

<u>No:</u>	BH2023/01992	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Rottingdean Bowls Clubhouse 3 Falmer Road Rottingdean Brighton		
<u>Proposal:</u>	Application to vary conditions 1 (approved drawings) and 4 (operating hours) and remove conditions 3 (sound proofing), 5 (cycle parking), 6 (tree protection measures) and 8 (window details) of planning permission BH2023/00157.		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	13.07.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	07.09.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Kim Strasman Associates The Studio 1 Northgate Cottages The Green Rottingdean BN2 7DT		
<u>Applicant:</u>	Rottingdean Bowling Club Rottingdean Bowls Clubhouse 3 Falmer Road Rottingdean Brighton BN2 7DY		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to make a **SPLIT DECISION:**

GRANT planning permission for a variation to conditions 1 and 4, and

REFUSE a variation to/removal of conditions 3, 5, 6 and 8. subject to the Conditions, Reasons and Informatives set out below.

Reason for Refusal

1.2. The removal of condition 3 is refused because the amenity of neighbouring residents would not thereafter be protected from noise impact; the removal of condition 5 is refused because doing so would not ensure that satisfactory facilities are provided for the parking of cycles; the removal of condition 6 is refused because doing so would not ensure that existing trees are retained and protected; and the removal of condition 8 is refused because it would not ensure a satisfactory appearance to the development; contrary to policies CP12, CP13 and CP15 of Brighton and Hove City Plan Part One and DM20, DM26, DM33, DM40 of Brighton and Hove City Plan Part 2.

Conditions

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	P02	G	27 April 2023
Proposed Drawing	P04	C	17 January 2023

Proposed Drawing	P05	D	13 February 2023
Proposed Drawing	P07	B	17 January 2023
Proposed Drawing	P08	B	13 February 2023
Proposed Drawing	P09		17 January 2023
Proposed Drawing	P10	B	17 January 2023
Proposed Drawing	P11	B	13 February 2023
Report/Statement	Materials and Colours		4 April 2023
Location Plan	P01	B	13 July 2023
Proposed Drawing	P06	C	18 August 2023

2. The development hereby permitted shall commence before 10/07/2026
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be first occupied until a scheme for the sound proofing of the southern elevation adjoining Challoners Mews has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

4. No activities outside of the clubhouse other than the spectating, playing of bowls or entering/leaving the site shall take place between the hours of 20:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays. No activities outside of the clubhouse other than entering/leaving the site shall take place between the hours of 22:00 and 07:00 on Mondays to Sundays, including Bank or Public Holidays
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and

approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. The external finishes of the development hereby permitted shall match those confirmed in the approved materials and colours document submitted on the 04/04/2023.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

8. No development above ground floor slab shall take place until full details of the proposed window to the west side window to the clubhouse/cart house and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall painted timber double. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

9. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. This site lies within the Rottingdean conservation area and within 'The Farms' character area, as set out in the Rottingdean Conservation Area Character

Statement. This is the northernmost character area in Rottingdean and is closely related to Rottingdean's agricultural past. The majority of the buildings in the area are farm buildings, farm houses and farm workers cottages. However, the decline of farming in the village, particularly from the 1920s onwards, has led to a substantial shift in character. The area is now predominantly residential. Nearly all the farm buildings have been converted to residential use.

- 2.2. The area retains a mixture of large houses and smaller buildings and displays a wide variety of forms and arrangements derived from the original uses as farm buildings. The area has a spacious rural quality with a relatively loose urban grain. Falmer Road forms the main road into Rottingdean from the north. It is lined by grass verges which promote a rural character.
- 2.3. The main bowls clubhouse pavilion is a Locally Listed heritage asset together with the adjoining cart house (now shelter). The buildings were originally farm buildings and appear to date from pre-1839. The lodge is now used as a public shelter. Both retain flint walls and clay tiled roofs. The lodge is timber framed, although the original padstones have been replaced with concrete. The buildings appear largely unaltered from the road. The bowling club dates to 1934 when it was first established on what had been farmland and a caravan site. The ancillary buildings comprising the changing rooms were built in the 1970s and have no heritage value.
- 2.4. Challoners Mews to the immediate south of the site are also locally listed buildings; an L-shaped range of former agricultural buildings, forming a yard. They are long and low barn-like structures, with flint walls and prominent gabled and half-hipped tiled roofs. The buildings have been converted to residential use, involving the insertion of numerous windows and dormer windows. The barn (clubhouse) and cart lodge were historically closely associated with the mews.

