

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2008/03475	<u>Ward:</u>	PATCHAM
<u>App Type</u>	Full Planning		
<u>Address:</u>	1 Warmdene Way, Brighton		
<u>Proposal:</u>	Demolition of existing garage and construction of a bungalow.		
<u>Officer:</u>	Aidan Thatcher , tel: 293990	<u>Received Date:</u>	30 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 January 2009
<u>Agent:</u>	Building Design Co., Flat 8, 51-53 Lansdowne Place		
<u>Applicant:</u>	Mr Robert Walters, 1 Warmdene Way, Brighton		

This application was deferred at the last meeting to allow members to make a site visit.

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full planning.
2. BH02.03 No permitted development (extensions) (amenity & character).
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH03.01 Samples of materials Non-Cons Area (new buildings).
5. BH05.01 Code for Sustainable Homes – Pre-commencement (New build residential) * insert Code Level 3.
6. BH05.02 Code for sustainable homes – Pre-occupation (New build residential) * insert Code level 3.
7. BH05.08 Waste Minimisation Statement.
8. BH05.10 Hardsurfaces.
9. BH06.01 Retention of parking areas.
10. BH06.02 Cycle parking details to be submitted.
11. BH06.04 Sustainable transport measures.
12. No development approved by this permission shall be commenced until detailed drawings, including levels, sections and constructional details of the access road, junction treatment, surface water drainage, outfall disposal, street lighting and signage to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.
13. BH04.01 Lifetime Homes.

Informatives:

1. This decision is based on drawing nos. 741/04B, 05B, 07B & 08A and Design & Access Statement, Additional Planning Statement, Waste Minimisation Statement and Biodiversity Checklist submitted on 30 October 2008 and South East Region Sustainability Checklist submitted on 11 November 2008 and Brighton & Hove Sustainability Checklist submitted on 20 November 2008 and drawing No. 741/06B submitted on 18 December 2008.

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

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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and Lifetime Homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The potential increase in the intensity

of use of the access road has been acknowledged, however the Sustainable Transport Team have indicated that this would be satisfactorily ameliorated by the proposed access improvement works.

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2000 to fund improved sustainable transport infrastructure in the vicinity.
7. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).

2 THE SITE

The application site is located on the northern side of Warmdene Way, a short private cul-de-sac accessed via Warmdene Road some 50m to the west. It is rectangular in shape with a maximum depth of 20m, a width of 9.5m and a site area of 190 sqm (0.019 ha). The site contains a domestic garage and currently forms part of the side/ rear garden of No.1 Warmdene Way, a hipped roof bungalow finished in red brick and rough-cast painted render.

The surrounding area is wholly residential in character. To the west of the site are the rear gardens of a pair of two storey semi-detached houses and a detached house fronting Warmdene Road. To the north, are the rear gardens of two storey semi-detached houses fronting Dale Crescent. To the east of the site beyond No.1 Warmdene Way are the front gardens of a pair of semi-detached bungalows (i.e. Belstan & Ruslin), whilst to the south, on the opposite side of Warmdene Way is a bungalow (i.e. No.20a) and the gable

end of a two storey terraced house which forms part of a small backland development consisting of seven properties.

3 RELEVANT HISTORY

BH2008/00378: In May 2008 planning permission was refused for the demolition of the existing garage and the erection of a bungalow for the following reasons:-

1. The proposed development by virtue of its location and poor standard of pedestrian and vehicular access, would result in increased risk to the users of Warmdene Way and Warmdene Road, contrary to policies TR1, TR7, TR8 and TR14 of the Brighton & Hove Local Plan.
2. The proposed development contains an excessive number of car parking spaces which would encourage the use of cars at the expense of more sustainable means of transport and, as such is contrary to Planning Policy Guidance Note 13: Transport, policies TR1 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking Standards.

BH2007/02647: In January 2008 planning permission was refused for the demolition of the existing garage and the erection of a two bedroom chalet style bungalow with two parking spaces for the following reasons:-

1. The proposed development is considered to be an overdevelopment of the site that would retain inadequate private and usable garden area for the parent dwelling and would have an overbearing presence on the parent dwelling, which would be detrimental to the living conditions of the parent dwelling contrary to policies QD27, HO4 and HO5 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of the limited separation to the parent dwelling, siting forward of the parent dwelling and design and massing, would be an unsympathetic development that would appear incongruent with the parent dwelling, contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
3. The development would provide limited separation to the rear boundary and would result in overlooking of the neighbouring gardens to the rear of the site, detrimental to the privacy and living conditions of these properties contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The proposed development by virtue of its location and poor standard of pedestrian access, would result in increased risk to the road users of Warmdene Way and Warmdene Road, contrary to policies TR1, TR7, TR8 and TR14 of the Brighton & Hove Local Plan.

BH2007/00688: Planning permission was refused on 29 May 2007 for the erection of a two storey three bedroom detached house and associated parking on the grounds of overdevelopment, unsympathetic and incongruent appearance in relation to the host premises, overlooking, unsatisfactory access arrangements and failure to demonstrate satisfactory sustainability measures.

4 THE APPLICATION

The application seeks full planning permission for the demolition of the existing garage and the erection of a bungalow. The proposed dwelling would have a width of 7m, a maximum depth of 9.25m, an eaves height of 2.2m and a ridge height of 4.5m. It would be set back between 4.5m and 5.5m from the front garden boundary with Warmdene Way. There would be a separation of 1.5m to the boundary with the parent property, No.1 Warmdene Way to the east and 1m to that of no.24 Warmdene Road to the west. The accommodation would comprise a living room, kitchen, two bedrooms and a family bathroom.

The proposed house would be finished in smooth white painted render and surmounted by a grey concrete tiled pitched roof with terracotta fittings.

There would be a 6m deep rear garden with an area of 59 sqm and a front garden with one car parking space.

The application proposes works to the existing site access which involve resurfacing and new drainage together with improvements to the junction of Warmdene Way and Warmdene Road.

5 CONSULTATIONS

External:

Neighbours: Twelve letters of objection have been received from the occupiers of **5, 6, 7, 8, 9 & 10 Warmdene Way, 20a, 22 (x2) & 24 Warmdene Road and 9 & 11 Dale Crescent**. The following grounds of objection were raised:-

- Overlooking and loss of privacy;
- Overshadowing;
- Overdevelopment;
- Exacerbate existing drainage/ flooding problems in Warmdene Way;
- Removal of hedge on Warmdene Way has exacerbated drainage problems;
- Removal of hedge has destroyed natural habitat;
- Increased pressure on local schools and services;
- Application identical to previously refused schemes;
- Undesirable intensification of existing residential use;
- Increased noise and pollution;
- Create precedent for other similar developments;
- Inadequate parking provision;
- The access road (i.e. Warmdene Way) has been widened to include garden land not within the applicant's ownership and currently the subject of legal dispute;
- Poor access hazardous to both vehicles and pedestrians;
- Access too narrow to allow two vehicles to pass resulting in hazardous reversing manoeuvres onto Warmdene Road;
- No turning facilities/ access problems for emergency vehicles and

- construction traffic;
- Increased vehicular traffic would compound existing access/ egress problems;
- Parked vehicles on Warmdene Way make access/ egress hazardous to vehicles and pedestrians particularly local school children;
- Delays, disturbance and damage during construction;
- No lighting on Warmdene Way;
- Applicant's parking survey misleading because carried out during school holidays;
- The boundary dispute which resulted in Mr Walters removing the hedge at 22 Warmdene Road is not yet resolved. This means that the new width of Warmdene Way may not be a permanent change and the committee considering the appeal should know this is not resolved when they make their decision as my understanding is the new width of the access road would have to be a permanent change to make this scheme meet the planning requirements; and
- New fence to Warmdene Way poorly constructed/ hazardous.

Councillors Brian Pidgeon and Geoffrey Theobland object (letter attached)

Internal:

Sustainable Transport: No objections in principle subject to conditions requiring the submission of details regarding the access and junction improvements; conditions to secure the provision of car/ cycle parking facilities and sustainable transport improvements.

With regard to the access arrangements, although the site exceeds the level of housing that should be served via an unadopted private access track, the proposed works to upgrade the junction and access road would be of benefit to local residents and highway safety and therefore a recommendation to refuse the application would not be pragmatic.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity

- QD28 Planning obligations
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application are:

- The principle of the proposed development;
- Design and visual impact on the locality;
- The impact on the amenities of neighbouring occupiers;
- The amenities of the future occupiers;
- Highways and parking;
- Sustainability; and
- Land ownership.

The principle of the proposed development

In accordance with central government advice contained in PPS 3: Housing, which encourages the re-use of previously developed land for housing, there are no policy objections in principle to the sub-division of the garden of No.1 Warmdene Way and the erection of an additional dwelling house subject to the considerations highlighted below.

Design and visual impact on the locality

Brighton & Hove Local Plan policies QD1 and QD2 require new development to exhibit a high standard of design that emphasizes the positive aspects of the local area. Policy QD3 and HO4 seek to ensure the maximum use of sites, while avoiding town cramming and providing suitable design and quality of spaces between the buildings.

Although in townscape terms, the character of this enclave of backland properties is varied in style, it is considered that the context of the application site is formed by No.1 Warmdene Way, a traditional hipped roof bungalow finished in a mixture of brick and rough-cast painted render.

The previous application (BH2008/00378) proposed a bungalow with an identical footprint, siting and design to that currently proposed. Although this application did not receive favourable consideration from the Council, the refusal reasons related to the vehicular and pedestrian access arrangements

and excessive parking provision – the siting and external appearance of the dwelling were considered acceptable.

In the application which was refused in January 2008 (BH2007/02647) on the grounds of overdevelopment, unsympathetic design and incongruous appearance, the proposed chalet style bungalow had a gabled roof with front and rear facing dormers and a ridge height of 6.4m. In the current application, although the footprint of the proposed bungalow is comparable, the height of the building has been reduced by 2.3m (i.e. from 6.4m to 4.5m) and its bulk and massing significantly reduced by omitting the dormers and replacing the gable ended roof with a hipped roof. It is considered that the proposed bungalow with the siting, height, design and form shown would now compare satisfactorily with No.1 Warmdene Way, would no longer appear unduly cramped on the site and would be in keeping with the character of the area. Notwithstanding this, it is recommended that in the event of planning permission being granted a condition be imposed requiring the approval of the external facing materials of the building.

Impact on the amenities of neighbouring residential occupiers

It is considered that the current submission satisfactorily addresses the Local Planning Authority's previous concerns with regard to the impact of the development on the amenities of neighbouring residential occupiers and accords with the provisions of policy QD27 of the Local Plan.

The omission of the roof accommodation and the requisite front and rear dormers, would preclude overlooking to the rear gardens of the houses on Dale Crescent, thus maintaining the privacy of the occupiers. The reduction in the bulk of the building through the reduction in its height and the use of a hipped rather than gabled roof, would satisfactorily mitigate the overbearing impact of the building on the occupiers of the host property. In view of the substantial rear garden depths to the properties on Dale Crescent and Warmdene Road and the spatial relationship with the other properties in Warmdene Way, the proposed development would have no other adverse amenity implications in terms of loss of light, outlook or privacy.

