Officer:** Charlotte Bush 292193  
**Refused on 24/03/16 DELEGATED**

#### **BH2015/04669**

##### **36 Adelaide Crescent Hove**

Installation of replacement tiling to front entrance and front steps and concrete dished channel to basement yard.

Report from 10/03/2016 to 30/03/2016



**Applicant:** Leaseholders of 36 Adelaide Crescent  
**Officer:** Tim Jefferies 293152  
**Approved on 15/03/16 DELEGATED**

### **BH2016/00257**

#### **Retaining Wall to South Side of Gardens Adelaide Crescent Hove**

Application for approval of details reserved by conditions 2 and 3 of application BH2015/01028.

**Applicant:** Mr Martin Eade  
**Officer:** Nicola Hurley 292114  
**Approved on 15/03/16 DELEGATED**

### **BH2016/00259**

#### **Flat 3 Lansdowne Mansions 110-112 Lansdowne Place Hove**

Erection of single storey rear extension.

**Applicant:** Mrs Sue Massingham  
**Officer:** Charlotte Bush 292193  
**Refused on 29/03/16 DELEGATED**

## **CENTRAL HOVE**

### **BH2016/00376**

#### **173 Church Road Hove**

Prior approval for change of use at first, second and third floor levels from offices (B1) to residential (C3) to form 6no flats.

**Applicant:** Mr Charlie Mitten  
**Officer:** Chris Swain 292178  
**Prior Approval is required and is approved on 23/03/16 DELEGATED**

## **GOLDSMID**

### **BH2015/01462**

#### **41A Cromwell Road Hove**

Certificate of Lawfulness for existing use of basement level as 2no self-contained residential units.

**Applicant:** Mr Alan Pook  
**Officer:** Helen Hobbs 293335  
**Refused on 23/03/16 DELEGATED**

### **BH2015/03818**

#### **West View The Drive Hove**

Application for Approval of Details Reserved by Condition 3, 5 and 11 of application BH2013/00264.

**Applicant:** Spurpoint Ltd  
**Officer:** Wayne Nee 292132  
**Approved on 23/03/16 DELEGATED**

### **BH2015/04265**

#### **60 Wilbury Road Hove**

Certificate of lawfulness for proposed internal alterations to existing letting rooms to create 12no self-contained units (C3).

**Applicant:** Mr David Moyle

**Officer:** Gareth Giles 293334

**Approved on 15/03/16 DELEGATED**

### **BH2015/04322**

#### **199 & 201 Dyke Road Hove**

Conversion of existing 1no seven bedroom single dwelling (C3) and partial change of office (B1(a)) into 6no one bedroom flats (C3) and 1no two storey two bedroom attached dwelling (C3) including part one, part two storey extension to rear.

**Applicant:** Mr D Ives

**Officer:** Chris Swain 292178

**Refused on 15/03/16 DELEGATED**

### **BH2016/00083**

#### **10 Highdown Road Hove**

Erection of single storey outbuilding to rear garden.

**Applicant:** Ms Kate Strachan

**Officer:** Emily Stanbridge 292359

**Approved on 29/03/16 DELEGATED**

### **BH2016/00160**

#### **203 Dyke Road Hove**

Change of use from large house in multiple occupation (Sui Generis) to residential institution (C2).

**Applicant:** Lincar Investments Limited

**Officer:** Chris Swain 292178

**Approved on 23/03/16 DELEGATED**

### **BH2016/00165**

#### **First Floor Flat 6 Livingstone Road Hove**

Insertion of rooflights to front and rear roof slopes.

**Applicant:** Mr Rolf

**Officer:** Joanne Doyle 292198

**Approved on 15/03/16 DELEGATED**

### **BH2016/00174**

#### **10A Cambridge Grove Hove**

Installation of timber sash window to first floor front elevation.

**Applicant:** Mr Colin Brace

**Officer:** Joanne Doyle 292198

**Approved on 24/03/16 DELEGATED**

### **BH2016/00413**

#### **15 Addison Road Hove**

Prior approval for the erection of a single storey rear extension, which would

Report from 10/03/2016 to 30/03/2016

extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Mr & Mrs Wilkinson

**Officer:** Molly McLean 292097

**Prior approval not required on 14/03/16 DELEGATED**

### **BH2016/00423**

#### **120 Shirley Street Hove**

Roof alterations incorporating rear dormer and velux windows. Erection of single storey rear extension, replacement of windows to front elevation, enlargement of front light well and other associated works.

**Applicant:** Scott Sale

**Officer:** Charlotte Bush 292193

**Refused on 30/03/16 DELEGATED**

### **BH2016/00510**

#### **46 Wilbury Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.325, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m.

**Applicant:** Mr Robert Leggatt

**Officer:** Molly McLean 292097

**Prior Approval is required and is refused on 14/03/16 DELEGATED**

### **BH2016/00597**

#### **113-119 Davigdor Road Hove**

Non Material Amendment to BH2014/02308 to realign the position of the curb by approximately 0.5m to meet with that of the existing curb position in the North West.

**Applicant:** Hyde Newbuild

**Officer:** Adrian Smith 290478

**Approved on 16/03/16 DELEGATED**

## **HANGLETON & KNOLL**

### **BH2015/04239**

#### **5 Godwin Road Hove**

Erection of 1 no two storey two bedroom dwelling house (C3).

**Applicant:** Mr B Zanjani

**Officer:** Mark Thomas 292336

**Refused on 15/03/16 DELEGATED**

### **BH2015/04418**

#### **The Bungalow 11 Hangleton Lane Hove**

Application for Approval of Details Reserved by Condition 6 of application BH2015/01561.

**Applicant:** Mr J Philips

**Officer:** Adrian Smith 290478

Report from 10/03/2016 to 30/03/2016

**Refused on 11/03/16 DELEGATED**

**BH2015/04612**

**Goldstone Primary School Laburnum Avenue Hove**

Erection of temporary mobile classroom.

**Applicant:** Brighton & Hove City Council

**Officer:** Stewart Glassar 292153

**Approved on 24/03/16 DELEGATED**

**BH2016/00104**

**24 Hangleton Way Hove**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs Billings

**Officer:** Molly McLean 292097

**Approved on 18/03/16 DELEGATED**

**BH2016/00105**

**26 Hangleton Way Hove**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs Laker

**Officer:** Molly McLean 292097

**Approved on 18/03/16 DELEGATED**

**BH2016/00106**

**22 Windmill Close Hove**

Erection of single storey rear extension, alterations to landscaping to front and rear, revised fenestration and other associated works.

**Applicant:** Mr J Scrase

**Officer:** Laura Hamlyn 292205

**Refused on 23/03/16 DELEGATED**

**BH2016/00117**

**6 Sunninghill Avenue Hove**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable extension, insertion of side window and rear dormer. Erection of single storey rear extension, new front porch and associated alterations.

**Applicant:** Mr & Mrs Dawei & Jay Xia

**Officer:** Molly McLean 292097

**Approved on 14/03/16 DELEGATED**

**BH2016/00125**

**3 Queens Parade Hove**

Change of use from retail shop (A1) to hot food take-away (A5) with associated extract system and ducting to rear elevation.

**Applicant:** Mr H Cinar

**Officer:** Emily Stanbridge 292359

**Refused on 14/03/16 DELEGATED**

**BH2016/00200**

**176 Hangleton Valley Drive Hove**

Report from 10/03/2016 to 30/03/2016

Erection of two storey side extension and associated alterations.

**Applicant:** Mr & Mrs K Beaken

**Officer:** Laura Hamlyn 292205

**Approved on 15/03/16 DELEGATED**

### **NORTH PORTSLADE**

#### **BH2015/04241**

##### **Land to rear of 60-66 Wickhurst Road Portslade**

Application for approval of details reserved by conditions 11, 12 and 16 of application BH2013/00393.

**Applicant:** Highdown Construction

**Officer:** Nicola Hurley 292114

**Split Decision on 16/03/16 DELEGATED**

#### **BH2016/00270**

##### **57 Crest Way Portslade**

Removal of condition 8 of application BH2014/02679 (Erection of 1no two storey house adjoining existing house with associated landscaping) that requires a Code for Sustainable Homes rating of level 4 to be achieved.

**Applicant:** Mr & Mrs Livesey

**Officer:** Adrian Smith 290478

**Refused on 16/03/16 DELEGATED**

#### **BH2016/00478**

##### **2 Gorse Close Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.7m.

**Applicant:** Mr C Dunn

**Officer:** Molly McLean 292097

**Prior approval not required on 14/03/16 DELEGATED**

### **SOUTH PORTSLADE**

#### **BH2015/03388**

##### **9 Sharpthorne Crescent Portslade**

Erection of decking platform to rear. (Retrospective)

**Applicant:** Mr Steve Wedge

**Officer:** Charlotte Bush 292193

**Approved on 15/03/16 DELEGATED**

#### **BH2015/04268**

##### **75 Dean Gardens Portslade**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable extension with new side window and dormer to rear. Erection of single storey rear extension.

**Applicant:** Mr S Tindell

Report from 10/03/2016 to 30/03/2016

**Officer:** Molly McLean 292097

**Approved on 18/03/16 DELEGATED**

**BH2015/04542**

**204 Old Shoreham Road Portslade**

Demolition of existing single dwelling and erection of three storey building containing 2no three bedroom flats, 2no two bedroom flats and 4no one bedroom flats.

**Applicant:** Talo Property Ltd

**Officer:** Sonia Gillam 292265

**Refused on 18/03/16 DELEGATED**

**BH2016/00055**

**17 Shelldale Crescent Portslade**

Certificate of lawfulness for the proposed erection of a single storey rear extension.

**Applicant:** Mr A Ahmed

**Officer:** Molly McLean 292097

**Approved on 14/03/16 DELEGATED**

**BH2016/00233**

**80a Station Road Portslade**

Installation of rooflights to front and rear roof slopes.

**Applicant:** Harringtons

**Officer:** Sonia Gillam 292265

**Approved on 18/03/16 DELEGATED**

**BH2016/00364**

**19 Vale Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.25m, and for which the height of the eaves would be 2.85m.

**Applicant:** Mr B Sweeney

**Officer:** Charlotte Bush 292193

**Prior approval not required on 15/03/16 DELEGATED**

**BH2016/00379**

**12 Norway Street Portslade**

Erection of single storey side & rear extension

**Applicant:** Mrs E Miller

**Officer:** Molly McLean 292097

**Refused on 24/03/16 DELEGATED**

**BH2016/00380**

**56 Wolseley Road Portslade**

Erection of two storey rear extension with revised fenestration

**Applicant:** Jamie Smith

**Officer:** Molly McLean 292097

**Refused on 24/03/16 DELEGATED**

Report from 10/03/2016 to 30/03/2016

### **BH2016/00658**

#### **20 Highlands Road Portslade**

Prior approval for the erection of single storey rear extension, which would extend beyond the rear wall of the original house by 3.40m, for which the maximum height would be 3.00m, and for which the height of the eaves would be 2.90m.

**Applicant:** Craig Denyer

**Officer:** Allison Palmer 290493

**Prior Approval is required and is refused on 30/03/16 DELEGATED**

### **HOVE PARK**

### **BH2015/00634**

#### **5 Tredcroft Road Hove**

Certificate of lawfulness for proposed erection of single storey rear extension.

**Applicant:** Mr David & Mrs Pauline Land

**Officer:** Luke Austin 294495

**Refused on 23/03/16 DELEGATED**

### **BH2015/02512**

#### **Lancing College Preparatory School The Drove Hove**

Erection of multi-purpose school building (D1) with pitched roof and retention of existing temporary buildings until September 2020.

**Applicant:** Lancing Preparatory School

**Officer:** Sonia Gillam 292265

**Approved after Section 106 signed on 24/03/16 DELEGATED**

### **BH2015/03334**

#### **71 Hill Brow Hove**

Remodelling of existing dwelling including roof extensions incorporating raising of ridge height, creation of dormers and installation of rooflights to sides. Reduction and reconfiguration to rear at ground floor level. Installation of new garage door to lower ground floor level, revised fenestration and associated works.

**Applicant:** Mr & Mrs Alexander Preece

**Officer:** Charlotte Bush 292193

**Refused on 18/03/16 DELEGATED**

### **BH2015/03705**

#### **42 Hill Drive Hove**

Demolition of existing attached garage and store and erection of single storey extension at side and rear.

**Applicant:** Mr & Mrs Durand

**Officer:** Charlotte Bush 292193

**Refused on 15/03/16 DELEGATED**

### **BH2015/03809**

#### **14 Tongdean Road Hove**

Demolition of existing dwelling and erection of 1 no three storey, 5 bedroom detached house with basement (C3).

**Applicant:** Mr Sean Maguire

Report from 10/03/2016 to 30/03/2016

**Officer:** Sonia Gillam 292265  
**Refused on 10/03/16 DELEGATED**

**BH2015/04482**

**1 Goldstone Cottages Woodland Drive Hove**

Erection of two storey side extension with rooflights to front and dormer to rear.

**Applicant:** Mr Simon Cooke

**Officer:** Laura Hamlyn 292205

**Refused on 10/03/16 DELEGATED**

**BH2015/04660**

**11 Amherst Crescent Hove**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and front rooflights and associated works.

**Applicant:** Hayley Betteridge

**Officer:** Molly McLean 292097

**Approved on 15/03/16 DELEGATED**

**BH2016/00031**

**184-186 Old Shoreham Road Hove**

Display of externally illuminated fascia sign and non-illuminated totem sign.

**Applicant:** Barker and Stonehouse

**Officer:** Justine Latemore 292138

**Approved on 24/03/16 DELEGATED**

**BH2016/00045**

**57 Elizabeth Avenue Hove**

Erection of single storey front extension and excavation of rear garden and erection of retaining wall and steps. (Part retrospective)

**Applicant:** Brian Rosehill

**Officer:** Laura Hamlyn 292205

**Approved on 16/03/16 DELEGATED**

**BH2016/00158**

**3 Shirley Road Hove**

Conversion of existing workshop, garage, office and gym to 1 no one bedroom single dwelling (C3).

**Applicant:** Mrs J Biddlestone

**Officer:** Mark Thomas 292336

**Refused on 24/03/16 DELEGATED**

**BH2016/00217**

**15 Mallory Road Hove**

Erection of single storey rear extension.

**Applicant:** Mrs Colette McBeth

**Officer:** Laura Hamlyn 292205

**Approved on 15/03/16 DELEGATED**

**BH2016/00219**

**34 Hill Drive Hove**

Report from 10/03/2016 to 30/03/2016



Certificate of Lawfulness for proposed erection of 2no single storey outbuildings in rear garden.

**Applicant:** Mrs Heather Nicholson

**Officer:** Molly McLean 292097

**Approved on 14/03/16 DELEGATED**

### **BH2016/00221**

#### **2 Tongdean Avenue Hove**

Erection of a single storey rear extension with roof terrace above, revised fenestration and associated works.

**Applicant:** Mr & Mrs Stacey

**Officer:** Laura Hamlyn 292205

**Approved on 18/03/16 DELEGATED**

### **BH2016/00283**

#### **37 Shirley Drive Hove**

Erection of front boundary wall with vehicle access (Retrospective).

**Applicant:** Mr James Grant

**Officer:** Laura Hamlyn 292205

**Refused on 24/03/16 DELEGATED**

## **WESTBOURNE**

### **BH2015/02138**

#### **St Barnabas Church 88 Sackville Road Hove**

Erection of single storey extension to Church Hall, relocation of crossover and parking space with new entrance gates and associated alterations.

**Applicant:** Diocese of Chichester

**Officer:** Sonia Gillam 292265

**Approved on 16/03/16 DELEGATED**

### **BH2015/03124**

#### **19 Prince's Crescent Hove**

Erection of a single storey rear extension. Replacement garage and replacement boundary treatment. (Amended Description)

**Applicant:** Mr Martin Ailion

**Officer:** Joanne Doyle 292198

**Approved on 11/03/16 DELEGATED**

### **BH2015/03694**

#### **59 and 59A Coleridge Street Hove**

Application for variation of condition 2 of application BH2014/01873 (Change of use of rear of site from workshops (B2) and rear unit (B1) and garage to front to 2no two bedroom residential units (C3) and offices (B1), incorporating single storey extension and associated alterations) to allow amendments to the approved drawings to permit alterations to the front boundary treatments to unit 2, alterations to layout to unit 3 and formation of a green roof to unit 4.

**Applicant:** Mr Dean Golding

**Officer:** Stewart Glassar 292153

Report from 10/03/2016 to 30/03/2016

**Approved on 21/03/16 DELEGATED**

**BH2016/00007**

**Flat 1 47 Westbourne Villas Hove**

Alterations to existing boundary wall, creation of vehicle crossover and dropped kerb.

**Applicant:** 328 GTS Ltd

**Officer:** Mark Thomas 292336

**Refused on 30/03/16 DELEGATED**

**BH2016/00039**

**13 Princes Square Hove**

Erection of rear infill extension, repositioning of entrance door to side elevation and revised fenestration. Widening of existing crossover and associated alterations to boundary including addition of new railings.

