

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

<u>No:</u>	BH2010/00060	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	St Augustines Church Stanford Avenue Brighton		
<u>Proposal:</u>	Conversion of Church Hall to provide 14 self-contained flats together with alterations to existing building and 2-storey extension with accommodation in roofspace and basement car parking to rear. Alterations to church to provide additional community space. Demolition of timber building to rear.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Valid Date:</u>	29/03/2010
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	28 June 2010
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Elim International, Rev Robert Millar, 115 St George's Road Cheltenham		

1 RECOMMENDATION

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

1. The proposed development, without satisfactory justification, has failed to provide an element of affordable housing contrary to policy HO2 of the Brighton & Hove Local Plan.
2. The proposed rear extension to the church hall, by virtue of the disproportionate size and unsympathetic design of the ground floor, would be detrimental to the character and appearance of the host building and to the character, appearance and setting of the Grade II listed Church and the Preston Park Conservation Area, contrary to policies QD1, QD2, QD14, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
3. The proposed new second floor within the church hall would cut across the Palladian window in eastern elevation of the building to the detriment of this important architectural feature, the character and appearance of the listed building, street scene and Preston Park Conservation Area, contrary to policies QD1, QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan.
4. The proposed windows and balconies at first and second floor levels in the north facing elevation of the church hall and the proposed rear extension, by virtue of its size, siting, design and form, would adversely affect the amenities of the occupiers of No.24 Stanford Avenue resulting in loss of light, loss of privacy and over-dominance and visual intrusion, contrary to policy QD27 of the Brighton & Hove Local Plan.

5. The proposed development would provide an unsatisfactory residential environment for the future occupiers of the proposed dwellings by virtue of poor light and outlook, potential noise and disturbance and inadequate private and communal amenity space provision, contrary to policies SU10, QD27 and HO5 of the Brighton & Hove Local Plan.
6. In the absence of a detailed survey/ report, the applicant has failed to establish, to the satisfaction of the Local Planning Authority, whether or not bats roost on the site, and that if present, the development would not cause demonstrable harm to this protected species of animal or to its habitat, contrary to policy QD18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 07031/02A submitted on 19 January 2010, drawing no's 07031/12B, 50, 52, 53, 54, 55, 56, 57, 58, Design & Access Statement, Planning Supporting Statement, Heritage Statement, Site Waste Management Plan, Sustainability Checklist and Biodiversity Checklist submitted on 16 March 2010, 1:1250 Site Location Plan, 1:500 Scale Block Plan and drawing Nos. 07031/03 & 5930/A1 submitted on 29 March 2010, Enabling Development Report submitted on 11 June 2010.
2. The Applicant is advised that there are discrepancies in the number and placement of windows between the proposed floor plans and proposed elevational drawings of the church hall.

2 THE SITE

The application site is located on the eastern side of Stanford Avenue immediately to the north of its junction with Florence Road. It has a maximum depth of 70m, a maximum width of 46m and an area of 0.23 ha. St Augustine's Church is a prominent landmark Grade ii listed building which occupies a central position within the site. The building which dates from the 1890's, is of red brick construction with stone dressings and a tiled pitched roof. A smaller church hall dating from 1914 is located on the northern part of the site and complements the main church building in terms of its scale, design and materials. There are a number of dilapidated timber sheds located on the north-eastern corner of the site. The church and associated church hall are disused. Land levels within the site rise gently from south-west to north-east following the prevalent topography of the area.

The surrounding area is wholly residential in character. Adjoining the site to the north, are a pair of two storey semi-detached Victorian houses fronting Stamford Avenue (No's 24 & 26) and to the east, is a two storey detached property with accommodation in the roofspace which has been sub-divided into flats. To the west of the site, the opposite side of Stanford Avenue comprises substantial two storey semi-detached houses, a number of which have been converted into flats whilst opposite the site, the southern side of Florence Road is characterised by substantial three/ four storey semi-detached houses which are in use as flats.

The application site is located in the Preston Park Conservation Area as designated in the Brighton & Hove Local Plan.

Florence Road and the relevant section of Stanford Avenue are unclassified residential access roads and are not subject to on-street parking restrictions in the vicinity of the application site.

3 RELEVANT HISTORY

91/1507/OA- An outline planning application was submitted and subsequently withdrawn in March 1993 for the demolition of the hall, the erection of a nine storey tower to the west end of the church to provide 16x1 bed flats and the erection of a four storey building to provide 12x1 bed and 4x2 bed flats with 18 parking spaces.

91/108/CA- The accompanying application for conservation area consent was also withdrawn in March 1993.

BH2009/00054- An application for full planning permission was submitted and subsequently withdrawn in December 2009 for the conversion of the church hall to provide 20 self-contained flats together with alterations to the existing building and three storey extension to the rear together with alterations to the church to provide additional community space.

BH2009/00055- The accompanying application for listed building consent was also withdrawn in December 2009.

BH2010/00061- Listed building consent application for the conversion of the church hall to provide 14 self-contained flats together with alterations to the existing building and two storey extension with accommodation in the roofspace and basement car parking to rear. Alterations to church to provide additional community space. Demolition of timber building to rear.

4 THE APPLICATION

The application seeks full planning permission for the conversion of the church hall to provide fourteen self-contained flats with alterations to the existing building and the erection of a two storey extension with accommodation in the roofspace and basement car parking to the rear. Alterations to the church to provide additional community space and demolition of the existing timber building to the rear.

The proposed extension would abut the eastern gable end of the church hall. It would comprise two distinct elements; a large single storey flat roofed section which would project to both the rear and side of the church hall (i.e. south); and a smaller recessed first floor surmounted by a pitched roof containing two dormers. At ground floor level the extension would have a depth of 13m and a maximum width of 14.5m and at first floor a depth of 9.5m and a width of 10.6m with an eaves height of 4.6m and a ridge height of 10.1m. It would be set back a minimum of 2m from the northern boundary of the site with No.24 Stanford Avenue and a minimum of 2.5m from the eastern boundary of the site with No.1 Florence Road. The proposed external alterations to the existing church hall would involve the replacement of the existing roof with a new pitched roof (utilising the original tiles) with enlarged

catslide dormers to both the north and south facing slopes. New window, door openings and balconies would also be created.

The development would provide a total of fourteen two bedroom flats comprising 12x2 bed and 2x1 bed units. The unit sizes will vary from 55sqm to 89.5sqm. A private balcony would be provided for seven of the fourteen units proposed together with areas of communal amenity space mainly located on the Stanford Avenue frontage.

Seventeen car parking spaces would be provided, ten at basement level below the proposed extension to the church hall and seven, including one disabled space, on the Florence Road frontage adjoining the eastern boundary of the site. Vehicular access would be from Florence Road. Nineteen cycle parking spaces are also proposed contained within a covered store.

The proposal also includes the conversion of the main church building to a church/ community centre. A narrow single storey flat roofed extension comprising a kitchen, WC's and bin store infilling the gap between the church and the church hall is proposed. The other external works to the church are primarily those of repair and refurbishment. Internally, on the ground floor, the north and south nave aisles would be partitioned to provide a bistro/ cafeteria and offices and the chancel partitioned to provide a multi functional area. A first floor would be formed above the nave to provide a church hall and coffee lounge with a galleried area above. These internal works however, do not require planning permission but are assessed as part of the accompanying listed building consent application.

The following documents have been submitted in support of the application:-

- Design & Access Statement;
- Planning Supporting Statement;
- Transport Assessment;
- Site Waste Management Plan;
- Sustainability Checklist;
- Biodiversity Checklist; and
- Heritage Statement

During the course of its consideration the Applicant has submitted a schedule of costs to show the scale of residential development needed to enable the works to be undertaken to the church.

Pre-application Advice

Members are advised that pre-application discussions have taken place in which a scheme comparable to that currently under consideration was presented to officer. The salient planning considerations were outlined and concerns were expressed regarding the design and form of the proposed extension and alterations to the buildings together with the potential impact on

residential amenity. It was acknowledged that the housing proposed was necessary in order to fund the Applicant's ambitious plans for the repair and conversion of the church into a multi-purpose church and community centre. However, it was made clear that vigorous tests exist against which major alterations to listed buildings need to be assessed and that these would need to be satisfactorily addressed in the context of any future application for planning permission and in particular, listed building consent.

5 CONSULTATIONS

External:

Neighbours: 15 letters of objection have been received from the occupiers of **24 Stanford Avenue, 8 (x3), 13, 34 (x3) Florence Road & 2(x2), 2A(x2), 4 (top flat & flat 3) & 14 Rugby Road**. The following objections were raised:-

- overlooking/ loss of privacy;
- potential to use flat roof as terrace resulting in overlooking;
- extension would be overbearing/ visually intrusive;
- overshadowing;
- increased noise and disturbance;
- noise from car park;
- overdevelopment;
- size and appearance of the extension and alterations to the church would be out of character with the area;
- development would adversely affect the appearance of the listed building and conservation area;
- north façade would be ugly and out of keeping with the church;
- flatted development would be out of character with the area which comprises single family dwellings;
- development would set an unacceptable precedent;
- pedestrian access from Stanford Avenue would potentially result in security problems;
- inadequate parking provision would result in increased pressure on limited on-street capacity;
- vehicular access on to Florence Road would be hazardous as close to nursery school;
- increased pressure on local services/ infrastructure; and
- proposed flats would provide poor outlook and orientation for the future occupiers.

Councillor Kevin Allen objects to the application on the grounds that the development is inappropriate to the area, would have an unacceptable impact on neighbours and exacerbate an already difficult parking situation.

Eco-logically (Sussex): objects to the application. The Bio-diversity First Impressions Checklist provided by the developer's planning agent is wholly inadequate as it fails to address the potential impact of this development on local bio-diversity. Furthermore no attempt has been made to progress the

bio-diversity value of these buildings despite their strategically important ecological location.

As a tall church with traditional pitched roof in a location with excellent flight lines nearby woodland and parkland it is likely that bats roost in these buildings. We strongly recommend that planning permission is refused in the absence of a detailed survey of bats or their roosts.

CAG: recommends refusal The Group supports the re-use of the buildings for the purposes proposed but recommended refusal of the application on the grounds that the conversion of the church hall does not respect the character of the building; overdevelopment; and overlooking and design concerns regarding the windows in the west elevation.

Sussex Police: The location is a relatively low crime area and no major concerns are identified. Sussex Police are disappointed that there has been no reference to crime prevention measures in the Design & Access Statement.

In order to deter trespass the pedestrian access at the north-western corner of the site should be gated and consideration should be given to gating the access onto Florence Road. The main entrances to the apartment block should be accessed controlled and the glazing should be laminated. Individual apartment doors should conform to PAS 024 and be fitted with viewers and chains. There would also be a need for adequate lighting around the development.

Southern Water: No objections subject to conditions requiring the approval of details of foul sewerage and surface water disposal.

Fire Safety Officer: Development would require a rising fire main to satisfy Building Regulations. With regard to access for fire appliances, it would appear that a pump appliance could not approach within 45m of any point within each proposed dwelling as required under Building Regulations.

Internal:

Conservation & Design: Recommends refusal.

General comments

It is not considered that the policy tests for enabling development as set out in PPS5 have been met. The proposals would cause harm to the significance of the church and it has not been demonstrated that the level of development proposed is the minimum necessary to secure its long term beneficial use. Nor has it been satisfactorily demonstrated that that the church has inherent problems that justify the proposals or that other methods of funding have been explored.

Alterations to the church

The retention of the church in ecclesiastical use is welcomed and the external alterations are limited and appear justified. The internal alterations do not

impact on the window openings but they will significantly alter the church's sense of light and space. The sub-division of the naïve to create an upper floor will harm the quality of the internal space and requires strong justification which is currently lacking. The positioning and detailing of the internal partitions and doors will require further detailed scrutiny on site. The screens and doors to the chancel and chapel appear awkwardly positioned and obtrusive and further information will be required regarding the mechanical services to ventilate the church. The removal of three timber roof trusses, central columns and raking struts would also have a harmful impact.

Alterations and extension to church hall

The reduction in the scale of the extension to the church hall and the number of housing units is welcomed and the revised design and form relates better to the original church hall and has less impact on the setting of the church. However, the ground floor of the extension has a much larger footprint and does not relate well to the form of the extension above it.

The replacement roof form and new fenestration to the side elevations are an improvement over the previous application but it remains the case that these elevations are still very domestic in character.

The relationship between the internal layout, floor levels and the attractive Palladian frontage is of concern.

Sustainable Transport Manager: The parking provision proposed is 15 general plus 1 disabled space. This compares to SPG4 requirements of a maximum of 21 general and at least 1 or 2 disabled. It is considered that based on the submitted parking survey, estimates of car ownership and the availability of public transport services, parking levels of less than the allowable maximum are justified and that any small problems arising from displaced parking will not unreasonably inconvenience local residents.

Nineteen cycle spaces are proposed. However, details of the layout of the proposed cycle store is required by condition.

Vehicular access is not satisfactory in that, although there is a turning head this is not easily useable by all vehicles to and from the site and it is likely that a small number of vehicles will reverse onto the carriage way. Traditional design guidance (i.e. Estates Road Manual) would not allow this arrangement but the new approach (i.e. Manual for Streets) is less prescriptive and requires that separate judgement must be applied in each particular set of circumstances. In this case the access is onto Florence Road which is lightly trafficked by pedestrians and vehicles. There are existing traffic calming features on this road which has a long straight alignment with good forward visibility. There are no recorded personal injury accidents during the last 3 years in Florence road. Visibility from the vehicular access for vehicles emerging into Florence Road meets MfS standards and the actual numbers of vehicles to and from the application site will be very low. In all these circumstances it is considered that the design of the vehicular access route

would not be a defensible reason for refusal.

The work submitted indicates that the traffic impact of the development would be insignificant with 18 in and 18 out car movements in a typical day with a peak hour total of five in and out movements combined.

A financial contribution of £10,500 would be required to fund local small scale measures to encourage the use of sustainable modes of transport near the application site such as bus stop improvements and dropped kerbs.

Education: A financial contribution of £21,037 to be secured by way of a legal agreement would be required to help fund the additional school places that would be generated by the development.

Housing Strategy: The scheme will deliver 14 homes of which 6 (equating to 40%) should be for affordable housing. The developer would need to demonstrate why it is not viable to provide 40% affordable housing if this situation arose.

Planning Policy: The proposal is considered in principal to meet policy HO20, although clarification is sought to determine that the proposed community facilities would not exclude groups that currently use the church hall. Compliance with policy HO2 is questioned as no justification is given for the apparent exclusion of affordable housing from the scheme. More clarification is needed around policy HO6 and whether the ground floor flats and maisonettes have access to private amenity space as this is unclear from the submitted plans.

Ecology: In accordance with comments on application No. BH2009/00054 it is recommended that a bat report be submitted by the Applicant.

Environmental Health: There would be a number of potential noise sources within the main church building including offices, air intakes and extracts, a bistro/ cafeteria, multi-functional area and sound system which could impact on the amenity of the existing and future residential occupiers. No acoustic information or details of mitigation measures have been provided.