Furthermore, the Applicant has demonstrated that by screen fencing a portion of the fronting garden of No.1 Warmdene Way a reasonable area of private amenity space (i.e. approx. 180 sqm) could be retained for the parent property without undue detriment to the character and visual amenity of the area in accordance with policy HO5 of the Local Plan.

The concerns raised by neighbouring occupiers regarding potential noise, disturbance, damage and vehicular and pedestrian access during construction have been noted. These matters do not fall within the remit of planning control and a refusal of planning permission on these grounds would not be appropriate. However, local residents may have recourse under the Environmental Protection Acts in relation to noise and disturbance outside normal working hours.

The amenities of future occupiers

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

Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. The Design & Access Statement indicates that the development would comply with Lifetimes Homes Standards providing accessible off-street parking, level threshold access and appropriate entrance arrangements and doorway widths. Notwithstanding this, a condition should be imposed to secure compliance.

In terms of private amenity space provision, although the rear garden is relatively shallow (i.e. 6m deep), it has a width of 9m and an area of some 59 sqm which compares favourably to the more recent terraced development on the southern side of Warmdene Way where some rear gardens have areas of as little as 36 sqm. Therefore, it is considered that the proposed development would comply with policy HO5 of the Local Plan providing a level of amenity space provision commensurate with the area and the recreational needs of a small two bedroom family dwelling.

Highways and parking

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

A condition requiring sustainable transport infrastructure improvements to offset the increase in demand for public transport services arising from the development is proposed. The applicant's have submitted a letter indicating their willingness to enter into an agreement to fund these improvements to the value of £2,000.

One car parking space has been provided on the frontage of the premises in accordance with the Council's car parking standards. Sustainable Transport has noted that two parking spaces are proposed on the frontage of the parent property, No.1 Warmdene Way (previously included within the curtilage of the application site), one space in excess of the standard. However, Members are advised that these are not now included within the application site and subject to an appropriate surface finish would be permitted development.

Secure cycle parking for two bicycles has been provided to the side of the proposed house in accordance with the requirements of policy TR14. However, it is recommended that a condition be imposed requiring the submission of further details on this matter.

Policy TR7 of the Local Plan specifies that planning permission will be granted for developments that do not increase the danger to users of the adjacent pavements, cycle routes and road. Where there are no acceptable

solutions to problems that arise from development proposals planning permission will be refused.

Concerns expressed by third parties regarding the safety of the access/ egress arrangements have been noted and as highlighted in Section 3 of this report has been included as a reason for refusal in three previous planning applications for the erection of a dwelling on the site. However, the Council's Sustainable Transport Team have now indicated that the proposed improvements to the access track which accompany the current application would satisfactorily address previous highway safety concerns in accordance with policy TR7.

The Sustainable Transport Team have stated that the maximum number of houses that should be served by a private access track such as this is five, although historically, this backland area has been developed beyond this nationally recognised standard. Under normal circumstances this would lead to a recommendation that the application should be refused on the grounds that the demand in terms of emergency services and infrastructure services can not be met. However, as the site is already over-developed in terms of transport accessibility a more pragmatic approach should be adopted.

The site is served via a single width access track that is poorly lit, has no drainage facilities, or controls as to who has the right of way when vehicles are accessing the site. This currently represents a clear hazard to the public using the track and those passing its junction with Warmdene Road, by virtue of the stopping, turning and reversing traffic that would be added if this application were approved. However, by way of mitigation the proposed development would include resurfacing, new drainage, new signage and new kerb radii and tactile paving at the Warmdene Road junction. Therefore, on balance, it is felt that although the site far exceeds the level of housing that should be served via an unadopted private access track, in the light of the wider benefits to local residents and highway safety in general, a recommendation to refuse the application would not be appropriate.

Sustainability

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

The Applicant has submitted a satisfactory Sustainability Checklist and Statement indicating that a minimum of 10% reduction in energy use and household energy costs will be achieved by the use of solar thermal hot water heating, water saving devices and the use of low energy light fittings and that the development would meet Level 3 of the Code for Sustainable Homes in accordance with policy SU2. In the event of planning permission being

granted, it is recommended that a planning condition be imposed to secure compliance.

A Waste Minimisation Statement has been provided. However, further information is required, particularly with regard to the final destination of the residual materials.

Land ownership

It is understood that the Applicant and the occupiers of No.22 Warmdene Road are involved in an ongoing land ownership dispute. The Applicant has taken down a hedge which formed the boundary to the garden of No.22 Warmdene Road with the access track; replaced it with a timber fence and widened the access track. The Applicant claims that the whole of the widened access track is in their ownership whilst the occupiers of No.22 Warmdene Road are claiming that the Applicant has taken a strip of their garden.

The Council's Legal Services Division have been consulted on the matter and have advised that land ownership disputes do not fall within the remit of planning control. If the access arrangements cannot be implemented because of the ownership issues that is a matter for the relevant landowners. However, as a safeguard, it is recommended that a condition should be imposed to ensure that the access arrangements are constructed in accordance to the approved drawings and that these works are completed before the occupation of the dwelling.

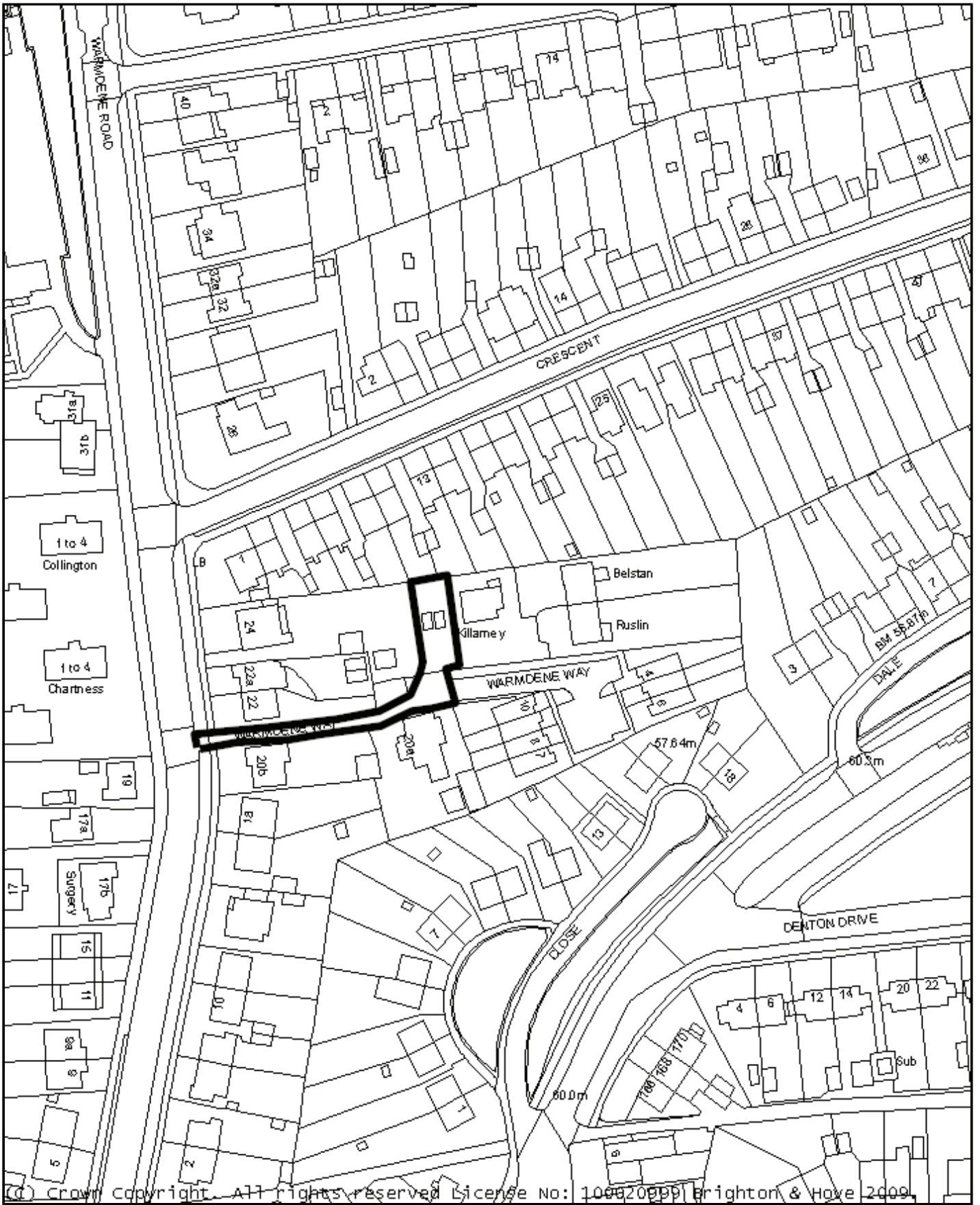
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The potential increase in the intensity of the use of the access road has been acknowledged however, the Sustainable Transport Team have indicated that this would be ameliorated by the proposed improvement works. Sustainability measures are acceptable.

9 EQUALITIES IMPLICATIONS

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

BH2008/03475 1 Warmdene Way



Date: 14/04/2009 04:00:49

Scale 1:1250



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**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

Mrs Jeanette Walsh
Head of Development Control
City Planning
Environment Directorate
Room 302
Hove Town Hall

Date: 5 December 2008

Our Ref: GT/AN

Dear Mrs Walsh

Planning Application No: BH2008/03475
1 Warmdene Way, Patcham, Brighton
Demolition of existing garage and construction of a bungalow

We see that for the fourth time an application has been submitted by the owner of 1 Warmdene Way to erect a dwelling in the garden of that property.

Unsuccessful applications were made in April and September 2007 and in March 2008. Local residents have again contacted us and have written to you again to object to this latest planning application.

Our reasons and those of residents in Warmdene Way and Warmdene Road for objecting to a dwelling in this location remain the same as the reasons for the application being refused under officer's delegated powers on 29 May 2007. We agree with the Planning Officer's views in 2007 that this would be an over-development, limited separation from the parent dwelling, limited separation from the rear boundary (thus causing overlooking), poor standards of pedestrian and vehicular access with increased risk to users of the highway.

In this application there are no parking spaces allocated to the proposed property or to the parent dwelling, No 1. Car parking is already very difficult in the immediate area.

You will have received many reasons from neighbouring residents for refusal of this application that relate, for instance, to the already severe difficulties regarding access to houses in Warmdene Way because of the narrowness of the road, the fact that it has a bend and no pavements. If a pedestrian or a car is already in the road a second car will have to back out 'blindly' into Warmdene Way. It is often difficult to exit the road as cars and vans park there close to each side of the entrance. Cars are densely parked in Warmdene Road during school term time. We understand that there has been a head-on collision at the Warmdene Way/Warmdene Road junction.

cont'd/...



