

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

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

1 RECOMMENDATION

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

1. The impact of the proposed development, notably the construction and dismantling phases, upon authorised development which has been lawfully commenced and is being progressed on an adjacent and overlapping site is a material consideration when determining planning applications. The proposed development would have a prejudicial impact upon the construction of an observation tower adjacent to and overlapping the application site in respect of compliance with planning conditions and the meeting of Section 106 of the Town and Country Planning Act 1990 (as amended) obligations.
2. The applicant has failed to demonstrate that the attraction, due to noise and disturbance, would not be detrimental to the amenity of adjoining occupiers and residents if operational after 9.00pm and until midnight. As such the application is contrary to the requirements of policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on the Planning Statement (Btn'O'/01); Design and access statement (Btn'O'/02); Statement of Community Involvement (Btn'O'/04); Verified Views (Btn'O'/06); Tall Buildings Statement (Btn'O'/07); Heritage Statement (Btn'O'/08); Transport Statement (Btn'O'/09); Flood Risk Assessment (Btn'O'/010); Measurement of Existing Noise Levels & Assessment of New Plant Machinery Noise (Btn'O'/11); Operational Statement (Btn'O'/12); Sustainability Checklist

(Btn'O'/13); Lighting Design Strategy (Btn'O'/14); Biodiversity Indicators (Checklist) (Btn'O'/15); Site Waste Management Statement (Btn'O'/16); and drawing nos. TA429/02 Revision A., TA429/05 Revision E., TA429/08 Revision A., TA429/09, TA429/10, TA429/12 Revision A., TA429/13 and TA429/15 Revision A submitted on 5 October 2009; the Design, Construction Method and Waste Management Statement (Btn'O'/05) submitted on 13 October 2009; the Construction Plan and drawing nos. 12798/01/S1, 12798/01/S2, 12798/01/S3, 12798/01/S4 and 12798/01/S5 submitted on 10 November 2009; Figure 2: Site Compound and Sewer Diversion; View from West Pier; and drawing no. TA429/16 Revision A. submitted on 17 November 2009; and Shadow Cast Study – 21 June (longest day); Shadow Cast Study – 21 March (equinox); and Shadow Cast Study – 22 December (shortest day), submitted on 20 November 2009.

2 THE SITE

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

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

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

3 RELEVANT HISTORY

BH2008/03967: Application for variation of condition 1 of application BH2005/05727 to read: 'The street market hereby approved shall only take place on that part of the beach shown on the approved drawings on Saturdays, Sundays and Bank Holidays (except for Christmas Day) between 1 March and 31 December and on weekdays (Mondays to Fridays inclusive) between 1 May and 30 September. The use shall cease on 31 December 2010, or at the start of i360 construction (whichever is sooner), after which the land shall be restored and shall return to its former use.' – approved on 27 February 2009.

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

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

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

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

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

4 THE APPLICATION

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

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

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

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

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

5 CONSULTATIONS

External:

Neighbours: Fifty (50) representations have been received objecting to the application for the reasons summarised below. The objectors' addresses are contained in Appendix A.

Visual impact

- Too big for the area.
- Not in keeping with character of the area, promenade and historic seafront.
- Beach is not a circus.

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

Economy/Tourism

- The wheel will overshadow businesses.
- Will damage the image of the city.
- Threatens ambience of area.
- Conflicts with Mediterranean plage character.
- Too small to allow riders so see sufficiently far.

Amenity

- Insufficient facilities to cope with additional visitors, e.g. public toilets, showers, for tourists.
- No toilets provided for staff or visitors.
- Overshadowing.
- Overlooking.
- No evidence provided to demonstrate structure will cause minimal shadowing.
- Inadequate shadow cast study.
- Loss of privacy.
- Increased noise.
- Increased disturbance.
- Light pollution.
- Impractical.
- Insufficient noise data.

Transport

- Will hamper pedestrian movement.
- Unclear as to access for wheelchair bound customers.
- Crowds will block promenade.
- The narrow passage points and large crowds will be difficult to navigate for those using wheelchairs.
- Queuing area not large enough.
- Inadequate details of cycle parking.
- Insufficient amount of cycle parking.
- Obstruction of, and limited access to, the area used by sailing club members.
- Will impede movement and access for delivery and emergency vehicles both during construction and subsequent operation.
- Queues for the development will impede the movements of sailing club members and their boats and equipment.
- Increased use of already congested area.
- There are other areas away from the city centre where a new attraction would draw visitors away from congested areas.
- Extra traffic.
- The plans do not show full details of the previously approved relocation of the promenade walkway onto the beach to accommodate the construction compound of the i360.
- Contravenes policy SR18 by restricting pedestrian access and undermining the importance of the beach and seafront as open space.
- Contravenes policy SU7 of the local plan.
- Adverse impact on the area, particularly for children.
- People will not be able to stroll along the promenade, which they have done for over a hundred years.
- Inaccurate trip generation statistics based on i360.
- The proposed operating hours overlap with vehicular access hours to the seafront, making the area less safe for pedestrians.
- Inadequate assessment of car park facilities.
- Seafront road dug up every year.
- Congestion of lorries and construction of i360 and Brighton O carrying on simultaneously.
- Nowhere on coast road for cars and coaches to drop off visitors of the Brighton O.