**Applicant:** Mr Vincent O'Rourke

**Officer:** Joanne Doyle 292198

**Approved on 15/03/16 DELEGATED**

**BH2016/00218**

**8 Princes Square Hove**

Increase in height of boundary wall adjoining footpath leading to Westbourne Place.

**Applicant:** Mr Rustom Irani

**Officer:** Laura Hamlyn 292205

**Refused on 17/03/16 DELEGATED**

**BH2016/00295**

**108 Westbourne Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.65m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.8m.

**Applicant:** Mr Will Machin

**Officer:** Justine Latemore 292138

**Prior approval not required on 14/03/16 DELEGATED**

**BH2016/00377**

**25 Arthur Street Hove**

Application for Approval of Details Reserved by Condition 2 of application BH2015/00216.

**Applicant:** N F Barakat

**Officer:** Nicola Hurley 292114

**Approved on 23/03/16 DELEGATED**

**BH2016/00395**

**39 Byron Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.3m, for which the maximum height would be 3.6, and for which the height of the eaves would be

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3.0m.

**Applicant:** Ms Charlie Alexander

**Officer:** Allison Palmer 290493

**Prior approval not required on 17/03/16 DELEGATED**

### **BH2016/00396**

#### **41 Byron Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.3m, for which the maximum height would be 3.6, and for which the height of the eaves would be 3.0m.

**Applicant:** Ms Kirsty Wilson

**Officer:** Charlotte Bush 292193

**Prior approval not required on 17/03/16 DELEGATED**

### **BH2016/00581**

#### **26 Reynolds Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.00m, for which the maximum height would be 2.97m, and for which the height of the eaves would be 2.85m.

**Applicant:** Helen Bennett

**Officer:** Molly McLean 292097

**Prior approval not required on 23/03/16 DELEGATED**

### **BH2016/00622**

#### **67 Cowper Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.82m, for which the maximum height would be 3.39m, and for which the height of the eaves would be 2.27m.

**Applicant:** Benjamin Clarke

**Officer:** Charlotte Bush 292193

**Prior Approval is required and is refused on 24/03/16 DELEGATED**

## **WISH**

### **BH2015/04599**

#### **82 Boundary Road Hove**

Erection of first floor rear extension to form self-contained flat.

**Applicant:** Mr Allan Willmott

**Officer:** Sonia Gillam 292265

**Approved on 30/03/16 DELEGATED**

### **BH2015/04606**

#### **Rayford House School Road Hove**

Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding.

**Applicant:** Sound Investments Limited

Report from 10/03/2016 to 30/03/2016

**Officer:** Maria Seale 292175

**Approved after Section 106 signed on 23/03/16 COMMITTEE**

**BH2015/04683**

**53 & 54 Boundary Road Hove**

Change of use from bank (A2) to 2no. shops (A1) Bank or (A2) and 1no. one bedroom flat at ground floor level and 1no. one bedroom flat (C3) at first floor level.

**Applicant:** Mr Ahwal

**Officer:** Stewart Glassar 292153

**Approved on 16/03/16 DELEGATED**

**BH2016/00056**

**3 St Leonards Avenue Hove**

Roof alterations and extension incorporating raising of ridge height, balcony to side elevation with balustrade and bi-folding doors and rooflights to front and rear. Creation of rear terrace at first floor level and associated alterations.

**Applicant:** Mr Brian Ryall

**Officer:** Sonia Gillam 292265

**Refused on 29/03/16 DELEGATED**

**BH2016/00147**

**3 Boundary Road Hove**

Prior approval for change of use from retail (A1) to residential (C3) to form one bedroom flat.

**Applicant:** LF Architects

**Officer:** Chris Swain 292178

**Prior Approval is required and is approved on 15/03/16 DELEGATED**

**BH2016/00194**

**4 Chelston Avenue Hove**

Certificate of lawfulness for the proposed erection of a single storey rear extension and new window to South elevation.

**Applicant:** Mr & Mrs B Cole

**Officer:** Molly McLean 292097

**Approved on 16/03/16 DELEGATED**

**BH2016/00263**

**19 St Heliers Avenue Hove**

Certificate of lawfulness for proposed demolition of conservatory and w.c. and erection of single storey rear extension.

**Applicant:** Mrs Lindsey Tydeman

**Officer:** Molly McLean 292097

**Approved on 14/03/16 DELEGATED**

**BH2016/00331**

**154A New Church Road Hove**

Roof alterations including hip to gable roof extensions, front rooflights, rear dormer and solar panels to rear.

**Applicant:** Mr & Mrs Boon

Report from 10/03/2016 to 30/03/2016

**Officer:** Molly McLean 292097

**Refused on 24/03/16 DELEGATED**

**BH2016/00477**

**23 Portland Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.6m.

**Applicant:** Mr Ian Kirby

**Officer:** Molly McLean 292097

**Prior approval not required on 14/03/16 DELEGATED**

**Withdrawn Applications**

**BH2015/04181**

**405 Portland Road Hove**

Certificate of Lawfulness for proposed change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4) with replacement of rear ground floor door with window.

**Applicant:** Mr Ishmel Awad

**Officer:** Chris Swain 292178

**WITHDRAWN ON 15/03/16**



### NEW APPEALS RECEIVED

#### WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **HOVE PARK**

BH2015/03495

3 Ash Close Hove

Remodelling of existing dwelling including single storey side extension, two storey rear extension, roof alterations including removal of chimney, new entrance porch, enlargement of garage, revised fenestration and associated works.

APPEAL LODGED

10/03/2016

Delegated

#### WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **ST. PETER'S & NORTH LAINE**

BH2015/02650

Land Adjacent to 4 Clyde Road Brighton

Conversion and extension of store (B8) to form one bedroom dwelling.

APPEAL LODGED

21/03/2016

Not specified

#### WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **REGENCY**

BH2015/03348

The Fish Bowl 74 East Street Brighton

Erection of metal railings to south of public house. (Retrospective).

APPEAL LODGED

23/03/2016

Delegated

#### WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **WITHDEAN**

BH2015/03878

326 Dyke Road Brighton

Enlargement and conversion of existing garage into habitable living space with associated alterations.

APPEAL LODGED

24/03/2016

Delegated

**WARD**

**APPEAL APP NUMBER**

**ADDRESS**

**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**

**APPEAL RECEIVED DATE**

**APPLICATION DECISION LEVEL**

**HANOVER & ELM GROVE**

BH2015/02962

141 Elm Grove Brighton

Conversion of single dwelling into 2no flats.

APPEAL LODGED

24/03/2016

Delegated





**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**  
20<sup>th</sup> April 2016

**Brighton & Hove  
City Council**

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**This is a note of the current position regarding Planning Inquiries and Hearings**  
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**None**

Planning application no:	
Description:	
Decision:	
Type of appeal:	
Date:	
Location:	



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## Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 21 March 2016

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**Appeal ref: APP/Q1445/C/15/3139380**

**Land at 47 St Pauls Street, Brighton, Sussex, BN2 3HR**

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Daniel Crown against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 22 October 2015.
- The breach of planning control as alleged in the notice is "Without planning permission the use of the dwelling as a House in Multiple Occupation".
- The requirements of the notice are: "Cease the use of the property as a House of Multiple Occupation".
- The period for compliance with the notice is "3 months after this notice takes effect".
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

**Summary of decision: The appeal succeeds in part and the enforcement notice is upheld as varied in the terms set out below in the formal decision.**

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### Reasons for the decision

1. The appellant contends that the 3 month compliance period would not allow enough time for the tenants to be re-housed part way through the academic year. He requests that the period be extended to 6 months, or to the end of the tenancy agreement on 1 August 2016, whichever is the later. The council point out that as the appellant was notified in July that the change of use would require planning permission, he was fully aware of the situation when he started a new tenancy agreement.
  2. I appreciate that the current tenants of the property are students and, although the accommodation is only temporary they will nevertheless effectively be losing their home. I also acknowledge that it would not be ideal for them to have the disruption of having to relocate during term time. However, this has to be weighed against the stated harm to the surrounding area caused by the unauthorised use and I consider that it would not be acceptable to allow the harm to continue for a further 6 months. However, the appellant also requests that the compliance period be extended to 1 August 2016, after the tenancy agreement expires in July 2016. As this will only be a matter of weeks after the 3 month compliance period, I consider it would be an acceptable compromise and would achieve a proportionate and reasonable balance between the need to bring harm
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caused by the unauthorised use to an end and the needs of the tenants. Therefore, I shall extend the period for compliance with the requirements of the notice from 3 months to 5 months, which should adequately cover the time period of the tenancy agreement. The ground (g) appeal succeeds to this limited extent.

**Formal decision**

3. The appeal on ground (g) is allowed and it is directed that the enforcement notice be varied under "TIME FOR COMPLIANCE" by the deletion of "3 months" and the substitution of **5 months** after this notice takes effect. Subject to this variation the enforcement notice is upheld.

*K McEntee*



## Appeal Decision

Site visit made on 14 March 2016

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 March 2016**

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**Appeal Ref: APP/Q1445/D/15/3140140**

**37 Glen Rise, Brighton, East Sussex BN1 5LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Blankson against the decision of Brighton and Hove City Council.
  - The application Ref BH2015/02775 was refused by notice dated 22 September 2015.
  - The development proposed is 'removal of existing roof and erection of first floor accommodation including two storey side extension and single storey rear extension'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council in submitting its appeal questionnaire included extracts from Policy SS1 of the 'Brighton and Hove Submission City Plan Part One' (February 2013) (the emerging City Plan). Given the age of that document and in response to a question I have raised (via the Inspectorate's case office) about the emerging Local Plan's progress towards adoption, the Council has provided an internet link to the webpage for the City Plan. From this I have been able to establish that: the emerging City Plan is due to be adopted on 24 March 2016; and that the policies of the Brighton and Hove Local Plan 2005 (the Local Plan) cited in the Council's reasons for refusal will continue to be extant post the adoption of the emerging City Plan. I also note that wording for Policy SS1 contained within the submission version of the emerging City Plan has not been modified during the examination of the emerging plan.
3. Given the foregoing, and without produce to the parties, I am therefore content that I can determine this appeal having regard to the extant Local Plan policies cited in the reasons for refusal and that there is no need for me to seek the parties views about the imminent change to the Council's Development Plan.

### Main Issues

4. The main issues are the effect of the development on: the character and appearance of the streetscene; and the living conditions for the occupiers of 39 Glen Rise (No 39), with particular regard to any overshadowing and sense of overbearing.
-

## Reasons

5. The appeal property (No 37) is a detached bungalow and is bounded by bungalows at Nos 35 and 39. The appeal development would involve the conversion of No 37 into a two storey dwelling and the works would include the construction of: a first floor with new roof; a two storey side extension; and a single storey rear extension.

### *Character and Appearance*

6. No 37 is situated in the middle of a group of bungalows and chalet bungalows between Nos 31 to 45 that have ridge lines that progressively follow the downward slope towards Glen Rise's junction with Millcroft. The conversion of No 37 into a two storey property would mean that its roof line would appear markedly out of step with roofscape for this part of Glen Rise, having a ridge level that would be in the region of 3.1 metres higher than Nos 35 and 39<sup>1</sup>. The resulting property, in my opinion because of its additional bulk and proximity to No 37's side boundaries, would have a domineering presence which would not be respectful of the streetscene within this part of Glen Rise.
7. While I recognise that No 27 is a house flanked by bungalows, No 27 is located within a part of Glen Rise where two storey properties are more prevalent and the street is more or less level. The downward slope in the street within the immediate vicinity of No 37 would mean that the eye would be drawn to what would be a higher, and thus discordant, element within the streetscene, namely a two storey house. I therefore find the circumstances of No 27 not to be comparable with the appeal development.
8. On this issue I therefore find that the appeal development would have a harmful appearance within the streetscene. Accordingly in this respect there would be conflict with the objectives of Policy QD14 of the Local Plan and the Council's design guide for extensions<sup>2</sup> (the SPD), insofar as the scale and height of the resulting property would be poorly related to its surroundings.

### *Living Conditions*

9. The two storey side and single storey rear extensions would be only around one metre from the boundary between Nos 37 and 39. While some additional overshadowing to the rear of No 39 would be likely to arise, I find that this would at a scale that would be unobjectionable, given that No 39 is set with a relatively large plot. Allowing for the difference in the levels between Nos 37 and 39 and the extent of the development's rearward projection relative to No 39, I find that No 37 in its extended form would not have an overbearing presence for the occupiers of No 39 when viewed from: either that property's conservatory, given the obliqueness of the views involved; or its rear garden, given the size of that space.
10. On this issue I therefore conclude that the development's presence would not be harmful to the living conditions for the occupiers of No 39. Accordingly in this respect I find there to be no conflict with the objectives of Policy QD27 of the Local Plan, insofar as the living conditions for the occupiers of No 39 would be safeguarded.

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<sup>1</sup> Based upon the dimensions quoted in the Council's officer report

<sup>2</sup> The Brighton and Hove City Council Design Guide for Extensions and Alterations Supplementary Planning Document SPD12 (June 2013)

## **Conclusions**

11. While I have found that no unacceptable harm to the living conditions for the occupiers of No 39 would arise that matter does not outweigh my concerns regarding the harmful effects this development would have upon the character and appearance of the streetscene. I therefore conclude that this appeal should be dismissed.

*Grahame Gould*

INSPECTOR





## Appeal Decision

Site visit made on 14 March 2016

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 March 2016**

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**Appeal Ref: APP/Q1445/D/15/3140890**

**17 The Beeches, Brighton BN1 5LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Lloyd against the decision of Brighton and Hove City Council.
  - The application Ref BH2015/03780 was refused by notice dated 27 November 2015.
  - The development proposed is 'extended front and rear dormers'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council in submitting its appeal questionnaire included extracts from Policy SS1 of the 'Brighton and Hove Submission City Plan Part One' (February 2013) (the emerging City Plan). Given the age of that document and in response to a question I have raised (via the Inspectorate's case office) about the emerging Local Plan's progress towards adoption, the Council has provided an internet link to the webpage for the City Plan. From this I have been able to establish that: the emerging City Plan is due to be adopted on 24 March 2016; and that Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) cited in the Council's reason for refusal will continue to be extant post the adoption of the emerging City Plan. I also note that wording for Policy SS1 contained within the submission version of the emerging City Plan has not been modified during the examination of the emerging plan.
3. Given the foregoing, and without produce to the parties, I am therefore content that I can determine this appeal having regard to the extant Local Plan policy cited in the reason for refusal and that there is no need for me to seek the parties views about the imminent change to the Council's Development Plan.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the appeal property (No 17).

### Reasons

5. No 17 is a detached bungalow, with an 'L' shaped floor plan that is situated within a cul-de-sac of bungalows. The appeal development would involve: the
-

doubling in the width of the existing front dormer and the construction of an enlarged replacement rear dormer.

6. With the exception of No 17, none of the other properties in The Beeches have front dormers. While I recognise that the altered front dormer would be in a recessed location, it would nevertheless have an incongruous appearance. This is because the resulting dormer would have a very unusual appearance, given: its very shallow double pitched form; pitch angles that would not match any of those of the host property; and the formation of a central valley.
7. In my opinion the front dormer, while not being overly large, would be of a poor design that would not be in sympathy with the appearance of No 17. I note that the appellant refers to the existing front dormer presenting '... a rather incongruous appearance ...'<sup>1</sup>, however, I am not persuaded that the proposed enlargement of this dormer would enhance its appearance.
8. Although the rear dormer would be a comparatively large addition I do not find it to be excessive in scale or to be out of keeping with the appearance of what is already a much altered rear elevation.
9. While I am sympathetic to the appellant's wish to provide enhanced living space for the occupiers of No 17, I am not persuaded that this should occur by compromising the appearance of this property's front elevation.
10. For the reasons given above I find that the front dormer would be of a poor design. Accordingly in this respect there would be conflict with the objectives of Policy QD14 of the Local Plan and the parts of the National Planning Policy Framework (the Framework) that address the design for new development, most particularly paragraph 17 (the fourth core planning principle – securing high quality design) and section 7 (Requiring good design). While elements of the front dormer would meet the Council's design guidance for this form of addition<sup>2</sup> (the SPD), its appearance would nevertheless be poor resulting in conflict with the SPD's aims. I find the appellant's reference to paragraph 49 of the Framework to be irrelevant because the appeal development would not involve the provision of a new dwelling.
11. Given that I have found that the front dormer's appearance would be unacceptable, I conclude that this proposal does not amount to sustainable development for the purposes of the Framework, when it is read in the round<sup>3</sup>, and that this appeal should be dismissed.