Brighton & Hove City Council

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

- 2 -

There are, in addition, other reasons such as the difficulty builders would have gaining ingress and egress during construction and the considerable problems with drainage in this area that, we believe, would be exacerbated with any new development and also of noise during construction. Last year Warmdene Way and Warmdene Road were flooded.

We would also point out that the owner of 22 Warmdene Road states that the plan on which the dwelling is shown includes land in the ownership of No 22 and that a solicitor and a land surveyor that she has engaged confirm this to be the case. We understand also that the applicant removed an established hedge bordering part of Warmdene Way belonging to 22 Warmdene Road without the permission of the owner of No 22, presumably marginally to increase the width of the road. This again we are informed is in the hands of the owner of No 22's solicitors.

To sum up we consider that the site that is presently part of No 1 Warmdene Way is too small for a dwelling, there will be overlooking of neighbouring properties and inadequate parking spaces. Warmdene Way itself is narrow without pavements and is difficult for large vehicles to turn round and to re-enter Warmdene Road.

We trust, therefore, that you will take into account the many letters of objection when making your recommendations.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the many worried and concerned residents who live in this part of Patcham and refuse the application.

We would also confirm that one of us would wish to speak against the application should it be considered by the Committee.

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be printed in full on the agenda at the appropriate meeting of the Planning Committee.

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

cc: Councillor Brian Pidgeon
Penny Jennings, Senior Democratic Services Officer.

<u>No:</u>	BH2008/03523	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land rear of 6 & 8 Kelly Road		
<u>Proposal:</u>	Erection of two-storey dwelling on land rear of 6 and 8 Kelly Road		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	07 November 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 January 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Ms Eman Barakat, 8 Kelly Road, Hove		

This application was deferred at the last meeting to allow members to make a site visit.

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. No development shall commence until full details of proposed land levels relative to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and the development shall be constructed in accordance with the agreed details.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall commence until details of temporary protective fencing and a temporary driveway to the northern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The temporary fencing and driveway shall be in place in accordance with the agreed details prior to the commencement of development. The temporary fencing and driveway shall remain in place as agreed throughout construction works associated with the main building.
Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.
5. No development shall commence until a construction method and phasing schedule for the permanent access road and parking area, which shall both be made of porous materials, has been submitted to and approved in writing by the Local Planning Authority. The submitted

scheme shall outline temporary protective measures to minimise the impact of the access road and parking area on adjoining trees to the north of the site during construction.

Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

6. The access road and parking area shall be constructed in accordance with the details approved under condition 5 prior to occupation of the hereby approved dwelling and shall thereafter be retained as such.

Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

7. No development shall commence until a scheme for the landscaping and enclosure of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall make provision for the retention and protection of existing planting along the east and southern boundaries of the site, the planting of six new trees to compensate for the loss of existing trees and shall also include details of planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

8. The landscaping scheme approved under condition 7 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. 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 with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

9. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) (Code Level 3)

10. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) (Code Level 3)

11. Notwithstanding the submitted details no development shall commence until details demonstrating that the dwelling will be constructed to Lifetime Home standards has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further windows, dormer windows or rooflights shall be constructed at first floor level or above on the western elevation of the hereby approved dwelling.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension or enlargement of the building 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 adjoining protected trees, 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, QD15 and QD27 of the Brighton & Hove Local Plan.

14. BH02.05 The first floor western elevation window shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

Informatives:

- 1) This decision is based on a Design & Access Statement, Waste Minimisation Statement, Sustainability Report, and drawing nos. TA327 02 A, 03 A, 04 B, 05 B, 06 B, 07 A, 08 B, 09 B, 10 B & 11 B submitted 7th November 2008; drawing no. TA327 01 C submitted 17th November 2008; and an Arboricultural Report submitted 6th January 2009.
- 2) This decision to grant Planning Permission has been taken:
- i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Documents:
- | | |
|------|---|
| TR1 | Development and the demand for travel |
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU13 | Minimisation and re-use of construction industry waste |
| QD1 | Design - quality of development and design statements |
| QD2 | Design - key principles for neighbourhoods |
| QD3 | Design - efficient and effective use of sites |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD27 | Protection of amenity |

- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- SPD03 Construction and Demolition Waste
- SPD06 Trees and Development Sites
- SPD08 Sustainable Building Design; and

ii) for the following reasons:

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

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

2 THE SITE

The application site relates to land at the rear of 6 & 8 Kelly Road and 13-19 (odd) Hove Park Road, adjoining Mowden School to the north. The site previously formed amenity space attached to properties on Kelly Road; and has already been detached from 6 Kelly Road where building works have recently been completed to convert a bungalow into a two-storey dwelling.

There is well established and substantial vegetation along the north and eastern boundaries of the site. The surrounding area is characterised by substantial detached residential housing set within relatively large plots.

3 RELEVANT HISTORY

Planning permission was granted in 2008 for a two-storey side extension and additional storey at 8 Kelly Road (ref: **BH2008/03418**). The development is complete.

Planning permission was refused in August 2008 for the erection of a two-storey dwelling on the site (ref: **BH2008/01581**). The reasons for refusal were:-

1. *The proposed dwelling by reason of its footprint and scale represents an overly intrusive and dominant addition to this backland site, and would appear incongruous in relation to the spacious setting of immediately adjoining development. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.*

2. *The proposed dwelling is in close proximity to trees protected by Tree Preservation Order 2004/4. The development by reason of its siting in close proximity to the northern boundary of the site will result in significant damage to the health and vitality of adjoining trees by way of disturbance to roots and through future pressure for their reduction. The proposal is therefore contrary to policies QD1, QD2, QD3 and QD16 of the Brighton & Hove Local Plan, and Supplementary Planning Document 06: Trees and Development Sites.*
3. *The proposed dwelling would lead to significant overlooking and loss of privacy to occupiers of 6 & 8 Kelly Road to the detriment of their amenity. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.*
4. *Insufficient information has been submitted to demonstrate the proposal would not represent a safety hazard by reason of insufficient on-site turning space for vehicles. The proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan.*

Planning permission was granted in 2007 to form a two-storey dwelling at 6 Kelly Road (ref: **BH2007/03572**). The development is complete.

4 THE APPLICATION

The application seeks planning permission for the erection of a two-storey dwelling on land to the rear of 6 & 8 Kelly Road. The site will be accessed through a new driveway adjoining the northern elevation of 8 Kelly Road. The submitted plans indicate the retention of existing vegetation along the north and eastern boundaries of the site.

5 CONSULTATIONS

External:

Neighbours: Letters have been received from **13, 17, 19 & 21 Hove Park Road** objecting to the proposal for the following reasons:-

- the proposal due to its footprint and scale would be an intrusive and dominant addition to a backland site, incongruous in relation to the spacious setting and quiet environment of the immediately adjoining properties;
- the proposed house would have less than half the typical garden size, and 8 Kelly Road would have a garden inappropriate for a family dwelling;
- it is out of keeping with adjacent homes, leading to an increased intensity of occupation and associated levels of noise and loss of amenity for five families who have immediate boundaries to the proposed property;
- overlooking and loss of privacy. The submitted plans showing upper floor windows shaded and obscured by trees is overly optimistic and it is more realistic that there will be significant visibility and loss of privacy;
- the section of Kelly Road where cars would approach the proposed dwelling is very narrow and could be difficult to manoeuvre leading to problems of cars blocking the road and further added noise;
- increasing the density of housing would adversely affect highway safety on

- a busy intersection;
- there is no footpath provision leading to danger for pedestrians using the path through to The Drove way;
- there is prospect of significant vehicle movement across the site increasing the loss of amenity in the backland area of adjoining properties;
- the proposed drive is narrow and up against 8 Kelly Road which is not consistent with planning guidelines;
- the proposed plans depend on substantial reduction of major trees in the proximity of the site boundary. Such a significant reduction would be to the detriment of the area;
- despite the proposed drive material the proposal will necessarily result in additional and sustained loads on the soil causing compaction over and above that which would have been the case if the proposal did not proceed. Question whether the driveway will be put in place across the entire site before any construction to allow machinery traffic during site preparation and construction;
- new services and utilities to the house are proposed to run down the drive path with danger that any trenches will sever / upset root systems;
- pressure for future reduction of adjoining trees from occupants of the proposed house.

Cllr Benett objects – see attached letter.

Cllr Brown objects – see attached letter.

Internal:

Arboriculturalist: The submitted Arboricultural Report is an acceptable document and there are no objections.

The temporary road surface and protection of TPO elms should be in place prior to any development commencing. This should remain in situ during the development. The temporary road surface should then be lifted and the permanent one laid in accordance with Section 7 of the report.

Six trees will need to be removed to facilitate this development. A landscaping condition should be attached to any permission granted to replace them.

Sustainable Transport: The application is proposing to add to the number of dwellings in the private unadopted Kelly Road thereby making it of sufficient public utility to justify it being maintained at the public expense. The proposal would increase the transport demand using Kelly Road over that normally expected to use an unadopted road which does not accord with safety standards.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe Development
TR14 Cycle access and parking
SU2 Efficiency of development in the use of energy, water and materials
SU13 Minimisation and re-use of construction industry waste
QD1 Design - quality of development and design statements
QD2 Design - key principles for neighbourhoods
QD3 Design - efficient and effective use of sites
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents

03 Construction and Demolition Waste
06 Trees and Development Sites
08 Sustainable Building Design

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the use of the site to accommodate a dwelling, and its impact on neighbouring amenity, transport and sustainability issues.

Character and appearance

The application site represents a relatively large plot and in principle the proposal would make efficient and effective use of the site, as supported by local plan policies QD3 and HO4. However, an earlier application for a two-storey dwelling on the site was refused as it was considered its footprint and scale represented an overly intrusive and dominant addition to the backland site, and would appear incongruous in relation to the spacious setting of immediately adjoining development.

Following this refusal the proposed footprint has been reduced by approximately 30% and the maximum ridge height is approximately 0.8 metres lower than that previously proposed. As a result of these amendments the footprint and scale of the proposed dwelling is considered acceptable for the size of the plot and in relation to adjoining development. The dwelling will be viewed against the backdrop of boundary vegetation and will not appear an intrusive or dominant addition to the area.

Trees

The northern boundary of the site is marked by a row of Elm trees which are protected by a Tree Preservation Order (2005(4)). The impact of the development on these trees therefore requires consideration.

During construction works

The proposed vehicular access is located within the root protection areas of protected trees within the grounds of Mowden School. An Arboricultural Report has been submitted advising that during construction operations the boundary between the application site and Mowden School should be temporarily reinforced, to reduce the risk of accidental collision; and that a temporary roadway should be installed to spread vehicle weights and reduce compaction to the undeveloped root area of the adjoining trees. The Council's Arboriculturalist has no objections to the construction works subject to these protective measures. A condition is therefore recommended requiring the temporary road surface and protective fencing are in place prior to the commencement of any development on the site, and that they are retained throughout construction works associated with the main building.