Private Sector Housing: No comments received.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
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	Efficient and effective use of sites
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing 'windfall' sites
Ho3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in residential development
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Re-instatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH1: Roof Alterations and Extensions

SPGBH4: Parking Standards

SPGBH11: Listed Buildings – General Advice

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03: Accessible Housing and Lifetime Homes

7 CONSIDERATIONS

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

- The principle of the proposed development;
- Design and impact on the listed building, conservation area and street scene;
- Impact on the amenities of neighbouring occupiers;
- The amenities of the future occupiers
- Highways and parking;
- Sustainability; and
- Nature conservation.

The principle of the proposed development

Policy H20 of the Brighton & Hove Local Plan states that planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities such as church halls. Exceptions are, however, specified in circumstances where the community use is replaced within a new development or relocated to a location which improves its accessibility to its users. In this instance, the proposal involves the conversion of the existing church hall which has a gross floor area of 430sqm to residential flats and the relocation of its community use function to the main church building. These facilities would comprise a cafeteria with ancillary kitchen and WC's and a multifunction area within the chancel on the ground floor, a hall and coffee lounge on a newly formed first floor with a gallery above. It is estimated that the gross floor area of the new community floorspace would be approximately 616sqm.

Although in order to fully justify an exception to policy H20 the Applicant would need to demonstrate that the proposed new facilities would not exclude groups that previously used the church hall, given that the development would bring the existing church back into use and that the amount of floorspace that would be potentially available for community use within this building would be greater than that of the existing church hall, in principal it is considered that the proposal broadly accords this policy.

Policy H02 of the Local Plan specifies that where a proposal is made for residential development, including conversions, capable of producing 10 or more dwellings, the Local Planning Authority will seek to secure a 40% element of affordable housing. In this case 14 new dwellings are proposed which would equate to a requirement of 6 affordable housing units. No provision has been made for affordable housing and in the absence of any satisfactory justification as to why this requirement has not been met within the supporting documents or the schedule of development costs which has been submitted, the proposal is contrary to policy HO2.

Design and impact on the listed building, conservation area and street scene

Policy HE8 of the Brighton & Hove Local Plan seeks to ensure that buildings and structures that make a positive contribution to the character and appearance of the conservation area are retained. The existing agglomeration of three single storey timber buildings on the north-eastern part of the site are nondescript and of poor quality and would not make a positive contribution to the architectural character of the Conservation Area or to the setting of the listed building and it is considered that their demolition should be welcomed.

Policies QD1, QD2 and HE6 of the Local Plan state that all development must demonstrate a high standard of design and make a positive contribution to the visual quality of the conservation area. Policies HE1 and HE3 further note that proposals involving the alteration, extension or change of use of a listed

building will only be permitted where they would not have an adverse affect on the architectural and historic character, appearance or setting of the building.

Apart from the proposed flat roofed single storey infill extension to the north elevation which would be small, discreetly located and would not detract from the architectural character of the building or its setting, the other external works to the main church building would be restricted to works of refurbishment and would enhance its overall appearance. However, the Conservation Officer, although welcoming the retention of the church in ecclesiastical use, considers that in a number of respects the Applicant has failed to satisfactorily justify the proposed alterations. This matter does not however, fall within the remit of this planning application and is considered as part of the associated listed building consent application which is reported elsewhere on this agenda.

In comparison with the previously withdrawn scheme (BH2009/00054) which comprised 20 flats and a substantial three storey extension to the rear of the church hall, the current proposal for 14 units with a two storey extension of the design and form shown would relate significantly better to the existing building and have less impact on the setting of the church. Notwithstanding this, the Conservation Officer considers that the large irregularly shaped footprint and expansive area of flat for the ground floor of the extension would relate poorly to the form of the extension above, appearing incongruous and out of keeping with the host building. The Palladian frontage of the church hall is the buildings main feature of architectural interest and makes an important contribution to the visual amenity of the street scene on Stanford Avenue. However, the internal layout of the new residential accommodation within the church hall would relate poorly to the front elevation of the building with the new second floor cutting directly across the Palladian window. In addition, there is also a significant discrepancy in the submitted drawings in that the ground floor plan indicates three large windows on the front elevation whilst the elevational drawings show the existing arrangement of two small windows with a central door unchanged. Therefore, it is considered that the proposed development due to the design and form of the extension and the impact on the significant front elevation of the building, would fail to preserve or enhance the character or appearance or setting of the listed building contrary to policies HE1 and HE3 of the Local Plan.

Although the extension to the church hall would not be readily visible from the public highway, it would be apparent from a significant number of residential properties to the north and east of the site and in view of the shortcomings highlighted above, it is considered that the development would fail to make a positive contribution to the visual amenity of the locality and the character of the Conservation Area. In addition, the proposed alterations to the front elevation of the church hall which would have a detrimental affect on its appearance, would be readily visible from Stanford Avenue and detract from the visual amenity of the street scene. Therefore, it is considered that the

development would fail to make a positive contribution to the visual amenity of the locality and the character of the Conservation Area, contrary to policies QD1, QD2 and HE6 of the Local Plan.

Impact on the amenities of neighbouring occupiers

Policy QD27 and QD14 of the Local Plan seek to ensure that new development, including extensions to existing buildings do not adversely affect the amenities of adjoining and nearby occupiers.

The previously withdrawn application (BH2009/00054) included a three storey rear extension to the church hall with a depth of 12.5m, an eaves height of 8m and a ridge height of 11.2m. In response to officer level concerns regarding its impact in terms of light and outlook on the amenities of the occupiers of No.24 Stanford Avenue immediately to the north, the extension has been reduced in size. As currently proposed, the extension has been reduced to two storeys with accommodation in the roofspace. At ground floor level the extension would have a depth of 13m and the first floor 9.5m and by omitting one storey and lowering the ground level, the eaves height has been effectively reduced to 3.6m and the ridge to 9.2m. Notwithstanding this, the proposed extension would be positioned as little as 2m from the boundary with No.24 Stanford Avenue, run almost the length of its rear garden at ground floor level and at first floor project some 10.5m beyond its rear elevation. Therefore, it is considered that, due to its size and siting, the proposed extension would appear as a dominant and overbearing feature when viewed from the rear garden and rear facing windows of this property and would adversely affect the outlook and light of the occupiers.

The proposed extension together with the residential conversion of the church hall would adversely affect the privacy of the occupiers of No.24 Stanford Avenue. Owing to the lowered ground level and the height of the proposed boundary treatment the ground floor windows in the northern elevation of the development would not result in any overlooking to the rear garden of this property. However, the extension would contain a first floor bedroom window in its north facing side elevation and that part of the converted church hall projecting beyond the rear elevation of No.24 Stanford Avenue would contain three habitable room windows and a balcony at first floor level and four habitable room windows at second floor level. It is considered that such an arrangement would result in an unacceptable degree of overlooking to the rear facing habitable room windows and garden of No.24, to the detriment of the privacy of the occupiers. It is also considered that the two first floor windows serving a combined lounge/ kitchen and the roof dormer serving a bedroom in the chamfered north-east facing elevation of the extension is likely to result in oblique overlooking to the garden of no.24.

The eastern elevation of the building would contain two habitable room windows at first floor level which would be set back 6.5m to 7m from the eastern boundary of the site and the chamfered south-east facing elevation would contain two habitable room windows and a roof dormer positioned

some 10m from the boundary. Although this would result in some overlooking to the rear garden of No.1 Florence Road, given the length of the garden (i.e. 25m) and the fact that it would only affect the rear portion which is usually a less intensively used area, this is not considered to be of such significance as to warrant refusal. In addition, in order to preclude an unacceptable degree of overlooking, in the event of planning permission being granted, a condition should be imposed to prevent the use of the flat roof of the extension as a terrace. Given the reduced bulk and massing of the proposed extension and the distance to the boundary, particularly at first floor level, compared to the previously withdrawn scheme, it is considered that in this case the development would not appear overly dominant or visually intrusive when viewed from No.1 Florence Road.

Policy SU10 of the Local Plan requires proposals for new development to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. The proposed church would contain a number of potential noise sources of which the sound centre is of particular concern. The Environmental Health Officer has indicated that due to the proximity of future residents in the converted church hall and existing residents in Florence Road and Stanford Avenue, in the absence detailed information on the sound system or how noise would be mitigated, the development would be likely to result in undue noise to the detriment of residential amenity, contrary to policy SU10.

The amenity of future occupiers

Although the proposed development would provide relatively spacious living accommodation, the quality of the residential environment provided for the future occupiers would be poor in terms of light and outlook, contrary to policy QD27 of the Local Plan.

At ground floor level the bedroom windows serving flat No's 1 & 3 would, at a distance of only 3.5m face on to the northern side elevation of the church over the flat roof of the proposed extension containing a kitchen and WC's. Whilst at first and second floor levels a total of seven bedrooms and one lounge window would directly face the church at distances of 4m, 8.7m and 9m. It is considered that such a spatial relationship would result in an unacceptable level of light and outlook for the future occupiers contrary to policy QD27.

Policy HO13 of the Local Plan requires new development to comply with Lifetime Homes standards. The Design and Access Statement indicates that the development would comply with these standards providing accessible off-street parking, appropriate circulation space entrance arrangements and doorway widths. Notwithstanding this, full compliance should be secured by condition.

In terms of private amenity space provision seven of the fourteen units would be provided with a balcony which would be supplemented by an area of communal amenity space to the front and a narrow strip to the rear of the

converted church hall. Given that seven units would not have access to any private amenity space; the balconies are extremely small (i.e. 2 – 2.3sqm) and unlikely to be able to accommodate a table and chairs; and those on the southern side of the building facing onto the church would have a poor outlook and receive little sunlight, it is considered that this level of provision would not be commensurate with the nature of the development and the recreational needs of the occupiers. It is acknowledged that there are three areas of open space on the Stanford Avenue frontage one directly in front of the converted church hall and two on either side of the entrance to the church. Although the application does not indicate whether all of these areas would be provided as communal amenity space, the practical use of those areas adjoining the church entrance by the future residents may well be limited by, for example, the nature of the church services that may be carried out and by the fact that only two of the 14 units proposed would overlook these areas. Therefore, it is considered that the proposed development would provide inadequate amenity space in terms of its size and quality, contrary to policy HO5 of the Brighton & Hove Local Plan.

Policy H06 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space with schemes. The provision must be split appropriately between children's equipped play space, casual and informal space and adult and youth outdoor sports facilities. The restricted nature of the site would preclude the provision of such facilities on the site and as such, a financial contribution of £27,163 towards the provision of off site playspace and recreational facilities would be required. The applicants have indicated their willingness to make such a contribution towards the provision of outdoor recreation space in accordance with policy HO6.

Highways and parking

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

A legal agreement requiring a financial contribution of £15,000 towards sustainable transport improvements in the area such as bus stop enhancements and dropped kerbs, to off-set the increase in demand for public transport services arising from the development is proposed. The Applicants have indicated their willingness to enter into such an agreement.

The Council's car parking standards require a maximum provision of 1 space per unit plus 1 car space per 2 dwelling for visitors. Fifteen car spaces have been provided (plus 1 disabled space) which equates to 72% of the maximum allowable which is consistent with policy TR19 and SPGBH4 which in appropriate locations seeks lower levels of parking provision in order to reduce reliance on the private car. The site has good access to public transport services and the Applicant's Transport Statement contains a parking survey carried out in the area bounded Springfield Road, Ditchling Road, Preston Drove and Preston Park Avenue indicating a spare on-street capacity

of 357 at 0.600 (i.e. overnight) and 961 at 13.00 hours. The Traffic Manager has indicated that these results demonstrate that any problems arising from displaced parking would not unreasonably inconvenience existing local residents.

Although the Applicant has indicated that 19 cycle parking spaces would be provided in one covered cycle store on the north-eastern corner of the site, the exact nature of the provision and its layout have not been shown. In the event of planning permission being granted, these details should be secured by condition.

The Traffic Manager has highlighted that the proposed turning head within the site would not be easily useable by all vehicles and it is likely that a small number of vehicles may reverse out of the site on to Florence Road. Although under previous guidance (i.e. Estates Roads Manual) such an arrangement would have been unacceptable on highway safety grounds, current guidance (i.e. Manual for Streets) is less prescriptive and requires each case to be judged on its individual merits. In this case, it is considered that because Florence Road is lightly trafficked by vehicles and pedestrians; is straight and subject to traffic calming measures; there have been no personal injury accidents recorded within the last three years; and visibility for vehicles emerging from the site would be satisfactory and vehicle movements low, the access would not be so hazardous as to warrant refusal.

Sustainability

Policy SU2 of the Local Plan requires all developments to be efficient in the use of energy, water and materials. With regard to the new build residential units within the extension to the church hall 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 and the new units within the converted church hall to demonstrate significant environmental improvements via Ecohomes for refurbishments.

The Applicant has submitted a satisfactory Sustainability Checklist indicating that the new build residential units would meet level 3 of the Code for Sustainable Homes and that Ecohomes for Refurbishment criteria would be applied to the units within the converted church hall. It is recommended that compliance should be secured by condition.

Nature Conservation and Ecology

Policy QD18 of the Local plan seeks to ensure that new development does not cause demonstrable harm to protected species or their habitats. Although the First Impressions Biodiversity Checklist submitted with the application fails to identify any biodiversity features that would be affected by the development, the Council's Ecology Officer has indicated that due to the nature of the site a bat report should have been submitted with the application. Therefore, in the absence of such a report it is considered that

PLANS LIST – 30 JUNE 2010

insufficient information has been provided to safeguard the bio-diversity of the site contrary to policy QD18.

BH2010/00060 St Augustines Church, Stanford Avenue



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**Brighton & Hove
City Council**

PLANS LIST – 30 JUNE 2010

COUNCILLOR REPRESENTATION

From: Kevin Allen [mailto:Kevin.Allen@brighton-hove.gov.uk]
Sent: 08 June 2010 15:45
To: Ray Hill
Subject: RE: BH2010/00060- St. Augustines Church Stanford Avenue

Dear Ray

As this is going to committee I think it is useful for members of the committee to have some statement from me, so I suggest the following:

‘This development is inappropriate to the area, would have an unacceptable impact on neighbours and exacerbate an already difficult parking situation.’