*Grahame Gould*

INSPECTOR

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<sup>1</sup> The appellant's statement of case

<sup>2</sup> The Brighton and Hove City Council Design Guide for Extensions and Alterations Supplementary Planning Document SPD12 (June 2013)

<sup>3</sup> As stated in paragraph 6

## Appeal Decision

Site visit made on 22 February 2016

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 March 2016**

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**Appeal Ref: APP/Q1445/W/15/3137542**  
**54 Woodland Drive, Hove BH3 6DJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Setareh Shahin against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/03283, dated 27 September 2014, was refused by notice dated 7 August 2015.
  - The development proposed is "conversion of 4 bedroom (C3) detached house to day nursery (D1)".
- 

### Decision

1. The appeal is allowed and planning permission is granted for "conversion of 4 bedroom (C3) detached house to day nursery (D1)" at 54 Woodland Drive, Hove BH3 6DJ in accordance with the terms of the application, Ref BH2014/03283, dated 27 September 2014, subject to the conditions set out in Schedule A at the end of this decision.

### Main issues

2. The main issues in this appeal are the effect that the proposal would have on:
  - The character and appearance of the surrounding area, and
  - Highway safety and the free flow of traffic in and around the junction of Woodland Drive and Shirley Drive, and
  - Whether the proposal would cause the unacceptable loss of a unit of residential accommodation.

### Reasons

3. The proposal includes the change of use of the existing dwelling at the appeal site to a mixed use children's day nursery (use Class D1) and a one-bedroom residential unit (use Class C3), and to alter the roof space with hip to gable roof extensions and 2 rear dormers. The development also includes a new front wall, railings and gate, and acoustic fencing to parts of the side boundaries. It also includes 2 front roof lights, an external staircase on the south side, and new doors and windows in the east and north walls.
  4. The relevant Policies of the *Brighton & Hove Local Plan* (LP) are broadly in line with the *National Planning Policy Framework* (Framework). So, in accordance with Framework paragraph 215, due weight can be afforded to them.
-

### *Character and appearance*

5. The site is situated in a mainly residential area, very close to but outside the boundary of the Woodland Drive Conservation Area (Conservation Area). The appeal dwelling is a 2-storey house, which is not dissimilar to others in the locality both within and outside the Conservation Area. The proposed roof alterations and extensions would be in keeping with the developed roof spaces at several nearby houses, including 50 and 52 Woodland Drive, which are part of the established character of the area.
6. Because the hip to gable roof extensions would maintain the traditional appearance of the building, and their barn-hipped form would alleviate their mass, the proposal would be in keeping with the large mainly traditional detached and semi-detached houses in Woodland Drive. The flat-roofed dormers at the back would respect the scale and siting of the windows below them, and they would be set well down from the ridge and well in from the gables. The front-facing roof lights would maintain the form of the front roof slope. So, the form and design of the roof extensions and alterations would harmonise with character and appearance of the existing building.
7. As the site is separated from the plot of the dwelling at 56 Woodland Drive by the footpath to Three Cornered Copse, the additional scale and bulk of the roof extensions and dormers would not dominate that neighbouring dwelling. Thus, the proposal, which is within the immediate setting of the Conservation Area, would not harm the character or appearance of the designated heritage asset, or erode its significance as an area of residential townscape. Much of the area in front of the building is hard-surfaced at present, so the new soft landscaped areas and low front boundary walls, gates and railings would harmonise with the street scene in Woodland Drive.
8. I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy LP Policy QD14 which aims for extensions and alterations to be well designed, and guidance in the *Brighton & Hove City Council spd 12 design guide for extensions and alterations*. It would also satisfy the Framework which aims to always seek to secure high quality design and to take account of the character of different areas.

### *Highway safety*

9. Woodland Drive slopes down from roughly north to south with the topography. Close by, it is subject to a 30 mph speed restriction, as is the nearby part of Shirley Drive. There are few parking restrictions, so parking in most parts of the nearby roads, and in the lay-by on the opposite side of Woodland Drive, is not controlled. Woodland Drive includes road humps for much of its length and around the junction with Shirley Drive.
10. The proposal includes separate pedestrian and vehicular accesses to the site, which would reduce the potential for conflict between these different modes of travel. The 3 on-site car parking spaces, which would be reached from the existing access, would be for staff vehicles only. There would be ample room within the site for cycle parking in accordance with the Council's standards. As there would be no drop-off facility at the site, parents and carers delivering and collecting children by vehicle would park off-site and walk to the nursery. This would limit the number of vehicle movements at the site and reduce the potentially hazardous vehicle manoeuvres by the access in Woodland Drive.



11. The highway authority agrees with the appellant's assessment that there are suitable spaces in the local area to support the forecast parking demand of a nursery for 28 children. As there would be sufficient on-street parking provision for parents and carers to park in a responsible, legal and safe location and then walk to the nursery, this should be promoted through the travel plan.
12. LP Policy TR12, which is referred to in the Council's reason for refusal 2, aims to encourage the independent movement of children. Its supporting text explains that children's access needs are different from the needs of adults because of their inability to assess traffic speed, and their inability to choose safe places to cross roads, amongst other things. Due to the age range of the nursery children, the parents and carers responsible for them would reasonably expect to accompany those children up to the hand over to, or collection from, nursery school staff, and they would choose safe places to cross roads as necessary. As the children would be accompanied by parents or carers if on foot, or pushed in push chairs and the like, they would not be travelling independently, so LP Policy TR12 is not relevant to this proposal.
13. Whilst concerns about highway safety and congestion in and around the nearby roads have been raised by many interested persons, almost no substantive evidence, such as accident records, traffic counts or parking surveys, have been put to me to support their view. By contrast, the highway authority has provided a detailed appraisal including access and parking, trip generation and highway impact, road safety, and the need for a travel plan. Moreover, its evidence is that the last recorded accident at the junction of Woodland Drive and Shirley Drive was in 2006 and that this was recorded as slight. So, I see no reason to disagree with the highway authority's assessment.
14. I consider that, subject to the imposition of relevant conditions suggested by the Council, the proposal would not be likely to endanger highway safety or to unacceptably impede the free flow of traffic in and around the junction of Woodland Drive and Shirley Drive. It would satisfy LP Policy TR1 which aims for developments to provide for the demand for travel that they create and to maximise the use of public transport, walking and cycling, and LP Policy TR7 which seeks to permit proposals for new development and changes of use that do not increase danger to users of adjacent pavements, cycle routes and roads. It would also satisfy the Framework which aims to only prevent or refuse development on transport grounds where the residual cumulative impacts of development are severe.

#### *The dwelling*

15. LP Policy HO8 aims to not permit proposals involving a net loss of units of residential accommodation unless one or more of 5 exceptional circumstances apply, none of which are relevant to the proposal. LP Policy HO26, which aims to permit day nurseries, says, amongst other things, that the loss of residential units may be permitted as an exception to LP Policy HO8 to enable the provision of nursery facilities in those areas where it can be demonstrated that there is a significant shortfall.
16. As the existing building is a single dwelling, and the proposal includes a day nursery with one-bedroom living accommodation, there would continue to be one unit of residential accommodation at the site. Thus, there is no need to demonstrate a significant shortfall in day nursery provision in the locality. I therefore consider that the proposal would not cause the unacceptable loss of

a unit of residential accommodation. It would satisfy LP Policies HO8 and HO26, and the Framework which seeks to promote mixed use developments.

*Other matters*

17. As a side boundary fence up to 2 m high could be erected without the need for planning permission if the dwelling were to remain in use as a house, the proposed 1.8 m high acoustic fence would not have a harmfully overbearing impact on the occupiers of 52 Woodland Drive. Moreover, the acoustic fence by the common boundary would ensure that the use of the buggy store would not cause an unacceptable loss of privacy for those adjoining occupiers.

*Balance*

18. As the proposal would be acceptable for the reasons given in the main issues, planning permission should be granted subject to the imposition of conditions.

*Conditions*

19. The Council's suggested conditions have been considered in the light of Framework paragraph 206. The condition identifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. Conditions to control external materials, tree protection, boundary treatment including gates and walls at the front and acoustic fencing, refuse and recycling facilities, and hard and soft landscaping, are necessary to protect the character and appearance of the area. Conditions to control operating hours and the number of children attending the day nursery, outdoor play sessions, acoustic fencing, acoustic window treatment and acoustic canopies, management of the outdoor space, and amplified music and musical equipment, are necessary to protect the living conditions of nearby occupiers.
20. The condition for fixed shut obscured glazing to part of the side facing second floor window, and for boundary treatment along the part of the south side boundary that is not enclosed by the acoustic fence is reasonable to protect the privacy of the neighbouring occupiers. Conditions to control the use of the on-site parking spaces, to prevent on-site parking, dropping off and collecting of children by parents and carers, and for a Travel Plan, are necessary in the interests of highway safety. The condition to control the use of the development is necessary for the avoidance of doubt, and to safeguard the living conditions of nearby occupiers and the character of the area. The condition to control the use of the flat is reasonable to prevent the loss of a dwelling in accordance with local policy. Conditions for refuse and recyclables facilities, cycle parking, and measures for the sustainable use of water, energy and materials, are reasonable in the interests of sustainability. Although some conditions have been re-worded in line with national policy and guidance, all of the Council's suggested conditions have been imposed.

**Conclusion**

21. For the reasons given above and having regard to all other matters raised, the appeal succeeds.

*Joanna Reid*

INSPECTOR

## Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/WD/100B, 14/WD/101B, 14/WD/102K, 14/WD/103K (scale 1:100@A1), 14/WD/103K (scale 1:50@A1), 14/WD/104B and 14/WD/105B.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 4) The day nursery use hereby permitted shall not be operational except between 0700 hours and 1900 hours Mondays to Fridays inclusive, and it shall not be operational on Saturdays, Sundays, Bank Holidays or Public Holidays.
- 5) The number of children attending the nursery shall not exceed 28 at any time.
- 6) Outdoor play sessions in connection with the day nursery use hereby permitted shall only take place between 0900 hours and 1700 hours on Mondays to Fridays inclusive, and no outdoor play sessions shall take place on Saturdays, Sundays, Bank Holidays or Public Holidays.
- 7) The management of the outdoor space shall be undertaken in accordance with the Noise Management Plan submitted to local planning authority on 23 March 2015.
- 8) No amplified music or musical equipment shall be used in the outdoor play area in connection with the day nursery use hereby permitted.
- 9) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of vehicles belonging to staff members, and no parent or carer dropping off or picking up shall take place.
- 10) The development shall be used for a children's day nursery and a single one-bedroom flat and for no other purpose including any other purpose in use Classes C3 and D1 of the Schedule to *The Town & Country Planning (Use Classes) Order 1987* as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 11) The rooms allocated for residential purposes shown on plan 14/WD/102K shall be retained as such and shall not be used as part of the day nursery.
- 12) The new side-facing window in the south elevation at second floor level shall be obscure-glazed and non-opening, unless the parts of the window that can be opened are more than 1.7 m above the finished floor level of the room within which the window is sited, and the window shall be retained as such thereafter.
- 13) No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and widening, or any operations involving the use of motorised vehicles or construction machinery) until a Construction

Specification and Method Statement (CSMS) for the acoustic fence has been submitted to and approved in writing by the local planning authority. The CSMS shall provide for the long term retention of the trees on and adjacent to the site, and no development or other operations shall take place other than in accordance with the CSMS.

- 14) The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recyclables has been submitted to and approved in writing by the local planning authority and has been carried out as approved. The approved facilities for the storage of refuse and recyclables shall be retained as approved for use as such thereafter.
- 15) The development hereby permitted shall not be occupied until the 1.8 m high acoustic fencing shown on plan 14/WD/102K has been erected as approved, and the approved acoustic fencing shall be retained as such thereafter.
- 16) The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of and visitors to the development have been submitted to and approved in writing by the local planning authority, and the cycle parking facilities have been carried out as approved. The approved cycle parking facilities shall be retained as approved for use as such thereafter.
- 17) The day nursery in the development hereby permitted shall not be used as such until details of the acoustic treatment of the windows and the acoustic canopies have been submitted to and approved in writing by the local planning authority and the acoustic treatment of the windows and the acoustic canopies have been carried out as approved. The approved acoustic treatment of the windows and the acoustic canopies shall be retained as such thereafter.
- 18) The development hereby permitted shall not be occupied until details of the measures to achieve the sustainable use of water, energy and materials have been submitted to and approved in writing by the local planning authority and those measures have been carried out as approved. The approved measures shall be retained as such thereafter.
- 19) The development hereby permitted shall not be occupied until the walls and gates at the front of the site have been carried out as approved, and the approved walls and gates shall be retained as such thereafter.
- 20) The development hereby permitted shall not be occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority including: details of hard surfacing, boundary treatment except for the acoustic fencing and front boundary walls and gates that are subject to separate conditions, and proposed planting including numbers and species of plants, and size and planting method for any trees. All hard landscaping and boundary treatment shall be completed in accordance with the approved details before the development hereby permitted is occupied. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the first occupation of the development or the completion of the development, whichever is the sooner, and any trees or shrubs which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting

season with others of the same size and species unless the local planning authority gives approval in writing to any variation.

- 21) Within 3 months of occupation of the development hereby permitted a Travel Plan (a document that sets out detailed measures and commitments tailored to the needs of the development, which aims to promote safe, active and sustainable travel choices for its users, including children attending the nursery, parents, carers, staff, visitors, residents and suppliers) shall be submitted to and approved in writing by the local planning authority and thereafter implemented as approved.

End of Schedule A



## Appeal Decision

Site visit made on 14 March 2016

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 March 2016**

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**Appeal Ref: APP/Q1445/D/15/3141024**

**10 Marine Avenue, Hove BN3 4LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Susan Sheftz against the decision of Brighton and Hove City Council.
  - The application Ref BH2015/03387 was refused by notice dated 13 November 2015.
  - The development proposed is '2 No Dormers to front elevation'.
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### Decision

1. The appeal is dismissed

### Procedural Matters

2. A prior planning application (BH2015/02133), for a development similar to that concerning application BH2015/03387, has recently been the subject of an appeal<sup>1</sup>. This earlier appeal was dismissed by a colleague on 20 January 2016 and I have been provided with a copy of that decision by the Inspectorate's case officer. As the appellant in her appeal statement has made a comparison between the proposals subject to applications BH2015/02133 and BH2015/03387, I consider my colleague's decision is a material consideration for the determination of the current appeal.
3. In the course of determining other recent appeals in the Council's area I have become aware of the fact that the Council is intending to adopt the 'Brighton and Hove City Plan Part One' on 24 March 2016. I am therefore aware that while part of the Council's Development Plan is about to be changed, Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan)<sup>2</sup>, will continue to be extant following the adoption of the City Plan.
4. Given the foregoing, and without produce to the parties, I am therefore content that I can determine this appeal having regard to Policy QD14 of Local Plan and that there is no need for me to seek the parties views about the imminent change to the Council's Development Plan.

### Main Issue

5. The main issue is the effect of the development on the character and appearance of the appeal property (No 10) and the streetscene within Marine Avenue.

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<sup>1</sup> APP/Q1445/D/15/3134942

<sup>2</sup> Cited in the Council's reason for refusal for application BH2015/03387

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## Reasons

6. No 10 is a comparatively small, semi-detached bungalow, at the corner of Marine Avenue and Norman Road.
7. The appeal development would involve the insertion of two, flat roofed, front dormers of identical dimensions. In seeking to centre the dormers above two of the bays below, one of which is a porch, these additions would be asymmetrically sited on the roof. This development would therefore leave No 10's roofscape with an unbalanced appearance, which in my opinion would have a jarring presence within the streetscene. This development's shortcomings would be accentuated by: the fact that No 10 occupies a corner position; and the single storey nature of this property, resulting in its roof being in the eye line for passers-by.
8. A characteristic of the roofscape within Marine Avenue is the absence of front dormers, with those that are present being very much the exception. Some dormers are present within Norman Road, most notably at Nos 4 to 11, four pairs of semi-detached houses<sup>3</sup>, with these dormers being an original component of their host's design. I do not find the presence of these other dormers to be something that weighs in favour of the appeal development.
9. For the reasons given above I find that the appeal development would interfere with the clean and simple lines of No 10's roofscape and would be harmful to the appearance of this property and Marine Avenue's streetscene. As such there would be conflict with the objectives of: Policy QD14 of the Local Plan, which requires extensions to be well designed and appropriately sited; and the Council's design guide for extensions<sup>4</sup>, insofar as the dormers would have a poor appearance. As the development would have a poor appearance there would also be conflict with section 7 (Requiring good design) of the National Planning Policy Framework (the Framework).

## Other Matters

10. I accept that the appeal development would not be harmful to the living conditions for the occupiers of neighbouring properties. I also recognise that the appeal development would contribute to the economic and social dimensions to sustainable development referred to in the Framework, however, those contributions, given the scale of the development, would be modest. For the reasons given above I therefore find the foregoing factors would not outweigh the visual harm that I have identified.

## Conclusion

11. As I have found that the dormers' appearance would be unacceptable, I conclude that this proposal would not amount to sustainable development for the purposes of the Framework, when it is read in the round<sup>5</sup>, and that this appeal should be dismissed.