Miscellaneous

- Discrepancies between the plans and written statements.
- Serious effect on organisation of sailing club.
- If approved for 2 years the developers will be back after one year applying for an extension.
- Risk of commercial failure and abandoned structure.
- Waste of money.
- Construction plan submitted states 25 days for construction as opposed to

15 days as initially proposed.

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

PLANS LIST – 13 JANUARY 2010

- Poor standard of application.
- Will the wheel go to land fill after being removed.
- People may be more inclined to fall over the barrier onto the Lower Esplanade, if watching the wheel from the Upper Esplanade.
- Sand getting into mechanism.
- Corruption.

Ninety-five (95) representations have been received in support of the application for the reasons summarised below. The supporters' addresses are contained in Appendix B.

- More visitors.
- Increase tourism.
- Regeneration.
- Similar developments have had a positive impact on other parts of the UK.
- Revive seafront.
- It is not of voluminous proportions.
- Will look great from Regency Square.
- Modern touch to slightly dated seafront.
- Great example of new and old structures together.
- New landmark.
- Seriously engineered.
- Only spokeless wheel in Britain.
- The materials used should be of the highest quality.
- Compliment restoration of bandstand.
- Need for an extra attraction.
- In keeping with lively seaside town.
- Help with Brighton's image as a proper city rather than a large town.
- Asset to the city.
- This part of the seafront is flat and dull.
- Increase diversity.
- Economy.
- Help recovery from recession.
- With the continuing delay of the i360 this will be essential for the prosperity of the city.
- Employment opportunities.
- Will generated income for the city.
- Benefit to businesses.
- Metropole Hotel should benefit too.
- Positive impact on leisure community.
- Cannot wait to have a go.
- Attractive.
- Will provide gorgeous views.
- See the city from a different perspective.
- NIMBY objectors should see the city wide picture.
- A 60m observation wheel in Derby is popular and has enhanced the city

centre.

- Can be enjoyed by all ages.
- All year round attraction.
- Too many projects have been abandoned.
- Innovative project – should not be blocked.
- Mood and colour changing lighting.
- Good public relations.
- Enhance visitor experience.
- The wheel is only temporary.
- When the i360 is ready, the wheel could be relocated.
- People will see the South Downs too.
- This part of the seafront has much to offer, including art galleries and a fishing museum.
- The council should not take seriously the objection from the Metropole with regards to the wheel blocking sea view hotel rooms.
- Opportunity to test infrastructure prior to completion of i360.
- i360 may not go ahead.
- If refused, seafront may not benefit from either the 'O' or the 'Eye'.

Brighton Sailing Club: Objection.

- Absence of full details of relocated promenade walkway and extent of i360 compound.
- Proposed boat storage area is too small.
- The layout of the boat store is inoperable, not suited to all craft (e.g. catamarans), insufficient turning area and height clearance.
- Contrary to local plan policy SR18. Restricting pedestrian movement and compromising the beach and seafront as open space.
- Discrepancies in the figures provided for visitor numbers, the timing of their arrival and use of the attraction.
- Insufficient explanation and representation of the queuing arrangement and how overspill queuing will be managed.
- Insufficient explanation of customer facilities and the location of ticket sales kiosks.
- Too few cycle parking spaces.
- Arches beneath the upper esplanade may not be able to withstand the weight of extra people and cyclists.
- Harmful impact on residential amenity.
- No customer toilets.
- Occupies part of the sailing club's roundel, which is used for drying sails.
- The erection, maintenance and dismantling methodology is not sufficiently detailed. Conditions relating to the i360 preclude the use of the upper esplanade over the arches for heavy plant and cranes.
- Inadequate operational statement, especially fire risk, evacuation and emergency arrangements.
- Neither preserves nor enhances the conservation area.
- Contrary to Regional Planning Policy – The South East Plan 2009, policy

TSR4, which states developments should be complimentary to existing attractions and not displace existing activities.

- The subway from Regency Square car park cannot be put to use.
- The development will restrict public access to the coast.
- The submission contains contradictory information regarding opening hours and noise predictions.
- The number of people congregating around the proposed wheel will impact on the use of adjacent cafes, the arches and the use of the basketball and volleyball courts, which could become unusable.
- While the Brighton Sailing Club is included in the Statement of Community Involvement, the extent of consultations held with the developer was one brief meeting in which very rough sketches were produced and no details recorded of the agreements between the Brighton Sailing Club with the project team for the i360.
- The activities of Brighton Sailing Club have proceeded relatively unhindered for over 70 years in this location. The club forms an integral part of seafront life and its outlook.

Hilton Brighton Metropole: Objection.

- The siting of the observation wheel in front of the hotel will create severe issues for rooms with a Sea View. These are premium rooms and command premium rates due to their unobstructed view of the sea.
- Guest satisfaction and revenue levels will be compromised.
- The observation wheel threatens the privacy of guests.
- Lengthy hours of operation from 10am until midnight will have serious implications on the experience of hotel guests in the sea facing rooms, who will suffer noise, disturbance and overlooking.
- There are also some private residential apartments on the seventh floor of the building that would be affected.
- The scale and height of the proposed wheel is such that views from all front facing rooms will be altered.
- Detrimental impact on strategic views, particularly from the hotel: a central landmark site.
- Contrary to the pattern of existing development, the wheel would produce a tall and large scale structure at Esplanade level, whereas existing tall buildings presently finish along the top of King's Road.
- The wheel will detract from the presence and importance of key facades on the Brighton seafront, including the Metropole and the Grand.
- The wheel will introduce an element of activity and human presence at a high level in front of the Metropole. This is not experienced currently.
- Harm to guests' amenity and privacy – will enable high level views looking downwards into the hotel's rooms and conferencing facilities.
- Absence of satisfactory noise assessment data, such as motor/gearbox noise.
- Ambiguity as to provision of PA system.
- Noise impact.
- No technical details of how gondolas will be illuminated.