Regards

Kevin

<u>No:</u>	BH2010/00061	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Listed Building Consent		
<u>Address:</u>	St Augustine's Church Stanford Avenue Brighton		
<u>Proposal:</u>	Conversion of Church Hall to provide 14 self-contained flats together with alterations to existing building and 2-storey extension with accommodation in roofspace and basement car parking to rear. Alterations to church to provide additional community space. Demolition of timber building to rear.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Valid Date:</u>	29/03/2010
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	24 May 2010
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Elim International, Rev Robert Millar, 115 St George's Road, Cheltenham		

1 RECOMMENDATION

That the Committee **REFUSE** listed building consent for the following reasons:-

1. In the absence of satisfactory justification, the proposed rear extension to the church hall, by virtue of the disproportionate size and unsympathetic design of the ground floor, would be detrimental to the character and appearance of the host building and to the character, appearance and setting of the Grade II listed church, contrary to Planning Policy Statement No.5 – Planning for the Historic Environment and policies HE1, HE2 & HE3 of the Brighton & Hove Local Plan.
2. In the absence of satisfactory justification, the proposed new second floor within the church hall would cut across the Palladian window in the western elevation of the building to the detriment of this important architectural feature and the character and appearance of the listed building, contrary to Planning Policy Statement No.5 – Planning for the Historic Environment and policies HE1 and HE2 of the Brighton & Hove Local Plan.
3. In the absence of satisfactory justification, the proposed internal alterations to the Grade II listed church would be detrimental to its architectural and historic significance, contrary to Planning Policy Statement No.5 – Planning for the Historic Environment and policies HE1 and HE2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 07031/02A submitted on 19 January 2010, drawing no's 07031/12B, 50, 52, 53, 54, 55, 56, 57, 58 & Design & Access Statement, Heritage Statement & Structural Engineer's Report submitted on 16 March 2010, 1:500 Scale Block Plan submitted on 17 March 2010 & drawing No. 07031/03 & 1:1250 Site Location Plan

submitted on 29 March 2010 & Enabling Development Report submitted on 11 June 2010.

2. The Applicant is advised that there are discrepancies in the number and placement of windows between the proposed floor plans and the proposed elevations of the church hall.

2 THE SITE

The application site is located on the eastern side of Stanford Avenue immediately to the north of its junction with Florence Road. It has a maximum depth of 70m, a maximum width of 46m and an area of 0.23 ha. St Augustine's Church is a prominent landmark Grade ii listed building which occupies a central position within the site. The building which dates from the 1890's, is of red brick construction with stone dressings and a tiled pitched roof. A smaller church hall dating from 1914 is located on the northern part of the site and complements the main church building in terms of its scale, design and materials. There are a number of dilapidated timber sheds located on the north-eastern corner of the site. The church and associated church hall are disused. Land levels within the site rise gently from south-west to north-east following the prevalent topography of the area.

The surrounding area is wholly residential in character. Adjoining the site to the north, are a pair of two storey semi-detached Victorian houses fronting Stamford Avenue (No's 24 & 26) and to the east, is a two storey detached property with accommodation in the roofspace which has been sub-divided into flats. To the west of the site, the opposite side of Stanford Avenue comprises substantial two storey semi-detached houses, a number of which have been converted into flats whilst opposite the site, the southern side of Florence Road is characterised by substantial three/ four storey semi-detached houses which are in use as flats.

The application site is located in the Preston Park Conservation Area as designated in the Brighton & Hove Local Plan.

Florence Road and the relevant section of Stanford Avenue are unclassified residential access roads and are not subject to on-street parking restrictions in the vicinity of the application site.

3 RELEVANT HISTORY

91/1507/OA- An outline planning application was submitted and subsequently withdrawn in March 1993 for the demolition of the hall, the erection of a nine storey tower to the west end of the church to provide 16x1 bed flats and the erection of a four storey building to provide 12x1 bed and 4x2 bed flats with 18 parking spaces.

91/108/CA- The accompanying application for conservation area consent was also withdrawn in March 1993.

BH2009/00054- An application for full planning permission was submitted and subsequently withdrawn in December 2009 for the conversion of the church hall to provide 20 self-contained flats together with alterations to the existing

building and three storey extension to the rear together with alterations to the church to provide additional community space.

BH2009/00055- The accompanying application for listed building consent was also withdrawn in December 2009.

BH2010/00060- Full planning application for the conversion of the church hall to provide 14 self-contained flats together with alterations to the existing building and two storey extension with accommodation in the roofspace and basement car parking to rear. Alterations to church to provide additional community space. Demolition of timber building to rear. The report on this application appears on this agenda.

4 THE APPLICATION

The application seeks full planning permission for the conversion of the church hall to provide fourteen self-contained flats with alterations to the existing building and the erection of a two storey extension with accommodation in the roofspace and basement car parking to the rear. Alterations to the church to provide additional community space and demolition of the existing timber building to the rear.

The proposed extension would abut the eastern gable end of the church hall. It would comprise two distinct elements; a large single storey flat roofed section which would project to both the rear and side of the church hall (i.e. south); and a smaller recessed first floor surmounted by a pitched roof containing two dormers. At ground floor level the extension would have a depth of 13m and a maximum width of 14.5m and at first floor a depth of 9.5m and a width of 10.6m with an eaves height of 4.6m and a ridge height of 10.1m. It would be set back a minimum of 2m from the northern boundary of the site with No.24 Stanford Avenue and a minimum of 2.5m from the eastern boundary of the site with No.1 Florence Road. The proposed internal alterations to the existing church hall would involve the formation of a new second floor and the external alterations, the replacement of the existing roof with a new pitched roof (utilising the original tiles) with enlarged catslide dormers to both the north and south facing slopes. New window, door openings and balconies would also be created.

The development would provide a total of fourteen two bedroom flats comprising 12x2 bed and 2x1 bed units. The unit sizes will vary from 55sqm to 89.5sqm. A private balcony would be provided for seven of the fourteen units proposed together with areas of communal amenity space mainly located on the Stanford Avenue frontage.

Seventeen car parking spaces would be provided, ten at basement level below the proposed extension to the church hall and seven, including one disabled space, on the Florence Road frontage adjoining the eastern boundary of the site. Vehicular access would be from Florence Road. Nineteen cycle parking spaces are also proposed contained within a covered store.

The proposal also includes the conversion of the main church building to a church/ community centre. A narrow single storey flat roofed extension comprising a kitchen, WC's and bin store infilling the gap between the church and the church hall is proposed. The other external works to the church are primarily those of repair and refurbishment. Internally, on the ground floor, the north and south nave aisles would be partitioned to provide a bistro/ cafeteria and offices and the chancel partitioned to provide a multi functional area. A first floor would be formed above the nave to provide a church hall and coffee lounge with a galleried area above.

The following documents have been submitted in support of the application:-

- Design & Access Statement;
- Structural Engineer's report
- Heritage Statement

During the course of its consideration the applicant has submitted a schedule of costs to show the scale of residential development needed to enable the works to be undertaken to the church.

Pre-application advice

Members are advised that pre-application discussions have taken place in which a scheme comparable to that currently under consideration was presented to officers. Concerns were expressed regarding the design and form of the extension and the alterations to the listed church and church hall. It was acknowledged that the housing proposed was necessary in order to fund the Applicant's plans for the conversion of the church into a multi-purpose church and community centre. However, it was made clear that vigorous tests exist against which major alterations to listed buildings and associated enabling development need to be assessed and that this information was lacking and would need to be satisfactorily addressed in any future listed building consent application.

5 CONSULTATIONS

External:

Neighbours: Three (3) letters have been received from the occupiers of **24 Stanford Avenue & 34(x2) Florence Road** objecting to the application on the following grounds:-

- overdevelopment;
- adversely affect the historic character of the area;
- insufficient parking;
- strain on public services;
- overlooking;
- loss of privacy; and
- would set an unacceptable precedent.

One (1) letter of support has been received from the occupier of **53 Argyle**

Road stating that the derelict church should be converted to housing.

CAG: Recommends refusal. The Group supports the re-use of the buildings for the purposes proposed but recommended refusal of the application on the grounds that the conversion of the church hall did not respect the character of the building; overdevelopment; and overlooking and design concerns regarding the windows in the west elevation.

Internal

Conservation & Design: Recommends refusal.

General comments

It is not considered that the policy tests for enabling development as set out in PPS5 have been met. The proposals would cause harm to the significance of the church and it has not been demonstrated that the level of development proposed is the minimum necessary to secure its long term beneficial use. Nor has it been satisfactorily demonstrated that that the church has inherent problems that justify the proposals or that other methods of funding have been explored.

Alterations to the church

The retention of the church in ecclesiastical use is welcomed and the external alterations are limited and appear justified. The internal alterations do not impact on the window openings but they will significantly alter the church's sense of light and space. The sub-division of the naïve to create an upper floor will harm the quality of the internal space and requires strong justification which is currently lacking. The positioning and detailing of the internal partitions and doors will require further detailed scrutiny on site. The screens and doors to the chancel and chapel appear awkwardly positioned and obtrusive and further information will be required regarding the mechanical services to ventilate the church. The removal of three timber roof trusses, central columns and raking struts would also have a harmful impact.

Alterations and extension to church hall

The reduction in the scale of the extension to the church hall and the number of housing units is welcomed and the revised design and form relates better to the original church hall and has less impact on the setting of the church. However, the ground floor of the extension has a much larger footprint and does not relate well to the form of the extension above it.

The replacement roof form and new fenestration to the side elevations are an improvement over the previous application but it remains the case that these elevations are still very domestic in character.

The relationship between the internal layout, floor levels and the attractive Palladian frontage is of concern.

6 PLANNING POLICIES

National Planning Guidance/Policy

PPS5 Planning for the Historic Environment

Brighton and Hove Local Plan

HE1 Listed buildings

HE2 Demolition of a listed building

HE3 Development affecting the setting of a listed building

HE4 Re-instatement of original features on listed buildings

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

SPGBH11: Listed Buildings – General Advice

7 CONSIDERATIONS

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

- The principle of the proposed development; and
- Design and impact on the character and appearance of the listed building.

The principle of the proposed development

With regard to listed buildings, the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to pay special attention to the desirability of preserving and enhancing the building or its setting or any features of special architectural or historic interest which it possesses.

Policy HE2 of the Local Plan reflects this aim specifying that development involving the major alteration of a listed building will not be permitted save in exceptional circumstances where all the following criteria can be met:-

- a) clear and convincing evidence has been provided that viable alternative uses cannot be found;
- b) the redevelopment would provide substantial benefits which would outweigh the resulting loss from major alteration; and
- c) the physical condition of the building has deteriorated to a point where the cost of retaining the building outweighs the importance of its retention.

The Applicant has indicated that the conversion and extension of the church hall for residential use would fund/ enable the conversion of the church to a multi-purpose church and community centre. In such cases, proposals are required to meet the tests for 'Enabling Development' set out by central government in Planning Policy Statement No.5: Planning for the Historic Environment (PPS5). The salient tests to be applied are as follows:-

- is it necessary to solve problems arising from the inherent needs of the building rather than the circumstances of the present owner, or the purchase price paid;
- is the level of development the minimum necessary to secure the future conservation of the building;

- is there a source of funding available that might support the building without the need for enabling development; and
- will it materially harm the significance of the building or its setting.

Although the retention of the church in ecclesiastical use is welcomed, tests for enabling development as set out in PPS5 have not been met. The Structural Engineer's report submitted with the application indicates that the church and associated hall are basically sound and no details of the works necessary for the repair and restoration of the buildings have been identified or detailed costings for such works provided. Nor has it been demonstrated that the level of development proposed is the minimum necessary to secure the long term beneficial conservation of the building or that alternative sources of funding have been explored. It is noted for example, that the amount of community floorspace provision would be increased and that the proposals include an underground car park which would be likely to add substantially to the development costs. Therefore, it appears that the housing is proposed to fund the applicant's plans to convert the church to a multi-purpose church and community centre rather than as a means restoring or addressing any significant inherent problems or defects with the buildings. In addition, for the reasons highlighted below, it is considered that the proposed development would have a detrimental impact on both the historical and architectural significance of the building and its setting.

Therefore, it is considered that the proposed development lacks justification and is unacceptable in principle, contrary to PPS5 and policy HE2 of the Local Plan.

Design and impact on the character and appearance of the listed building

Policies HE1 and HE3 of the Brighton & Hove Local Plan state that proposals involving the alteration, extension or change of use of a listed building will only be permitted where they would not have an adverse affect on the architectural and historic character, appearance or setting of the building.

Apart from the proposed flat roofed single storey infill extension to the north elevation which would be small, discretely located and would not detract from the architectural character of the building or its setting, the other external works to the main church building would be restricted to works of refurbishment and would enhance its overall appearance. However, the Conservation Officer has indicated that there would be a significant degree of intervention and alteration in the historic fabric of the church which would harm its historic significance and has not been satisfactorily justified. The sub-division of the nave to create an upper floor will adversely affect the building's internal space and sense of light and the screens and doors to the chapel and chancel are awkwardly positioned and obtrusive. In addition, the application is lacking in detail regarding the internal partitions, mechanical ventilation services, and the modifications to the timber roof trusses needed to open up the space in the gallery area all of which could impact on the architectural significance of the building.

With regard to the church hall, in comparison with the previously withdrawn scheme (BH2009/00055) which comprised 20 flats and a substantial three storey rear extension, the current proposal for 14 units with a two storey extension of the design and form shown would relate significantly better to the existing building and have less impact on the setting of the church. Notwithstanding this, the Conservation Officer considers that the large irregularly shaped footprint and expansive area of flat roof for the ground floor of the extension would relate poorly to the form of the extension above, appearing incongruous and out of keeping with the host building. The Palladian frontage of the church hall is the building's main feature of architectural interest. However, the internal layout of the new residential accommodation would relate poorly to the front elevation of the building with the new second floor cutting directly across the Palladian window. In addition, there is also a significant discrepancy in the submitted drawings in that the ground floor plan indicates three large windows on the front elevation whilst the elevational drawings show the existing arrangement of two small windows with a central door unchanged.

Therefore, it is considered that the proposed development due to the inappropriate internal alterations to the main church building, the design and form of the extension and the impact on the significant front elevation of the church hall, would fail to preserve or enhance the character or appearance or setting of the listed building, contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

BH2010/00061 St Augustines Church, Stanford Avenue



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LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/00813	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning		
<u>Address:</u>	53A New Church Road, Hove		
<u>Proposal:</u>	Demolition of existing bungalow and erection of new two storey dwelling house.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	23 March 2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 May 2010
<u>Agent:</u>	The Alexander Partnership, 9 Middleton Avenue, Hove		
<u>Applicant:</u>	Mrs Philippa Stephen-Martin, 53a New Church 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 **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. BH02.01 No permitted development (extensions – amenity).
3. BH02.04 No permitted development (windows and doors).
4. BH02.07 Refuse and recycling storage (facilities).
5. Access to the flat roofs shall be for maintenance only. The roofs shall not be used as a roof garden, terrace or amenity area. **Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. BH03.01 Samples of materials (non-conservation areas).
7. Notwithstanding the approved floor plans, the development hereby permitted shall not commence until revised floorplans incorporating lifetime home standards have been submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details and retained thereafter. **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.
8. BH05.01B Code for Sustainable Homes / Level 3 – Pre-commencement.
9. BH05.02B Code for Sustainable Homes / Level 3 – Pre-occupation.
10. BH05.08A Waste Minimisation Statement.
11. BH05.10 Hardsurfaces.
12. BH06.03 Cycle parking facilities to be implemented.