Post construction works

Once construction works associated with the main building are complete a permanent access road and parking area will be constructed. The submitted Arboricultural Report advises that in order for tree roots to be retained undamaged there should be no excavation, no grading of the site, and no soil stripping within the root protection area. The report demonstrates that there are no reasons why this could not be achieved and the Council's Arboriculturalist has no objection to the works. Conditions are recommended requiring the further approval of the construction method of the access road and parking area, which will be made of porous materials, and that they are constructed prior to occupation of the dwelling. The conditions are considered sufficient to minimise the potential for long-term harm to the adjoining trees.

The dwelling is a sufficient distance from the adjoining trees to ensure no undue pressure will be created for their future reduction from future occupiers.

It is recommended that permitted development rights for extensions and alterations to the dwelling be removed to protect the adjoining protected trees, the character and appearance of the area, and neighbouring residential amenity.

Conditions are recommended requiring the submission and implementation of a landscaping scheme to compensate for the loss of trees, which are not worthy of retention, elsewhere on the site.

Impact on neighbouring amenity

Hove Park Road

The site is well screened along the eastern boundary with adjoining properties on Hove Park Road: with the recommended landscaping condition requiring provision be made for the retention and protection of this existing planting. It is considered that the siting of the proposed dwelling to the north of these properties, the large separation distances, the positioning of window openings at first floor level, and the retained screening and additional landscaping will

prevent significant harm on amenity for occupiers of properties on Hove Park Road.

Kelly Road

The application site has already been separated from 8 Kelly Road and the remaining amenity space attached to no. 8 is considered adequate to meet the reasonable needs of future occupants of this property.

The western elevation of the proposed dwelling incorporates first floor window openings associated with an en-suite bathroom and landing area. It is considered that given the use of these rooms any loss of privacy for occupants of properties on Lloyd Road would be minimal. A condition is recommended requiring the bathroom window be obscurely glazed and removing permitted development rights for the future insertion of windows to this elevation.

There is considered to be sufficient open space between the proposed dwelling and 6 & 8 Kelly Road to ensure the development does not appear overbearing and due to the orientation of these plots no significant loss of light or overshadowing will result. The submitted plans indicate additional landscaping along the rear boundaries of Kelly Road properties and further details will be required as part of the landscaping condition. The potential for disturbance from use of the proposed driveway will be minimised through the provision of boundary screening.

Standard of accommodation

The development will create a substantial four-bedroom dwelling with adequate natural light and ventilation throughout. There are no reasons why lifetime home standards could not be incorporated in the design of the dwelling and further details are required by condition. The application site incorporates amenity space appropriate to the scale and character of the development.

Transport

The Sustainable Transport Team have raised a technical point that the proposal will create a further dwelling and make Kelly Road of sufficient utility to the public to justify it being maintained at the public expense in the form of adoption. There is no information to suggest use of Kelly Road, which provides a functional access arrangement, creates a safety hazard and adequate visibility is available to avoid conflict between pedestrians and vehicles.

Despite the comments from Sustainable Transport, as part of this application it cannot be demonstrated that the additional demand for travel that would be created by 1 additional dwelling would harmfully increase movements along Kelly Road or create a safety hazard for users of adjoining highways. Refusal of the application on the basis of any conflict with local plan policies TR1 and / or TR7 would therefore not be warranted in this instance and could, most

likely, not be sustained at appeal.

The development incorporates off-street parking for two vehicles with on-site turning space, and a secure store for 4 cycles. This provision is sufficient to ensure no harmful demand for street parking will be generated by the proposal and allows vehicles to enter and leave the site in a forward gear.

Sustainability

The applicant has indicated that the development will meet Code for Sustainable Homes (CSH) Level 3 and incorporate measures to reduce the use of energy, water and materials. The outlined measures include water recycling, permeable surfacing, cross ventilation and effective use of natural light and aspect; and it is also noted there is also future potential for installation of solar panels on the dwelling. A condition is recommended requiring the dwelling meet CSH Level 3.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. A Waste Minimisation Statement has been submitted outlining how waste will be minimised during construction works and this is considered acceptable, subject to the provision of further specific details.

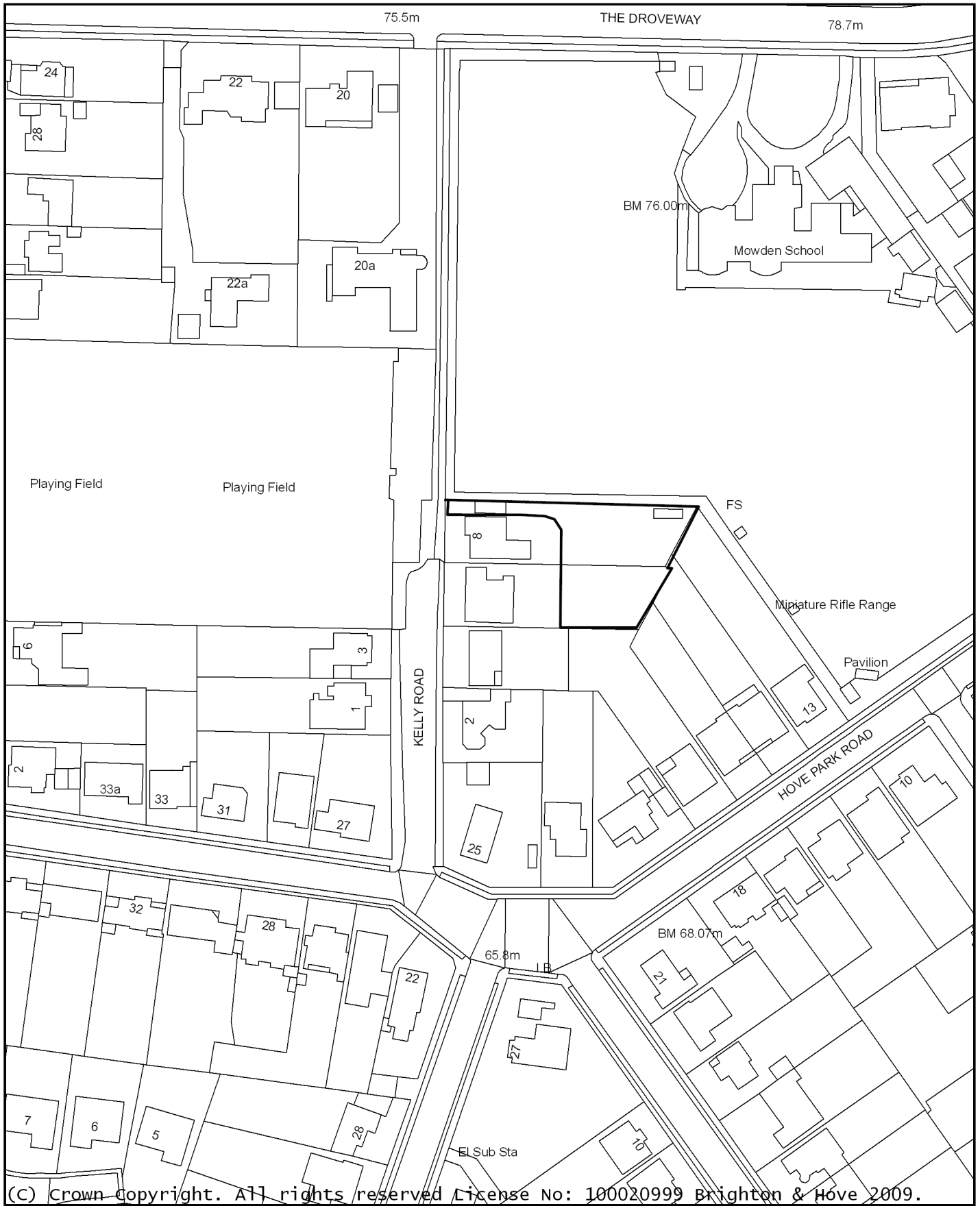
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

The development would be expected to be built to Lifetime Homes standard.

BH2008/03523 Rear of 6-8 Kelly Road



Date: 15/04/2009 09:32:40

Scale 1:1250



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**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

The Planning Department
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove

07 JAN 2009



Dear Sirs,

Re: **BH2008/03523**
Land rear of 6/8 Kelly Road

As a councillor for Stanford I wish to object to the above application.

This proposal will cause overlooking and loss of privacy to neighbouring properties. It is an overdevelopment of the site, has a large footprint and will appear dominant due to its height. I'm also very concerned about the impact on the roots of the trees.

As mentioned in my earlier e-mail I wish for this application to go before the planning committee for decision.

Yours faithfully,

Jayne Bennett
Stanford Councillor



Brighton & Hove City Council

PLANS LIST – 10 JUNE 2009 COUNCILLOR REPRESENTATION

From: Victoria Golding [mailto:Victoria.J.Golding@brighton-hove.gov.uk] **On Behalf Of** Vanessa Brown
Sent: 18 December 2008 12:48
To: Guy Everest
Subject: BH2008/03523 - Land at rear of 6 & 8 Kelly Road

Dear Mr Everest

Re: BH2008/03523 - Land at rear of 6 & 8 Kelly Road

As a Councillor for Stanford Ward I am writing to object to this planning application.

Jackland development and sub division of plots is gradually altering the character and street scene of parts of Stanford Ward. This area is characterised by houses in fairly large individual garden plots and this kind of development is having a seriously detrimental impact.

The proposed building due to its scale and bulk would be overly intrusive and dominant.

It would also cause a loss of amenity to the five households who have boundaries to the proposed property. Number 19 Hove Park Road is likely to suffer overlooking and therefore a loss of privacy due to the bedroom windows and the proposed balcony overlooking them.

The large upper floor window area on the south elevation will cause a loss of privacy to number 4 Kelly Road.

The proposed development depends on a substantial reduction of major trees close to the site boundary which could cause significant damage to the trees.

If this application should be recommended for approval I would request that it goes before the Planning Committee.

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

<u>No:</u>	BH2009/00461	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	94-96 Reigate Road, Brighton		
<u>Proposal:</u>	Construction of a new three-bedroom semi-detached house.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	24 February 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 April 2009
<u>Agent:</u>	Mr Alan Wood, 75 Westbourne Street, Hove		
<u>Applicant:</u>	Mr Steve Gumbrell, 16 Goldstone Crescent, Hove		

This application was deferred at the last meeting to allow members to make a site visit.

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full Planning Permission.
2. BH02.03 No permitted development (extensions).
3. BH02.04 No permitted development (windows and doors).
4. BH02.05 Obscured glass (side windows south east elevation).
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH03.01 Samples of Materials Non-Cons Area (new buildings).
7. BH04.01 Lifetime Homes.
8. BH05.01 Code for Sustainable Homes – Pre-Commencement (CSH Level 3).
9. BH05.02 Code for Sustainable Homes – Pre-Occupation (CSH Level 3).
10. BH05.08 Waste Minimisation Statement.
11. BH06.04 Sustainable transport measures.
12. BH06.02 Cycle parking details to be submitted.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).

Informatives:

1. This decision is based on drawing nos. 01a, 02a, 03a, 04a, 05, and supporting information submitted on the 24th February 2009 and drawing number 07 and lifetime homes information submitted on the 1st May 2009.
2. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £1500 to fund improved sustainable transport infrastructure in the vicinity.