*Grahame Gould*

INSPECTOR

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<sup>3</sup> Two pairs on each side of the street

<sup>4</sup> The Brighton and Hove City Council Design Guide for Extensions and Alterations Supplementary Planning Document SPD12 (June 2013)

<sup>5</sup> As stated in paragraph 6



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# Appeal Decision

Site visit made on 22 February 2016

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17th March 2016**

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**Appeal Ref: APP/Q1445/W/15/3137027**

**2 Stoneham Road, Hove, Brighton & Hove BN3 5HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Anongnat Romchai of Hungry Monkey against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01148, dated 31 March 2015, was refused by notice dated 14 August 2015.
  - The development is "I wish to apply for change of use for D1 usage permission as suggested by Brighton and Hove Council".
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## Decision

1. The appeal is dismissed.

## Preliminary matters

2. Notwithstanding the description given on the planning application form, the development is better described by the Council on its decision notice, which is "Change of use from retail (A1) to cookery club (D1). (Part retrospective)".
3. There are no powers in the *Town and Country Planning Act 1990* as amended for granting permission for a continued use or for retention, as they do not constitute an act of development as defined under section 55 of the Act. I shall deal with the relevant part of the appeal as though it were for an application made under Section 73A of the *Town and Country Planning Act 1990* as amended, as inserted by paragraph 16 of Schedule 7 of the *Planning and Compensation Act 1991*, which states that planning permission may be granted for development carried out before the date of the application without planning permission; for a limited period; or without complying with some condition. Permission may be granted from the date on which the development was carried out or, if in accordance with a permission granted for a limited period, the end of that period.
4. Whilst a number of related and unrelated activities appear to have taken place at the premises, I must deal with the development as applied for. So, I shall refer to the change of use of the existing premises, which is an existing Class A1 use shop, to a Class D1 use cookery club, as 'the development'.
5. The Council had not submitted its suggested conditions by the time of the site visit, so it was given until Monday 29 February 2016 to send its suggested conditions to The Planning Inspectorate, and to send a copy of them to the appellant at the same time. No suggested conditions were received by The Planning Inspectorate by then, so I shall proceed to my decision without them.

## Main issues

6. The main issues in this appeal are:
- The effect that the development has and would have on the living conditions of the occupiers of 4 and 6 Stoneham Road, with regard to cooking fumes and smells, and noise and disturbance, and
  - Whether the development compromises the aim of local policy to protect individual shops.

## Reasons

7. The appeal premises include a single-storey shop, which is attached on one side to the maisonettes at 4 and 6 Stoneham Road. It is situated in a mainly residential area, close to Stoneham Park. There is a newsagent at 8 Stoneham Road, and The Hive, which is a detached café, is close by.
8. The relevant policies of the *Brighton & Hove Local Plan* (LP) are broadly in line with the *National Planning Policy Framework* (Framework), so in accordance with Framework paragraph 215, due weight can be afforded to them.

### *Living conditions*

9. Although cookery classes have been taking place at the premises roughly once a week on a Thursday, the development seeks for classes to also take place on Sundays to Wednesdays. In addition, a 'pop-up' restaurant (use Class A3) would operate on Fridays and Saturdays. As the restaurant use would take place when it would be expected to be most busy, and it would be likely to take up the whole area of the shop, I agree with the Council's view that this would exceed what could reasonably be regarded as ancillary use. Therefore, I shall deal with the application as being solely for Class D1 use as a cookery club.
10. LP Policy SR8 aims to permit the change of use of individual shops from Class A1 use provided that all of 3 criteria are met. LP Policy SR8 criterion c aims for the development to not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.
11. Since the unauthorised use of the shop took place, some local residents have raised concerns with the Council about cooking fumes and smells, and noise and disturbance. However, no details of equipment to deal with cooking fumes and smells were submitted with the application. Whilst the appellant plans to incorporate more vegan food to reduce odours, planning permission runs with the land, so a different operator would not be bound to cook such food.
12. A scheme to deal with cooking fumes and smells, including the installation, operation and maintenance of extraction and filtration equipment, could, in some circumstances, be dealt with by means of a condition, if the development were to be otherwise acceptable. However, in addition to the private gardens and the front and back facing windows in the adjoining maisonettes, the flat roof of the shop is very close to first floor windows in the side of the maisonette at 6 Stoneham Road. These windows have opening lights, which could be opened to naturally ventilate the spaces that they light.
13. Due to the restricted space within the unit, and the narrow width of the shared access to the maisonettes at the side and the back of the shop, extract and filtration equipment would be likely to be sited on the flat roof. The measures

- to control noise and/or vibration from that plant and machinery, which would be necessary to safeguard the living conditions of nearby occupiers in their homes and gardens, could add to its bulk. This and the tall flue, which could be needed to emit filtered air above the level of the nearby windows, would be likely to have an unacceptably harmful effect on the character and appearance of the building and the street scene in Stoneham Road. So, there is insufficient evidence before me to show that the nearby occupiers' living conditions would be safeguarded without causing harm to the general character of the area.
14. The comings and goings from people arriving, congregating, and leaving the premises in the loose-knit groups associated with the starts and ends of classes, would be likely to cause more noise and disturbance in this generally quiet residential area than the more random comings and goings of shoppers. Because at least some of the cookery classes would be likely to be attended by people during their leisure time, the likelihood is that the premises would be busiest at the times when the neighbouring occupiers would also wish to enjoy their leisure time, such as evenings and at the weekend. As there is almost no outside space associated with the premises, there would also be a greater likelihood of people taking smoking breaks in the street outside, as those people, including the apprentices, would potentially be at the premises for sustained periods. As the premises would operate from 1000 hours until 2230 hours Mondays to Saturdays, and until 1600 hours on Sundays, there would be little respite for the nearby occupiers. Thus, the noise and disturbance resulting from the development would significantly exceed that associated with the shop, and it would be at odds with the general character of the area.
15. Were the hot and cold food 'parties', which may include 'bring your own bottle' and music, every Friday and Saturday night, to amount to ancillary use, the activity associated with these events would be likely to add to the harmful noise and disturbance. The appellant says that she has limited the number of 'customers' to no more than 10 people per night. However, as there is insufficient evidence before me to show that a condition to that effect would not damage the viability of the business, it would not be reasonable to impose it. So, the numbers of people attending the premises would not be controlled.
16. Therefore, I consider that the development harms and would harm the living conditions of the occupiers of 4 and 6 Stoneham Road with regard to cooking fumes and smells, and noise and disturbance. It is contrary to LP Policy QD27 which aims to not grant planning permission for change of use where it would cause a loss of amenity to adjacent residents, LP Policy SU9 which seeks to only permit development that may cause pollution and/or nuisance where amenity is not put at risk, and LP Policy SU10 which aims for new development to minimise the impact of noise on the occupiers of neighbouring properties. It would also be contrary to the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings, and to take account of the different roles and character of different areas.

#### *The shop*

17. The supporting text to LP Policy SR8 explains that it is important, particularly for older people, people with disabilities and the very young who cannot easily travel far, that their convenience retail needs can be met within an easy walking distance within their neighbourhood. Also, in terms of sustainable development, it is important that people are not dependent on the use of the

car for their day to day retail needs. So, LP Policy SR8 aims to provide some protection for corner shops, and to help to ensure that sufficient alternatives exist nearby. This is in line with the Framework which seeks to support local strategies to improve health, social and cultural wellbeing for all, and to deliver sufficient community facilities and services to meet local needs.

18. The shop is situated within a walking distance of roughly 200 m of the Portland Road Local Centre, which includes a range of retail services in up to 40 shops, so LP Policy SR8 criterion a is met.
19. LP Policy SR8 criterion b aims for it to be adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit. The supporting text says that indicators affecting viability which will be taken into account are: the characteristics of the unit, its location within the neighbourhood, the pedestrian activity associated with the unit and the locality as a whole, and the length of time that the unit has been actively marketed on competitive terms. Applicants will be expected to submit documentary evidence, including a comparison with units in a similar location, to demonstrate active marketing of the unit on competitive terms in support of their proposal.
20. The shop has a generous frontage, good potential display space, ample glazing for an effective window display, and reasonable storage space and facilities as a shop, so its characteristics are well-suited to retail use. The shop is located near to the heart of the mainly residential neighbourhood, not far from a school, close to a recreation area and churches, and very close to the café and newsagent, which are both in active use. Thus, the shop is well-located to benefit from the footfall from people making trips to other nearby services and facilities. So, although the appellant says that the grocery was not a success, and that this led her to diversify her business, this is insufficient to show that a different retail use with a different business model would not be successful in this particular unit. Moreover, there is almost no evidence before me, to show that the premises are no longer economically viable as a shop. Specifically, there is nothing to show that the premises have been actively marketed as a shop at a competitive rate at all. This is contrary to LP Policy SR8 criterion b.
21. The appellant aims to offer a multifunctional community facility in line with some of the Council's LP aims to support community cohesion, diversity and inclusion. However, the supporting text to LP Policy SR8 explains that the Policy aims to give better protection to individual shops for similar reasons, so this does not weigh in favour of the development. Thus, I consider that the development compromises the aim of local policy to protect individual shops, contrary to LP Policy SR8, and the Framework.

*Other matters and conclusion*

22. The petition and written comments submitted by the appellant in support of the development have been taken into account. However, they do not outweigh the planning considerations that have led to my conclusion.
23. For the reasons given above and having regard to all other matters raised, the appeal fails.

*Joanna Reid*

INSPECTOR

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## Appeal Decision

Site visit made on 14 March 2016

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 March 2016**

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**Appeal Ref: APP/Q1445/D/15/3140691**

**8 Mountfields, Brighton BN1 7BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Dr Lars Schuy against the decision of Brighton and Hove City Council.
  - The application Ref BH2015/01763, dated 18 May 2015, was refused by notice dated 16 November 2015.
  - The development proposed is 'retrospective application for first floor rear extension and ground floor extension'.
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### Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension and ground floor rear extension at 8 Mountfields, Brighton BN1 7BT in accordance with the terms of the application, Ref BH2015/01763, dated 18 May 2015, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 229:100; 229:101; and 229:102.

### Procedural Matters

2. The appeal development, a part two storey and part single storey rear extension has in large part been constructed and is being occupied, with only the external walls being incomplete, insofar as timer cladding has not been applied. I have therefore determined this appeal on the basis of it being for a development that has been commenced but not completed. As the reference to 'retrospective' in the description of the development is unnecessary, I have not repeated this in my formal decision above.
  3. The Council in submitting its appeal questionnaire included extracts from Policy SS1 of the 'Brighton and Hove Submission City Plan Part One' (February 2013) (the emerging City Plan). Given the age of that document and in response to a question I have raised (via the Inspectorate's case office) about the emerging Local Plan's progress towards adoption, the Council has provided an internet link to the webpage for the City Plan. From this I have been able to establish that: the emerging City Plan is due to be adopted on 24 March 2016; and that Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) cited in the Council's reasons for refusal will continue to be extant post the adoption of the emerging City Plan. I also note that wording for Policy SS1 contained within the submission version of the
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emerging City Plan has not been modified during the examination of the emerging plan.

4. Given the foregoing, and without produce to the parties, I am therefore content that I can determine this appeal having regard to the extant Local Plan policy cited in the reasons for refusal and that there is no need for me to seek the parties views about the imminent change to the Council's Development Plan.

### **Main Issues**

5. The main issues are the effect of the development on: the character and appearance of the appeal property (No 8); and the living conditions for the occupiers of 6 Mountfields (No 6), with particular regard to any sense of overbearing and enclosure.

### **Reasons**

6. No 8 is a two storey end of terrace house which has recently been extended to the rear with the addition of a virtually full width dormer<sup>1</sup>.
7. The extension at ground floor level occupies the full width of No 8 and has a depth of 4.0 metres, while the first floor element has a depth of 3.0 metres<sup>2</sup> and occupies in the region of two thirds of No 8's width.

### *Character and Appearance*

8. From what I was able to observe of the rear elevations of the even numbered properties in Mountfields, two storey extensions are absent. While No 8 is in a short terrace of four properties and the appeal development, together with the rear dormer, has interrupted the uniformity this terrace's appearance, I found the appeal development to be of an acceptable scale. In my experience the proportions of the appeal development are not uncommon for a terraced property of the size of No 8. I also found the first floor element of the addition, with its gable ended roof, to be providing some relief to the rather stark lines of the rear dormer.
9. In terms of the roof form for the two storey element, I do not agree that a hipped roof would enhance the appearance of this development, given that gables rather than hips are characteristic of Mountfields. While cladding the extension's walls in timber boarding would be unusual for the area, with brick (unpainted or painted) and render being the norm, the use of such a treatment would ensure that this addition has a subservient and softer appearance<sup>3</sup>. I am not persuaded that facing this extension in render would enhance its appearance.
10. For the reasons given above I find that the appeal development is of an acceptable scale, design and appearance. Accordingly I find there to be no conflict with the objectives of Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) and Council's design guide for extensions<sup>4</sup> (the SPD), which amongst other things, seek to ensure that extensions are well designed and appropriately scaled.

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<sup>1</sup> Constructed in January 2015, as per the comments made in paragraph 2.3 of the appellant's appeal statement

<sup>2</sup> Dimensions taken from drawing 229.102

<sup>3</sup> Compared with brick or render

<sup>4</sup> The Brighton and Hove City Council Design Guide for Extensions and Alterations Supplementary Planning Document SPD12 (June 2013)

### *Living Conditions*

11. As part of my site inspection I visited the rear garden of No 6. The appeal development's presence has had some impact in terms of the sense of enclosure experienced by the occupiers of No 6. However, I did not find the depth and height of the development to have an overbearing presence when viewed from No 6.
12. No 8 has a comparatively long rear garden, which means there is considerable physical separation between the appeal development and the neighbouring properties in The Crestway. Having viewed the properties in The Crestway from the first floor of the development, I did not find any unacceptable overlooking of the aforementioned properties to be arising.
13. I therefore conclude that the appeal development's presence is not giving rise to any unacceptable harm to the living conditions for the occupiers of the properties that bound No 8. Accordingly I find there to be no conflict with the objectives of Policy QD14 and the SPD, insofar as they seek to safeguard the living conditions for the occupiers of properties that adjoin new development.

### **Conclusion and Conditions**

14. For the reasons given above I conclude that this appeal should succeed.
15. With respect to the imposition of conditions, as the development has already been commenced there is no need for me to impose the standard three year implementation condition. In order to safeguard the appearance of the area it is necessary to ensure that the development is completed so as to accord with the application drawings and I have therefore imposed a condition to this effect.

*Grahame Gould*

INSPECTOR





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## Appeal Decision

Hearing held on 6 and 7 January 2016

Site visit made on 8 January 2016

**by Peter Rose BA MRTPI DMS MCM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 March 2016**

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**Appeal Ref: APP/Q1445/W/15/3130514**

**Land south of Ovingdean Road, Ovingdean, Brighton, BN2 7AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Lightwood Strategic against the decision of Brighton & Hove City Council.
  - The application Ref: BH2014/02589, dated 13 August 2014, was refused by notice dated 29 January 2015.
  - The development proposed is outline planning application for the construction of 100 no. one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is for outline planning permission, but with all reserved matters submitted for approval except for appearance.
  3. Whilst the originally submitted proposal referred to 100 dwellings, a revised scheme reduced the development to 85 dwellings, and with other alterations. That scheme was formally publicised by the Council as an amendment to the original submission and it forms the basis of the authority's decision.
  4. At the hearing, an agreement made under section 106 of the Town and Country Planning Act 1990 was submitted and has been signed and executed as a deed dated 7 January 2016.
  5. The latest versions of Policies SA4, SA5 and CP10 of the Brighton and Hove Submission City Plan Part One (the City Plan) Proposed Modifications October 2014 were tabled by the Council at the hearing. The appellant also presented revised drawings BRS.4783\_45-D Sheets 1 and 2 (Soft Landscape Proposals) to which the Council raised no objection.
  6. In response to the Council's concerns, a number of modifications and updates have also been made since submission of the application to the appellant's original Environmental Statement. These particularly relate to ecology, to transport implications, and to matters of air quality.
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7. The appellant also submitted prior to the hearing a further Air Quality Assessment report dated December 2015.
8. At the hearing, reference was also made by the Council to the expected receipt of the Report on the Examination into the Brighton and Hove City Plan Part One (the Examination Report). This has since been received by the Council dated 5 February 2016. Both the main parties have had the opportunity to comment, and this is a matter to which I also have regard as part of my decision.
9. I consider the appeal on the above basis.

### **Main Issues**

10. The main issues are:

(a) the effect of the proposed development upon the character and appearance of the appeal site and the surrounding area. More particularly, this issue concerns the scale of development proposed and the extent of site coverage as it relates to the setting of the South Downs National Park, to local landscape character, and in relation to possible over-development;

(b) the effect of the proposed development in relation to ecology;

(c) the effect of the proposed development in relation to air quality, and with particular regard to the Rottingdean Air Quality Management Area (the AQMA);

(d) whether the Council is able to demonstrate a five-year housing land supply, and:

(e) the related matter of whether, with reference to the National Planning Policy Framework (the Framework), the scheme would constitute sustainable development.