13. BH11.01 Landscaping/planting scheme.
14. BH11.02 Landscaping/planting (implementation/maintenance).
15. No works shall take place until full details of the proposed sun slats have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter. **Reason:** As insufficient information has been submitted, and to safeguard the residential amenities of the occupiers of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan.
16. The property shall not be occupied until the west boundary wall is raised to 2.2m in height. The wall shall thereafter be maintained at this height. **Reason:** To safeguard the residential amenities of the occupiers of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan.
17. BH02.05 Obscure glass and fixed – to door and adjacent window upper ground floor, north elevation. **Reason:** To safeguard the residential amenities of the occupiers of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan.
18. The property shall not be occupied until details of the car parking area have been submitted to and approved in writing by the Planning Authority. The area shall thereafter be retained for that parking use. **Reason:** In order to provide a satisfactory level of parking to comply with policy TR1 of the Brighton & Hove Local Plan.
19. The development hereby permitted shall not commence until full details of site and finished floor levels and height of the development in relation to surrounding buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed detail. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD 27 of the Brighton & Hove Local Plan.
20. No development shall take place until details of the green roof and a five year maintenance programme have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building and shall be retained as such thereafter. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with Policy SU2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the unnumbered drawings of existing site plan, proposed site layout, proposed floor plans – lower ground & ground and upper floors, proposed elevations – north/south & east/west, submitted on 22 March 2010, and contextual elevation east/south submitted 30 April 2010.
2. IN04.10 Lifetime Homes.
3. IN05.02A Code for Sustainable Homes.

4. IN05.08A Waste Minimisation Statements.
5. IN05.10 Hardsurfaces.
6. The applicants should be aware that the responsibility for safe development rests with the developer. Council records indicate that a site approximately 20m west is a former garage and there is evidence to suggest the likelihood of submerged tanks. Caution should be exercised when carrying out ground works to ensure that any unexpected contamination discovered is dealt with.
7. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
Brighton & Hove Local Plan:
 - TR1 Development and the demand for travel.
 - TR7 Safe development.
 - TR14 Cycle access and parking.
 - TR18 Parking for people with mobility related disability.
 - TR19 Parking standard
 - SU2 Efficiency of development in the use of energy, water and materials.
 - SU9 Pollution and nuisance control.
 - SU10 Noise nuisance.
 - SU13 Minimisation and re-use of construction industry waste.
 - QD1 Design – quality of development and design statements.
 - QD2 Design – key principles for neighbourhoods.
 - QD3 Design – efficient and effective use of sites.
 - QD27 Protection of amenity.
 - QD28 Planning obligations
 - HO3 Dwelling type and size.
 - HO4 Dwelling densities.
 - HO5 Provision of private amenity space in residential development.
 - HO7 Car free housing.
 - HO13 Accessible housing and lifetime homes.
Supplementary Planning Guidance Notes:
 - SPGBH4 Parking standards. Adopted April 1997.
Supplementary Planning Documents:
 - SPD03 Construction and Demolition Waste.
 - SPD08 Sustainable Building Design, and
 - ii) for the following reasons:

The proposed dwelling replaces one of similar scale. It is considered that the development will not lead to loss of residential amenity or increase traffic generation. The building will add to the variety of architectural mix of the area and attains the required level of sustainability. For these reasons

proposal accords with planning policies.

2 THE SITE

The application relates to a backland site known as 53a New Church Road on which a 3 bedroomed bungalow stands. The property, together with a bungalow to the east of the site known as 53b, a 3 storey property owned by the appellant to the south-east of the site known as 53c, and 53 New Church Road, which forms 3 flats, share a single width access road leading from New Church Road. Adjoining the site to the north are 3 storey dwellings in Lawrence Road; to the west is a detached 2 storey house with access from Richardson Road, and to the south is a recently completed 3 to 6 storey block of 70 flats fronting New Church Road. The area is residential in character consisting of both flats and single dwelling houses. The site is not within a Conservation Area.

The site is relatively flat and measures a maximum of 29m x 26m, and is 675m² in size. The existing property has a footprint of approximately 168m². The area to the rear (west) of the dwelling forms private amenity space and the area to the front (east) is used for parking.

3 RELEVANT HISTORY

- **M/11148/64**, Outline application for 2 dwellings. Granted 27.1.65.
- **M/12892/67**, Erection of new bungalow and car port. Granted 4.4.67.
- **M/13398/68**, Revised proposals for a bungalow. Granted 1.3.68.
- **M/17165/73/OA/1536**, Outline application for the erection of 3 bedroomed bungalow and garage. Granted 9.2.78.
- **3/91/0631/F**, Removal of the existing roof and provision of a new roof incorporating dormers and first floor roof terrace at rear. Refused 1.11.91. Appeal dismissed 8.5.92.
- **3/91/0773/F**, Removal of the existing roof and provision of a new roof incorporating 2 front dormers. Refused 16.12.91. Appeal dismissed 8.5.92.
- **BH2008/01118**, Three new detached houses and ancillary landscaping work. Appeal against non-determination dismissed 17.12.08. This appeal was dismissed on the resulting impact on neighbouring occupiers in terms of overlooking and overshadowing. In addition, the Inspector concluded that the proposal would harmfully exacerbate vehicular/pedestrian conflict.
- **BH2009/00837**, Demolition of existing dwelling and the erection of 3no. detached houses with ancillary landscaping works. Refused 11.6.09 and dismissed on appeal 11.11.09. The appeal was dismissed on grounds of impact on amenity and increased risk to users of the access lane caused by increased vehicular/pedestrian conflict that would result.

4 THE APPLICATION

The proposal is for:

- Demolition of the existing single storey bungalow on the site.

- Site: 26m x 26m / 675m² / 0.0675 hectares.
- Erection of a 1 x 2 storey, 4 bedroomed single dwelling house.
- Dwelling to measure 22.0m wide x 9.7m deep (maximum). Internal floorspace approximately 235m². Height 4.2m (1.5 floors) above ground level.
- Design: rectangular, flat roofed building, single storey either side of raised central section which is 1.5 storey above ground. Central section excavated 1m deep to form lower ground floor. Raised upper ground floor accessed externally by steps 1.6m high at front and side elevations. Fixed hardwood sun slats at high level, to windows on rear (west) elevation, raised ground floor level.
- Materials: rendered walls, white upvc window frames, green roof, block paving, landscaping.
- Amenity space: area of approximately 350m² to front, side and rear of building. Swimming pool within rear garden.
- Car parking: 2 spaces to front of buildings.
- Cycle / refuse storage: integral storeroom 6.3m x 1.2m / 7.5m^m within southern part of property.
- Boundary wall: western boundary raised by 0.4m from 1.8m to 2.2m.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **30, 32a, 34, 36, 38a Lawrence Road, Aylies – 53b New Church Road; 25 Richardson Road: Objecting** to the proposal for the following reasons:

Principle / design and scale:

- The appearance and size of the building is inappropriate. The proposal would raise the height and bulk of the dwelling, introducing a significant amount of incongruity to the area destroying the visual harmony which exists between the bungalows, which would be harming the character and appearance of the area.
- Any new building should be no higher than existing.

Loss of amenity:

- Loss of privacy: windows and doors to the north elevation will look directly to the rear of properties in Lawrence Road, which will infringe privacy. The existing bungalow gutter is level with the boundary wall and all windows have a west/east aspect which are lower than boundary walls.
- The roof garden will overlook 53b New Church Road.
- The only part of 25 Richardson Road to enjoy privacy is the side, which would be heavily overlooked and overshadowed by the development.
- Noise: added noise pollution to the relatively quiet back gardens.

Traffic issues:

- The doubling of the number of residents at the property would substantially add to the commercial traffic using the lane – utilities, deliveries etc.
- The lack of a footpath to the lane, which is already a danger to

pedestrians, would be far more lethal.

Other issues:

- Understand there is a covenant which restricts development to a single storey property.
- The drawing measurements are inaccurate, stating that the boundary wall is 2.2m high, when it is 1.95m, and the existing building is 6.12m high when it is 3.95m.
- If granted, a further application could be made to convert into 2 /3 units, as the original proposal, which would lead to further noise and overlooking.
- The building has the potential to be used as a multiple letting house, with games rooms etc used as bedrooms, for 10-14 people. This would result in more noise, disturbance, traffic etc.
- Noise, disturbance, dust, during construction.

The Garden House – 53 New Church Road:

The inadequacy and narrowness of the shared single track land for vehicular use and pedestrians was a reason for refusing the previous application which increased the number of units. This is now less the case, but request in the interests of safety, provision should be made for the installation of “sleeping policemen”. The front door of this property is only a foot from the nearest wheel track and with strangers visiting the site unaware of the position of the door, can drive too quickly. Such speed inhibitors will be important during demolition and construction with vehicular movements all day long.

Internal:

Sustainable Transport Manager: No objection subject to conditions to ensure that the development is not occupied until the cycle store and car parking areas has been provides in accordance with the approved plans.

Environmental Health: No objection. Recommend informative to advise that the responsibility for safe development rests with the developer. Records indicate that a site approximately 20 metres west was a former garage and there is evidence to suggest the likelihood of submerged tanks. Caution should be exercised when carrying out ground works to ensure that any unexpected contamination discovered is dealt with.

Sustainability Officer: The application is accompanied with the Sustainability Checklist and would attain a Code level 3 for Sustainable Homes, which is the recommended standard within SPD08.

6 PLANNING POLICIES

Planning Policy Statements:

PPS3 Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel.

TR7 Safe development.

TR14 Cycle access and parking.

TR18 Parking for people with mobility related disability.

TR19 Parking standard
SU2 Efficiency of development in the use of energy, water and materials.
SU9 Pollution and nuisance control.
SU10 Noise nuisance.
SU13 Minimisation and re-use of construction industry waste.
QD1 Design – quality of development and design statements.
QD2 Design – key principles for neighbourhoods.
QD3 Design – efficient and effective use of sites.
QD27 Protection of amenity.
QD28 Planning obligations
HO3 Dwelling type and size.
HO4 Dwelling densities.
HO5 Provision of private amenity space in residential development.
HO7 Car free housing.
HO13 Accessible housing and lifetime homes.

Supplementary Planning Guidance Notes:

SPGBH4 Parking standards. Adopted April 1997.

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste.

SPD08 Sustainable Building Design.

7 **CONSIDERATIONS**

The main issues in the determination of the application relate to the principle of development impact of the proposed dwelling upon residential amenity of surrounding properties, the character and appearance of the area, traffic implications and sustainability issues.

Background:

This application follows the refusal on 11 June 2009, and subsequent dismissal on appeal on 11 November 2009, of application **BH2009/837** for the demolition of the existing bungalow and erection of three detached houses. The application was an amendment to a scheme also dismissed on appeal for the non-determination of application **BH2008/1118**, on 15 December 2008, for a similar scheme of 3 detached houses. All of the applications are from the same applicant. On both appeals the Planning Inspector considered that the increase in density of housing on this backland site would not be inconsistent with adjoining schemes, that the site occupies a sustainable location, and the design of the dwellings would add to the diversity found in the area without detriment to character and appearance considerations.

The appeals were refused on the grounds that the positive benefits in terms of more effective and efficient use of the land, and the positive aesthetic contribution to the character and appearance of the area and contribution towards improvements in sustainable transport facilities in the area were outweighed by the harm that would be caused to the living conditions of

adjacent occupiers and by the increased risk to users of the access lane caused by increased vehicular/pedestrian conflict that would result.

Principle of development:

PPS3 now identifies garden land as Greenfield. This is a like for like replacement. There is no objection in principle to this proposal. Policy QD3 of the Brighton & Hove Local Plan encourages efficient use of urban land, permitting residential development where it can be achieved without detriment to surrounding development and the areas capacity to accommodate the proposal. The policy states that proposals for backland development will be rigorously examined in respect of its impact on nature conservation, amenity and the quality of spaces between buildings. Policy HO4 also encourages full and effective use of land, permitting residential densities at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and architecture, includes a mix of dwelling types and sizes, is well served by public transport and local services and respects the capacity of the local area to accommodate additional dwellings.

The existing development on the site consists of a single bungalow on a backland plot. Surrounding development consists of a mix of residential properties which range from a bungalow (53b New Church Road) located to the east and a three storey detached property (53c) which shares the same access lane, a two storey detached dwelling house to the west (25 Richardson Road), three storey semi-detached properties to the north in Lawrence Road, and a recently completed 3 to 6 storey block of 70 flats to the south fronting New Church Road.

The two recent refusals were for the demolition of the existing bungalow and replacement with 3 detached dwellings. Whilst no objection was raised to the principle of increasing the density at that time it was not demonstrated that this could be achieved without detriment to the residential amenities of the occupiers of surrounding properties, and increase in traffic generation. For these reasons the proposed redevelopment is for a single dwelling, as existing, and does not increase density on the site. The building would occupy a similar footprint as the existing property and not lead to an undue increase in traffic generation. For these reasons the replacement of the existing property with a single property is considered acceptable.

Impact on residential amenity:

Policy QD27 aims to protect residential amenity.

The main public objections to the proposal is that the property would be detrimental to residential amenity by way of overlooking, loss of privacy, overshadowing, increased use of the access drive and general disturbance.

In both appeals the Planning Inspector's took into account the close juxtaposition of properties in this backland area and the fact that a degree of

mutual overlooking is a natural component of urban life within such areas. However it was considered that both of the refused schemes would have been materially harmful to the living conditions of adjoining occupiers.

To overcome the impact on residential amenity the scheme has been set back a further 2m from the rear boundary to 25 Richardson Road, and lowered in height. The proposed dwelling now has a similar footprint to the existing and sited on the same building line to the north, east and south. The ground level would be excavated 1m to accommodate the lower ground floor level and the building would be generally 0.1m below the height of the existing bungalow. The rear boundary wall, to 25 Richardson Road is to be raised by 0.4m to increase screening between the two properties.

Impact on 34 & 36 Lawrence Road:

The existing bungalow has a low pitched roof. The proposed dwelling is flat roofed; the northern section which is the closest part to 34 and 36 Lawrence Road is 0.1m above the existing eaves and 1.4m lower than the ridge of the pitched roof. This overcomes the problems of loss of outlook, overshadowing and forming a sense of enclosure which was created by the previous schemes, the last of which formed a flank elevation 4.6m above the boundary wall of no.36 for the full width of its plot. The proposed design now incorporates a side window and a door to external steps on the north (side) elevation from the upper ground floor to ground level. Whilst the window and door are above the height of the boundary walls, given the distance of 18m from the rear of the properties in Lawrence Road, it is not considered that the building will result in a loss of light or overshadowing of the properties. Whilst there could be overlooking from the window and door, as stated by the Planning Inspector a degree of mutual overlooking is a natural component of urban life, and the level of overlooking is not considered to warrant refusal. As the window and door are secondary to the room and to the side elevation, it is considered that if the window and door were obscure glazed this would reduce any perceived overlooking without affecting the architectural integrity of the building; this is requested by condition.

Impact on 25 Richardson Road:

The proposed dwelling is to be sited a minimum of 6m from the western (rear) boundary which adjoins the garden of 25 Richardson Road, which is 2m further than the existing property. It is also proposed to increase the height of this wall by 0.4m, from 1.8m to 2.2, to match the height of the north boundary wall. 25 Richardson Road is a two storey dwelling house orientated north-south and has a kitchen window in the side, east, elevation facing the proposed development. The elevation also contains a secondary window to a dining room and an obscure glazed window at first floor level. Whilst the boundary has some tree cover this is not dense.