- Ambiguity as to hours of operation.
- Adverse impact on hotel business, half of which comes from events, meetings and conferences.
- Harmful to the continued prosperity of the hotel.
- Harmful to the image of Brighton.
- Concern that the applicants intend for the observation wheel to be a permanent feature, notwithstanding the temporary consent being applied for.

West Pier Trust: Objection.

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

Marks Barfield Architects (Brighton i360): Objection.

- The applicant should have to carry out an Environmental Impact Assessment.
- The design and access statement submitted is flawed.
- More detail is required of the gondola glazing to be used, and the materials of the canopy area.
- The application does not sufficiently consider alternative locations for the scheme or give any justification as to why other sites are not suitable. While not against the scheme in principle, a strong objection is raised to the proposed location of the Brighton O so close to the i360. The proposed location places at risk the delivery of the i360 development and its corresponding regeneration benefits.
- The red line boundary of the application overlaps with the boundary of the i360 application site as well as with the Council's landscaping scheme, which is currently being progressed. The delivery of the Brighton O scheme at its proposed location would prevent the implementation of the landscaping scheme, which includes the reinstatement of an original and historic octagonal kiosk from the Grade 1 Listed West Pier.
- The planning application documentation provided to date does not make any mention of Section 106 planning obligations. The i360 scheme delivered a detailed Section 106 Agreement in order to secure practical

environmental and community benefits.

- Imposition of a condition to regulate the temporary nature of the Brighton O scheme is inadequate. Such a restriction should be secured by way of a Section 106 planning obligation.
- The Section 106 Agreement should not restrict the rights of third parties to enforce the terms of the Agreement.

saveHove: Objection.

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

Visit Brighton: No objection.

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

CAG: No objection.

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

In conclusion, no objection was raised on the understanding that the proposal is of a temporary nature, not permanent, and that it would not prejudice the Brighton i360 tower development.

English Heritage: No objection to a temporary permission.

English Heritage considers that the proposed observation wheel on the Lower Esplanade adjacent to the former West Pier would not significantly harm the setting of the Grade I Listed pier or the numerous other listed buildings in the vicinity of the application site. The wheel would add vitality to the seafront in a way that draws on Brighton's strong tradition of recreational seaside activities and its innovative spokeless design is of a sufficiently high calibre to

preserve the significance of its setting and the conservation area. No objection is raised to a temporary permission being granted for the wheel, but further justification and a revised visual impact assessment should be expected if any future application is proposed for retention of the wheel alongside the completed i360 observation tower.

Sussex Police: No objection.

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

Environment Agency: No objection.

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

Health and Safety Executive: No comments.

Internal:

Planning Policy: No objection.

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

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

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

Policy SR14 applies in relation to recycling and refuse provision.

Core Strategy Policies

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

Design & Conservation : No objection.

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

The site

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

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

The development proposal

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

The general lack of technical detail included on the submitted plans makes it difficult to fully assess the likely impact of the structure; the planning application drawings and the images included in the verified views indicate a solid structure to the wheel, whereas other images included in the supporting documents show a more open framework structure. The latter is visually permeable and would have less impact than the solid structure indicated on the plans.

Impact on views and historic environment

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

"In contrast to the grand streets and squares [of the conservation area] there are a few intimate spaces...the greatest contrast however, is the seafront,

which offers views eastwards to the Palace Pier and westwards as far as Worthing. King's Road is fronted by the wide pedestrian Esplanade overlooking a series of recreational spaces at a lower level, which in turn form the margin of the beach."

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

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

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

Lower Esplanade

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

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

Tall Building Justification

This site is not identified in the Tall Buildings SPG as being within a corridor or node suitable for the location of tall buildings, therefore strong arguments would be required to justify the development contrary to this policy and it is not considered that the submission sufficiently demonstrates that this landmark would be appropriate to the Regency Square Conservation Area or make a positive contribution to its character.

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

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

Conclusion

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

Sustainable Transport: No objection.

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

Site access

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

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

General parking

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

Disabled parking

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

Cycle parking

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

Sustainable modes

Access by foot and bike is good but bus provision is poor for a central area.

The subsidising of a bus service would be inappropriate to the scale of development, but there is no reason to doubt that a bus company would not consider it financially viable to operate a bus mainly for this use, as with the i360.

Contributions

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

Other points

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

Environmental Health: No objection subject to conditions.

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

A plan showing the exact location and rationale for the methodology of why the position was chosen for the acoustic report and what formed the predominant noise sources would be required to ensure the document is technically robust. Additional information as to the noise emitted from the pod air conditioning units and the tonal characteristics of the units is required to warrant their selection as being appropriate. The design and access

statement states the motor/gearbox would be silent but the plant and machinery to be used is not yet known.