3. This decision to grant Planning Permission has been taken:
- i) having regard to the policies and proposals in the Brighton & Hove Local set out below, and to all relevant material considerations, including Supplementary Planning:
- Brighton & Hove Local Plan:
- | | |
|------|---|
| TR1 | Development and the demand for travel |
| TR5 | Sustainable transport corridors and bus priority routes |
| TR7 | Safe development |
| TR14 | Cycle access and parking |
| TR19 | Parking standards |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU13 | Minimisation and re-use of construction industry waste |
| SU15 | Infrastructure |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD3 | Design – efficient and effective use of sites |
| QD5 | Design – street frontages |
| QD14 | Extensions and alterations |
| QD27 | Protection of amenity |
| QD28 | Planning obligations |
| HO3 | Dwelling type and size |
| HO4 | Dwelling densities |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |
- Supplementary Planning Guidance
- SPGBH4 Parking standards
- Supplementary Planning Document
- SPD03 Construction and demolition waste
- SPD08 Sustainable Building Design; and
- ii) for the following reasons:
- The proposed development is acceptable in principle and the plot can accommodate the building without appearing overdeveloped. The loss of light and sense of enclosure to neighbouring properties is mitigated by adequate separation between buildings. The development would not result in a significant loss of privacy to neighbours

2 THE SITE

The application relates to a side garden adjacent to a two storey building containing two self-contained flats. The plot is approximately 6.3 metres in width and approximately 23 metres in length. The site lies opposite the Church of the Good Shepherd. Reigate Road is predominately residential with land levels falling down to the rear which boarder residential properties in Compton Road.

3 RELEVANT HISTORY

93/0322/OA: Outline application for the erection of a two storey block of two self-contained flats and two parking spaces – refused 31st August 1993 for reasons relating to overdevelopment of the site detrimental to neighbouring occupiers by reasons of outlook, loss of light and loss of privacy, provision of outdoor amenity space, and car parking. The decision was the subject of an appeal which was subsequently dismissed.

4 THE APPLICATION

Full planning permission is sought for the construction of a two-storey house with rear dormer windows adjoining the existing flats. The property would contain three bedrooms including one in the roof space. The property would be located approximately 1 metre from the boundary with 92 Reigate Road.

5 CONSULTATIONS

External:

Neighbours: 92 Reigate Road, 125 Compton Road, 123 Compton Road object to the application for the following reasons:

- the development would cause substantial loss of light to rear ground floor rooms and rear ground floor patio area of Compton Road,
- the existing flats at 94-96 Reigate Road overlook the properties to the rear and the new building would have a similar impact,
- the building would cause significant loss of light to rooms and the garden of 92 Reigate Road,
- it is an overdevelopment of the site which would be oppressive to neighbouring properties,
- a similar application was turned down in 1994 and this application should be rejected likewise

Internal:

Councillor Pat Drake objects to the application (letter attached)

Sustainable Transport: No objection. Cycle parking needs to be provided and a contribution to improve sustainable transport infrastructure in the area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods

QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

7 **CONSIDERATIONS**

The determining issues relate to the principle of the erection of the new building on the site, the design and appearance of the building, the impact on the amenity of neighbouring occupiers, the standard of accommodation proposed and issues relating to sustainability.

Principle of the development

An application for the erection of a two storey block of flats was refused in 1993 and the refusal was upheld at appeal (see planning history). As with the current application, this previous scheme was to erect a new building adjoining the existing building. However the previous scheme had a dropped ridge height and a rear projection to match that of the existing building at 92-94 Reigate Road. Whilst this decision, and the outcome of the appeal has been noted, both local and national planning policy has changed significantly since 1993. Therefore the decision made in 1993 carries limited weight when assessing the current application which must be assessed in accordance with current policies.

PPS3 advocates the better use of previously developed land for housing, such as that which is the subject of this application, which is largely reflected in policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in ‘town cramming’ or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings. Issues of design and appearance and the amenity are discussed in the following sections of the report.

Brighton & Hove Housing Needs Survey identifies a need for additional accommodation, but importantly a specific requirement for additional family housing units. Overall the proposal to erect a three bedroom house on the

site is considered to be appropriate for the locality and the prevailing character of the area.

Design and appearance

It is considered that the width of the plot is sufficient to accommodate an additional dwelling. At approximately 6.3 metres in width, it is slightly smaller than the plot width which would result for the existing building at 92-94 Reigate Road. However by taking an overall view of the plots along the street, a width of 6.3 metres would not be out of character with the area. The length of the plot is also consistent with others in the street.

The design of the building has tried to replicate some of the features on the existing building. The bay and fenestration will match that of 92-94 Reigate Road and the established building line set by adjoining properties would be maintained. The proposed building would be approximately 1 metre narrower than the existing building on site, and therefore the new dwelling will not be entirely symmetrical with the existing building. However, it is considered that the broad relationship is acceptable and the proposal pays due regard to the existing features of the site. The proposal would not be detrimental to the Reigate Road street scene.

Turning to the rear of the property, the proposed house would have a significantly smaller rear return than the existing building. Although it is not necessarily a conventional design, the two-storey rear return would be 2 metres in depth with a flat roof, and a further 1.5 metres projecting at ground floor level only. The bulk and form of the rear of the property is considered appropriate to the design of the main part of the house.

Two dormer windows are proposed for the rear roof slope. These are acceptable in terms of design and appearance and would not overly dominate the rear roof slope. Dormer windows are present on some of the neighbouring properties and would not appear out-of-character with the area.

Careful consideration must be given to the materials proposed and samples are required for further approval.

In addition further consideration must be given to the landscaping of the site to ensure a high standard of finish to the property. An additional drawing was submitted showing an area of hard landscaping and a low boundary wall to the front of the property, both of which are acceptable. The boundary fencing which would divide the existing garden would be two metres in height. Some planting will need to be secured on site and these details could be secured by condition.

Overall the proposed building is considered to be comfortably accommodated on the plot without appearing crammed-in. The design and detailing is appropriate for the setting and would not detract from character of the area.

Impact on amenity

The side elevation would be approximately 1 metre from the boundary with 92 Reigate Road. It is this property which would be most affected by the development. Nevertheless there is a further metre separating the boundary from the side of the garage/side extension to 92 Reigate Road, and a further 2.5 metres to the side wall of the main house. Such separation distances are common in residential areas of this density and are considered sufficient to ensure that the proposed development would not unduly overbearing on the occupiers of 92 Reigate Road.

92 Reigate Road has four windows which face the site. The side dormer window serves the second floor landing, and the first floor window serves the first floor landing. On the ground floor is a downstairs toilet, and a glazed door which provides light to the kitchen. All of these windows will be affected by some loss of light and sense of enclosure, however none of these windows are principal windows to habitable rooms in the house, and therefore the impact is not considered to be so significant to warrant refusal of the application.

Given that the new house would be to the north west of the 92 Reigate Road, substantial loss of light to the garden of no 92 should not be a significant issue in this instance. The garden will still receive good sunlight from the south east and south west.

To the north west, the existing flats in the building must be considered. Given the orientation, the side windows which currently face the site will suffer some restricted sunlight and some enclosure. Again, the degree of separation between the rear return of the existing building and that of the proposed is considered adequate. Furthermore there would be no first floor windows facing the existing flats at 92-94 Reigate Road.

A new fence would be erected along the side garden boundary to prevent a loss of private to the existing ground floor flat. There would be a loss of private amenity space for the existing flats. However from a site inspection it appears that the outdoor space is currently shared and even with the side garden lost, adequate space would be retained for both flats in accordance with HO5 of the Brighton & Hove Local Plan.

Neighbours to the rear of the site have also objected to the proposed development over concerns relating to overlooking and a loss in privacy. The separation distances between the new building and 125 Compton Road would be approximately 15 metres. This is comparable to back-to-back separation distances between most properties in area. It is acknowledged that there is a significant change in land levels between the properties, but this will actually prevent any mutual overlooking between the two properties as the first floor windows of 125 Compton Road sit below the level of the rear boundary wall to the Reigate Road properties. Although some sense of enclosure will result, the separation distances would prevent the new house being overbearing.

Sustainability and lifetime homes

Initially there was been little information submitted in regard to how the development would reduce the consumption of energy and water. A Sustainability Checklist was been submitted in with the application in accordance with Supplementary Planning Document on Sustainable Building Design (SPD08). The building must achieve a Code for Sustainable Homes Level 3. The applicant has been asked to provide further information during the course of the application. A location for refuse and recycling has now been indentified on site, but there is still a lack of detail in this regard. The supporting information also states that the energy efficient technologies will be used on site. Further information will be required by condition and to secure the development meets Code of Sustainable Homes Level 3.

A Lifetime Homes checklist has now been submitted in accordance with policy HO13 of the Brighton & Hove Local Plan. The new house would have adequate room sizes and circulation space to meet most of the standards. The bathroom layout would need slightly refining, but this would be a relatively minor change and generally the layout is considered acceptable.

Overall, it considered that the proposed development would be acceptable in terms of the aims of current sustainability standards.

Sustainable Transport

There is insufficient space in the front curtilage of the site to provide car parking and it is acknowledged that an additional dwelling will put pressure on the spaces available on the street. This is unavoidable in this instance. The site lies outside the Controlled Parking Zone. Bus services are available on Dyke Road and the site is in walking distance of Preston Park railway station. The Sustainable Transport Team have not objected to the proposed scheme subject to securing cycle parking and a contribution to Sustainable Transport facilities in the area. Subject to these conditions being met it is considered that the proposed development would cater for the travel demands created in accordance with TR1 of the Brighton & Hove Local Plan.

Conclusion

It is considered that the plot is of a sufficient size to accommodate an additional dwelling. The design of the proposed house is considered to be acceptable and relates appropriately to the existing features of the retained building. The distances separating the proposed building with the neighbouring houses is considered sufficient to prevent the building being overbearing or causing a significant increased sense of enclosure or loss of light. The development would not result in a significant loss of privacy. Approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is acceptable in principle and the plot can accommodate the building without appearing overdeveloped. The loss of light and sense of enclosure to neighbouring properties is mitigated by adequate

separation between buildings. The development would not result in a significant loss of privacy to neighbours

9 EQUALITIES IMPLICATIONS

The proposed house would be required to meet lifetime homes standards.

BH2009/00461 94-96 Reigate Road



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Date: 26/05/2009 04:31:43

Scale 1:1250



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**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

From: Pat Drake [Pat.Drake@brighton-hove.gov.uk]
Sent: 29 March 2009 19:23
To: Clare Simpson
Subject: BH2009/00461 94-96 Reigate Road

Dear Clare Simpson

I am opposed to this application as it represents a degree of overdevelopment which is unacceptable. The three storey nature of the attached house proposed would seriously overlook the adjoining property and take away essential light from their side windows.

A similar application was rejected in 1994 and I hope that committee will continue to do so.

I ask that this application be decided by committee at a full meeting of that committee.