The appeal decision notes that much of the garden of 25 Richardson Road suffers from overlooking from flats within Richardson Court, to the south-west, and that the only part free from this constraint is located to the rear of the

property.

The previous refusal proposed angled windows and steps leading to the rear garden are proposed at first floor level. These features were above the existing boundary wall with no.25, and it was considered that the proposed building, which has the same rear building line as the previous scheme, would result in overlooking and loss of privacy, and overshadow part of the garden.

The proposed building is 2m lower in height than the previous refusal and access steps are below the proposed height of the boundary wall. The proposed windows in the rear elevation have cill levels of 1.3m above ground floor level from which some overlooking of the garden of No.25 could occur. These windows are 7.5m from the boundary and approximately 16m from the property. The upper part of the two sets of patio windows have external sun-slats at high level to prevent overlooking. Given the distance between the properties, height of the boundary wall and scope for landscaping, it is not considered that the degree of overlooking would be unreasonable.

Impact on 53b New Church Road:

The latest appeal decision stated that the proposed scheme would have undoubtedly had greater visual presence than the existing bungalow, but because of the distance between the proposal and no.53b, this would not amount to an overbearing one, causing material harm to the living conditions of the occupiers.

The proposed dwelling is sited on the same building line as the existing bungalow which is 23m from 53b. The main windows on the front elevation are generally below the eaves level of the existing property and the existing boundary wall between the properties. Whilst the upper sections of the upper ground floor windows are above the existing eaves level, these serve the staircases and will not result in undue loss of privacy. The proposed building is lower than the existing and previously refused schemes, and it will not have an overbearing effect on no.53.

Other issues:

Public concerns raise the possibility of the property being subdivided, or due to its layout, converted into a house in multiple occupation, which would increase traffic generation and nuisance.

Comments have been received stating that the drawings were inaccurate with the height of the existing building shown taller than is. The drawings have been amended and measurements checked on site. It is considered that the drawings are now accurate and allow the impact of the scheme to be properly accessed.

Design:

Policies QD1 and QD2 state that new development will be expected to

demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings.

The site is not within a Conservation Area and situated in an area of buildings of mixed design, scale and appearance ranging from Victorian/Edwardian properties in New Church Road and Lawrence Road, post war bungalows, flats and dwellings to both the east and west, and with a recently completed block of flats to the south and a 3 storey dwelling house sharing the same access lane. This backland site has an enclosed nature not prominent from the street.

In the appeal decision letters the Inspector comments that there is no consistent pattern or overriding theme within the backland area that requires adherence. Given the specific circumstance of this discreet and well contained site, and the mixed pattern of housing within which it is located, it was considered that the proposal would add to the diverse form of housing in the area. For these reasons the Inspector considered that the proposal complied with policies QD1 and QD2 which promotes a high standard of design and which should make a positive contribution to the visual qualities of the environment, and would emphasise and enhance the positive qualities of the local neighbourhood.

The proposed dwelling is of a similar scale as the existing and of a similar contemporary design, with flat roofs and rendered finish to the appeal schemes, and would have a similar impact on its setting. Given the comments of the Inspector, it is considered that the scheme is acceptable in terms of appearance and impact on its setting.

Accessible housing and Lifetime Homes Standards:

Policy HO13 requires all new residential dwellings to be built to a lifetime homes standards whereby they can be adapted to meet people with disabilities without major structural alterations.

Ground floor bedrooms have en-suite bathrooms and a level threshold. A stair lift could provide access to the upper ground floor and basement levels. Although the bathrooms do not allow side transfer to the toilet a condition is recommended requiring the submission of amended plans.

Traffic Implications:

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

The only access to the site is along a long driveway which is narrow and only allows one vehicle to use the drive at any time. When this occurs, space for pedestrians to pass safely is very limited. At present 6 properties use the drive (flats 1, 2, 3 / 53, 53a, 53b, 53c).

The proposal is for a single dwelling with parking for 2 spaces to the front of the building. The layout of this area would prevent further parking and details would be required by condition. At present, more cars could be accommodated on site and the proposal would result in a reduction in potential traffic movement along the driveway.

The occupiers of The Garden House, 53 New Church Road, have a front door which opens directly onto the shared drive and request in the interests of safety, the provision of a “sleeping policemen”. Whilst no objections are raised to this idea it is considered unjustified, given that traffic is likely to be reduced by the proposal and the tests of Circular 11/95: Use of conditions in planning permission, which requires conditions to be relevant to the development to be permitted. The installation of the “sleeping policemen” works could be carried out by irrespective of this application.

Secure cycle storage is incorporated within the building. The Traffic Engineer raises no objection to the proposal subject to conditions to ensure cycle store and car parking areas are provided in accordance with the approved plans; this is requested by condition.

Sustainability:

Policy SU2 seeks efficiency of development in the use of energy resources. The drawings show a solar panel on the roof.

The application is accompanied by the Sustainability Checklist which indicates that the scheme would achieve Code level 3 for Sustainable Homes, which is the recommended standard within SPD08.

Bathrooms at ground floor levels benefit from natural light and ventilation. The two bathrooms at lower ground level are situated below ground in an area where natural light and ventilation cannot be provided. Given the limitations of this part of the site this is considered acceptable.

The proposed green roof will encourage bio-diversity and is to be welcomed.

Minimisation and re-use of construction and industry waste:

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner through the preparation of Site Waste Plan. The proposal requires clearance of the site. A Waste Minimisation Statement accompanies the application which states that the majority of demolition waste will be crushed and used as hardcore for the new dwellings and waste arising will be sorted and recycled. Materials removed from the excavation will be used where appropriate for landscaping, especially topsoil. Any excessive earth and chalk will be removed by a soil-recycling contractor. Further details will need to be provided with regards to how the applicant has addressed the criteria set out in the policy

SU13, for example through following the DTI guidance on formulating a full Site Waste Management Plan as indicated in the Construction and Demolition Waste Supplementary Planning Document. This could be addressed by condition.

Conclusions:

The main reasons for refusal on appeal related to the impact of the scheme on the residential amenities of the occupiers of neighbouring properties and increased traffic generation. The scheme had been amended to reduce the number of units to one, and car parking spaces limited to 2 vehicles. The building has been lowered and is no higher than the ridge height of the existing bungalow and set back further from the rear boundary than the existing property.

It is considered that the previous reasons for refusal have now been overcome and that the development will not have undue impact on residential amenity or traffic generation and highway safety. The development will add to the variety of architectural mix of the area and attains the required level of sustainability. For these reasons it is considered that the proposed dwelling is a satisfactory replacement for the existing.

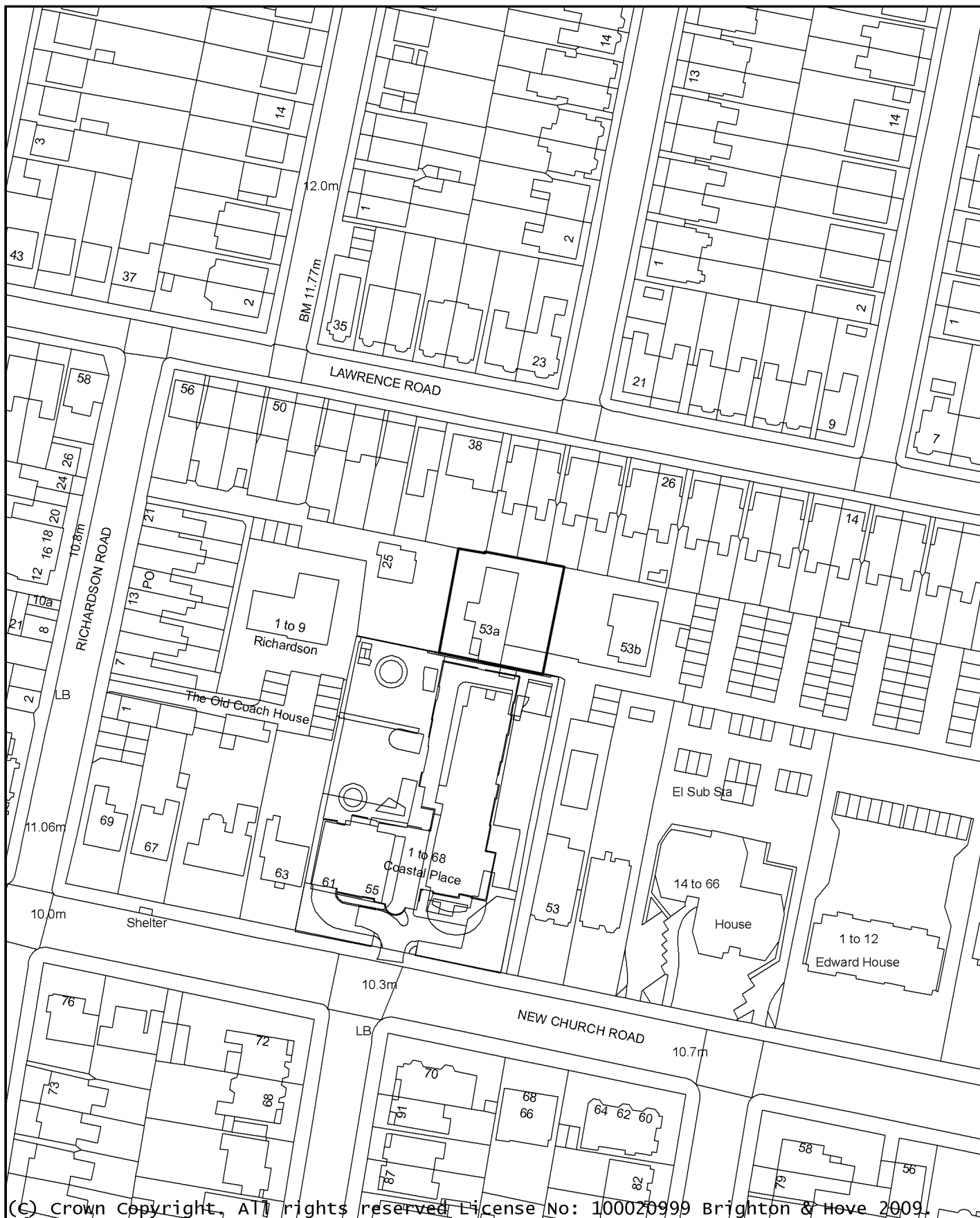
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed dwelling replaces one of similar scale. It is considered that the development will not lead to loss of residential amenity or increase traffic generation. The building will add to the variety of architectural mix of the area and attains the required level of sustainability. For these reasons proposal accords with planning policies.

9 EQUALITIES IMPLICATIONS

The properties would have to meet Part M of the Building Regulations and policy HO13 requires new residential units to comply with Lifetime Home Standards.

BH2010/00813 53a New Church Road



Date: 10/06/2010 04:02:53

Scale 1:1250

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<u>No:</u>	BH2009/01355	<u>Ward:</u>	EAST BRIGHTON
<u>App Type</u>	Full Planning		
<u>Address:</u>	Wolseley Build Centre, 19 Bristol Gardens, Brighton		
<u>Proposal:</u>	Demolition of existing building and construction of 9 new residential dwelling houses. Provision of on site parking, cycle store and refuse facilities.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	08/06/2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 August 2009
<u>Agent:</u>	Michael Cook Associates, Brooklyn Chambers, 11 Goring Road, Worthing		
<u>Applicant:</u>	Oakfawn Properties, The Old Mill, The Warren, Crowborough		

This application was deferred by Members at Planning Committee on the 9th June 2010 so that a site visit could take place.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Agreement and to the following Conditions and Informatives:

S106

- To secure a contribution of £13,500 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the vicinity of the site.

Conditions:

1. BH01.01 Full Planning.
2. BH02.06 No cables, aerials, flues and meter boxes.
3. BH02.07 Refuse and recycling storage.
4. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash, paving) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
5. BH04.01A Lifetime Homes.
6. BH05.01B Code for Sustainable Homes – Pre-Commencement (New Build residential) – [Code Level 3].
7. BH05.02B Code for Sustainable Homes – Pre-Occupation (New Build residential) – [Code Level 3].
8. The development shall be carried out in strict accordance with the Site

Waste Management Plan prepared by Michael Cook Associates received on 08.06.09.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

9. BH05.10 Hardsurfaces.
10. BH06.03 Cycle parking facilities to be implemented.
11. BH06.01 Retention of parking area.
12. BH07.11 External lighting.
13. BH08.01 Contaminated land.
14. BH11.01 Landscaping/planting scheme.
15. BH11.02 Landscaping/planting (implementation/maintenance).
16. No development shall commence until fences for the protection of trees to be retained shown on the drawings hereby approved have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the trees which are to be retained adjoining the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
17. The existing crossovers and dropped kerb lines shall be reinstated in strict accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority.
Reason: In order to improve the quality of the public realm, to create a safe pedestrian environment and to comply with policies QD1 and TR7 of the Brighton & Hove Local Plan.
18. No development shall take place until confirmation that the contractors working on the site have signed up to the considerate constructors scheme have been submitted to and approved in writing by the Local Planning Authority.
Reason: In order to protect the amenities of the neighbouring residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
19. BH02.03 No permitted development (extensions) (amenity and character).
20. BH02.09 Flat roofed extensions.
21. No development shall take place until detailed drawings, including levels, sections and constructional details of the access road to include 'rumble strips', junction treatment, signage, surface water drainage, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved prior to the first occupation of the development 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.

Informatives:

1. This decision is based on drawing nos. 5226/LOC, 5226/01, 5226/02, 5226/03, 08021-01-T-E1, Design and Access Statement, Biodiversity Checklist, Transport Statement, Phase 1 Environmental Assessment, Marketing information and Site Waste Management Plan submitted on 08.06.09, Sustainability Checklist submitted on 02.07.09, customer survey submitted on 27.01.10 and drawing no. 5226/04 submitted on 29.04.10.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU12	Hazardous substances
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD26	Floodlighting

QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste; and

(ii) for the following reasons:-

The proposed development would integrate effectively with the scale, character and appearance of the street scene and wider area, would cause no undue loss of light or privacy to adjacent occupiers and would be of appropriate materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers. Subject to conditions, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

3. 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).
4. 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.brightonhove.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 to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, www.atkinsglobal.com.
7. Notice is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

2 THE SITE

The application site is approximately rectangular in size, which is in existing use as a Builders Merchant Yard, occupied by the Wolesely Build Centre. The site is occupied by a cluster of buildings, being both brick built and metal clad, single storey and are situated on the southeast corner of the site, directly abutting the east and south boundaries.

The remainder of the site is utilised for open storage and vehicular parking.

The site has vehicular access from the south, from Bristol Gardens via a long narrow (approximately 4.4m wide) which runs past the western boundary of Sussex Row and the rear of 49-51 Prince Regent's Close.

The site has a significant frontage to its western boundary which fronts onto Prince Regent's Close, this is currently walled to enclose the rear storage yard.