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

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

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

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

6 PLANNING POLICIES

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

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

Brighton & Hove Local Plan

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel plans
- TR7 Safe development
- TR8 Pedestrian routes
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR15 Cycle network
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- TR20 Coach parking
- SU2 Efficiency of development in the use of energy, water and materials
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewage disposal infrastructure
- SU7 Development within the coastal zone
- SU10 Noise nuisance

SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD20	Urban open space
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
SR18	Seafront recreation
SR20	Protection of public and private outdoor recreation space
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE5	West Pier
HE6	Development within or affecting the setting of conservation areas

Emerging LDF Core Strategy:

SA1 The Seafront

7 CONSIDERATIONS

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

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

- the principle of a temporary consent;
- impact on the implementation of overlapping and adjacent development;
- scale, design and appearance;
- visual impact on the historic seafront and the Regency Square Conservation Area;
- impact on the setting of listed buildings;
- transport implications including accessibility and passage along the Lower Esplanade;
- environmental factors such as noise and light;
- tourism and the economy; and
- sustainability.

Principle of a temporary consent

The application constitutes a recreational development on the seafront, and within the coastal zone of the city. As such policies SR18 and SU7 of the

local plan apply, as well as policy SA1 of the emerging Core Strategy. Policies TSR1 (Coastal resorts) and TSR4 (Tourism Attractions) of the South East Plan are also relevant. Respectively they require local planning authorities to seek to diversify the economic base of the region's coastal resorts, and to give priority to improving the quality of existing attractions.

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

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

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

- a. there will be no development onto the beach;
- b. the importance of the seafront and beach as an open space is not undermined;
- c. any development does not have a detrimental impact on strategic views along the coastline;
- d. the development makes a considered response in its design to the visual and environmental character of the stretch of seafront to which it relates, supported by a design statement which addresses that character;
- e. the development does not have a harmful impact on the amenity of local residents and the seafront due to noise, disturbance and light pollution;
- f. the development will not result in the significant generation of car borne journeys, nor additional pressure for car parking;
- g. the development will not have an adverse impact on the setting of important seafront buildings;
- h. the development does not have an adverse impact on nature conservation interests; and
- i. any development enables the beach and seafront to be accessible to all.

The proposed observation wheel would be wholly situated on the Lower Esplanade and no part of the development would occupy the beach. Being a tall rather than a broad structure, the wheel would occupy little space in terms of site area, certainly in the context of the entire length of seafront between the Marina and Hove Lagoon, and as such it is not considered the

development would undermine the functioning of the seafront or the beach as an open space. The design and appearance of the proposed observation wheel, along with the impact on the Regency Square Conservation Area and strategic views (criteria c. and d.) are discussed later in the report under the Design and Appearance sub-section. Likewise, the impact on amenity (criteria e.) is described in the sub-section entitled Amenity, and accessibility implications and transport issues are assessed in the Transport sub-section of the report.

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

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

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

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

The greatest risk is posed by the beachfront location and the development would be most at risk of flooding through waves overtopping the beach and windborne sea spray. Flooding from overtopping waves has been known to cause damage to businesses housed in the arches under King's Road.

However, being a Flood Zone 1 area, the risk of flooding due to the sea is 1 in a 1000 annual probability and in consideration of the temporary operation of

the observation wheel for a two year period, or less, the development would be at low risk of flooding.

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

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

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

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

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

However, whilst a temporary consent may be acceptable it is clear that a permanent structure in the location proposed would be in conflict with the

delivery of both current adopted local plan policy (QD19) and emerging Core Strategy policy (SA1).

Impact on the implementation of overlapping and adjacent development

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

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

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

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

As noted in the bullet points above the i360 scheme has commenced and in that respect together with all of the activity to discharge pre-commencement conditions and obligations, it is considered that the likelihood/probability test is passed. On that basis significant weight should be given to the probability of the Brighton O development even if granted for a temporary period, prejudicing the delivery of the i360 scheme.

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

- The Construction and Environmental Management Plan (CEMP) approved with the i360 developer provides for a construction compound to the east of the root end of the pier, along with a temporary roadway running on the beach, alongside the Lower Esplanade. This conflict ties in with condition 8 - The main HGV access/egress route for Brighton O (during main

erection and dismantling phase) is shown on the lower promenade. Very recent comments from Transport indicate that the lower esplanade could not be used for construction traffic and also that it is not public highway. The lower esplanade can accommodate up to 40,000 pedestrian movements in the height of the summer.