3. APPLICATION DESCRIPTION

- 3.1. This application seeks to vary Conditions 1 (approved drawings) and 4 (operating hours) and remove Conditions 3 (sound proofing), 5 (cycle parking), 6 (tree protection measures) and 8 (window details) of approved planning permission BH2023/00157.
- 3.2. Since submission of the application, an amendment to the Site Plan (ref. P06C) has been provided removing reference to informal parking, as this element was removed from BH2023/00157 due to concerns raised about its management.

4. RELEVANT HISTORY

- 4.1. **BH2023/00157** Refurbishment of existing clubhouse and associated works including replacement of existing changing rooms and sanitary facilities with single storey block to South elevation and erection of single storey storage building to North-West corner. Approved

- 4.2. **BH2022/02786** Refurbishment of existing clubhouse and associated works including replacement of existing changing rooms and sanitary facilities with single storey block to South elevation and erection of single storey storage building to North-West corner. Refused 11 November 2022 for one reason: *"The proposed works to the changing room and its roof would, by reason of excessive height and very close proximity to neighbouring residential properties in Challoners Mews, be overbearing and result in loss of outlook for occupiers of those properties, and would represent unneighbourly development. For these reasons the proposal is considered to be in conflict with policies DM20 and DM21 of City Plan Part Two".*
- 4.3. This earlier refusal is now subject of a pending appeal.

5. CONSULTATIONS

- 5.1. **Heritage 31/07/2023 Initial Response: Seek Amendment**
The material for windows is confirmed to be timber, however proposed section BB in the original application (drawing P08B) shows no external reveals or red brick dressing as required in the original comment. The current application does not include a revised detail therefore the original heritage requirement does not appear to have been met; please seek revision or clarification accordingly.
- Following the provision of additional information
- 5.2. The drawings still don't show external reveals or red brick dressing.
- 5.3. **Sustainable Transport 26/078/2023 Comment**
Informal parking is not suitably secure. The cycle parking is required by DM33 and SPD14.
- 5.4. **Arboriculture 26/07/2023 Comment**
Suitable clarity as to why the condition should be removed has not been provided. The trees are in close proximity to access for the site and it is integral to ensure the trees are not damaged in the build stage.
- 31/07/2023 Comment on option to discharge
- 5.5. The information provided would form an acceptable method statement. As exclusion areas are not proposed a plan technically is not required.

6. REPRESENTATIONS

- 6.1. **Five (5)** representations have been received, objecting to the proposal on the following grounds:
- Unclear what is to be varied on the plans;
 - Traffic and Highways;
 - Issues with the building and covenants;
 - Sound proofing is required to prevent impacts on neighbouring amenity;
 - The club cause noise from mowing to shouting during games this has a detrimental impact on neighbouring amenity;

- No objection to the time extension to 22:00 from April to September if facility not open from October to March;
- Plant room and air source heat pump information now submitted;
- Concerns about the noise created by the bowls club and related activities.

6.2. **Eleven (11)** representations have been received, supporting the proposal on the following grounds:

- Competitions take place after 20:00 the club will need to be allowed outdoor activities after 20:00 to take part in these important competitions;
- The site is used throughout the year for meet ups, social events and to keep the garden areas neat and tidy;
- Bowls is a quite sport;
- Good design;
- In keeping with listed building;
- Reduce sound emission;
- Residential Amenity;
- Proposal designed to not affect the existing trees;
- Other clubs do not have their uses restricted;

6.3. **Two (2)** representation comment has been received commenting on the proposal on the following grounds:

- Closure at 20:00 would prevent games and competitions which start at 18:00.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Rottingdean Neighbourhood Plan

The policies in Rottingdean Neighbourhood Plan carry limited weight at present but will gain weight as the Plan proceeds through its stages.

The draft Neighbourhood Plan (NP) was submitted to the Council in early 2023. The draft NP reflects previous local community and stakeholder engagement undertaken across the Neighbourhood Area by the Parish Council including a period of public consultation under Regulation 14 of the NP Regulations in 2021. The Council published the draft Plan for pre-submission (Regulation 16) consultation in February 2023. The next steps for the plan are for it to be submitted for examination by an independent examiner. The NP examination is likely to commence in the summer/autumn of 2023.