The site is surrounded by residential accommodation to the east, comprising two and three storey residential dwellings, Bristol Gardens is to the south, with predominately residential uses beyond, the southern half of the western boundary has residential properties (with a doctor's surgery to the ground floor) and a garage compound, then due to the curve in Prince Regent's Close, this is then directly alongside the boundary, with two storey modern (1960's) neo-georgian style properties beyond. The same type of properties are situated to the north also, with the flank elevation of no. 48 Prince Regents Close facing the site.

The site is predominantly enclosed with a brick and flint wall, except for the northernmost part of the western boundary, where there is a modern rendered wall.

It is noted that the floor level of the site is significantly higher than the rear gardens of the properties in Princes Terrace by approximately 0.9m.

3 RELEVANT HISTORY

BH2005/01816/FP: Overcladding of existing corrugated asbestos cement roof

sheeting with colour coated plastic profiled metal sheeting – approved 05.08.05.

BH2004/02667/AD: Six non-illuminated aluminium panel signs fixed to building – approved 23.09.04.

BN90/1470/F: Erection of 1.2m high post and wire fence above one existing wall on part of the west boundary of one site (part retrospective) – approved 23.10.90.

BN89/2376/F (duplicate of **BN89/2375/F**): Demolition of existing single storey building used for storage/sales/distribution of building materials and erection of replacement single/two storey building and provision of 8 customer parking spaces – refused 20.02.90. Appeal dismissed 25.02.91.

88/238F: Demolition of existing single storey building used for storage/sales/distribution of building materials and erection of replacement single/two storey building: other works include relocation of aggregate bins – **Refused** 28.06.88. Appeal dismissed 24.04.89.

67/1725: Covering of part of open yard at present used as materials vehicle park – refused 26.09.67.

67/1012: Outline application; Covering part of open yard at present used as materials and vehicle park – refused 13.06.67.

67/1011: Outline application; First floor extension to existing offices by approximately 83sqft – refused 13.06.67.

65/1111: Outline application; residential development – refused 16.03.65.

17.60/1128 – Outline application; erection of single storey building for garaging vehicles – refused 30.08.60.

16.59/1022: Alterations to existing access – approved 30.06.59.

16.59/169: Installation of 3000 gallon underground petrol tanks and 2000 gallon diesel tanks above ground and a hardstanding for vehicles – approved 03.02.59.

55/487: Extending existing offices – approved 05.05.55.

4 THE APPLICATION

This application seeks consent for the demolition of the existing structures on site and the erection of 9 no. two storey dwellings, together with vehicular parking and landscaping.

There is a proposed mix of dwellings, comprising 3no. 4 bedroom, 4 no. 3 bedroom and 2 no. 2 bedroom dwellings.

A terrace of three 4 bedroom houses is proposed, located to the northern part of the site, directly fronting onto Prince Regent's Close, each would include a dedicated off street parking space through a car port forming an integral part of the footprint of the property.

The ground floor footprint of these units would be L-shaped approximately 10m at its widest point (4.1 at its narrowest), 13.1m at its deepest point (5.45m at its shallowest). The first floor footprint is significantly shallower, and measures 10m wide x 7.1m deep. The height of the terrace would be 5.0m to the lower end of the mono-pitch roof and 5.3m to the higher end.

A terrace of 4 no. three bedroom houses would be located in the central part of the site. These would also be sited fronting onto Prince Regent's Close, but some would be hidden behind the existing brick and flint wall.

This terrace of units is irregularly shaped, and provides a differing design of properties. The overall dimensions of the footprint of the terrace is 29.3m wide x a maximum depth of 9.6m and a minimum of 5.7m.

Two of the units, the furthest north and one of the middle units would have the same ground and first floor footprint of 5.7m wide x 9.6m deep x 5.0m to the lower height of the mono-pitch roof and 5.3m to the higher end.

The unit between these has a ground and first floor footprint of 9.1m wide x 5.7m deep x 4.7m to the lower height of the mono-pitch roof and 4.9m to the higher end.

The unit to the southern end of this terrace has a ground floor footprint of 7.2m deep x 9.2m wide with a first floor footprint of 5.7m deep x 9.2m wide. The height is to be 4.7m to the lower height of the mono-pitched roof and 4.9m to the higher end.

The remainder two units form a semi detached pair to two bedroom units, which are orientated north/south, which is different to the remainder of the development. These are each to measure 4.9m wide x 9.6m deep x 5.0m to the lower height of the mono-pitched roof and 5.3m to the higher end.

The remainder of the plot is set out to provide for 6 no. additional parking spaces within a communal car park accessed from the existing vehicular access from Bristol Gardens, and includes a communal refuse and recycling store and cycle storage for those units which do not have private storage.

A number of landscaping areas are proposed as part of the development, both within the car park area and along the communal frontage to Prince Regent's Close.

5 CONSULTATIONS

External

Neighbours: 17 letters of objection have been received from the occupiers of **nos. 3, 5, 7, 11 (x2), 12, 13 (x2), 15, 17 and 19 Princes Terrace, nos. 15, 16, 18, 19 and 50 Prince Regent's Close and Flat 38, 48 Wells Street London (freeholder of 16 Princes Terrace)** on the following grounds:

- Loss of light;
- Loss of view;
- Loss of privacy;
- Too high a density for the site;
- Increased parking stress;
- Design uncharacteristic with the surrounding area;

- Plots 1-3 should be set back to provide front garden space;
- The flint wall should not be removed;
- Proposed materials are out of character with the existing development;
- Inadequate parking provision provided;
- Potential for increased noise pollution;
- Flat roofs must not be used as terraces in the future;
- Overdevelopment of the site;
- Lack of detail on how the boundary wall with Prices Terrace will be treated and who owns it;
- Insufficient detail on landscaping;
- Would like confirmation that the dwellings would not be used as student housing or HOM's;
- The number of existing vehicle movements per day is significantly lower than as stated within the Transport Statement;
- Inaccurate measurements shown on drawings;
- Proposed alley between plots 3 and 4 could give rise to security concerns;
- Overshadowing;
- Flat roofs are out of keeping with the surrounding development; and
- Inadequate disabled access.

A **letter of objection** has also been received from **Cllr Gill Mitchell** (see attached).

Internal

Planning Policy: It is understood that a recent planning investigation of the way that this site operates has shown that the use is Sui Generis and it has changed since 2001 when it was used for B8 storage; to a mixture of storage and retail sales for the building trade. There is therefore no policy objection to the loss of a sui generis site to residential development.

Sustainable Transport: Would not wish to restrict grant of consent of this Planning Application, subject to the inclusion of conditions relating to crossovers, cycle parking, parking areas and detailed drawings and a S106 contribution of £13,500 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the vicinity of the site.

Economic Development: The economic development team does not support the application on the grounds of loss of employment space.

The supporting information states that part of the existing site had a unit comprising of 3,800ft² for sales and offices associated with the previous use for a Builders Yard. The proposal does not take into the loss of this space and is therefore not supported.

There have been no discussions with the applicant with regards to this loss as part of the pre application discussions and this issue would have been raised should discussions have taken place.

A mixed use scheme would have been preferable (in economic development terms) incorporating (as a bare minimum) some 3,800ft² of replacement employment space in any proposal to meet the business needs of the city.

Environmental Health: No objection subject to the imposition of a condition and informative relating to potential land contamination.

Sustainability Officer: The documents submitted with this application give very little information to assess sustainability standards. There is a lack of considered attention to sustainability which is disappointing. A development of this size could be going much further in delivering sustainable design. Instead the development appears to be offering limited information to meet minimal standards rather than prioritising sustainability within the design process.

Council Arboriculturist: There are no trees on the site itself, however, immediately outside the site there are 4 trees that are in Council ownership that may be affected by the development.

The only one of any arboricultural value is a sycamore, the northernmost tree of the 4 trees on Prince Regents Close. The Arboricultural Section would like this retained post development. It sits close to the flint wall that borders the site and therefore it is presumed its retention should not impede the development greatly. This tree should be protected during development to BS 5837 as far as is practicable – Arboricultural Method Statement to be provided.

There are also new footpaths in the vicinity of this tree, arboricultural advice should be sought on their construction and an Arboricultural Method Statement provided before any work commences.

There are a further 3 trees on street that are of poor form or in a state of decline, one Elder and 2 Hawthorns. The Arboricultural Section would not object to their loss as long as a suitable landscaping scheme is produced showing their replacement.

The Arboricultural Section would also like to see a firm landscaping scheme regarding planting to the rear (east) of the properties.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes

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TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU12	Hazardous substances
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste

7 CONSIDERATIONS

The main considerations in the determination of this application are the principle of the development, impact on street scene and wider area, amenity issues, transport issues, contaminated land and sustainability issues including waste management.

Principle of Development

The site has a long and extensive planning history as indicated above. The site has clearly been in use as a builders yard for a number of years, the description of the 1988 planning application confirms this. Therefore, it can be seen that the site has been in this use for a minimum of 22 years.

The existing use of a builders yard is heavily dependent on the precise operation of the site, and can fall into a number of different use classes, as set out below:

1. Builders Yard for storage and sales to Trade – Class B8;
2. Builders Yard for storage and sales to Visiting Members of the Public – Class A1; or
3. If no identifiable primary use – Sui Generis.

The planning history indicates that there was no actual consent for the use of the site as a builders yard, however this appears to have evolved from the sites use as a storage yard, for petrol/diesel and vehicles into a builders yard and through to its current use as a Wolseley Build Centre. However, as the site has been used for in excess of 10 years as a builders yard, this appears to be its lawful use, despite not having an actual consent for the use (or a Lawful Development Certificate).

It is therefore more difficult to ascertain precisely how the site has operated since it has been used as a builders yard, and thus brings the use class of the site into question.

During the course of the application, additional information relating to precisely how the site has been operating was requested on numerous occasions from the developers and their agents. Unfortunately, this information was not received due to the existing occupier (The Wolseley Build Centre) not wishing to provide their company information. The difficulty arose as the occupier only had a leasehold interest in the land and thus did not consider it to be in their interests to assist the developers in arguing the case.

This resulted in no historic information providing confirmation of how the site has operated, meaning that confirming which use class the site fits into has not been possible with any certainty.

Therefore, in order to provide greater clarity on the matter, it was agreed with the applicants that they would undertake a survey of the existing customer base on 6 days over a two week period.

The results of this survey confirmed that 86% of the customers surveyed were

purchasing the goods for trade use, and 14% for personal use. 99% were taking the goods purchased away with them, and 1% having them delivered and 52% held a trade account whilst 48% did not.

As can be seen from the results of the survey, there was a split of the customer base between trade customers and visiting members of the public, with trade sales being significantly more dominant.

This provides a useful insight to the actual operational habits of the site at the current time, in order to help establish the existing use class which is most appropriate for the site.

In order to provide further clarity on this matter, case law was also investigated. In relation to cases involving builders yards, there are a number which find that these do not fit comfortably within any one use class and thus are described as sui generis. The most relevant case is Hammersmith & Fulham LB 01/08/89, in which the inspector concluded that “A builder’s merchants, involving as it does the primary purpose of selling materials to the trade, does not fall within Class B8, nor in my view does it come within Use Class A1: rather it is a use which is sui generis”.

It is also important to note that during the two site visits which have been undertaken by the case officer, the site appeared to be in use providing sales to the public and trade (based upon the vehicles customers were arriving and departing in and the clothing worn by the individuals) together with extensive storage of builders/DIY materials.

Therefore, taking a view on the use class based upon the whole range of evidence available, and case law, it is firmly considered that the site is operating within a sui generis use, as there is no identifiable primary use. The use is considered to be mixed between sales to both trade and the public and storage of materials.

On this basis, and as there are no Development Plan policies that resist the loss of this use, it is considered that the principle of the use of the site for residential would be acceptable.

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. It is considered that the application site where the new building is proposed constitutes previously-developed land and in principle the construction of a residential scheme could make an efficient use of this site in accordance with PPS3, subject to compliance with other planning considerations.

Impact on street scene and wider area

Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the

environment.

Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;
- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

The visual appearance of the site would be fundamentally altered to accommodate the proposed development.

The site has vehicular access from Bristol Gardens, via a narrow (approximately 4.4m wide) road into the site. This is relatively long (approximately 30m) before the site opens out to the full width of approximately 18m.

This means that the proposals are likely to have little significant impact on the Bristol Gardens street scene, and the access road would remain. The redevelopment would see this road resurfaced and improved in its visual appearance and as such is likely to provide an improved environment when viewed from Bristol Gardens.

The more contentious frontage is within Prince Regent's Close, and it is noted that many of the objection letters comment on the design being out of keeping with the existing neo-georgian 1960's properties which form the majority of the existing street scene.

The main elevation to Prince Regent's Close currently comprises a high rendered wall towards the rear part of the site, and a flint wall to the south, and where it adjoins the existing group of domestic garages (which are outside the application site boundary).

The proposed development seeks to remove the rendered part of the boundary wall where it fronts Prince Regent's Close, but to retain the flint wall (with the exception of creating a new pedestrian opening).

Two terraces of two storey dwellings would front onto the close, with the

second (towards the middle/southern part of the site) being partially hidden behind the existing flint wall.

The dwellings themselves would have a modern appearance, with rendered walls (with small elements of timber cladding within the recesses) and Sarnafil monopitch roofs. The character of the immediately surrounding area is mixed in character and includes Georgian, Victorian, 1960's and modern architecture. Prince Regent's Close is a 1960's development, and comprises two storey terraced dwellings with Georgian style windows and parapet walls with hidden flat roofs.

Due to the variety of architectural styles within close proximity of the site, it is considered that a modern style is acceptable in this location without causing any harm to the wider area, and is considered to provide additional interest within the street scene. The actual design of the development is considered to be high quality, respecting the scale, bulk and massing of the surrounding buildings.

Comments have been received from residents requesting the development to be an extension of the design of the existing properties however this is considered to be an inappropriate way in which to design the scheme, as it would not provide the legibility of the differing development periods to be understood.

Due to the mixed character of the surrounding properties, this means that there are mixed plot sizes within the vicinity of the site. A general rule of thumb is that the older the property the larger the plot size, with the smallest plot sizes being the recently constructed 3 storey dwellings fronting Bristol Gardens, known as Sussex Row. With this in mind, the plot sizes of the proposed dwellings are not considered to be out of character with the surrounding area. However, this matter is discussed below within the amenity section also.

Amenity Issues
For Neighbours

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The main issues here are likely to be loss of light, overshadowing, loss of privacy and additional noise and disturbance.

In relation to the general use of the site, it is considered that a residential scheme is likely to reduce the impact of noise and disturbance on the surrounding occupiers by virtue of the removal of the existing commercial use and its replacement with a (generally) quieter residential scheme. Therefore the scheme is considered to improve the impact of noise and disturbance on

surrounding occupiers.

In relation to loss of privacy the properties that are most likely to be impacted on are the Victorian two storey dwellings to the east, which front Princes Terrace.