- It is also unlikely the Council's seafront office would allow this access route to be used – it is not a public right of way. The developers of Brighton O will need to enter into a S278 Agreement with Highways Authority to provide a temporary access route across the beach (as with i360). Any temporary access route across the beach will require agreement from the Environment Agency.
- Two scenarios are possible: 1) the Brighton O lays out a temporary access route which is left in situ for i360 works traffic; or 2) the Brighton O lays out a second temporary access route next to that of the i360. Both options are problematic, firstly with regards to managing two sites' of plant traffic and conflict, and secondly due to the width of the temporary roadways, possible obstructions from pier wreckage on the beach, the slope of the beach, and conflict whereby vehicles for both sites may need to cross each other.
- The plans submitted for the Brighton O show that there is an overlap between the application sites of the i360 and the Brighton O measuring some 18m. In itself this does not necessarily present a material concern but it does hint at the potentially complex set of circumstances which this causes. For instance Class A of Part 4, Schedule 2 of the GPDO suggests notwithstanding the agreed demise of the i360 compound, the full extent of the overlapping red edge could be used by the i360 for moveable structures, works, plant or machinery temporarily required in connection with and for the duration of the i360 construction. Construction/dismantling of the Brighton O could interfere with the double stacked site offices at the eastern end of the i360 compound.
- Condition 8 – Problems that would arise from both the use of the i360 temporary beach roadway or a requirement for the Brighton O to lay out its own separate roadway (in agreement with the EA). The Traffic Manager states the Brighton O will not be permitted to use the lower esplanade for construction or dismantling traffic and would be required to lay out its own temporary access along the beach. This is essentially the same issue as that referred to above.
- Condition 11 – sewer redirection – i360 development would involve blocking access to Brighton O site due to expanded i360 compound if carried out in tandem with construction or dismantling of Brighton O.
- Condition 16 – the location for temporary storage of Brighton Sailing Club boats would need to be renegotiated as the Brighton O would partly occupy the presently agreed location. Unless the i360 developers has insufficient interest in the site to implement the development, or any part thereof, they would not be obliged to re-negotiate a location that the planning authority had already agreed.
- Condition 17 – This condition has to be implemented prior to the occupation of the i360. The Brighton O could prevent the occupation and

operation the entire i360 development as it could be in place at the time the i360 developer needs to implement the landscaping (i.e. 6 months prior to occupation).

- The phasing of construction works submitted by the i360 indicates that works connected with condition 3, 8 and 16 will commence as early as May 2010. Works connected with condition 16 are due to be carried out between May and July 2010. The surfacing and landscaping required by condition 17 of the i360 permission would be carried out between March 2011 and February 2012. The proposed Brighton O erection and dismantling, dependent on the timing, would also affect the i360 meeting its legal obligations under Clause 4.9 (CEMP) of the S106 Agreement dated 16 October 2006. At each phase of construction the s106 allows for the i360 team to revisit the CEMP in order to accommodate any to their programme. Brighton O implementation and dismantling would result in an additional factor to be accommodated in the CEMP. There is not obligation for the i360 developer to re-negotiate this. The conflict would be in having to factor in Brighton O phasing with i360 phasing.
- Condition 3 – the decorating of the i360 compound hoarding within 2 weeks of its erection. A consent for the Brighton O would result in the detail of this condition and prevent the implementation of this condition. Access would be required to the Brighton O site in order to implement this condition.

In view of the above it is considered that the proposed Brighton O would represent a proposal which would have an adverse or material impact on the delivery of the i360 scheme. It would not be acceptable to approve a neighbouring and overlapping development that would require the i360 to re-negotiate its position (assuming, that is, that the lpa could require the i360 developers to re-negotiate) in relation to compliance with conditions and meeting its Section 106 obligations. On that basis the application for a temporary consent is recommended for refusal.

Design and appearance

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

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

Being situated in front of the King's Road Arches (not listed) and near to the

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

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

The 32 gondolas, or pods, rotating around the wheel, would mainly be constructed of glass, high-grade stainless steel, aluminium and high strength polycarbonate. The applicant has confirmed that notwithstanding the drawings initially submitted, the wheel would have 32 gondolas, as described in the written documents.

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

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

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

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

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

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

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

Amenity impact

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

In respect of these effects the proposal should be considered against policies SU9, SU10 and QD27 of the local plan. Policy SU9 covers pollution and nuisance to human health, the built environment, air quality and the necessity of avoiding negative impact over and above the existing pollution and nuisance situation. Such nuisances can include noise, light and vibration, among others. Noise can have significant effects on the environment whether it occurs continuously in the background, at regular intervals or at irregular intervals. These effects can vary depending on the pitch, tone and frequency of the noise and on where the source is located. Policy SU10 of the local plan requires new developments to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment and in this instance the applicant has submitted an independently authored Noise Assessment (entitled Measurement of Existing Noise Levels & Assessment of New Plant Machinery Noise). In order to comply with policy SU10, development should seek to mitigate noise impact and where necessary, planning conditions and/or planning obligations sought, to specify and secure acceptable noise limits, hours of operation and attenuation measures. When assessing planning application the amenity of an area, its users, residents and occupiers should be taken into consideration. Policy QD27 seeks to ensure only development that would not cause material nuisance and loss of amenity is considered favourably. Nuisance and harm to amenity can manifest in many ways, including changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. Disturbance includes noise and artificial lighting.

Overshadowing

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

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

During the longest day of the year, when the sun is at its highest angle in relation to the horizon, the observation wheel would cast a small shadow around its base. The shadow would not extend across other buildings in the

locality, notably those along the northern side of King's Road.

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

Loss of privacy

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

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

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

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

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

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

overlooking to an extent that would be materially harmful.

Noise

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

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

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

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

The council's Environmental Health officer is not satisfied that this criterion has yet been satisfied on the basis of the information submitted to date. Particularly the limited number of noise monitoring positions adopted and the absence of noise data taken from a high level position new residential units in Queensbury Mews, or more especially at the top of the hotel Metropole. At these heights and locations the traffic noise from the King's Road would be more greatly reduced and the noise emitted from the observation wheel made more apparent.