The policies relevant to the present application are:

- H2 Design;
- H3 Design Principles in the Conservation Areas and their Settings;

Brighton & Hove City Plan Part One:

- SS1 Presumption in Favour of Sustainable Development
- CP10 Biodiversity
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- CP17 Sports provision
- CP18 Healthy City

Brighton & Hove City Plan Part Two:

- DM9 Community Facilities
- DM18 High quality design and places
- DM20 Protection of Amenity
- DM21 Extensions and alterations
- DM22 Landscape Design and Trees
- DM26 Conservation Areas
- DM27 Listed Buildings
- DM28 Locally Listed Heritage Assets
- DM29 The Setting of Heritage Assets
- DM31 Archaeological Interest
- DM33 Safe, Sustainable and Active Travel
- DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Document:

- SPD11 Nature Conservation & Development
- SPD12 Design Guide for Extensions and Alterations

Character Statement

Rottingdean Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

Background

- 9.1. The principle of the development has been established by the grant of planning permission ref. BH2023/00157 in July 2023 which allowed the refurbishment of

the existing clubhouse and the associated works including the replacement of the existing changing rooms and sanitary facilities with a single storey block to the South elevation and the erection of a single storey storage building to North-West corner.

- 9.2. Since this was approved at Planning Committee in July 2023, the policy context and other material considerations are not considered to have changed. The sole considerations in the determination of this application therefore relate to the acceptability of the variation of Condition 1 and 4; and the removal of Condition 3, 5, 6 and 8 of application BH2023/00157.
- 9.3. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.4. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

Conditions 1 and 3

- 9.5. The application seeks to vary Condition 1 to include annotations on the plans relating to the level access of the site and soundproofing and.
- 9.6. Condition 1 states:
"The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: *For the avoidance of doubt and in the interests of proper planning."*
- 9.7. A revised Site Plan has been provided including details of the proposed methods to provide level access around the buildings and bowls green. These changes are considered acceptable and would not have a detrimental impact on neighbouring amenity. A new existing location plan has been provided, but no alterations appear to have been made to it.
- 9.8. Permission is also sought to replace the approved Site Plan with one that includes annotation stating that sound proofing would be provided along the party wall between the toilet block and residential neighbours exceeding Building Regulation Part E requirements, that no hand driers are to be installed.
- 9.9. This is an attempt to overcome the requirement set out in condition 3 for the submission and approval of a soundproofing scheme, which the applicant is seeking to delete:
"The development hereby permitted shall not be first occupied until a scheme for the sound proofing of the southern elevation adjoining Challoners Mews has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

Reason: *To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.*

9.10. However, it is considered that insufficient information has been provided to show how the scheme for sound proofing would take place or to require that it does. The annotation would not be sufficient for the local planning authority to ensure that the sound proofing proposed is sufficient to protect local residents, and its enforcement would be reliant on Building Regulations.

9.11. Condition 3 is not therefore recommended to be removed, varied or discharged and the earlier condition is retained.

9.12. However, a variation of Condition 1 is recommended to include the revised plan showing level access.

Condition 4

9.13. The application seeks to vary Condition 4 to extend the hours of use outside of the clubhouse.

9.14. This condition states:

“No activities outside of the clubhouse other than entering/leaving the site shall take place except between the hours of 07:00 and 20:00 on Mondays to Sundays, including Bank or Public Holidays.

Reason: *To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.”*

9.15. Condition 4 was secured due to the Local Planning Authority’s concerns about potential for the site to be used for social gatherings in the wintertime with the associated potential noise impacts for neighbours. Noise concerns have been raised by objectors in relation to both the original application and the present scheme.

9.16. However, the wording used in the condition restricts activities on site outside of the clubhouse to entering/leaving the site. Regardless of the application, the condition therefore needs amendment to secure the required noise mitigation which is focused on minimising noise before 07:00 and after 20:00.

9.17. The submitted details state that requiring matches to finish by 20:00 would restrict the use of the bowls green. An officer has carried out an online survey and fixtures at bowls clubs in Sussex and found that matches do sometimes start at 18:00, so finishing by 20:00 is likely to restrict use of the Club. The Local Planning Authority does not wish to restrict the time bowls are played, particularly given this has taken place at the site for many years.