The removal of the existing structure on site, and its replacement with two storey dwellings with rear (east) facing habitable rooms is considered to represent an increase in overlooking. Section details have been provided of the proposed development, with the existing properties in Princes Terrace shown also. This indicates that the distances involved (first floor to first floor) are a minimum of 13.5m, and a maximum of 20m. Whilst this minimum distance is just within the limits of acceptability in terms of overlooking distances, this only relates to a single dwelling and in general the distances are in excess of 17m, which is considered appropriate within a city centre location such as this. It is also noted that the relationship between the existing properties on the eastern side of Prince Regent's Close and Princes Terrace is 16m. Therefore, the relationship is broadly the same as that of the existing street.

Therefore, on balance, it is considered that there would be no undue overlooking issues arising from the scheme, and none that would warrant a refusal of the development on these grounds.

The scheme also has the potential to result in loss of light, particularly to the lower ground floor levels of the three storey properties fronting Princes Terrace. This is most relevant towards the northern part of the site where there is currently no built form (but there are piles of building materials, sometimes higher than the boundary wall).

At this point the scheme has the potential to cause a loss of light to the properties to the east, however it is unusual to have this type of relationship between residential properties and open sites within a city centre location. The relationship between the existing development to the north of the application site is more usual, and thus whilst some light will be lost, the degree to which this will occur is to be assessed having regard to the city centre location and the relationship between surrounding buildings.

To the southern portion of the site, the existing single storey buildings, which have a maximum ridge height of 4.0m, are to be removed. These are visible from the basement levels of the Princes Terrace properties. The proposed site would include a higher development height (a maximum of 5.3m furthest from the boundary) however this would be set well back (in excess of 6m) from the boundary, and thus will appear as less dominant than the existing buildings which are constructed against the eastern boundary.

On balance, it is considered that the existing dwellings to the east will still receive an acceptable level of natural light which would not unduly harm the amenities of the occupiers of these dwellings.

It is also noted that the site is located due west of these properties, and thus the amount of sunlight these would achieve as existing would be limited to late afternoon/evening during the summer months only.

Therefore, on balance, although there will be some loss of light, particularly to those properties adjacent to the northern part of the site, this would not be to a level which would warrant a refusal of the scheme on these grounds.

For Future Residents

Policy HO13 requires residential units to be lifetime homes compliant.

The layout of the proposed units ensures that there would be adequate space for the units to meet lifetime homes compliance. The plans confirm compliance with these standards.

The scheme provides for rooms sizes which are adequate for their function with adequate light and ventilation, save for an internal bathroom, which is not considered to warrant a refusal of the scheme.

Policy HO5 requires the provision of private useable amenity space in new residential development.

The size of the garden areas with the properties are considered to be on the limits of acceptability. Whilst there are no adopted minimum size standards for amenity space, it is considered that each unit should have a space which is suitable for the needs of the occupiers of the unit.

It is acknowledged that the size of amenity space in the existing surrounding properties vary somewhat, many incorporate more usable sized areas. The constraints of the site are noted and thus it is considered that on balance, and having regard to the size of the plot sizes within Prince Regents Terrace (which are similar sized units) immediately to the north of the site, that the plot sizes would be acceptable and sufficient for the needs of the future occupiers.

Transport

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.

The site is located just outside a controlled parking zone (CPZ) and as such experiences very high levels of on-street parking stress. It is noted that the scheme incorporates 1 vehicular parking space per unit.

The scheme also provides for secure cycle parking which is considered to conform to the requirements of policy TR14.

The comments from the Sustainable Transport Team are noted, in that the scheme would be acceptable subject to conditions relating to crossover details, cycle and vehicular parking being provided prior to occupation and a sustainable transport contribution of £13,500.

It is noted that the access to the site is relatively constrained, both by the narrow access as existing and the internal parking layout. The comments from the Sustainable Transport team are noted, in that they do not consider the internal arrangement would warrant a refusal of the scheme as this lies outside of their control. However, a condition is recommended to ensure that additional safety measures are incorporated into the scheme, such as shared surfaces, speed control measures and lighting. This is considered to ensure that the safety of the access is maintained of both vehicular and pedestrian traffic and thus ensures that the proposal would be acceptable in these terms.

Contaminated Land

PPS23 states that Local Planning Authorities should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, the Local Planning Authority should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation would be required.

Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.

The site appears to have been in previous use a petrol and diesel storage, which together with the existing commercial use on the site could give rise to contamination issues. A phase 1 Environmental Assessment has been submitted with the application and the comments from environmental health consider that this needs amending.

Therefore, a condition is recommended requiring full contamination reports to be submitted at the relevant stage to ensure the satisfactory outcome of the environmental health issues.

Sustainability (including Waste Minimisation)

Any new residential building upon the site would need to conform to the requirements of SPD08. This mean that a fully completed Sustainability Checklist would need to be submitted with the application and the building must meet Level 3 of the Code for Sustainable Homes as a minimum.

In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. This is particularly prudent in relation to any internal bathrooms. The comments from the Sustainability Officer are noted, in that the measures incorporated into the scheme are somewhat modest, but do meet the requirements of the policy and thus are acceptable.

The applicants have submitted a Sustainability Checklist with the application and have detailed a commitment to reach Code Level 3 of the CSH in accordance with the requirements. Conditions are recommended to ensure that Code Level 3 is met.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature, a statement was submitted and a condition is recommended to require full compliance with the submitted details.

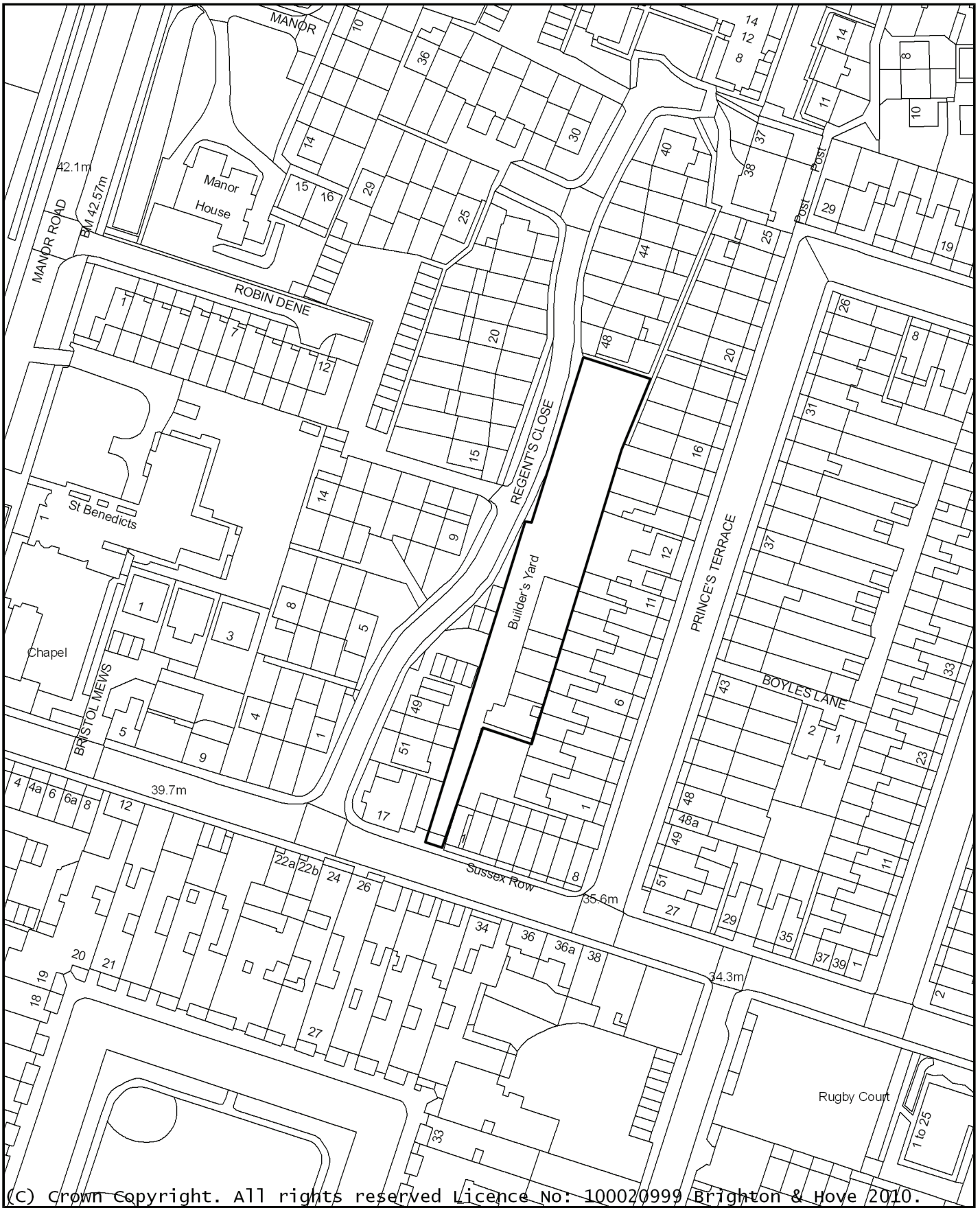
8 REASON FOR THE RECOMMENDATION TO GRANT PERMISSION

The proposed development would integrate effectively with the scale, character and appearance of the street scene and wider area, would cause no undue loss of light or privacy to adjacent occupiers and would be of appropriate materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

The development accords with Lifetime Homes standards.

BH2009/01355 Wolseley Build Centre, 19 Bristol Gardens



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Brighton & Hove City Council

PLANS LIST – 30 JUNE 2010

COUNCILLOR REPRESENTATION

Mr Alex Bailey,
Acting Chief Executive
Brighton & Hove City Council

27th July 2009

Dear Alex,

**Re: Planning application BH2009/01355.
Wolseley Build Centre Site, 19, Bristol Gardens, Kemp Town.**

I would like this letter to be placed on the agenda of the relevant Planning Committee meeting and for either myself or a ward councillor colleague to be able to attend to speak to it.

The Wolseley Build Centre site is a narrow, constricted site set between two existing residential roads and in an area of high-density housing. The adjacent 'Clyde Arms' public house site was fairly recently redeveloped to provide 9 units of housing and an application is expected soon for the redevelopment of the nearby ex-convent site that could see up to an additional 80 units of housing in this same small area. Pressure on parking and other services is acute, exacerbated by the expanding Royal Sussex County Hospital in the vicinity.

Considering the factors outlined above, I consider that the number of units of housing being proposed for this small site amounts to an overdevelopment and would ask that the Planning Committee take this and the following factors into consideration when determining this application:

Existing brick and flint boundary walls to East and West of site.

It is essential that these attractive, old walls are retained and that conditions are attached that will ensure their future maintenance and repair. Ownership of these walls needs to be clarified. Drainage systems from the new dwellings should not undermine the foundations of these walls.

Site levels

The ground level of the application site is significantly higher than that of the adjacent rear gardens of Princes Terrace on the other side of the Eastern boundary wall. It is important that this difference in height is taken into account when considering issues of potential loss of light either from the proposed new dwellings or the new boundary planting as suggested on the plans.

Cont/



Brighton & Hove City Council

PLANS LIST – 30 JUNE 2010

COUNCILLOR REPRESENTATION

Parking

The proposed development will result in a net loss of three on-road parking spaces in an area where parking availability is already under enormous pressure. There will also be additional competition for on-road spaces from visitors and any other parking not provided for within the application. It is essential that adequate off-road parking is provided for as part of any redevelopment of this site and that speed reduction measures are urgently considered for Bristol Gardens before increasing the volume of traffic along this dangerous road.

Balconies / Roof Terraces

Given the close proximity of the rear elevations of the proposed new houses a condition should be attached if possible that would prevent any balconies or roof terraces being built for reasons of privacy for the rear gardens of Princes Terrace.

I would ask members of the Planning Committee to seriously question whether this number of dwellings packed into such a small site is suitable and to take into account the effect on the existing amenities of the area.

Yours sincerely,

Councillor Gill Mitchell
East Brighton Ward

<u>No:</u>	BH2010/01132	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	41 Ladies Mile Road Brighton		
<u>Proposal:</u>	Change of Use from betting shop (A2) to hot food take-away (A5) with the erection of a rear extension, new shop front and extract duct.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	14/05/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 July 2010
<u>Agent:</u>	Richard Unwin Chartered Surveyor, 10 Green Fold, Abbey Hey, Manchester		
<u>Applicant:</u>	Domino Pizza Group Ltd, Lasborough Road, Milton Keynes		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation (set out in paragraph 8 of this report) and resolves it is **MINDED TO GRANT** planning permission subject to the expiry of the publicity period on 22 June 2010 and the receipt of no further representations which raise new material planning considerations, which have not already been considered within this report and subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning.
2. The premises shall not be in use except between the hours of 09.00 and 23.00 Monday to Saturday, and 10.00 and 23.00 on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
3. Prior to the commencement of the use hereby approved, the ventilation system detailed in 'Proposed Ventilation System Statement Revision A', 'Standard Specification for ventilation and air conditioning system', and manufacturers brochure submitted on 4th of May 2010 shall be installed and operational. The ventilation system shall be maintained as such thereafter for the duration of the approved use.
Reason: To safeguard the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
4. Other than the railed walkway hereby approved, access to the flat roof over the rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the commencement of the use hereby permitted, and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
6. Prior to the commencement of the use hereby approved, details of an outdoor litter bin for use by customers shall be submitted to and approved in writing by the Local Planning Authority. The litter bin shall be installed prior to the use commencing and retained as such thereafter.
Reason: To safeguard the amenities of neighbouring properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 4462-A5-01, 02C, 04A, shopfront section drawing, site plan and supporting documentation submitted on the 4th of May 2010, and drawing nos. 4462-P03 and BP04 submitted on the 14th of May 2010.
2. This decision to grant planning permission has been taken:-
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:
SR6 Local Centres
TR1 Development and the demand for travel
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standards
SU9 Pollution and nuisance control
SU10 Noise nuisance
QD14 Extensions and alterations
QD16 Trees and hedgerows
QD27 Protection of amenity
Supplementary Planning Documents:
SPD03: Construction and Demolition Waste
Supplementary Planning Documents:
SPG04: Parking Standards; and
 - ii) for the following reasons:
The change of use of the building is acceptable in this location and the use would not cause significant harm to the amenity of adjacent residential accommodation by way of increased noise, disturbance and odours. Furthermore, the proposed extension and alterations would not

harm the appearance of the property, and the proposal would not result in a significant increase in traffic.

2 THE SITE

The application relates to a ground floor unit located to the eastern end of the Ladies Mile Road local centre. The unit is part of a parade on the northern side of Ladies Mile Road. The playing fields associated with Patcham High School are located opposite the site to the south. The 'Ladies Mile' public house is located to the rear of the application site.

The parade consists of ground floor commercial businesses with flats above, the application property was most recently in use as a betting shop (Use Class A2) and is currently vacant.

3 RELEVANT HISTORY

BN.76.516: Change of use from shop to Estate Agent's office (including extension/alteration), granted planning permission March 1976.