11. Whilst not constituting a reason for the Council's refusal of planning permission or subsequent objection, significant representations were made to the appeal by third parties in relation to whether the scheme would be harmful to local traffic conditions. Given the scale of that concern, I consider this matter as a further main issue.

### **Reasons**

#### ***Character and appearance***

##### *Setting of the South Downs National Park*

12. The appeal site comprises a field some 3.72 hectares in area occupied for the keeping and grazing of horses. The site is located on the north-east edge of Ovingdean, north of Rottingdean, south of Woodingdean. It is bounded to the west by an unadopted road, The Vale, which serves large dwellings with frontages facing towards the appeal site. To the south are playingfields, to the east is Falmer Road (the B2123). Access to the site is provided from Ovingdean Road. The immediately surrounding land use is a combination of housing to the north and west, and predominantly open land to the south and east. The open land beyond to the north and to the east forms part of a wider context of the South Downs National Park (the SDNP).

13. The site slopes from east to west and is a visible feature from both Ovingdean Road and Falmer Road. It is also visible from a range of publicly accessible areas around, including from higher land to the north-west, and is visible from other land to the east.
14. The site does not form part of the SDNP but is, nonetheless, adjacent to it. Whilst the Framework states that National Parks should enjoy the highest status of protection in relation to landscape and scenic beauty, little direct reference is made to setting. Nevertheless, the government's Planning Practice Guidance (the Guidance) advises that regard should be given to development proposals outside the National Park boundaries which might have an impact on the setting of the protected area.
15. I note that a number of surrounding settlements are enclosed by the wider boundaries of the SDNP, not only Ovingdean, and it appears not unusual for the edge of the SDNP to extend up to residential development.
16. Further, the scheme would include significant planted areas along its eastern, northern and western boundaries. Existing landscape elements and features, including trees and hedgerows, would be retained as integral components of the scheme and would be supplemented by further planting. The site is set at a low level relative to the surrounding higher levels of the SDNP and, whilst there would be inter-visibility between parts of the SDNP and the development, the scheme would be more widely viewed in the context of the existing settlements of Ovingdean and Woodingdean, and would reflect a similar relationship to the SDNP as existing elsewhere.
17. I am also conscious that the Brighton and Hove: Further Assessment of Urban Fringe Sites 2015 - Landscape and Ecological Assessments (the Fringe Assessment) identifies the appeal site as forming part of Urban Fringe Site 42. Site 42 has a total area of some 7.4 hectares, of which some 1.75 hectares is identified as having development potential for 45 dwellings.
18. Significantly, the development area of Site 42 includes the western portion of the appeal site. A similar recommendation was also set out in an earlier iteration of the Fringe Assessment dated June 2014 which found the site was not in a location that would appear uncharacteristic for housing development but identified key constraints as ecology and open space. The 2015 Fringe Assessment found there was no particular sensitivity associated with the physical character of the potential development area within Site 42.
19. Notwithstanding caveats in relation to ecology and open space, I consider these documents give significant endorsement to the principle of residential development within part of Site 42 and necessarily reflect its location relative to the SDNP.

*Landscape character*

20. The appeal site is a rural grassland, essentially open in character except for a number of small incidental structures, and forming part of a wider rolling historic downland setting which also contains some built form, including the adjacent settlement of Ovingdean.
21. The site comprises part of the South Downs National Character Area (Profile 125). This profile is defined at a high strategic level, and key characteristics

- include a broad elevated east-west chalk ridge, but inclusive of roads, villages and towns.
22. More locally, the South Downs Integrated Landscape Assessment (2005, updated 2011) identifies the nearby area of the Adur to Ouse Open Downs (Ref: A2), and refers to an abrupt boundary with the area to the south.
  23. More specifically, the Brighton and Hove Urban Characterisation Study January 2009 (the UCS) identifies the site as forming part of The Vale Character Area comprising very low density housing on the ridge of a valley slope and surrounded by mature planting which gives it a rural feel. The UCS also describes the predominant land use in Ovingdean as residential.
  24. The Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. In this context, I note the evidence and representations of the Deans Preservation Group, and of other interested third parties. I am also mindful of the Minister of State for Housing and Planning's affirmation by letter dated 27 March 2015 of the importance of the impact of development upon landscapes outside designated areas. I have noted extensive public opposition to development from the local community, and I accept that 'valued' does not necessarily just equate to designated landscapes, and that most open land adjacent to residential areas may have a value to local residents. Nevertheless, I am not persuaded on the evidence before me that the appeal site itself has particular features or quality as a physical entity that would place it in the category of being a valued local landscape in the sense intended by the Framework.
  25. Although not physically abutting, I accept the site forms part of a context of wider open downland and extending along Happy Valley but, aside from the site's essentially open character, I do not find the appeal site has intrinsic landscape characteristics or features which would be lost to the development.

*Over-development*

26. The Fringe Assessment recommends development of 45 dwellings at a low density of some 25 dwellings per hectare. The proposed scheme would be of similar character, and would involve an average net density across the application site of some 23 dwellings per hectare, or some 35 dwellings excluding areas of public open space.
27. Whilst the scheme is larger than the north-west portion of Site 42 identified for development by the Fringe Assessment, the housing would sit within an enclosed landscaped setting.
28. I also find the eastern boundary of the development site identified in the Fringe Assessment, and beyond which the appeal proposal would extend, to be relatively arbitrary. The existing site does not contain natural landscape features or any particular grain which might readily define a logical eastern extent of development, and I have regard to the various findings set out in the appellant's Landscape and Visual Amenity Assessment (the LVAA).
29. Nevertheless, and notwithstanding the limited inherent landscape quality of the appeal site, its existing open form and character are significant features in contributing to a distinctiveness of the setting. In particular, the site presents strong open frontages to both the main eastern and northern boundaries with

views through, and is consistent with surrounding open land as identified by the various character assessments described. The appeal site adjoins open land to the south and east and is adjacent to, and is enclosed by, the nearby rolling downs of the SDNP.

30. The predominant pattern of land-use in the surrounding area is one of settlements and other buildings set within open countryside. It is a reasonably balanced pattern of land use within which built form, whilst present, has a generally secondary, subservient contribution to a predominant character of open land. The appeal site contributes significantly to that pattern through its open form and character and so contributes to a distinct open setting in this main approach to Ovingdean from the north-east.
31. The particular composition of the appeal proposal would change the character of the appeal site and, in turn, would change its contribution to the character of its wider setting. The eastern boundary of development defined by the Fringe Assessment may well be arbitrary, but it does serve to define a reasonable balance of land-use between built form and open land by sympathetically reflecting the surrounding sweep of open land to which the appeal site both contributes and draws similar character.
32. Whilst the scheme would include significant landscaping along the northern and eastern frontages to the site, the predominant character and appearance of the site would be of a residential development and relatively open views across the site would be lost. The extent and form of landscaping would appear as a feature incidental and secondary to the housing. Although I accept the site clearly has capacity to accommodate significant residential development to the west, I find that the particular extent of residential development proposed in this instance would introduce an unduly urbanised built form to the east at variance with, and at the expense of, the more open, rural distinctiveness of the site and its relationship to its surroundings. The scheme, by reason of its scale, would appear visually intrusive to the immediate setting and unduly dominant.
33. The overall planning character of the site would thereby change in a way harmful to its character and appearance. The scheme would read rather more as a large self-contained estate, rather than as a subordinate extension to an existing settlement retaining and respecting the distinct balanced character and appearance of the setting.
34. The evidence of the appellant's wider Screened Zone of Theoretical Visibility shows a relatively marginal additional exposure of the development beyond that anticipated by the residential development identified in the Fringe Assessment. Even so, the additional 40 dwellings proposed over and above that identified would materially change the immediate character and appearance of the appeal site from a more balanced, integral and sensitive response to the distinctiveness of the setting, to a visually discordant over-development.

*Other implications for character and appearance*

35. Although it is suggested that the site forms a green gap and land bridge 'crossover site' between Happy Valley and the SDNP, the site carries no such formal designation. The site faces housing on two sides and is enclosed by Ovingdean Road and Falmer Road. Given the location of the site, I also do not

see any implications of the development for coalescence between Ovingdean and Woodingdean, or for it to have any significant impact upon views south towards the coast.

*Character and appearance: summary of impact*

36. I therefore conclude that, with particular regard to the scale of development proposed and the extent of site coverage, the development would be harmful to the character and appearance of the appeal site and its surroundings through over-development and associated loss of local open landscape character. Whilst the setting of the National Park is a relevant aspect of the context which directly informs local character and appearance and provides a backdrop to the site, I do not find the scheme would be significantly harmful to the wider National Park itself. Accordingly, the scheme would not be contrary to Policy NC8 of the Brighton and Hove Local Plan (the Local Plan) or to Policy SA5 of the City Plan, but would be contrary to Policy SA4.
37. Policy NC8 of the Local Plan states that development will not be permitted within the setting of the South Downs AONB if it would be unduly prominent or would detract from views into or out of the AONB. Policy SA5 of the City Plan seeks to ensure that development within the setting of the SDNP should be consistent with the purposes of the National Park and that any adverse impacts must be minimised and appropriate mitigation included.
38. Policy SA4 of the City Plan states that development within the urban fringe will not be permitted except where it can be clearly demonstrated that the proposal has had regard to the downland landscape setting of the city and any adverse impacts of development are minimised and appropriately mitigated. I consider the adverse implications arising from the particular extent of built form proposed means the development would fall short of these requirements.
39. I have had careful regard to the appellant's LVAA, and particularly findings regarding assessment of the specific impacts upon the sensitivity of landscape character and likely magnitude of change. Nevertheless, I find the development would not be consistent with the expectations of the Framework for the reasons described. The Framework makes clear that it is proper for planning to seek to promote or reinforce local distinctiveness and identifies a core principle for planning to take account of the different roles and character of different areas.

**Ecology**

40. The site is not covered by any designations, statutory or non-statutory, for nature conservation interest, but sites of nature conservation importance are located nearby, and I note references made to the Brighton and Hove Local Biodiversity Action Plan.
41. The Council's concern is that it has been unable to address the likely impacts of the development, and the likely effectiveness of mitigation, due to an absence of information. Particular issues relate to the possible status of the site as Lowland Calcareous Grassland, implications for a number of plants including Red-Star thistle, Corky-fruited Water-dropwort, and Cut-leaved Selfheal, and impacts upon reptiles, and upon invertebrates including the Hornet Robberfly.
42. The Framework advises that the planning system should minimise impacts on biodiversity and provide net gains where possible. Planning policies should

- promote the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm from a development cannot be adequately mitigated, and by encouraging opportunities to incorporate biodiversity in and around developments.
43. I am also mindful of the duty upon a public authority under section 40(1) of the Natural Environment and Rural Communities Act 2006, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
  44. Further, I also have regard to the Secretary of State's published lists under section 41(1) of living organisms and types of habitat which, in the Secretary of State's opinion, are of principal importance for the purpose of conserving diversity. It is common ground that a number of such entries have been identified within the application site, including Lowland Calcareous Grassland and the Hornet Robberfly.
  45. The Council and interested third parties draw upon various evidence, particularly historical records, and highlight the generally rare occurrences of Red-Star thistle, of the Corky-fruited Water-dropwort, and of Cut-leaved and Hybrid Selfheal, and the noted presence of the Hornet Robberfly. Reference is also made to a number of species supportive of the site's disputed status as Lowland Calcareous Grassland. I also particularly note the evidence set out in the Biodiversity Case submitted by the Deans Preservation Group, including accompanying survey references.
  46. In response to the Council's concerns, the appellant has presented evidence drawing upon extensive site-specific survey work undertaken in 2014 and 2015. Broadly, the appellant's findings in 2015 appear to be consistent with those in 2014, and I note that aspects of the findings also have some similarity with other parties' survey evidence submitted.
  47. The appellant's evidence finds the site to be dominated by horse-grazed, semi-improved grassland of variable quality and species-richness. Whilst the site does have a calcareous character, the number of indicator species present was found to be low and considered by the appellant to be insufficient to identify the land as Priority Habitat Lowland Calcareous Grassland. The appellant concludes, on the basis of its recent surveys, that the site is more accurately characterised as semi-improved neutral grassland. I also note that the recent Fringe Assessment similarly identifies the site to be largely semi-improved, neutral grassland.
  48. In relation to notable plant species, the surveys identified the presence and distribution of Red-Star thistle, and of Cut-leaved Selfheal. I also note that, in relation to Corky-fruited Water-dropwort, the species has not been identified at the site in the appellant's survey work.
  49. The appellant's surveys identified the eastern side of the site to be moderately species-rich. This area accommodates the main concentrations of Cut-leaved Selfheal and much of the area would lie beyond the main areas of built form proposed. The main concentrations of Red-Star thistle would lie on the western side of the site, but largely within the same area for development as identified by the Fringe Assessment.

50. In relation to the Hornet Robberfly, the appellant's survey work does not support any significant populations of this or other protected, rare or notable species, although there is a recognised association of Hornet Robberfly with grazing animals and a previous recording is noted. A limited presence was identified of reptiles, and various other conclusions reached in relation birds, bats and other species.
51. Based upon the surveys, the appellant has proposed a range of mitigation and accompanying plans. These would include retention and improvement of all grassland outside the development footprint, and translocation of Red-Star thistle. The scheme is seen as an opportunity to improve and safeguard the long-term ecological value of the site through appropriate habitat enhancement and creation, and through an appropriate management plan. This would encompass enhanced habitat conditions for invertebrates and habitat manipulation for reptiles. Translocation would also be considered in relation to existing nearby land already within the appellant's control.
52. I have noted the concerns raised by the Council in relation to the mitigation proposed, including the absence of evidence of successful translocation of the Red Star thistle, and the suitability of other sites. Concerns are also raised towards transfer to existing host sites, but the fact that such sites may already contain species would still seem to suggest a likely degree of suitability. Should permission be granted, however, I consider that detailed aspects of all species treatment and management and of all associated arrangements and actions would need to be fully and satisfactorily addressed by way of suitably robust planning conditions, and these would need to be set within the specific terms of a wider, overall landscape and ecological management plan as proposed.
53. I note that the section 106 agreement also includes measures in Schedule 6 for the identification of biodiversity protection zones to safeguard the ecological value of the site during construction. The zones would include areas where Red-Star thistle would be retained, and reptile receptor areas.

*Ecology: summary of impact*

54. Notwithstanding other submissions, the specific, detailed evidence of the appellant's surveys supports a view that the site is of limited overall ecological value. It is also relevant to consider the significance of two related fallback positions as identified.
55. Firstly, reference has been made to the future of the identified species in a scenario of no development, and I have little evidence of the extent to which the existing overall ecological interest of the site will persist in the absence of proactive, sympathetic management as proposed to accompany the development.
56. Secondly, I find the appellant's up-to-date surveys raise doubt that the site can still be formally regarded as Priority Habitat Lowland Calcareous Grassland. Nevertheless, and in any event, whilst the Fringe Assessment identifies ecology as a constraint to future development of the appeal site, the document also indicates the suitability of the site for development of 45 dwellings. Notwithstanding the existing ecological value of the site and its disputed grassland status, the likelihood is therefore that the existing ecological



character of the site will be significantly impacted by some form of future development.

57. Whilst the appeal scheme would be accompanied by a significant reduction in the existing area of grassland, the development would have the benefit of an active programme of ecological improvement and management to elevate and secure the quality of the remaining habitat. The scheme proposes mitigation both to safeguard existing ecological features within the site, and to offer a managed long-term future for its ecological significance.
58. Overall, whilst the Council considers the ecological value of the site has been under-estimated and that impacts would be either harmful or remain to be established, I am satisfied that the site-specific evidence presented by the appellant is sufficiently detailed and up-to-date to enable a robust in-principle assessment to be made of the ecological value of the site and of the general implications of the development proposed.
59. I therefore conclude that, subject to full and further details of proposed mitigation consistent with such measures as indicated by the Fringe Assessment, the proposed development would not be harmful to the ecological significance of the site. Accordingly, the scheme would not be contrary to Policy QD17 or to Policy QD18 of the Local Plan, to Policy CP10 of the City Plan, or to the Council's Supplementary Planning Document 11 Nature Conservation and Development (SPD11).
60. Policy QD17 of the Local Plan states that development proposals affecting nature conservation features outside protected sites will be granted planning permission provided that conditions can be imposed to prevent damaging impacts or the impact is minimised. Policy QD18 requires regard to be given to protected species and for measures to be taken to avoid any harmful impact. Permission will not be granted liable to cause demonstrable harm to such species and their habitats. Policy CP10 makes similar commitments to promote biodiversity. SPD11 seeks, amongst other matters, to ensure key national principles of biodiversity and nature conservation are met locally.
61. I also find the scheme broadly consistent with the expectations of the Framework which seeks to avoid significant harm to biodiversity arising from development.