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

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

In the absence of additional noise assessments, Environmental Health has suggested imposing a condition limited the hours of operation of the attraction until 09.00pm. However, the application is for opening hours until midnight and as such, the absence of additional noise assessment data to satisfy the council that operating until midnight would not be harmful can be used as a

reason for refusal.

Light

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

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

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

Movement

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

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

Loss of Views

The Hilton Metropole raises concerns with regards to loss of views and reduced outlook from its front guest rooms and conference facilities. The loss of private views is not usually considered material, but in this case an assessment has nevertheless been undertaken. The design and scale of the observation wheel has many mitigating factors in terms of the outlook from

the Metropole. The wheel is circular, mostly comprising latticework and glazed pods – therefore having a light appearance, at least 20m higher than the Metropole, and does not feature any spokes – the area within the edge of the wheel would be completely clear. Visits to the hotel reveal that views of the sea, sky and the remnants of the West Pier, could be achieved through the middle of the observation wheel. On each floor views would only briefly and partially be obstructed by the left and right side sections of the wheel, but the vast majority of the existing outlook would be unaffected.

Transport

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

A number of local plan policies apply to a development of this nature, including TR1, TR2, TR7, TR8 and TR14. These policies require that development proposals provide for the travel demand they generate and maximise the use of modes including the use of public transport, walking and cycling. Applicants should seek to provide the appropriate level of parking or otherwise contribute to the improvement of accessibility to the site. In addition, the development should be safe and not increase the danger to users of adjacent pavements, cycle routes and roads; should promote attractive pedestrian routes; and make provision for secure and convenient facilities for cyclists.

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

and promote a multi-modal approach to the access of attractions.

Parking standards

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

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

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

Multi-modal access

The application site is accessible by foot and bicycle along the upper and lower Esplanades, and near to public transport routes. The existing pedestrian network between the application site and the city centre is considered adequate and the South Coast cycle route (National Route 2) runs along the upper Esplanade and is segregated from the pedestrian area of promenade. There is a taxi rank located outside the Hilton Metropole hotel directly opposite the application site.

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

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

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

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

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

Sustainability

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

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

The development scores badly in the key areas of minimising carbon emissions and being energy efficient. The development also scores poorly in the sections concerning materials to be used, including locally sourced materials and sustainably sourced timber etc. The fact the observation wheel is being built to a bespoke spokeless design by a firm in Lichtenstein could be the cause of the poor sustainability score.

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

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

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

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

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

Conclusion

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

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

In addition, the development would compromise the objectives of emerging Core Strategy policy SA1 and the applicant has not submitted sufficient noise assessment data to demonstrate the development would not be harmful to amenity if open until midnight.