Thank you. Kind regards

Pat Drake
Councillor Withdean ward

<u>No:</u>	BH2008/03427	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type</u>	Full Planning		
<u>Address:</u>	33 Mile Oak Road, Brighton		
<u>Proposal:</u>	Demolition of non-original extensions to existing property and conversion with new extensions to 2 x three bedroom and 1 x two-bedroom houses. Erection of 2 x new three bedroom houses on same site - creation of new public footpath along Northern boundary of Mile Oak Road including repositioning of flint boundary wall (amended scheme).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	24 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 January 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove, Brighton		
<u>Applicant:</u>	Mr Russell Pinsent, 23 Tongdean Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to be **MINDED TO GRANT** planning permission subject to receipt of further information to demonstrate the scheme can achieve CSH3 and to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission.
2. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roadwork[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.
Reason: In the interests of highway safety and in accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.
3. The existing flint wall along the north boundary of the site shall be retained and before the residential units are first occupied. A new flint wall shall be constructed to replace the existing wall on the south boundary on Mile Oak Road which is to be demolished details of which should be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development. The replacement wall should thereafter be erected in accordance with the agreed details before any of the dwellings hereby permitted are occupied.
Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.
4. All new flintwork shall match the original flint walls in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

5. Before the work commences, a sample panel of flintwork shall be constructed on the site and shall be approved by the Local Planning Authority in writing and the works shall be carried out and completed to match the approved sample flint panel.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

6. No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:
 - i) the treatment of the eaves,
 - ii) samples and details of all materials, including paving,
 - iii) 1:20 sample elevations and sections and 1:1 scale sectional profiles of the new dormers, windows and doors, their cills, reveals, thresholds and steps, and porches,
 - iv) a detailed landscaping scheme for the front and rear gardens, including hard and soft landscaping, level changes, reinstated paths, new paths and hard paving areas, fences, walls and gates,and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

7. Unless otherwise approved in writing by the Local Planning Authority, the development shall be carried out and completed strictly in accordance with approved drawings.

Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.

8. BH02.03 No permitted development (extensions) (amenity and character).
9. BH02.04 No permitted development (windows and doors).
10. BH02.07 Refuse and recycling storage.
11. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential).
12. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential).
13. BH05.03 Ecohomes – Pre-Commencement (Residential involving existing buildings).
14. BH05.04 Ecohomes – Pre-Occupation (Residential involving existing buildings).
15. BH05.07 Site Waste Management Plan.
16. BH06.03 Cycle parking facilities to be implemented.
17. BH06.04 Sustainable transport measures.
18. Notwithstanding the details submitted for the ground floor of the semi-detached houses revised drawings shall be submitted showing

accessible WC facilities on the ground floor and all the new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

19. Prior to development commencing an Arboriculture Report shall be submitted to and approved by the Local Planning Authority in writing. The report shall survey all trees and shall include an Arboriculture Method Statement outlining suitable protection measures in accordance with BS 5837 - 2005 - Trees on Development Sites. All works on site shall be carried out in accordance with approved details for the duration of the construction works.

Reason: To protect the existing trees on site and in accordance with policy QD16 of the Brighton & Hove Local Plan.

20. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development (including at least 5 replacement trees), indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

21. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is 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. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan,

Informatives:

1. This decision is based on statements and drawing nos. TA202/ 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, received on 24th October 2008, 24a, received on the 27th January 2009, 20b, 21b, 31a received on the 8th May 2009, 22b, 23b, 25b, 26b, 27b, 28b, 29b, 32a received on the 19th May 2009
2. The applicant is advised that the requirements of Condition 17 may be

satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £6,000 to fund improved sustainable transport infrastructure in the vicinity.

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

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

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape Design
QD16	Trees and Hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE10	Buildings of local interest

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development is considered acceptable. The principle and the design and detailing of the works to the retained building and the proposed works to form a pair of semi-detached houses is acceptable. The relocation of the flint boundary wall is considered an acceptable compromise to secure highway safety whilst retaining the character of the area. The development would not be significantly harmful to the residential amenity of neighbouring occupiers.

2 THE SITE

The application relates to prominent site on the northeast of Mile Oak Road, close to the junction with the High Street. The original brick house appears to be date back to the early 19th century and significantly predates much of the surrounding residential development. The flint wall which marks the south east boundary is locally listed. The house and its high flint wall represent local landmarks and are important in the recognition of the historic development of this part of Portslade. As a result the existing building and boundary wall make a positive contribution to the character and local distinctiveness of the area.

The house is set in relatively large garden with may mature trees and vegetation. It appears vacant at present. Opposite the site lies Portslade Community College and immediately to the west are 1930s semi-detached housing.

3 RELEVANT HISTORY

BH2007/04204: Demolition of existing property with the development of 6 no. three bedroom three storey houses, 2 no. two bedroom two storey houses and 1 no. two bedroom apartment with highway improvements. Withdrawn 05/08/2008.

BH2007/01707: Demolition of existing dwelling and combination of 8 x 2 storey dwellings and 1 x flat, along with highway improvements & 9 off-street car parking spaces. Withdrawn 27/06/2007.

BH1999/02763/FP: Change of use from residential care home to single family dwelling house, formation of new vehicular access and alterations to front boundary. Approved 17/01/2000.

4 THE APPLICATION

Planning permission is sought for the demolition of non-original extensions to the existing property and conversion of the retained house with new extensions to form 2 x three bedroom and 1 x two-bedroom houses. In addition consent is sought for the erection of a pair of semi detached houses to the west of the existing building. It is proposed to create a new public footpath along the southern boundary of the site.

The proposal has been amended during the course of the application. Whilst initially the footpath was proposed to be formed on the inside of the flint boundary wall, this presented problems for the stability of the wall and issues from a highway safety perspective. The scheme has been amended and now includes the repositioning of flint boundary wall with a footway formed on the outside of the wall.

5 CONSULTATIONS

External:

Neighbours: Portslade Community College, 1 (x2) 15 (x2), 53 (x2), Mile Oak Road, 5, 7 (x2) 35, Mile Oak Gardens, object to the application for the following reason:

- the development will lead to increased traffic in a potentially dangerous section of the road,
- whilst the footpath is welcome the main problem is the width of the road,
- the development will look out of place in the surrounding area,
- the site is home to wildlife,
- 1 car parking space per dwelling is not sufficient,
- In the dark the pedestrian access would be hazardous,
- there is no right to the access along the rear lane,
- concern over the lorries and disruption through the construction,
- trees on site are protected and should not be damaged,
- the council is unable to collect recycling at 1-33 Mile Oak Road because of the dangerous nature of the road,
- by retaining the flint wall and forming a pedestrian access behind, those using the footway will have limited views of on-coming vehicles,
- the existing flint wall should not be damaged.

Internal:

Conservation & Design:

The site is not situated in a conservation area and the building is not listed, although the flint wall is locally listed. It is comprised of a red brick and flint and tiled roof rural house, possibly a farmhouse in a large garden with tall trees surrounded by a high flint wall. It originally stood in open countryside.

To the south were Portslade House and its outbuilding. Portslade House was formally a large country house in large grounds enclosed by tree belts. This was extended between 1912 and 1932 and became known as Windlesham House. The original house and outbuilding have been demolished, and the later extensions are now a school and school playing fields and hard surfaced playground and car park.

The area around No 33 was not developed until after 1933. No 33 and its large garden now form a small area of encapsulated countryside. Its flint walls together with those of the College are designated as a Building of Local Interest and are an important feature of the street scene.

The original brick house appears to be of at least early 19th C date. It used to have lean-to greenhouses against the north wall of the garden. It has been extended several times and has lost its original windows. The two-storey north wing and the single storey extension were added between 1910 and 1932. A single storey extension, a rear (west) single storey store room and a south conservatory have been added since. Nevertheless the house and its high flint walls are a local landmark and represent the past history of the area and make a positive contribution to the character and local distinctiveness of the area.

The house occupies a prominent site on a bend in the road and is of local historic interest, despite having been altered and extended in an unsympathetic way. Nevertheless the original house and its 19th C extensions

are worthy of retention and restoration.

The flint wall and a large elm tree on its southern frontage are also an important local landscape features.

The current proposal now involves the retention of the flint wall, the original house and the later 19th century extension, with the removal of later unsympathetic extensions and new more attractive extensions. A new pair of semi-detached houses is proposed in the garden. This approach is welcomed, subject to some changes to the design details. However the loss of the large elm tree is very regrettable.

Second comments:

The high flint wall around the site and the lower flint wall along the frontage to the Portslade Community College are included in the Local List, but the buildings on the site are not. Nevertheless the original house is of local historic interest.

The Local List does not enjoy statutory protection but is protected by Policy HE10 of the local plan. The Local List entry states: “The walls contribute to the setting of the Portslade Village Conservation Area.”

I would add that they are an important architectural and historic landmark which contribute to the character and streetscape of the area.

The demolition of these walls should be resisted as they are a historic feature, but if unavoidable, a new replacement flint wall should be constructed to match the original, which although would not be original would make a similar contribution to townscape. This would need to be carefully controlled by conditions.

The proposed scheme for the site is an acceptable one that retains and restores the earliest building on the site and a later addition to it and integrates new build units successfully with the retained buildings.

Careful attention will be needed in respect of the detailed design, materials and landscaping. The loss of the large tree on the Mile Oak frontage is most regrettable. The replacement trees should be of species that will grow to a similar size. The new pavements should be in traditional red clay pavements. The surfacing of the vehicular carriageways, and the bricks and tiles of the buildings needs to be sympathetic to the character of the original buildings. The new garden walls should be of flint to match the existing.

Arboriculture Team:

The Arboricultural Section have viewed this site on previous occasions and would like to make the following comments on the current proposals.

Two trees are covered by the above TPO, one Elm on the front of the site and

a Sycamore in the NW corner.

The Arboricultural Section agreed to the removal of the Elm as it had structural defects as part of the previous application, subject to a landscaping plan being submitted showing 5 replacements for the loss of this tree.

The Arb report attached with the application shows a landscaping scheme with 5 replacement trees, however, the plan appears to be an old application and not the current one.

The Arboricultural Section have no objections to the removal of the protected Elm, nor to this application in general, however, we would like the following conditions attached to any planning permission granted.

At the moment, only the Elm appears to be the subject of an arb report. Some trees marked for retention appear to be in close proximity to the proposed dwellings. A full tree survey as per BS 5837 (2005) Trees on Development Sites should be submitted, this will categorise the trees and may raise doubts on their eligibility for retention in such close proximity to the properties.

All trees to be retained, including the preserved Sycamore, should be protected to BS 5837 (2005) Trees on Development Sites.

A current landscaping plan should be submitted showing replacement trees. Drawing TA 202 / 23 shows 19 replacement trees. This may need to be amended if further trees are removed following the tree survey. A species list would also need to be attached to this.

Sustainable Transport:

Initial comments: The principle of the improvements to the access and associated footway works are a welcome contribution toward public safety. The Highway Authority is however concerned that the proposal to maintain the existing flint wall adjacent to the carriageway will create a material hazard. It is noted that the intention is to keep the wall for conservation reasons, unfortunately from a highway safety perspective to attempt to keep this wall should be viewed as having a significant affect on the levels of public safety afforded to road users.