### ***Air quality***

62. The Framework advises that planning decisions should ensure that any new development in AQMA's is consistent with the local air quality action plan and, in this regard, I note references made to the Brighton and Hove City Council Air Quality Action Plan.
63. In refusing planning permission, the Council considered it was unable to fully assess the likely impacts upon air quality with regard to the Rottingdean AQMA which lies some 1.45 km to the south of the application site.
64. The Guidance advises that it is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit. Mitigation options, where necessary, will be locationally specific, will depend on the proposed development, and should be proportionate to the likely impact.

65. In response, the appellant submitted a further Air Quality Assessment report dated December 2015 and, following discussions with the Council, additional sensitivity testing was undertaken and with reference to the Environmental Protection UK and the Institute of Air Quality Management guidelines, Land-Use Planning & Development Control: Planning For Air Quality (the EPUK and IAQM Guidance). The results of that work show a negligible impact arising from the development with regard to absolute and relative changes in Nitrogen Dioxide concentrations within the AQMA as a consequence of the development. This assessment is accepted by the Council and, accordingly, the authority is now satisfied that the scheme would not be harmful to local air quality.
66. A range of concerns have been raised by third parties, however, including details relating to the methodology of the assessment, to underlying traffic data, and to the relevance of local physical characteristics, such as the local road pattern and attendant features, and these were identified at the hearing. The appellant's methodology has been broadly explained, and no objections are raised by the Council. The assessment follows national guidelines and the most up-to-date Defra toolkit, and reflects the cumulative effects of other development within Brighton and Hove City. The Council also accepts existing traffic data for Rottingdean High Street as a basis for the assessment, and data for additional daily trip generation into the AQMA. I have also had regard to recent decisions and actions relating to the UK's non-compliance with the Ambient Air Quality Directive 2008/50/EC.
67. The development would be accompanied by a range of mitigation, which would include various measures to promote sustainable transport and to reduce private vehicle trips. The section 106 agreement includes in Schedule 4 significant measures to promote sustainable transport in connection with occupation of the development, including financial contributions for purchases of bicycles, provision of temporary bus season tickets, promotion of a car club, and provision of general information relating to local public transport, walking and cycling. The section 106 agreement also includes a walkways agreement to safeguard public pedestrian access to and through the site. Should the development be acceptable, planning conditions may also be considered in relation to cycle parking and other matters.
68. A related issue has also been raised regarding the impact of construction traffic. Construction traffic is an inevitable consequence of most schemes and imposes particular short-term challenges as a necessary consequence of development. Although I do not find that the principle of such temporary impacts would in itself necessarily be sufficient reason to refuse outline planning permission in this instance, it is relevant to the sensitivities of the appeal site relative to the AQMA. Construction traffic would involve a materially different pattern of vehicle generation to that set out in the evidence submitted to date. The full implications are not before this appeal and would require wider assessment.
69. The section 106 agreement includes in Schedule 6 a requirement for a Construction Environmental Management Plan (the CEMP). The agreement would require the Council's written approval to the CEMP and its subsequent implementation during the construction period. The CEMP would include a plan showing construction traffic routes (point viii) and a requirement for practical measures (point xii) to mitigate impacts during construction. Further, I note the CEMP is not conceived through a planning condition but comprises part of a

planning obligation and should thereby be a particularly robust means to enforce such requirements, particularly where, as in the case of construction traffic, it may relate to matters beyond the immediate application site.

70. Whilst full details of construction traffic remain to be assessed, I am satisfied that, in principle, an agreed CEMP would provide an effective and reasonable means to suitably minimise its impact upon air quality for the temporary duration of the works should the development otherwise be found to be acceptable.

*Air quality: summary of impact*

71. I therefore conclude that the proposed development would not be harmful to air quality. Accordingly, the scheme would not be contrary to Policy SU9, or to the expectations of the Framework. Policy SU9 states, amongst other matters, that development liable to cause air pollution will only be permitted where human health and related matters are not put at risk, where it does not reduce the authority's ability to meet relevant air quality targets, and where it does not negatively impact upon the existing pollution situation. It also refers to development within an air quality management hotspot, although the appeal site actually lies outside the AQMA. I have also had regard to county guidance set out in the Air Quality and Emissions Mitigation Guidance for Sussex Authorities 2013 which seeks to ensure that the air quality in AQMA's is not worsened and which recommends that planning permission be refused if, after mitigation, high to very high air quality impacts remain.

**Traffic**

72. I note significant evidence of existing problems of traffic congestion on routes to and from the appeal site.
73. The application is accompanied by a full transport assessment as expected by the Framework. The scope of that assessment was agreed with the local highway authority, and I heard that subsequent stages and progress of the assessment have been submitted to and been broadly endorsed by the authority, and that the conclusions have been assessed by suitably qualified and experienced staff. The conclusions of the submitted expert evidence are that, subject to appropriate mitigation, the scheme should not give rise to a material impact upon the safety and operation of the local highway network. Such mitigation would be largely as already outlined.
74. A number of concerns have been directed towards the assessment by third parties, however, including the robustness of the modelling and data inputs. A number of specific features are also questioned, including treatment of peak hour periods, junction capacities, traffic speeds, survey details, the effectiveness of mitigation, and issues of topography. These, and other matters, were identified at the hearing and responded to by the appellant. The appellant generally explained how the assessment is based upon established, industry standard modelling techniques, including for trip assignment, and draws upon a number of software packages. Specialist traffic surveys have been undertaken, and allowances made for relevant committed developments within the authority area. The original assessment is also based upon a higher number of dwellings proposed, and has been informed by the local knowledge and expertise of the highway authority.

75. Whilst the highway authority does not accept all aspects of the modelling approach, the results are broadly as it expected and no objection to the development is raised on that basis.
76. I accept there will also always be limitations to such assessments and forecasts, but I am generally satisfied in overall terms that the submitted transport assessment is sufficiently thorough and fit-for purpose and that it adequately addresses the relevant matters set out in the Framework. Further, no comprehensive alternative, competing assessment is before me. I also acknowledge the existing traffic difficulties in the wider area, but my decision is not about wider consideration of such matters but about the specific marginal impact which the additional dwellings proposed may have in that regard.

*Traffic: summary of impact*

77. The Framework seeks to ensure safe and suitable access for all people, and advises that proposals for development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Given the scale of the scheme, and the detailed evidence and overall conclusions of the transport assessment, I find the likely impact would not be severe, and that the scheme would accord with this key test of the Framework.
78. I therefore conclude that the proposed development would not be harmful to local traffic conditions and would accord with the expectations of the Framework.

***Five-year housing land supply***

79. It was agreed common ground at the hearing that, in the absence of an up-to-date development plan, the Council was unable to demonstrate a five year housing land supply relative to a full objectively assessed need for 30,120 homes for the period of 2010-2030 as identified in the City Plan.
80. Nevertheless, the City Plan sets a housing requirement figure of 13,200 dwellings and the Council considers it can demonstrate a five-year supply of land to meet this target. The Council does not use conventional methodologies, but an alternative, trajectory-based approach to supply.
81. The Examination Report has since been received. The Report refers to the significant physical and environmental constraints facing the Council in finding land for new development. In all the circumstances, the Report finds the Council's trajectory to be an ambitious but realistic expectation of housing delivery and that it is an acceptable basis for the five year housing requirement. Whilst concluding that the Council can demonstrate a housing land supply of 5.0 years according to this methodology, the Examination found very little flexibility. Although the Inspector did not find this weakness to be sufficient to render the whole plan unsound, it is a matter to which the Report suggests very close consideration be given through the preparation of the City Plan Part Two.
82. The Report notes that the City Plan Part One, as proposed to be modified, seeks to meet only 44% of the objectively assessed need for housing and that this represents a very significant shortfall which has important implications for the social dimension of affordable housing. The target of 13,200 is expressed as a minimum offering scope for that number to be increased.

83. The Examination Report also states that the 2014 Urban Fringe Assessment provides a robust evidence base to guide the strategic level policy in the City Plan Part One, and notes the Council's intention to undertake a more detailed assessment of sites through the preparation of Part Two of the City Plan.

***Section 106 agreement***

84. Aside from those matters already discussed, the section 106 agreement makes various further commitments, including to affordable housing, to primary and secondary education, to local recreation facilities, to supporting local jobs, and to a work of public art.

85. The Council has provided evidence of compliance with the relevant statutory provisions set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and this is not disputed. I have also had regard to the Framework, and to the relevant advice of both of the Guidance, and of the Planning Inspectorate's Procedural Guide Planning Appeals - England, published July 2015, and I find the deed to be generally fit-for-purpose.

86. Accordingly, I take the commitments set out in the section 106 agreement into account as considerations of my decision.

***Other Matters***

87. I have carefully considered all other matters raised, both at the hearing and in written submissions, including implications for tourism, public transport, local amenities, flooding and heritage. Beyond the mitigation set out in the section 106 agreement these are not identified as matters for objection by the local planning authority, and I have little reason to conclude otherwise.

88. Other planning decisions have been noted, and I have also had regard to references made to local opinion, to previous consultation exercises, and to pre-application discussions between the main parties. References have also been made to the history of designation of the SDNP and of its relevance to the appeal site.

89. I have noted that, whilst discussions are proceeding regarding a Neighbourhood Plan, no document has yet been published for formal public consideration.

90. The suggestion has also been made that a grant of planning permission would be premature in the absence of an adopted City Plan. Such a view would be contrary to the advice set in the Guidance and, further, the emerging status of the City Plan is, in any case, given due weight as part of my decision in accordance with paragraphs 215 and 216 of the Framework.

91. I have noted the scheme has been assessed as to involve Environmental Impact Assessment (EIA) development.

***Sustainable development***

92. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.

93. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a

whole. At the heart of the Framework in paragraph 14 is a presumption in favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.

94. The scheme would undoubtedly provide considerable housing benefits, and not just in terms of affordable housing, but also in terms of market provision, and such benefits would be consistent with the social dimension of sustainable development. The scheme would provide 85 dwellings addressing a range of housing needs. The scheme would also accord with Policy HO2 of the Local Plan which seeks to secure a 40% element of affordable housing. The contribution of the scheme is further underlined by the references to the City's outstanding housing needs made in the Examination Report.
95. The investment represented by the development would also be consistent with the economic dimension. The undisputed economic benefits would include investment in construction and related employment for its duration. The section 106 agreement includes in Schedule 5 a significant Construction Training and Employment Strategy which, amongst other matters, seeks to encourage employment of local workers during construction and demolition. This sets a target of at least 20% of job opportunities to be taken by the Brighton and Hove workforce. Benefits would also include an increase in local household spending and demand for services, and financial contributions to the Council through New Homes Bonus payments.
96. There is also no dispute between the main parties that the location is, in principle, one potentially benefitting from reasonably sustainable modes of transport as proposed.
97. In environmental terms, however, given the implications of the scale of development proposed for local character and appearance, I find that the scheme would be harmful for the reasons described. The Council considers some residential development of the site to be sustainable, and I agree, but not to the degree proposed by the appeal scheme which is substantially beyond the extent of built form reasonably acknowledged by the Fringe Assessment and with the accompanying harmful implications identified.

*Sustainable development: summary*

98. Notwithstanding the significant benefits of the scheme, I find the scale of the adverse impact upon local character and appearance would be such that, having regard to paragraphs 18 to 219 of the Framework as a whole, the proposed scheme would not constitute sustainable development. As well landscaped as the site might be, the scheme would not appear as a sensitive addition to Ovingdean, but as an incongruous intrusion of over-development at the expense of the existing distinct open character and appearance of both the appeal site and the surrounding area.

**Summary**

99. The Fringe Assessment responds directly to the Local Plan Inspector's concerns regarding housing need. The Council describes the document as a positive and robust assessment of the potential for urban fringe land to contribute to the City's housing requirements, and that would include part of the appeal site. The implications of the Fringe Assessment are that a substantial part of the appeal site is likely to be developed.

100. Nevertheless, for the reasons described, I consider that the significant extent of residential development proposed beyond that identified by the Fringe Assessment, a further 40 dwellings, would introduce an unduly urbanised built form to the site in contrast with the more open, rural distinctiveness of the setting. The excessive extent of the built form would appear as a discordant intrusion into the immediate balanced relationship of open land to built form, and would thereby be seriously harmful to the character and appearance of the appeal site and its surroundings. The scheme, by reason of its extent, would not represent a sympathetic response to the site's otherwise predominantly open, countryside character and its relationship to Ovingdean at a significant approach to the settlement from the B2123.
101. Further, and in any event, the adverse impact of the scheme upon character and appearance arising from the extent of development proposed would significantly and demonstrably out-weigh the benefits, when assessed against the policies in the Framework taken as a whole, and with regard to the development plan as a whole.

### **Conclusion**

102. Section 38(6) of the Planning and Compulsory Purchase Act, 2004, requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
103. Accordingly, having regard to the development plan and to the Framework as a whole, and with regard to all other material considerations and matters raised, the appeal is dismissed.

*Peter Rose*  
INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Liz Arnold	Principal Planning Officer
Hilary Woodward	Senior Planning Solicitor
Sandra Rogers	Principal Planning Officer
Samuel Rouse	Environmental Health Officer
Virginia Pullan	County Landscape Architect
Dr Kate Cole	County Ecologist

### FOR THE APPELLANT:

Christopher Boyle  
of Queen's Counsel-  
instructed by Pegasus Planning

Daniel Weaver	Pegasus Planning
Andrew Cook	Pegasus Group
Dr Dan Simpson	Aspect Ecology
Laurence Caird	Air Quality Consultants
Anthony Jones	Transport Planning Associates

### OTHER INTERESTED PERSONS:

Councillor Heather Butler	Chair of Parish Council Planning Sub-Committee
Councillor Mary Mears	Ward Councillor
Russell Smith	Chair of Ovingdean Residents and Preservation Society
James Wright	Deans Preservation Group
Sean Flanagan	Chairman for Safe Rottingdean
Kia Trainor	Campaign to Protect Rural England (Sussex branch)
Rob Shepherd	Local resident
John Parsons	Local resident
Suzanne Ancell	Local resident



**DOCUMENTS SUBMITTED TO THE HEARING:**

BY THE LOCAL PLANNING AUTHORITY:

1. Hearing notification letters dated 18 August 2015 and 24 November 2015
2. Application notification letter dated 5 December 2014
3. Policy SU9 of the Local Plan
4. Policies SA4, SA5 and CP10 of the Brighton and Hove Submission City Plan Part One Proposed Modifications October 2014
5. Residential Monitoring 2014/15 - Key Statistics
6. LPA commentary on compliance of s106 with CIL Regulations 122 and 123

BY THE APPELLANT:

7. Layout drawing Ref: BRS.4783\_20S dated 16 December 2015
8. Soft Landscape Proposals- drawings Ref: BRS.4783\_45-D Sheets 1 and 2
9. Extracts from EPUK and IAQM Guidance, Planning for Air Quality
10. Updated modelling results for Tables 1-3 Air Quality Assessment: Rottingdean High Street December 2015
11. Tables setting out areas of disagreement on position of five year housing land supply for Brighton and Hove City Council
12. Brighton and Hove: Further Assessment of Urban Fringe Sites 2015 - Landscape and Ecological Assessments, LUC, December 2015
13. Screened Zone of Theoretical Visibility dated 23 December 2015
14. Site 42: Additional Land Ownership

JOINTLY BY THE LOCAL PLANNING AUTHORITY AND THE APPELLANT:

15. Section 106 agreement dated 7 January 2016

BY THIRD PARTIES:

16. Statements from Mr Flanagan- A) Questions, and B) Presentation of principles covering Air Quality
17. Letter from Mr Flanagan dated 6 January 2016
18. Statement by Deans Preservation Group



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# Appeal Decision

Site visit made on 16 February 2016

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 March 2016**

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**Appeal Ref: APP/Q1445/W/15/3136306**  
**472 Falmer Road, Brighton BN2 6LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Ms C Hey against Brighton & Hove City Council.
  - The application Ref BH2015/02662, is dated 20 July 2015.
  - The development proposed is a first floor extension.
- 

## Decision

1. The appeal is allowed and permission is granted for the erection of a first floor extension at 472 Falmer Road, Brighton BN2 6LH, in accordance with the terms of the application, Ref BH2015/02662, dated 20 July 2015, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Cat 10C - Proposed Floor Plans and Elevations.
  - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the building concerned and the street scene as a whole.

## Reasons

3. No 472 Falmer Road is a two storey detached house set in a large plot on the eastern side of the B2123 opposite open countryside. It faces the road behind a parking area with other detached houses on one side and a linked pair of newly built houses backing onto the site on the other.
4. At present No 472 has a steep double pitched roof with a full gable end facing the road. On one side at first floor level is a further small side facing gable with a half hipped roof; on the other a large single storey extension with a flat roof.
5. The proposal is for a first floor side extension above this existing single storey extension. It would have a sloping roof facing both the front and rear, a central flat roof section at the same height as the existing ridge and a barn

style half hipped gable to the side. The front facing roof slope would have a double rooflight corresponding to a living room window below and the rear facing roof slope would have a flat roofed dormer window corresponding to a set of patio doors below.