8 EQUALITIES IMPLICATIONS

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

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

Appendix A – List of Objectors' Addresses

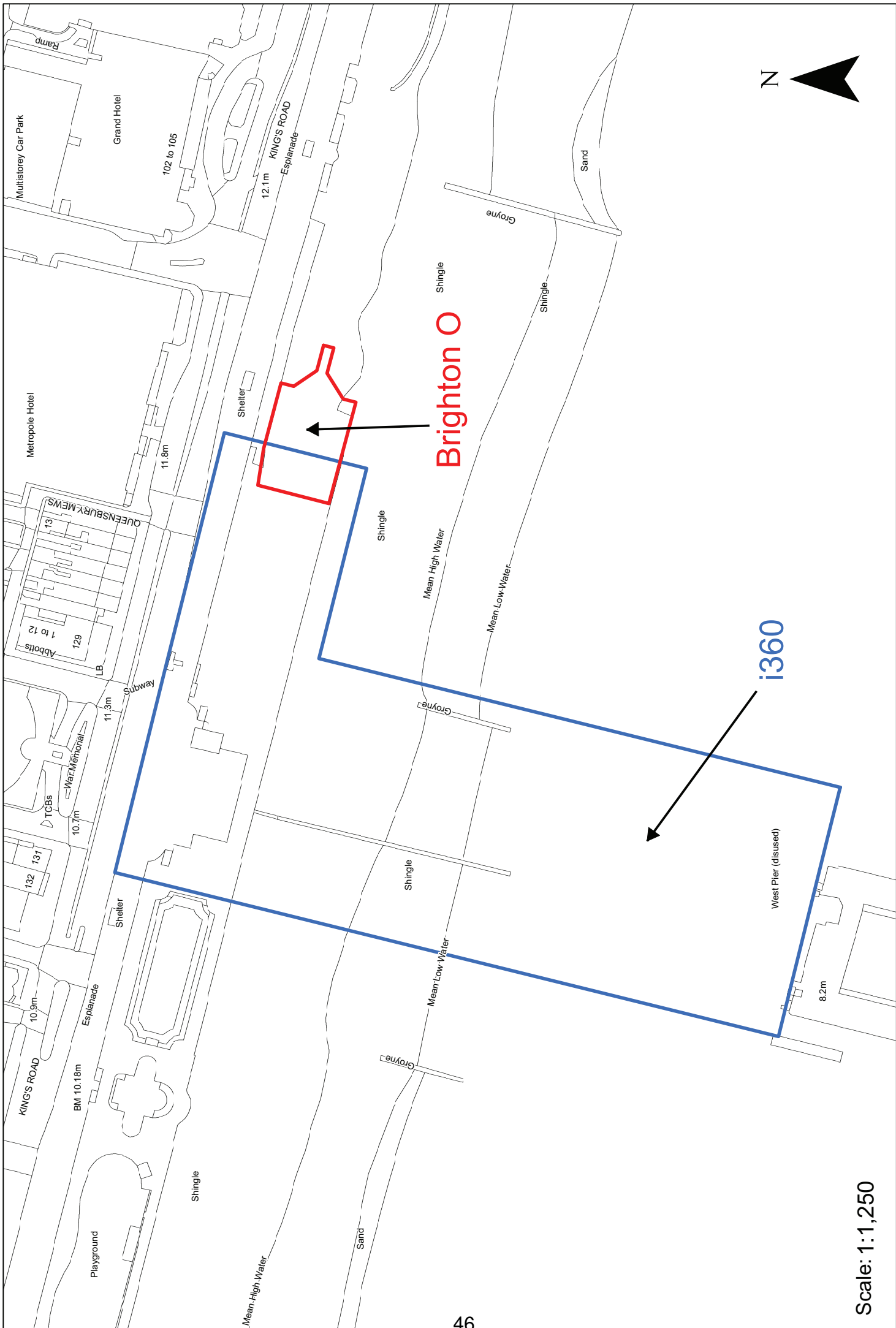
11 Abbotts, 129 King's Road
Flat 3, 18/19 Adelaide Crescent
26A Baker Street
28 Brunswick Place
45 Brunswick Square
Flat 10, 8 Cavendish Place
67 Chartwell Court
4 Chesham Road (x2)
23 Connaught Terrace (x3)
7 Conniston Court
14 First Avenue
192 Freshfield Road (x2)
24 Glendale Road
37 Hawkhurst Road (x2)
4 Hendon Street
117 Hythe Road
121-122 King's Road Arches (The World Famous Pump Room) (x3 and care of
Councillor Jason Kitcat)
Flat 2, 28 Lansdowne Place
127 Queen's Park Road
7 Queen's Square (x2)
11 Russell Crescent
91A Sackville Road (x2)
31 Sea Lane (Ferring)
17 Ship Street (x2)
45 Southview Road
TFF 36 Springfield Road
25 Springwell Road (Streatham, London)
1 Surrenden Close
The Pillars 151 Surrenden Road
7 Tamworth Road
18 Vale Avenue
8 Waverley Crescent
100 Wayland Avenue
47 Whippingham Road
29 Wilbury Avenue
No address given (2)

Appendix B – List of Supporters' Addresses

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

PLANS LIST – 13 JANUARY 2010

Flat 7, 39 Medina Villas
Seaviews, 2a Mill Hill (Shoreham-by-Sea)
Flat 2, 50 Montpelier Road
82 Rose Hill Terrace
New Steine Hotel, 10-11 New Steine
35 Old Steine
1 Onslow Road
Almarc, Orchard Way (Warninglid)
22 The Galleries, 52 Palmeira Avenue
41 Potters Lane
132 Queen's Road
51 Regency Square
Regent's Court, 59-62 Regency Square
29 Rossington Drive (Derby)(x3)
16 Rosslyn Road
27 Sackville Gardens
Scatchard, BN2 0GD
Hotel du Vin, 2-6 Ship Street
45 Sillwood Road
8 Southdown Road
Woodside, Station Estate Road (Feltham, Middlesex)
Strawberry Fields Hotel
41 Walnut Tree Road, Charlton Village (Shepperton, Middlesex)
7 Walpole Terrace
82 Washington Street
Flat 4, 27 Upper Wellington Road
6 Welbeck Avenue
3 Welesmenre Road
86 and 86-87 Western Road
31 White Street
Flat 2, 45 Wilbury Road
36 Wilbury Villas
104 Willow Way (Hurstpierpoint)
5 Temple Heights, Windlesham Road
15 Wish Road
20 Withdean Road
34 Woodland Avenue
60 York Avenue
Flat 4, 23 York Road; 23, 29 York Road
No address given (x2)



Brighton O

i360

Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2009/02939	<u>Ward:</u>	PATCHAM
<u>App Type</u>	Telecommunication Apparatus		
<u>Address:</u>	Adjacent to Recreation Ground, Patcham By Pass, Brighton		
<u>Proposal:</u>	Installation of a 12.5 metre high monopole supporting 3no. O2 antennas and 3no. Vodafone antennas, and the installation of 2no. equipment cabinets at ground level adjacent to the monopole.		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Received Date:</u>	01 December 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25 January 2010
<u>Agent:</u>	Babcock International Group, The Old Hospital, Ardingly Road, Cuckfield, Haywards Heath		
<u>Applicant:</u>	Telefónica O2 UK Ltd, 260 Bath Road, Slough, Berkshire		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that **PRIOR APPROVAL IS NOT REQUIRED** for the proposed development.