Firstly, the proposed footway is not over looked and does not benefit from street lighting this will mean that the proposal would not comply with principles of safer by design. Secondly, I doubt that the footway could be constructed to the minimum design standards with significantly undermining the structural integrity of the wall, and thus introducing the risk that the wall would collapse either on a passing vehicle or pedestrian.

It should be noted that if this scheme is approved the Highway Authority would not wish to adopt the footway or structure for the reasons set out

above.

To overcome this objection on clear public safety grounds it is recommended that the wall be completely removed for the proposal. I would wish to be re-consulted following your/the applicants response to the above to recommend appropriate conditions.

Comments on the amended scheme: No objection subject to the inclusion of conditions and informatives.

Access Officer

Parking spaces should be capable of being widened to 3.3m.

Units 4 & 5 are 3 bedroom houses so the WC shown at entry level should be fully accessible. i.e. a wheelchair user should be able to close the door from within the closet and achieve side transfer from a wheelchair to at least one side of the WC. There must be at least 1100mm clear space from the front of the WC bowl. There must be shower provision within or adjacent to the closet. Units 1 and 3 are also 3 (or more) bedroom units but they do not show the required accessible entry level WC. Unit 2 is a 2 bedroom unit. It does not have the required 'Part M' standard WC.

We should get confirmation that all approaches to main entrances will be level or gently sloping and that thresholds will be level

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape Design
QD16	Trees and Hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes
HE10 Buildings of local interest

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The determining issues relate to the principle of creating new dwellings on the site, the design and appearance of the building works, and the impact on the character of the existing buildings and the local area, the impact on the amenity of neighbouring occupiers, the standard of accommodation proposed and issues relating to sustainability and traffic and transport implications. Matters relating to noise, disturbance and impact on highways from construction processes are not material planning considerations.

Principle of the development

PPS3 advocates the better use of previously developed land for housing, such as that which is the subject of this application, which is largely reflected in policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in ‘town cramming’ or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings.

Consent was granted in 2000 for a change of use from a residential care home to single family dwelling house and the premises was last used as a single residence, therefore the principle of residential use for the site is established. The existing house is set in relatively large grounds and there is no objection to the principle of increasing the number of residential units on site, subject to all other aspects being acceptable.

The current proposal follows the submission of previous applications for the site which were withdrawn prior to a decision being made (see planning history). Both of these schemes proposed 9 residential units for the site which was considered to be an overdevelopment of the site. In addition, the density of the dwellings would have been far in excess of the density which characterises this part of Portslade.

The current scheme for five units is considered more suitable for the size of the plot and is more in-keeping with the residential character of the area. The plot sizes for the semi-detached pair of houses compares to the plot sizes of the properties to the west. Brighton & Hove Housing Needs Survey identifies a need for additional accommodation, but importantly a specific requirement

for additional family housing units. The units proposed in this scheme could be suitable for family occupation. Overall the proposal to erect a family housing on the site is considered to be appropriate for the locality and the prevailing character of the area.

Design and appearance

The design approach has been led by the need to retain as much of the main building as possible which remains attractive with elements of strong character. However the building has been subject to extensions in the past, some of which have not been in-keeping with the historic character of the building. It is proposed that the non-original extensions are to be removed which is welcome. The proposed works to the new building have been designed in accordance with the advice from the Conservation Officer and improvements to the existing building involve the reinstatement of some important features such as traditional fenestration.

A new pair of semi-detached houses is proposed in the garden, which has been welcomed by the Conservation Officer and has been designed to blend with the character of the existing building within the site rather than the neighboring 1930's semi-detached houses immediately to the west. The palette of materials, fenestration design and the roof form of the proposed houses reflect, and sit comfortably with, the traditional design features of the 19th century farm house. The Conservation Officer has suggested some minor changes to the design and detailing of the proposal which has been incorporated into the scheme. Conditions would be required to ensure the Local Planning Authority have control over the finishes of the buildings on-site.

Whilst the works to the existing building and the new semi-detached pair are acceptable, there has been on-going concern regarding the boundary wall of the property which is locally listed. Both officers and local residents recognise the existing wall is locally significant and worthy of retention. Although the wall does not enjoy the protection of a listed building or monument, the favoured approach is to retain the wall, as existing and in its current location. The application originally proposed to retain the wall in its current location.

It has since emerged that the wall can not be retained in its current location if the footway, required for highway safety reasons, has to be formed behind this feature. There is insufficient width in the road to form a footway on the outside of the wall. The stability of the wall was initially a concern raised by the highways team, and then verified by structural engineers employed by the applicant.

As a result the application has been amended and the scheme now put forward for determination proposes to move the flint wall back to enable the footway to be constructed on the outside of the wall. It is acknowledged that this is not the ideal approach from a conservation standpoint, however the current scheme does have clear conservation and design benefits. By

securing the retention and potentially the long-term future of the main house and retaining the character and presence of wall, albeit in a slightly different location, it is considered that the current proposal will not be detrimental to the historic character and appearance of the surrounding area. The Conservation Officer has suggested a number of conditions to ensure the character of the wall is retained. On balance, given the retention and improvements proposed to the main house it is considered that the relocation of the flint wall is acceptable in this instance.

Impact on amenity

The properties most likely to be affected lie immediately adjacent to the application site on Mile Oak Road. The positioning of the new semi-detached houses close to the boundary would impact on the adjacent occupiers by way of an increased sense of enclosure as the existing garden of 33 Mile Oak Road is undeveloped and has a relatively rural feel at present. However the new houses have been designed to replicate the scale and building lines of the neighbouring properties to the west and therefore the resulting relationship is acceptable. Four metres would separate the side elevation of unit 1 of the proposed scheme from the side elevation of no.29 Mile Oak Road. This degree of separation is not uncommon for the locality and would prevent the new house being overbearing.

Furthermore no.29 Mile Oak Road would not experience significant loss of light to habitable rooms, and whilst the new buildings would potentially cause some overshadowing of garden areas, this would be for a limited time only and affect a relatively small amount of the garden. Loss of privacy to habitable rooms would not result, and whilst longer views in to neighbouring gardens would occur, this would not be significantly greater than the existing situation. For this reason it is considered that the proposed development would not harm neighbouring properties by way of a loss of privacy or overlooking.

The separation distances to properties in Mile Oak Gardens and no.47-53 Mile Oak Road to the north of the site prevent the new buildings having a significant impact on these properties. The intensification of the use of the site will increase levels of activity in the area. Nevertheless the car parking areas are located at least 16 metres away from the shared boundary with 29 Mile Oak Road and therefore the occupiers are not likely to experience significant noise and disturbance.

Landscaping

Some details regarding the landscaping of the proposal have been submitted as part of the scheme. Two trees are covered by Tree Preservation Orders (TPOs), one Elm on the front of the site and a Sycamore in the NW corner.

The Arboricultural Section agreed to the removal of the Elm as it had structural defects as part of the previous application. As observed by the Conservation Officer, it is regrettable that this tree would be lost, however given the structural defects, and the improved visibility for vehicles which

would result, there is no objection to the removal of this tree in this instance.

The submitted Arboriculture report addresses the impact on the TPO trees however there is insufficient detail in respect of the other trees which are close to the new buildings and a full report must be submitted outlining the affect on all trees and the measures to protect these trees to secure the longevity of the trees to be retained. At a minimum the future landscaping of the site must include 5 replacements for the loss of the mature Elm. The replacement trees will be expected to be a suitable species and maturity to compensate the loss of the mature Elm. Further details are sought by condition.

Sustainability

A Sustainability Checklist was been submitted with the application in accordance with Supplementary Planning Document on Sustainable Building Design (SPD08). The new building must achieve a Code for Sustainable Homes Level 3. The supporting information also states that the energy efficient technologies will be used on site. Further information will be required by condition and to secure the development meets Code of Sustainable Homes Level 3. The conversion of the existing building must also meet the relevant Ecohomes standard.

Adequate space for cycle and refuse/recycling storage has been indentified on the submitted plans and these facilities would be required to be available for use prior to occupation of the building.

A Site Waste Management Plan has been submitted with application which demonstrates a commitment to the reduction of construction and demolition waste. However a revised statement would be required with site specific details should the application be successful.

Overall, it is considered that the proposed development would be acceptable in terms of the aims of current sustainability standards and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08.

Lifetime Homes information has been submitted in accordance with policy HO13 of the Brighton & Hove Local Plan. However amended drawings were also received to address some of the concerns of the Access Officer. Improvements have included the widening of car parking space and the introduction of ground floor W.C on the converted units within the existing building. These would have adequate room sizes and circulation space to meet most of the standards. The amended drawings have not provided fully accessible toilets to the ground floor of the new semi-detached houses. As new build development, the semi-detached properties must meet the standards and a further revision to the ground floor accommodation of these houses is required before development commences. This revision is sought by condition.

Highways and car parking

It is acknowledged that this section of Mile Oak Road is potentially hazardous for vehicles and pedestrian access. The site is located on a bend in a busy road and there is no footway on either side of the road. It represents an access route for local residents into the amenities located in Portslade Village, and Portslade Community College. The proposed scheme seeks to address some of the existing problems by incorporating improvements to the public highway by including a footpath which would be funded by the developer. The benefit of this provision will extend to local residents, and should also assist pupils of the Community College located opposite the site. The footway would be constructed to suitable standard to be adopted by the Highway Authority. The provision of the footway is fundamental to the acceptability of any development for the site, and the Sustainable Transport Team has not objected to the amended scheme.

The position of the access would move slightly to the east of the current location. The visibility for vehicles coming in and out of the site will be much improved by the removal of high hedges that currently immediately abut the highway access and the improvements which come from the formation of the footway. In addition the removal of the large Elm facilitates adequate visibility splays.

In addition to the highways improvements outlined above, and given that the application results in an increase in the number of residential units, the Sustainable Transport Team have requested a contribution towards infrastructure improvements in the vicinity of the site. This will be sought by condition.

One car parking space is proposed for each residential unit. Local residents have expressed concern that this is an insufficient provision and that the scheme will increase demand for car parking on the road. The Sustainable Transport Team have not objected to this provision, and it meets the current guidance set out in Parking Standards in SPG 4

As with the previous applications, the rights of access along the private rear lane has been raised as a concern. This is not affected by the development. As with the current situation, there is access for one car parking area along this lane. This will be maintained and used for one of the new semi-detached units. Land registry details appear to confirm this entitlement. The other car parking areas are accessed from Mile Oak Road and one space is allocated per unit.

Conclusion:

It is acknowledged that the Highway safety issues in the area have been a constraint on the redevelopment of the site; however the current scheme represents a good compromise which will retain the character of the site and secure much needed highway improvements. Given that the scheme has highway safety benefits and retains conservation and design benefits, without

significantly affecting the amenity of neighbouring occupiers the recommendation is to grant planning permission.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is considered acceptable in principle. The design and detailing of the works to the retained building and the works proposed to form a pair of semi-detached houses is acceptable. The relocation of the flint boundary wall is considered an acceptable compromise to secure highway safety whilst retaining the character of the area. The development would not be significantly harmful to the residential amenity of neighbouring occupiers.