9.18. The continued use of the site for the playing and spectating of bowls to the closing time of 22:00 is not anticipated to have additional amenity issues above and beyond the existing situation. A variation of the condition is therefore recommended which would ensure that the playing and spectating of bowls could take place up to 22:00 but other activities would be excluded.

9.19. The recommended variation to condition 4 would read:
No activities outside the clubhouse other than the spectating, playing of bowls or entering/leaving the site shall take place between the hours of 20:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays. No activities outside of the clubhouse other than entering/leaving the site shall take place between the hours of 22:00 and 07:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: *To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.*

9.20. A variation to condition 4 is therefore recommended and has been applied to the proposed list of conditions.

Condition 5

9.21. The application seeks to remove condition 5.

9.22. This condition states:
The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: *To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards*

9.23. Policy DM33 requires new development to: "provide for sufficient levels of cycle parking facilities in line with the Parking Standards for New Development (Appendix 2) which must, wherever possible, be universally accessible, under cover, secure, convenient to use, well-lit and as close to the main entrance(s) of the premises as is possible."

9.24. Condition 5 was secured to ensure that the development accorded with DM33 and SPD14, providing a specific number and high standard of cycle parking for club members and visitors. Following the approval of BH2023/00157 no additional information has been provided to show that, as existing, the club provides cycle parking facilities which comply with DM33. While the information provided states visitor numbers will not increase over what is existing, this does not mitigate the need for the new development to provide high quality cycle parking compliant with Policy DM33 and SPD 14.

9.25. Condition 5 is not therefore recommended for removal because doing so would not ensure that satisfactory facilities are provided for the parking of cycles and as such the above worded condition is reapplied to the amended permission.

Condition 6

9.26. The application seeks to remove condition 6.

- 9.27. This condition states:
“Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: *As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.”*
- 9.28. Whilst the applicant has given their intention to protect the existing trees and provided photos showing where various activities would take place, no enforceable formal report nor plans have been provided through which the Local Planning Authority could secure this requirement. While the Arboriculture Officer is not objecting, in planning terms, insufficient information has not been provided to ensure the trees are protected during the construction process.
- 9.29. The option to provide further information was given to the agent. No additional information for the protection of the trees was provided.
- 9.30. Condition 6 is not therefore recommended to be removed as doing so would not ensure that existing trees are retained and protected. It is therefore recommended that the earlier condition is reapplied.
- Condition 8
- 9.31. The application seeks to remove condition 8.
- 9.32. This condition states:
“No development above ground floor slab shall take place until full details of the proposed window to the west side window to the clubhouse/cart house and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall painted timber double. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: *To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.”*
- 9.33. While some general manufacturer elevational drawing options and sections have been provided as part of this application, these do not show the external reveals or red brick dressing as required by the Heritage Officer in their comments relating to application BH2023/00157. The Local Planning Authority have not been provided with sufficient information to be satisfied that the appearance of the window will be acceptable.

- 9.34. The agent sought the option to vary the condition to one which would secure the materials. This was not considered acceptable to secure the required details of the proposed window such as that of the reveal depth.
- 9.35. Condition 8 is not therefore recommended to be removed because doing so would not secure a satisfactory appearance to the development, so it is recommended that the earlier condition is reapplied.

Other Matters

- 9.36. For the avoidance of doubt, and following concerns raised in the objections this proposal does not grant permission for a plant room nor an air source heat pump.
- 9.37. Concerns have been raised about the alleyway and covenant covering the site. As noted in relation to the previous application, these are not a material planning matter but are civil matters dealt with outside of the planning system.

Conclusion

- 9.38. Overall, a split decision is recommended:
- The variation of **condition 1** (proposed drawings) is recommended to be **approved**.
 - The removal of **condition 3** (sound proofing) is recommended to be **refused**.
 - The variation of **condition 4** (operating hours) is recommended to be **approved**.
 - The removal of **condition 5** (cycle parking) is recommended to be **refused**.
 - The removal of **condition 6** (tree protection methods) is recommended to be **refused**.
 - The removal of **condition 8** (window details) is recommended to be **refused**.

10. CLIMATE CHANGE & BIODIVERSITY

- 10.1. A bee brick was secured under BH2023/00157 and the condition to secure this biodiversity element is reattached to this S73 application.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount of money owed, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.