6. The existing single storey side extension is a poorly designed addition to the house which unbalances its front elevation. By contrast, the first floor side extension would rebalance the front elevation, complementing but not visually dominating the main front facing gable. Due to the proposed sloping roof the full gable would remain the main feature with the extension being seen as subservient. The half hipped side gable would further reduce the bulk of the extension and would reflect the existing half hipped side gable on the other side of the house. Unlike the other houses nearby, No 472 has already been altered with the single storey extension; the proposal would complete this with a second storey resulting in an overall more coherent design.
7. The design would involve quite a large central flat roof section but this would be unseen from the ground. In addition it would be much smaller than the existing large unattractive flat roof which is very apparent in views of the house. Contrary to the Council's view, the front facing rooflight would be a relatively unassuming feature, not seen as clutter, and would not be excessive in scale, being similar in size to the main first floor window and smaller than the living room window below. The rear facing dormer would be simple in design and would not be particularly large. In any event it would only be seen from within the rear garden of No 472 and not from the road.
8. There is a reasonably wide gap between No 472 and the two new houses which have been built to the south, in fact it is slightly wider than the gap between No 472 and the detached house on the other side. There is a tall hedge along the common boundary. Consequently, there would be nothing unusual about the relationship between No 472 as further extended and the two new houses, and as a result they would not appear cramped together in the street scene.
9. For these reasons the proposal would enhance rather than detract from the character and appearance of the building concerned and the street scene as a whole. It would therefore comply with Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan 2005 which require development to take into account the local characteristics and extensions to be well designed in relation to the property to be extended, adjoining properties and to the surrounding area. It would also comply with the Council's Design Guide for Extensions and Alterations 2013 which seeks to ensure extensions do not dominate or detract from the original building but play a subordinate 'supporting role'.
10. The Council has suggested three conditions should the appeal be allowed and I agree they meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of proper planning. A condition controlling the external finishes to be used is also required to ensure the development has a satisfactory appearance.
11. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

**Application No: BH2015/03524**

Mr Andrew Page  
Page Partnership  
18 Middleton Avenue  
Hove  
BN3 4PJ

**BRIGHTON AND HOVE CITY COUNCIL**  
**Town and Country Planning Act 1990**  
**PERMISSION TO DEVELOP LAND**

**IN PURSUANCE** of their power under the above-mentioned Act, the Council hereby notify you that they **PERMIT** the following development:

**Situation: 69 Valley Drive Brighton**

**Description: Erection of single storey rear extension with terrace above and erection of first floor rear extension with associated alterations.**

In accordance with the application and plans (as modified by any under mentioned conditions) submitted to the Council on 01 October 2015 and SUBJECT to compliance with any condition(s) specified hereunder:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing ground floor plan	01	-	01/10/15
Existing first floor plan	02	-	01/10/15
Existing roof plan and site plan	03	-	01/10/15
Existing west and east elevations and site section	04	-	01/10/15
Existing north and south elevations	05	-	01/10/15
Proposed ground floor plan	11	-	01/10/15
Proposed first floor plan	12	-	01/10/15
Proposed roof plan and site plan	13	-	01/10/15
Proposed west and east elevations and site section	14	B	17/03/16

Proposed north and south elevations	15	-	01/10/15
Site Location Plan and Block Plan	16	-	01/10/15

- 3 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 4 The first floor privacy screen to the eastern edge of the terrace hereby approved shall be of obscure glazing and shall be retained thereafter. The terrace shall not be brought into use until the 1.8m screen is installed.  
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14 Extensions and alterations  
QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development;  
and

(ii) for the following reasons:-

The proposed extensions would not harm the appearance of the property, the

wider area or the amenities of adjacent occupiers, in accordance with development plan policies.

Dated this 29 March 2016



Rob Fraser  
Acting Head of City Planning and Development  
For Executive Director Environment, Development & Housing

**NOTICE** is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.





## Appeal Decision

Site visit made on 3 March 2016

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th March 2016

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**Appeal Ref: APP/Q1445/D/15/3139064**

**19 Westdene Drive, Brighton, BN1 5HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Jim and Rebecca Thomson against the decision of Brighton & Hove Borough Council.
  - The application Ref BH2015/02804, dated 30 July 2015, was refused by notice dated 7 October 2015.
  - The development proposed a loft conversion with extended gable end and rear dormer.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with extended gable end and rear dormer at 19 Westdene Drive, Brighton, BN1 5HE in accordance with the terms of the application, Ref BH2015/02804, dated 30 July 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: WD/1, WD/2, WD/3, WD/4 & WD/5.

### Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

3. I saw at my site visit that a large number of properties in the vicinity of the appeal site have seen alterations to their roofs through the conversion of hipped ends to gables, front dormers and side dormers, and other roof alterations. This includes on Westdene Drive and also nearby streets, which I visited during my visit. Those changes have led to little diminishment to the character of this residential area, which is typified by mid 20th Century bungalows and housing set on sinuous roads that rise and fall with the undulating landscape, so meaning there is a varied building line and changes in the way in which properties and their roofs are seen. Such changes are part of, and do not diminish from, the generally pleasant overall character of the area.
  4. The appeal property is one half of a pair of bungalows that has hipped roofs. The proposals would see a gable end, and that would facilitate a dormer
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extension to the rear. Policy QD14 of the Brighton and Hove Local Plan states that planning permission will be granted for extensions and alterations to existing buildings if, amongst other matters, the proposed development is well designed, sited and detailed in relation to the property, adjoining properties and the surrounding area.

5. I have also been referred to the Council's Design Guide for Extensions and Alterations Supplementary Planning Document (SPD) 2013. This sets out a presumption against roof extensions that would alter the basic shape of a roof, including a change from hip to gable end, though it is also stated where there is an overwhelming majority of roofs to a pair, terrace or group of buildings that have been altered, then extensions may be permitted that seek to recreate some sense of unity and coherence. In such instances the SPD says a more flexible approach will be taken.
6. The proposals in this appeal would not be seeking to recreate an overall sense of unity or coherence. However, in this instance I am satisfied that the proposals would be suitable for the property and the area. As noted earlier, there are many roof alterations in the vicinity of the appeal site and this varied roof scape forms part of the character of the area. Due to the curve of the road and topography of the area there would be limited views of the altered roof, and in those views the overall balance of the house of the bungalow, and the pair of properties, would not be adversely affected. Thus, although the scheme would not accord with the detailed general design specifications of the SPD, I am therefore satisfied that the proposed change to a gable end would be an extension that is well designed, sited and detailed in relation to the property and the surrounding area, which is the key objective of the relevant development plan policy, namely Policy QD14.
7. A rear dormer window is then proposed on this altered roof form. This would not be the full width or height of the building, and so would not appear as an additional storey. I note that the SPD, though, does seek to ensure dormers are kept as small as possible and to be a subordinate addition to the roof. The SPD also seeks to ensure that the supporting structure for a dormer is kept to a minimum, with no large areas of cladding either side of the window or below. In this instance I again consider it important to consider the character of the area within which the dormer is proposed. As noted, there are many alterations to roofs in the area, with a variety of dormer window designs on front, rear and side elevations that are visible from the street due to the steeply sloping land levels.
8. As the appellants point out, the proposal at No. 19 would in fact have very limited visibility due to the steep slope in land to the rear of the property. In the limited views that would occur the scale, position and design of the dormer would not be out of character with the area, and would not dominate the property or the pair of buildings. The modified dwelling – with both the gable roof and the rear dormer – would thus appear in scale with the property, and would not be intrusive to the street. The key objective of the relevant development plan Policy QD14 would therefore again be met.
9. In my judgement there would not be an excessive number of rooflights on the front elevation. They would be sited in an unobtrusive fashion on the roof slope, having regard to the character of the property having large windows on the raised ground floor that dominate the front of the building. There would not be any conflict with the guidance in the SPD or the objectives of Policy QD14.

10. For the reasons given it is therefore my opinion that the particular circumstances of this case indicate that the proposed development would be appropriate to the host property and the character and appearance of the surrounding area. Thus, the proposals would satisfy the requirements of the development plan, and by responding to the local area the proposals would also be consistent with the National Planning Policy Framework that requires good design.
11. For the reasons given, and having regard to all other matters raised, the appeal is therefore allowed. A condition is necessary requiring matching materials to ensure a satisfactory appearance to the development, and a further condition specifying the approved drawings, for the avoidance of doubt and in the interests of proper planning

*C J Leigh*

INSPECTOR



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## Appeal Decision

Site visit made on 3 March 2016

**by C J Leigh BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14th March 2016**

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**Appeal Ref: APP/Q1445/D/15/3137472**  
**5 Withdean Close, Brighton, BN1 5BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Wells against the decision of Brighton & Hove Borough Council.
  - The application Ref BH2015/02528, dated 9 July 2015, was refused by notice dated 27 October 2015.
  - The development proposed a balcony to back of house.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular reference to privacy.

### Reasons

3. The appeal property lies on a steeply sloping site which means that, whilst the property appears single storey on the front elevation to west, at the rear the ground floor is raised a full storey above the garden and access is taken to the garden via steps leading from the kitchen/utility room. I agree with the appellant that this layout to the property is inconvenient and may cause difficulties for the occupier, who I am informed suffers from ill health.
  4. To the east of the property is a bungalow at 50 Withdean Road. Due to the changing landform, this is set at a much lower level than 5 Withdean Close. There are currently some views from within No. 5 towards No. 50, and there are also views from the existing patio area within the garden of No. 5, as well as from the external steps. I therefore acknowledge that No. 50 currently experiences a degree of overlooking.
  5. The proposed rear decking would create an area of around 9.5m by 2.8m at a significantly raised ground floor level. This is a large area, and would enable elevated views towards and over No. 50, and at a closer distance, to a greater degree than currently exist. I share the concerns of the Council and the neighbour at No. 50 that the size of this terrace, and the closer location to No. 50 at an elevated position, would lead to a material increase in overlooking and a consequential loss of privacy to occupants of that property.
  6. The proximity of the raised terrace to 4 Withdean Close is also likely to lead to increased overlooking towards that property due to the change in levels and
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absence of screening. The loss of privacy to that property would not be so great as to No. 50, due to the more acute angle, but there would still be an appreciable change in the amount of overlooking.

7. From my observations at the site visit I am therefore of the firm opinion that the size, design and position of the proposed decking would lead to a material loss of privacy to adjoining properties. I consider the harm arising from the scale and design of the scheme before me outweighs the benefits arising to the appellant through providing a sitting out area.
8. The proposals would therefore be contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan, and the Council's Design Guide for Extensions and Alterations Supplementary Planning Document 2013, insofar as they seek to ensure new development does not cause a loss of amenity to adjacent residents and occupiers. The appeal is dismissed accordingly.

*C J Leigh*

INSPECTOR

## Appeal Decisions

Site visit made on 22 February 2016

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 March 2016**

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### **Two Appeals at Sea Life Centre, Madeira Drive, Brighton BN2 1TB**

- The appeals are made by Brighton Sea Life Centre against the decisions of Brighton & Hove City Council.
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#### **Appeal A Ref: APP/Q1445/Y/15/3133382**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The application Ref BH2014/02306, dated 10 July 2014, was refused by notice dated 1 July 2015.
  - The works proposed are "An overall signage strategy is proposed, as proposed under previous application to retain the street presentation of the Sea Life Centre".
- 

#### **Appeal B Ref: APP/Q1445/Z/15/3133380**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The application Ref BH2014/02286, dated 8 July 2014, was refused by notice dated 1 July 2015.
  - The advertisement proposed is "Please see descriptions & photos of signs numbered 1-15 in accompanying documentation, the proposal includes all signs at the Sea Life Centre in order to present a comprehensive layout proposal".
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### **Appeal A: Decision**

1. The appeal is allowed and listed building consent is granted for "An overall signage strategy is proposed, as proposed under previous application to retain the street presentation of the Sea Life Centre" at Sea Life Centre, Madeira Drive, Brighton, BN2 1TB, in accordance with the terms of the application Ref BH2014/02306, dated 10 July 2014, and the plans submitted with it subject to the following condition:
  - 1) The works hereby authorised shall be carried out in accordance with the following approved plans: location plan, SLC'11 block plan, SLC'09/dwg2a, SLC'09/dwg3a, SLC'09/dwg4a, SLC'09/dwg5a, SLC'09/dwg6a, SLC'09/dwg7a, SLC-sk dimensions: sketch 1, SLC'09 detail sign 10, SLC09 detail sign 11, SLC09 detail sign 13, SLC09 detail sign 14, SLC-sk dimensions: sketch-sign 4, SLC-sk dimensions: sketch-sign5, SLC09 detail sign 2, SLC09 details of fixings: signs 4 & 6, and SLC09 general detail sign fixings for signs 2, 4, 6, 10, 11, 12, 13, 14.

## **Appeal B: Decision**

2. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
  - 1) The advertisements hereby authorised shall be carried out in accordance with the following approved plans: location plan, SLC'11 block plan, SLC'09/dwg2a, SLC'09/dwg3a, SLC'09/dwg4a, SLC'09/dwg5a, SLC'09/dwg6a, SLC'09/dwg7a, SLC-sk dimensions: sketch 1, SLC'09 detail sign 10, SLC09 detail sign 11, SLC09 detail sign 13, SLC09 detail sign 14, SLC-sk dimensions: sketch-sign 4, SLC-sk dimensions: sketch-sign5, SLC09 detail sign 2, SLC09 details of fixings: signs 4 & 6, and SLC09 general detail sign fixings for signs 2, 4, 6, 10, 11, 12, 13, 14.

## **Appeals A and B:**

### **Preliminary matters**

3. Notwithstanding the descriptions of the works and advertisements given on the relevant application forms, the schemes in both appeals are for a comprehensive advertising scheme for the Sea Life Centre. Although some of the advertisements for which listed building consent and advertisement consent are sought are in place, others are not. So I shall refer to the scheme as a whole as 'the proposal', only making reference to existing advertisements as relevant to my reasons.
4. The Sea Life Centre (listed building) is listed in Grade II as 'The Brighton Aquarium and attached walls and piers and railings and lamps', and it is situated in the East Cliff Conservation Area (Conservation Area).
5. As the appeal building is a listed building, I am required to take account of section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (LBCA) which states that, in considering whether to grant listed building consent for any works, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As the appeal building is in a conservation area, I am also required to take account of section 72(1) of the LBCA which states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
6. The *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* require that decisions made under the Regulations are made only in the interests of amenity and public safety. The Council has not raised concerns about public safety in its reason for refusal for Appeal B. From my inspection of the site and its surroundings, and from the written representations made, I see no reason to disagree.



## **Main issue**

7. The main issue in Appeals A and B is:
- Whether the proposal would preserve the special architectural or historic interest of the listed building or its setting or any features of special architectural or historic interest which it possesses,
  - Whether the proposal would preserve or enhance the character or appearance of the Conservation Area, and
  - Whether the proposal would harm amenity.

## **Reasons**

8. The High Victorian Gothic style interior elements of the mid to late C19 purpose-built aquarium and its largely early C20 Regency Revival style exterior contribute positively to the special architectural interest of the listed building and to its significance as a historic entertainment building. Close by, the Conservation Area is characterised by its historic tourist attractions, generous sea views, and wide seafront streets, which are set against the mainly historic architecture of the buildings that provide its backdrop on the north side of Marine Parade. The Conservation Area includes an area of townscape that reflects the growth of Brighton as a Regency and Victorian seaside resort, and this is important to its significance.
9. The main entrance to the listed building is by the busy roundabout where the A259 King's Road and A259 Madeira Parade meet Old Steine. Although the listed building is an extensive structure with wide frontages to 2 roughly parallel roads, it has comparatively little presence in the street scene in Marine Parade because much of the listed building takes up the difference in levels between the upper level Marine Parade and the lower level Madeira Drive. Thus, most of the aquarium is below ground level in Marine Parade. Without the existing photorealist advertisements within them, the windowless arched recesses in its southern wall, which face seawards over Madeira Drive, would look like little more than part of an elegant retaining wall. Thus, they would offer little indication of the aquarium they enclose.
10. The only real clue to the existence of the building is the pair of kiosks on either side of the steps down to the main entrance to the listed building in the sunken plaza, and the more recent roof that spans between them. This feature can be made out from the west, looking east along King's Road, but it is dominated by the significantly taller seafront development on the north side of the A259, and partly obscured by the abundant street furniture and pedestrian railings by the roundabout in front of it. A secondary entrance, which is below the level of Madeira Drive, offers a rather uninviting tunnel access to the sunken plaza from the beach. So, as a tourist attraction, the listed building is not easy to find, despite its location close to others, including the Palace Pier, Volks Electric Railway, and the beach. Moreover, it is not clear that it is a building dedicated to the display of sea life.
11. The proposal aims for the listed building to be easily identified as an aquarium, for its main and secondary entrances to be easily located by visitors, and for the business to compete commercially with the nearby entertainment uses on and by the seafront.