9 EQUALITIES IMPLICATIONS

The new dwellings will be designed to meet lifetime homes standards and level thresholds have been confirmed.

BH2008/03427 33 Mile Oak Road



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<u>No:</u>	BH2009/00898	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Removal or Variation of Condition		
<u>Address:</u>	Seasons Café, 36 Gloucester Road, Brighton		
<u>Proposal:</u>	Application for variation of Condition 2 of application BH1999/00436/FP to read; The premises shall not be open or in use except between the hours of 08.00 to 20.00 from Monday to Saturday, and between 10.00 to 18.00 on Sundays. Remove Condition 5 in order to allow the preparation and sale of hot food on the premises.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	15 April 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 June 2009
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Ken Handley, H & H (Hove) Ltd, 48b Ventnor Villas, Hove		

1 RECOMMENDATION

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

Conditions

1. The 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 premises shall not be open or in use except between the hours of 08.00 to 20.00 Monday to Saturdays and between 10.00 to 18.00 on Sundays.
Reason: To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. Amplified music or other entertainment noise from within the premises shall not be audible from any adjacent residential property at anytime.
Reason: To safeguard the amenity of adjacent residents especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. The odour neutraliser system shall be fully installed in accordance with the details and specification submitted on the 16 April 2009, and shall be retained as such thereafter.
Reason: To safeguard the amenity of adjacent residents especially with regard to odours and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
5. The external door adjacent to 24 Queens Gardens is to be used as an emergency exit only and for the collection of refuse and kept shut at all

other times. Deliveries shall take place via the main door only, and only between the hours of 8am and 6 pm Monday to Saturday only and at no time on Sundays.

Reason: To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

6. A scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out within three months of the date of this permission in full as approved and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

Informatives:

1. This decision is based on Site Location Plan and Supporting Documentation submitted on 15 April 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 - SU9 Pollution and nuisance control
 - SU10 Noise nuisance
 - QD27 Protection of amenity; and
 - ii) for the following reasons:

The proposed development subject to compliance with the above conditions would not lead to loss of amenity or cause harm to the occupiers of adjoining properties. The proposed development is considered to be in accordance with development plan policies.

2 THE SITE

The application site is a ground floor café located on the corner of Gloucester Road and Queen's Gardens within the North Laine conservation area, above which is a residential unit. The site received planning permission in 1999 for the change of use from a retail unit to a café.

Queen's Gardens, which lies at a right angle to the application site is predominantly residential. There are residential units located above a number of the commercial units fronting onto Gloucester Road.

3 RELEVANT HISTORY

BH2008/03950: Application for variation of condition 2 of application BH1999/00436/FP in order to allow opening hours between 8am to 8pm Monday to Saturday, and removal of condition 5 in order to allow the preparation and sale of hot food on the premises. Refused at Planning

Committee 14/04/2009 on the following grounds:

The applicant has failed to adequately demonstrate that the proposal would not detrimentally impact on the amenities of neighbouring properties, by reason of odours as such the proposal is contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

BH2007/02900: Variation of condition 2 (BH1999/00436/FP) and subsequent application (BH2005/05697) to change opening hours. Proposed internal opening hours to be 6.30am-10.00pm Monday to Saturday and 9.00am-10.00pm Sundays. (Resubmission following refusal of BH2007/01756). Refused at Planning Committee 15/10/2007.

BH2007/01756: Variation of condition 2 (BH1999/00436/FP) and subsequent application (BH2005/05697) to change opening hours. Proposed opening hours to be 8am - 11pm Monday to Saturday and 9am - 10pm Sundays. Refused 28/06/2007.

BH2007/01339: To remove condition 5 of BH1999/00436/FP limiting/restricting the sale of beverages and cold and microwavable food only. Approved by Planning Applications Sub-Committee 06/06/2007. Conditions relating to which required the submission of details for measures to ensure odour control and adequate ventilation within a month of the permission. Sufficient details were not submitted within this time period.

BH2007/00987: Variation of condition 11 (BH1999/00436/FP) to allow the sale of hot food for consumption off the premises. Refused 31/05/2007

BH2005/05697: Variation of condition 2 of BH1999/00436/FP to change opening hours from 6pm closing to 10pm closing (indoors) and 9pm closing (outdoors). A temporary 1 year permission was granted at Planning Applications Sub-Committee 16/01/2006

BH2003/03927/FP: Installation of new doorway and timber sliding sash window to west elevation and replace ventilation openings. Refused 22/07/2004.

BH1999/00436/FP: Change of use from retail (class A1) to café (class A3). Approved 28/07/1999.

4 THE APPLICATION

The applicant seeks consent for the variation of condition 2 and the removal of condition 5 of planning permission reference BH1999/00436/FP.

Condition 2 of the permission states:

“The premises shall not be open or in use except between the hours of 0800 and 1800 Monday to Saturday, 1000 and 1600 on Sunday.

Reason: To safeguard the amenities of the locality”

The proposed variation of condition 2 will allow for the premises to open from 08.00 to 20.00 Monday to Friday and from 10.00 to 18.00 on Sundays.

Condition 5 of the permission states:

“The use hereby approved is restricted to the sale of beverages and cold and

microwavable food only.

Reason: Any other A3 use might require extract ducting for which no planning permission has been sought or granted”

The proposed removal of condition 5 will allow the occupiers of the premises to serve and prepare hot food.

5 CONSULTATIONS

External:

Neighbours: 4 letters of objection received from **35, 36A (x4) Gloucester Road, 2 Tidy Street**, on the grounds that the proposed development would result in unacceptable increases in levels of noise and odour disturbance, an increase in rubbish, where currently there are insufficient storage facilities. It would spoil the look of the conservation area. Some of the objectors have mentioned the ongoing investigations regarding conditions placed on the original approved application BH1999/00436/ FP.

Cllr Keith Taylor: Requests to address the Planning Committee and objects to the application (letter attached to this report).

Brighton & Hove Archaeological Society: No objection.

East Sussex County Council: No objection.

Internal:

Sustainable Transport: No objection.

Environmental Health:

The applicant has responded to my concerns and has undertaken to install an odour neutralising component into the existing ventilation system.

I now have no objection to the application.

This department retains powers under s80 of The Environmental Protection Act 1990 to investigate complaints and serve an abatement notice in the event that these premises are found to be responsible for odours amounting to a statutory nuisance.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD27 Protection of amenity

7 CONSIDERATIONS

The proposal seeks to increase the opening hours of the café and to allow the preparation and sale of hot food from the premises. In both cases the principal consideration is whether the proposal would result in any adverse

impact to residential amenity to occupiers of adjacent properties. Each of these are considered in turn below.

There has been a long history of problems resulting from previous occupiers of the site resulting in a number of investigations by both the Planning Enforcement and Investigations team and Environmental Health.

Condition 2: Opening Hours

Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. The Environmental Health Officer has not raised any objections to the increase in opening hours.

PPG24 deals with noise issues associated with development, this includes an extension of opening hours. PPG24 identifies residential dwellings as noise sensitive development. Paragraph 12 of PPG24 indicates that noise sensitive development should not be permitted during the hours of 23:00 to 07:00, when people are normally sleeping. It is clear that the additional opening hours sought as part of this application would not intrude into what are considered to be normal sleeping hours and in this respect it is not considered that significant additional noise or disturbance would occur.

At the time of the site visit it was noted that the opening hours of other A3, A4 and A5 premises within the vicinity are staggered, ranging from 5pm to 11pm. For this reason, it is not considered that the proposed extension to the opening hours would be out of keeping with the North Laine area, which is comprised of a mix of commercial and residential streets.

The proposed extended hours from 18.00 to 20.00 Monday to Saturday and 10.00 to 18.00 on Sundays, would fall within the guidelines published within PPG24, it is therefore considered that the proposed extension in opening hours adheres to Local Plan Policies SU10 and QD27.

Condition 5: Hot Food

Policy SU9 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of pollution and nuisance on the occupiers of neighbouring properties and the surrounding environment. For the purposes of Policy SU9 pollution and nuisance include noise, dust, dirt, PM10, fumes, gases, steam, smell, radiation, vibration, light, smoke, heat and other polluting and nuisance emissions.

There is no policy objection in principle to cooking food on the premises. The concern in policy terms is whether any adverse impact upon neighbours through noise or odours results.

The previous application reference BH2008/03950 was refused on the potential impact upon the amenity of the neighbouring occupiers by virtue of the odour emissions from the site. There already exists an extraction system

which is much improved than what has previously been proposed in an attempt to address previous concerns which have been raised by both Planning Investigations and Environmental Health.

The applicant has taken further steps in light of the previous reason for refusal by providing details of an odour neutralising system to work along side the existing filtration system which is claimed can reduce nuisance caused by cooking odours by up to 90%.

The Environmental Health Team believes that the details provided for the odour neutralising system are sufficient for them to remove their previous objection to the scheme. Taking the Environmental Health Team advice into account it is therefore considered that the proposed variation/removal of condition 5 would have a minimal affect upon the amenity of the adjoining occupiers and residents in line with to policies SU9 and QD27 of the Brighton & Hove Local Plan.

Other Issues

It is noted that concerns have been raised by objectors relating to the positioning of refuse and recycling facilities for the application site. It is possible, as a result of the extended hours of use, for there to be an increase in the volume of refuse and recycling produced by the owners of the site. As it appears that previously there has been no formally approved siting for the refuse and recycling facilities a condition is attached to ensure of this.

8 REASONS FOR RECOMMENDATION TO APPROVE PERMISSION

The proposed development subject to compliance with the above conditions would not lead to loss of amenity or cause harm to the occupiers of adjoining properties. The proposed development is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03950 Seasons Cafe, 36 Gloucester Road



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**Brighton & Hove
City Council**

PLANS LIST – 10 JUNE 2009

COUNCILLOR REPRESENTATION

From: Keith Taylor [<mailto:KeithTaylor.Taylor@brighton-hove.gov.uk>]
Sent: 26 May 2009 16:36
To: Anthony Foster
Cc: Ian Davey; Pete West
Subject: RE: BH2009/00898 - 36 Gloucester Road

Dear Anthony

I will further expand on these points when I have more time, but essentially they are

Fumes and odours
Noise nuisance
Lengthened trading hours causing disturbances

Keith

-----Original Message-----

From: Keith Taylor [<mailto:KeithTaylor.Taylor@brighton-hove.gov.uk>]
Sent: 26 May 2009 13:40
To: Anthony Foster
Cc: Ian Davey; Pete West
Subject: BH2009/00898 - 36 Gloucester Road

Please note this request that this application be place before the committee for decision.

Kindly acknowledge

Keith Taylor

Keith Taylor
City Councillor for St Peter's & North Laine Ward
Convenor of the Green Councillor Group
Tel/Fax (01273) 291165