BH2009/00520: Change of use from a betting shop (A2) to a hot food takeaway (A5) with the erection of a rear extension, new shopfront and extract duct, application withdrawn by applicant June 2009.

BH2009/01376: Display of 1x externally-illuminated fascia sign, 1 x externally-illuminated projecting sign and 1 x internally-illuminated window sign, granted advertisement consent July 2009.

BH2009/01921: Change of use from a betting shop (A2) to a hot food takeaway (A5) with the erection of a rear extension, new shopfront and extract duct, refused planning permission at the Planning Committee meeting of the 4th of November 2009 for the following reasons:

- 1. The proposal would result in increased pressure on parking, increased traffic flow and resulting vehicle noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*
- 2. The proposal would result in the generation of anti social behaviour by reason of the congregation of youths and resulting noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

4 THE APPLICATION

The application seeks permission for the change of use of the premises from a betting shop (Use Class A2) to a hot food takeaway (Use Class A5). External alterations proposed consist of a rear extension with access walkway and staircase, installation of an extract duct and refrigeration plant to the rear of the property, and alterations to the shopfront.

Following the refusal of application ref. BH2009/01921, additional supporting information has been submitted in regard to traffic generation and noise disturbance.

5 CONSULTATIONS

External

Neighbours: Letters have been received from occupiers of nos. **25, 25A, and**

49 Ladies Mile Road, no. 24 Mayfield Crescent, no. 137 Vale Avenue, no. 9 Craginair Avenue, no. 36 Highview Avenue North, and no. 45 Old Mill Close objecting to the proposed development on the following grounds:

- The proposed use will create a litter problem.
- The proposed use will cause increased traffic, noise and disturbance.
- The proposed use will attract youths until late at night, cause a noise nuisance and encourage antisocial behaviour which is an existing problem.
- Due to the location of the premises opposite a school site the change of use will encourage pupils to consume unhealthy food.
- There are already enough food outlets / takeaways in the area; the proposed takeaway is not needed.
- The proposed takeaway use would create increased competition for existing local businesses.

A letter has been received from occupiers of no. **78 Ladies Mile Road** stating support for the application on the grounds that a pizza takeaway is needed in Patcham since the previous one on Mackie Avenue closed down.

Sussex Police: Recommend standard security measures in regard to new windows and doors.

A letter has also been submitted by the agent for the application, from the Central Brighton Neighbourhood Police Team. This letter details problems associated with large numbers of delivery vehicles at the St. Georges Place branch of Dominos Pizza, and states that '*if the introduction of a new branch significantly reduced the volume of delivery vehicles using the Central Brighton branch this would significantly improve the lives of local residents.*'

Internal

Sustainable Transport: No objections subject to the provision of appropriate cycle parking facilities. The submitted Transport Statement shows, using well established principles for assessing the likely transport impacts of development, that this proposal will not generated a material increase in traffic flow. As the proposal is for a similar type of business to the existing (i.e. small scale retail, betting or takeaway use) there would not be a change in the characteristics of the generated traffic.

Environmental Health: No objections to the proposed development subject to opening hours being controlled by condition, and the implementation of the proposed ventilation system and associated odour and noise control measures. In regard to the submitted noise report, it is difficult to comment upon the findings of the report as the impact of the proposed use is based on findings relating to other Dominos outlets. The analysis of the data does however appear to be sound.

Arboriculture: No objection: the two Elder trees that will be lost should this

development be granted consent are of little arboricultural value.

6 PLANNING POLICIES

Brighton & Hove Local Plan

SR6	Local Centres
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
SU13	Minimisation and re-use of construction industry waste

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

Supplementary Planning Documents:

SPG04: Parking Standards

7 CONSIDERATIONS

The key issues for consideration relate to the principle of the change of use, impacts on neighbouring amenity, traffic/highways issues, access and the visual impact of the proposed extensions and alterations.

The proposed change of use

Policy SR6 seeks to retain a proportion of existing retail (A1 Use Class) premises in local centres such as Ladies Mile Road. The application property was most recently in use as a betting shop; an A2 Class use. As such, the loss of the existing use would not be contrary to this policy. The change of use to a hot food takeaway is therefore considered to be acceptable in principle.

Impact on neighbouring amenity

The proposed use, located below residential properties, has the potential to cause significant nuisance by way of odours and noise caused by ventilation and refrigeration plant and machinery. Discussions have taken place between the applicant and the Council's Environmental Health section, and based on the details submitted (which include full details of the proposed ventilation system) it is considered that the proposed scheme would successfully mitigate such potential impacts to an acceptable level. It is recommended that the implementation of the proposed ventilation system be secured by condition.

In terms of general activities and 'comings and goings', whilst the proposed use may not result in a significantly increased level of disturbance overall in

comparison to the betting shop use, evening / night activity will be increased. Proposed opening hours are 09.00 to 23.00 Monday to Saturday, and 10.00 and 23.00 on Sundays. Whilst a takeaway use located in close proximity to residential properties is not an ideal scenario, such uses are to be expected in a commercial parade; any disturbance created would be unlikely to be beyond that expected in such locations. A condition is proposed to require that the takeaway is only in use between the hours proposed.

A noise report has been submitted in support of the application detailing a survey which was carried out recording background noise levels to the front of the property on a Saturday evening. It is stated that most of the noise associated with the proposed use would be caused by the comings and goings of customers collecting takeaway orders by foot or car, and the comings and goings of delivery vehicles. Following the survey the report concludes that the noise levels associated with the proposed use would only cause a small increase in noise levels and would be acceptable. It is detailed that during the survey period no antisocial activity was observed in association with existing takeaway premises in the parade. Furthermore no such behaviour was noted during the carrying out of surveys relating to existing Domino's Pizza Takeaways at two other locations in the UK.

It is difficult to comment upon the conclusions of the report as the impact of the proposed use is based on findings relating to other Dominos outlets. In general however, it is considered that the levels of activity associated with the proposed use would not cause significantly increased disturbance to neighbouring residents. The proposed use would have a similar impact to other uses in the Ladies Mile Road local centre which are open in the evening.

The proposed single storey rear extension would be located between two rear yards associated with ground floor commercial uses. The bulk of the structure would therefore not have a significant impact on neighbouring residential amenity. The proposed railed walkway across the top of the proposed rear extension would provide access from the first floor flat down to the alley at the rear of the property. This feature does raise concerns as the use of the walkway at first floor level could cause a noise nuisance and could also result in increased overlooking of the rear windows of neighbouring flats. These neighbouring windows are however either obscure glazed or serve kitchens, and on this basis it is considered that harm to neighbouring amenity would not result. If the whole of the flat roof of the extension were to be used as a terrace area, this could however cause an unacceptable level of disturbance and on that basis it would be reasonable to condition access beyond the railed walkway to be for emergency access or maintenance purposes only.

The impacts of the proposed illuminated signage have previously been considered under application BH2009/01376.

Visual Impact

The proposed shopfront alterations will result in the loss of a relatively traditional shopfront of timber construction. It is however the case that the proposed shopfront design would retain some traditional elements such as a solid stall riser and rendered sections to either side of the powder coated aluminium framed glazed shopfront and door. Overall the proposed design is a significant improvement over that proposed under the previous application (ref. BH2009/00520). Furthermore, the proposed externally illuminated signage is relatively modest and also considered appropriate.

The proposed single storey flat roofed rear extension is of a considerable depth (7.6 metres approximately) and will cover almost the entire rear yard area. The proposed railed walkway on top of the extension with a staircase behind and refuse storage area, in conjunction with ventilation and refrigeration plant will result in a rather utilitarian / cluttered appearance. The rear of the property faces onto an alleyway and the rear of the Ladies Mile public house, and most of the properties in the parade have similar ground floor rear additions to that proposed; some also have stepped accesses to first floor level. In this context, the proposed alterations to the rear would not be out of keeping and do not warrant refusal due to their appearance.

Traffic / highways

Parking is available to the front of the premises in the form of parking bays to either side of Ladies Mile Road, restricted to 1 hour between 9am and 6pm Monday to Saturday with no return within 1 hour.

Following the refusal of the previous application, a detailed Transport assessment has been carried out and a statement submitted. The report details that the proposed use would not cause significantly increased levels of traffic and disturbance, and that there is sufficient parking available on Ladies Mile Road to provide for customers and delivery vehicles associated with the use.

The Sustainable Transport Team has commented on the application and the details of the report. It is considered that appropriate well established principles for assessing the likely transport impacts of development have been utilised to reach the conclusions made. Overall it is considered that the proposed change of use will not generated a material increase in traffic flow, and would not warrant refusal on such grounds.

Insufficient information has been submitted regarding cycle parking facilities for staff and customers; such measures could be appropriately secured by planning condition.

Trees

The erection of the proposed rear extension would require the removal of two small Elder trees. The Arboriculturist has not objected to this loss; there is not a suitable location for potential planting of replacement trees on site, and given the small scale nature of the two trees, the scheme is not considered to

warrant refusal on such grounds.

Other matters

Objections to the proposal have been made by local residents on various grounds. It is stated that the proposed use may lead to increased antisocial behaviour, noise disturbance and that local school children may be encouraged to eat unhealthy foods.

Proximity of Patcham School

The application site is located opposite the ground of Patcham School and as such pupils may chose to purchase food from the proposed takeaway. The school offers school meals and has a Healthy Schools Strategy including measures to encourage healthy eating. The Head of Law has advised that:

‘A very recent High Court decision confirmed that a school's healthy eating policy is capable of being a material planning consideration. Whether such a policy is material in relation to a particular application and the weight to be attributed to it will depend on the circumstances of the particular case. The existence of such a policy will need to be considered together with all the other material planning consideration pertaining to the planning application.’

In this case, there are no adopted local plan policies which support concerns regarding the approval of an additional hot food takeaway in the locality of the school site. That being so it is considered that although the Healthy Schools Strategy is a material planning consideration in this matter it should be given limited weight and that its existence is not considered to warrant a refusal of the application.

Noise disturbance

The submitted Noise Assessment concludes that the proposed change of use would not cause significantly increased noise disturbance, and the Environmental Health Officer has not raised objection to the proposed development on such grounds. Whilst it appears that there may be an ongoing issue regarding antisocial behaviour in the locality, the proposed development would not necessarily worsen such issues. Sussex Police have raised no objections in this regard, and the application is not considered contrary to local development policies on such grounds.

The need for an additional hot food takeaway

It has been raised by objectors that an additional hot food takeaway is not needed in the area, and that the proposed use would cause increased competition for existing businesses in the locality. Whilst the need for a particular use or development is a material consideration, in this case adopted local plan policy relating to local shopping centres (SR6) does not require that the need for a particular use be identified, and the proposal for a change of use from betting shop (Use Class A2) to hot food takeaway (Use Class A5) is in accordance with this policy. It is therefore considered that the application is acceptable in this respect.

Litter

It is accepted that a takeaway may cause increased litter, on that basis it is considered appropriate to secure the provision of a litter bin outside the premises by planning condition.

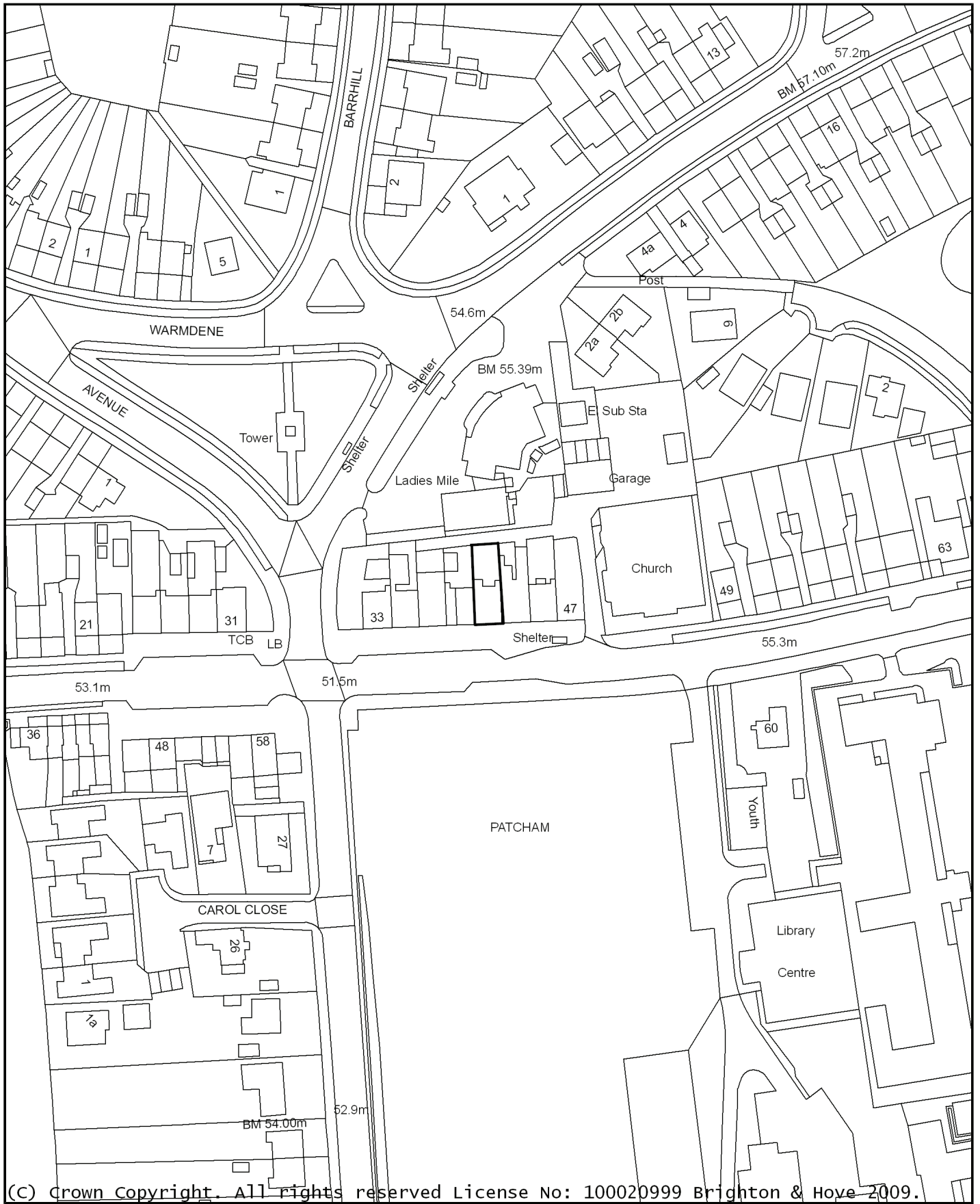
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The change of use of the building is acceptable in this location, and the use would not cause significant harm to the amenity of adjacent residential accommodation by way of increased noise, disturbance and odours. Furthermore, the proposed extension and alterations would not harm the appearance of the property, and the proposal would not result in a significant increase in traffic.

9 EQUALITIES IMPLICATIONS

The proposed entrance door would provide an adequate width of clearance for wheelchair access. The stepped access is not ideal, however a customer assistance call point is proposed to the shopfront.

BH2010/01132 41 Ladies Mile Road



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