12. The sensitive design of the signage scheme, which includes cut-out letters on the more recent main entrance roof slopes, flags on poles, photorealist panels, mainly set in existing recesses and openings, and relatively discreet directional signs, would be sympathetic to the historic form and architectural features of the listed building. The scheme as a whole would maintain the sense of order, and where appropriate, the symmetry, that contributes in an important way to the special architectural interest of the listed building. Because the scale and design of the photorealist advertisements make good use of existing forms and recesses in the structure, they advertise its presence in a positive way that allows its historic architecture and function to be appreciated.
13. Due to the poor visibility of the listed building in views from the west, east and north, the existing flags help to herald the attraction in the more distant views. Closer by, the high level signage on the entrance canopy roof would draw attention to the comparatively narrow main entrance feature facing the roundabout, and because of their siting, only one or 2 of the high level roof signs would be seen at the same time in most views. The cut-out letters would harmonise with the curved roofs without disrupting their elegant forms.
14. Because of the large scale of the listed building, the various elements of the fairly low-key advertising scheme would be suitably few and far between, and, thus, not excessive. They would be neatly sited in a range of loose-knit groups around and within the asset. So, for example, although there would be 14 signs in the 5 groups of 3 arched recesses in Madeira Drive, they would be read as a single well-spaced group that would enhance appreciation of the asset's architecture. They would also give the impression of looking into the aquarium tanks, thereby announcing its purpose and presence. Because the slim panel adverts on the balustrades would help visitors to navigate to the main entrance, they would harmonise with its form and function, so the special interest of the building would be sustained. Furthermore, the form and scale of the neatly sited signs on the entrance gate pillars, above the entrance and on the kiosks, would highlight the way into the attraction, which is essentially an open void, in a respectful, well-proportioned, classical manner. The sign to the secondary entrance would better reflect its purpose as an entrance.
15. As the signs would help to keep the aquarium in active use by advertising its offer, they would be appropriate to its purpose as a tourist attraction, and to its context amongst other seaside entertainments. Whilst the listed building has been put to other uses, and it narrowly avoided conversion to a bus station, it was built as an aquarium. It is still in active use as an aquarium, and this is likely to be the best means of preserving its special interest and significance. So, the advertisement scheme, which would help visitors to locate and enjoy it, should help to ensure that the heritage asset is conserved in a manner appropriate to its significance.
16. The lively commercial character and rather bold appearance of the nearby historic and more recent tourist attractions, bars and restaurants, are important to this part of the Conservation Area, so the advertisements would not look out of place. Moreover, because the scheme would sustain the architectural character and significance of the listed building as a historic visitor attraction, its positive contribution to the character and the appearance of this part of the Conservation Area, and to the designated heritage asset as a whole, would be preserved.

17. In reaching my conclusions I have had regard to my colleague's appeal decision ref APP/Q1445/E/06/2029634 which was also concerned with advertisements at the listed building. Insofar as my colleague's appeal decision is relevant to the proposal before me, my findings are consistent with his. I have also dealt with the proposal before me on its merits, in accordance with its site specific circumstances, and my statutory duties.
18. Because I have found that the listed building and the Conservation Area would be preserved in a manner appropriate to their significance, and as there would be no harm to amenity, the advertisements should be allowed, subject to the imposition of conditions. Other than the 5 standard conditions in the Regulations that are applicable to Appeal B, no conditions have been suggested by the Council in either appeal. Whilst I broadly see no reason to disagree, a condition identifying the plans is necessary for the avoidance of doubt, so that condition has been imposed in both appeals.
19. I consider that the proposal would preserve the special architectural interest of the listed building and its setting and its features of special architectural interest which it possesses; that it would preserve the character and the appearance of the Conservation Area; and that it would not harm amenity. It also satisfies Policy HE1 of the *Brighton & Hove Local Plan (LP)* which reflects the thrust of the statutory duty with regard to listed buildings, LP Policy HE9 which aims to control advertisements in conservation areas in line with the statutory duty, LP Policy QD12 which seeks sensitively designed and located advertisements, and the *National Planning Policy Framework* which aims to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

### **Conclusion**

20. For the reasons given above and having regard to all other matters raised, Appeals A and B succeed.

*Joanna Reid*

INSPECTOR



## Appeal Decision

Site visit made on 15 March 2016

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 March 2016**

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**Appeal Ref: APP/Q1445/D/15/3139360**

**46 St. Luke's Road, Brighton BN2 9ZD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Simon Cockfield against the decision of Brighton and Hove City Council.
  - The application, Ref BH2015/02695, dated 21 July 2015, was refused by notice dated 1 October 2015.
  - The development proposed is a rear extension to the existing dwelling house.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear extension to the existing dwelling house, at 46 St. Luke's Road, Brighton BN2 9ZD, in accordance with the terms of the application, Ref BH2015/02695, dated 21 July 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: PL01 rev A Location and Site Plan; PL02 rev A Existing Plans and Elevations; PL03 rev C Proposed Plans and Elevations.
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issues

2. The main issues are:
  - the effect of the proposed development on the appearance of the host building and the appearance of the surrounding area; and,
  - the effect of the proposed development on the living conditions of the occupiers of 44 St. Luke's Road, with particular regard to outlook.

### Reasons

*The effect on the appearance of the host building and the surrounding area*

3. The house the subject of this appeal stands in a terrace of similar, white-rendered, 2-storey houses. The Council considers that the cumulative impact of this proposal when viewed together with the roof development on the appeal
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house, and on the neighbouring houses in this terrace, would be detrimental to the appearance of the house and its surroundings. I agree that the roof developments in this part of the terrace have changed its character, and the modulation provided by the sloping main roofs has been lost. However, I do not find that the cumulative effect including the high level development has such a bearing on the sensitivity of the ground floor level that minor extensions should be constrained to compensate for the existing, high level roofscape.

4. I note the contents of the Council's Design Guide for Extensions and Alterations Supplementary Planning Document 2013, resisting the development of the external corner by outriggers, however, unlike the neighbouring houses in this terrace, No 46's rear outrigger is shorter than those at Nos 42, 44 and 48. The depth of the proposed extension would extend only marginally beyond the outrigger of No 44. These factors, combined with the relatively modest height of the extension and the reintroduction of a pitched roof into the townscape of the rear of the terrace, would ensure that the scheme does not undermine the existing townscape or harm the appearance of the rear of the terrace or the character of the wider area.
5. I find that the proposal would be in accordance with saved Policy QD14 of the Brighton and Hove Local Plan 2005, which requires extensions to take account of the character of an area and to be well-designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area.

*The effect on the living conditions of the occupiers of 44 St. Luke's Road*

6. No 44 St Luke's Road adjoins No 46 and has a rear outrigger flank wall set around 2m from the boundary between these two houses. This confined space, which has a ground level around 200mm lower on the No 44 side than the No 46 side, is used to store a range of domestic paraphernalia. It contains in its ground floor a window to a kitchen and a small obscure glazed window at high level. In its end elevation it contains glazed patio doors which also serve the kitchen. I noted on my site visit that the window in the main rear wall of the house, beside the outrigger, serves a 'knocked-through' dining room/ living room which is also lit by a window in the front wall of the house. I also noted that there is a translucent, polycarbonate lean-to roof erected over part of the length of the side gap by the outrigger and next to the boundary wall between the houses. I saw that the side area faces north-west and is already overshadowed by surrounding houses.
7. Because of this lean-to roof, the outlook from the kitchen is largely limited to the boundary wall between the properties, with a small degree of outlook beyond it, to the flank of No 48. The outlook from the living room/ dining room of No 44 is already enclosed by the lean-to roof and the boundary wall. While the proposed extension would extend around 800mm past the outrigger of No 44 which lights their kitchen, because of the separation of the outrigger from the boundary, there would be no material loss of outlook from the kitchen via this opening.
8. In these circumstances, the proposed extension, because of the relatively low height of its flank wall, its limited rear projection, and its roof which would slope away from No 44, would not materially harm the living conditions of the occupiers of 44 St. Luke's Road, with particular regard to outlook.

9. It would be in accordance with saved Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 which say that permission will be refused for development that would cause loss of amenity to adjacent residents or which would result in loss of outlook to neighbouring properties. It would also accord with one of the core planning principles of the National Planning Policy Framework 2012 (paragraph 17); that planning should seek to ensure a good standard of amenity for surrounding occupants of land and buildings.

**Conditions**

10. In order to achieve a satisfactory appearance a condition is required to ensure that the external materials should match the existing building. Conditions requiring the development to be carried out within the relevant timescales and in accordance with the approved plans are necessary to provide certainty.

**Conclusion**

11. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

*Patrick Whelan*

INSPECTOR





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# Appeal Decision

Site visit made on 3 March 2016

**by C J Leigh BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 March 2016**

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**Appeal Ref: APP/Q1445/D/15/3138395**  
**40 Princes Terrace, Brighton, BN2 5JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Kate Parker against the decision of Brighton & Hove Borough Council.
  - The application Ref BH2015/02991, dated 14 August 2015, was refused by notice dated 5 November 2015.
  - The development proposed is a detached garage and study.
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## Decision

1. The appeal is allowed and planning permission is granted for a detached garage and study at 40 Princes Terrace, Brighton, BN2 5JS in accordance with the terms of the application, BH2015/02991, dated 14 August 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Plans/Block Plan E RevA, South and North Elevations B RevA, Plan and Section RevA, Proposed Block Plan D RevA, Proposed Plans and Elevations A RevA.

## Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

3. Princes Terrace contains terraced houses that, because of a notable drop in ground levels to the east and alterations to the roof, appear taller to the rear elevation: there is a lower ground floor and dormer additions common to a number of properties, in addition to the ground and first floors. The proposed outbuilding would be sited at the end of the garden to No. 40, accessed from the garden and from a service road that runs between Princes Terrace and Bennett Road.
4. I saw there are outbuildings and garages to a number of the Princes Terrace properties that front this service road. They vary in appearance, height and width: some fill their plot, others are narrower. I also saw a pair of relatively modern bungalows. The proposals in the scheme before me would fill the width of the plot and be some 4m to the ridge. Whilst that would appear larger than other outbuildings along the service road, it would not appear disproportionate

to the size of the plot to No. 40, nor to the terrace of housing itself. The vicinity is dominated by the size and scale of the Princes Terrace houses, as well as the strong and solid building line of the rear of the terrace to Bennett Road; the proposal would fit comfortably within that character, and relate appropriately in scale to the outbuildings nearby.

5. The design of outbuildings in the area vary, and the submitted drawings for the scheme in this instance show a restrained, modern design that would appear as an ancillary domestic outbuilding that is quite commonly seen in garden locations.
6. Sufficient private garden space would remain to No. 40. The height of the building and position of windows would not lead to any harm to the living conditions of adjoining occupiers. I note comments from the local planning authority regarding possible uses for the outbuilding. The application form stated the outbuilding will be a garage and study, and I have determined the appeal on that basis; the local planning authority would be able to control any alternative uses that may require planning permission.
7. The proposals would therefore accord with Policies QD2 and QD14 of the Brighton and Hove Local Plan, the general thrust of which is to ensure that new development is designed to take account of the local characteristics of the area, and is well designed, sited and detailed. The proposals would also be consistent with similar objectives as set out in the Council's Design Guide for Extensions and Alterations Supplementary Planning Document 2013.
8. For the reasons given, and having regard to all other matters raised, the appeal is therefore allowed. The submitted drawings and application form specify the materials to be used for the outbuilding, and so a condition is necessary specifying the approved drawings, for the avoidance of doubt and in the interests of proper planning.

*C J Leigh*

INSPECTOR

## Appeal Decision

Site visit made on 15 March 2016

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 March 2016**

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**Appeal Ref: APP/Q1445/W/15/3130421**  
**189 Hollingdean Terrace, Brighton BN1 7HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr William Mason against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01417, dated 21 April 2015, was refused by notice dated 23 June 2015.
  - The development is described as the change of use from C3 (dwelling house) to C4 (small HMO).
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class C3 (dwelling house) to Class C4 (six bedroom, small house in multiple occupation) at 189 Hollingdean Terrace, Brighton BN1 7HF in accordance with the terms of the application, Ref BH2015/01417, dated 21 April 2015, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1069/02 Location Plan; 1069/03 Site Plan; 1069/05 Floor Plans after conversion to C4; 1069/06 Floor plans before conversion to C4.
  - 2) Within two months of the date of this decision, details of secure cycle parking facilities for the occupants of and the visitors to the development shall have been submitted to the local planning authority, for their approval in writing. The approved facilities shall be implemented within two months of the date of approval of the details, and shall thereafter be kept available for the parking of bicycles.

### Preliminary Matters

2. The planning application form states that the change of use has been effected, and I saw at my site visit the additional bedroom in use.
3. The description of development in the header is taken from the planning application form; however, in the interests of clarity, I have adapted it in the formal decision section.

### Main Issue

4. The main issue is the effect of the development on the living conditions of the occupants of the appeal property having particular regard to the size of the
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second floor, front bedroom, as well as the size of the smaller, first floor back bedroom.

### **Reasons**

5. The house the subject of this appeal is a two-storey, bay-fronted, terraced house with a roof conversion. It stands in an area of the city covered by an Article 4 Direction which removes permitted development rights for a change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation (HMO). This Direction gives the Council the power to control the location of HMOs through the planning system.
6. The Council is concerned that the size of the smaller, first floor, back bedroom, and the front bedroom at second floor are inadequate, and contrary to Policy QD27 of the Brighton and Hove Local Plan 2005 (LP) which seeks to prevent changes of use or development which would be detrimental to human health, or which cause loss of amenity to proposed residents.
7. While the Council refers to the national technical space standard for guidance on the acceptable size of a bedroom, it does not refer to any space standard policy in its Local Plan as it is required to do by paragraph 018 of the Planning Practice Guidance. In any event, the standard deals with internal space only in new dwellings. Therefore, the space standard referred to has limited relevance to this proposal.
8. I agree that the first floor bedroom feels small; of all the bedrooms it has the least floor area. However, it includes a wash-hand basin and has sufficient space for a bed, a wardrobe and a chest of drawers, as well as a large, west-facing window providing a good level of daylight and afternoon sunlight with an outlook over surrounding gardens. Taking into account these compensating factors, I find this an acceptable size of bedroom.
9. The area of the second floor bedroom is restricted by the slope of the ceiling, which covers a large part of the room, and restricts movement. However, it has a large bed, wash-hand basin, chest of drawers, and a dressing table, which are arranged to maximise the available headroom for movement. It has a large east-facing skylight with an outlook to the street. Taking into account these factors, I find this an acceptable bedroom.
10. From my inspection of the house, I could see nothing unacceptable in the size of these bedrooms. Each has a good level of privacy, daylight and outlook, as well as a radiator for heating, a window for ventilation, and a wash-hand basin. The space in each room is adequate for sleeping, dressing and relaxing.
11. I therefore conclude that the living conditions of the occupants of the appeal property with particular regard to the size of the second floor, front bedroom, as well as the size of the smaller, first floor, back bedroom, are satisfactory and in accordance with Policy QD27 of the LP, as well as one of the core planning principles of the Framework (paragraph 17); that planning should seek to ensure a good standard of amenity for future occupants of land and buildings.

### **Other Matters**

12. I note the planning representations from local residents and a Councillor including the effect of the proposal on a mixed and balanced community, parking pressure, noise, and refuse storage.

13. The Planning Officer's report indicates that of the 59 properties within a 50m radius of the site, 5 of them, or as a proportion, 8.47% of them, are in HMO use. The Council's City Plan Part One though it has not yet been adopted, has advanced through its examination in public and therefore carries significant weight; I note that the Council considers that the proposal would be in accordance with Policy CP21 of that Plan, which has a threshold of 10%, above which planning permission may not be granted for applications similar to this one. I agree with the Council's assessment that the proportion of Class C4 use resulting from this change of use does not materially harm the character of the area with regard to the balance and mix of households.
14. The rooms of the house are well contained and there is space to store refuse and bicycles in the back garden. Whilst the intensity of use of the house may be greater in Class C4 use than in its use in Class C3, it would not have an adverse impact on the living conditions of surrounding occupiers, nor would it exacerbate parking pressures in the surrounding streets.
15. I note the concerns of neighbours over the planning history of the site and issues of neighbourliness, however, the Council's reason for refusal is clearly focused on the living conditions of the occupants of the appeal property, and this is the basis upon which the appeal has been made.

### **Conditions**

16. The appeal being allowed, to avoid uncertainty I attach a condition requiring that the development be carried out in accordance with the approved plans. Given the limited size of the garden, together with the number of residents and the likelihood that they would use bicycles, I consider it reasonable to apply a condition requiring the provision of bicycle storage to details for approval by the Council.

### **Conclusion**

17. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should succeed.

*Patrick Whelan*

INSPECTOR