Informatives:

1. This decision is based on drawings nos. C59703/PL/001revA, 002revA, 003revA, the Supplementary Information document, the ICNIRP Declaration and Technical information received on the 30th November 2009.
2. This decision to determine that Prior Approval is not required has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:
 QD23 Telecommunications apparatus (general)
 QD27 Protection of amenity
 TR7 Safe development
Planning Policy Guidance notes:
 PPG8 Telecommunications; and
 - ii) for the following reason:-
 The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area. The application is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines.

3. The applicant is advised that, in the interest of highway safety, the equipment should be installed under licence from the Highway Operations Manager.

2 THE SITE

The application relates to an area of public highway adjacent to the recreation ground between Old London Road and the Patcham Bypass. There are residential properties to the west of the proposed site on the opposite side of Patcham Bypass and the Recreation Ground to the east. Patcham Bypass forms part of the main north-south route into Brighton.

3 RELEVANT HISTORY

Application Site – Not implemented

BH2008/02762 Installation of a 10 metre high, slim line monopole design telecommunication base station incorporating 3 shrouded antennas, radio equipment housing and development ancillary thereto. Refused 06/10/2008 on the grounds of perceived health & safety risk and a potential hazard for those with impaired sight and other disabilities. Appeal allowed 05/05/2009. The Inspector found that the proposal would cause no material harm to the living conditions of local residents or visitors, with particular reference to health and safety.

30 Brangwyn Crescent – Refused

BH2006/02629 7 metre lamp post structure with 3 antennas behind GRP shroud, equipment cabinet and ancillary development (resubmission of application BH2005/06093). Refused 20/09/2006.

BH2005/06093 7 metre lamp post structure with 3 antennas behind a GRP shroud; equipment cabinet and ancillary development. Prior approval required 23/12/2005.

Opposite 8 Brangwyn Way, Patcham Bypass – Not implemented

BH2004/00101/TA Installation of a 10 metre high monopole with 3 antennas and an equipment cabinet. (opposite 8 Brangwyn Way). Refused 18/03/2004 Appeal allowed 18/01/2005.

Adjacent to Esso Garage, Patcham Bypass

BH2001/02451/TA Installation of antenna and equipment cabin. Patcham Bypass (Brighton By-pass) Patcham Brighton. Prior approval not required 31/10/2001.

3 Brangwyn Way - Implemented

BH2001/01666/TA Erection of 10 metre monopole plus antenna on top (total height 11.7 metres) and equipment housing. London Road, opposite 3 Brangwyn Way Brighton. No objection 24/08/2001.

Verge opposite 28 Brangwyn Way, Patcham Bypass – Application Withdrawn

BH2001/01407/TA Erection of monopole, mast and antennae (total height of 12.5m). Withdrawn 26 July 2001.

4 THE APPLICATION

The application seeks prior approval under the Town & Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 24) (as amended) (GPDO) for the installation of a 12.5 metre high monopole supporting 3no. O2 antennas and 3no. Vodafone antennas, and the installation of 2no. equipment cabinets at ground level adjacent to the monopole.

5 CONSULTATIONS

The consultation period expires on the 28th December 2009.

External:

Neighbours: At the time of writing the report, a total of twenty letters of objection had been received from: **Nos. 2, 3, 4, 23 (x2), 25 (x2) Brangwyn Way, Nos. 11, 22, 43 & 57 Brangwyn Drive, Nos. 2, 16 Brangwyn Crescent, Nos. 32, 52 Brangwyn Avenue, Nos. 10, 16 Old London Road, No. 2 (x2) The Close and No. 20 Ridgeside Avenue**

Grounds for objection include:

- Visual impact
- Health & safety concerns
- Radiation concerns
- Close to Patcham House School, recreation ground, local nursery
- Hazard for people with sight or other disabilities
- Devaluation of property prices
- Coverage not markedly improved
- Proliferation of masts in the area

Internal:

Property & Design: No objection. The installation is on the adopted highway and therefore the Council has no function as landowner.

Sustainable Transport: No objection.

Environmental Health: There is current public concern about the possible health effects from base stations, which are the radio transmitters and receivers, which form an essential link in mobile phone communications. Current available information that has been obtained on base stations is summarised below:

With regard to concerns about health and safety, the Government's advisers, Radiation Protection Division of the Health Protection Agency (HPA RPD) recommends that exposure to radio frequency or RF radiation does not exceed the guidelines specified by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below ICNIRP

guidelines do not cause adverse health effects on the general population. Telecommunications operators also have a duty under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1996 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the ICNIRP guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

A report has been submitted to Government by the Independent Expert Group on Mobile Phones, which has made recommendations to adopt a precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below international guidelines, is totally without potential adverse health effects. The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognises that there can be indirect adverse effects on the well-being of people in some cases.

Recommendation: Given the current available information on mobile phone technology, Environmental Health cannot object to the proposed development on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD23 Telecommunications apparatus (general)
- QD27 Protection of amenity
- TR7 Safe development

Planning Policy Guidance notes:

- PPG8 Telecommunications

7 CONSIDERATIONS

A number of forms of telecommunications development which are permitted development under Part 24 of the GPDO are subject to a 56-day prior approval procedure. For such developments the developer must apply to the Local Planning Authority for its determination as to whether prior approval will be required to the siting and appearance of the proposed equipment.

The application seeks prior approval for the installation of a 12.5 metre high monopole supporting 3no. O2 antennas and 3no. Vodafone antennas, and the installation of 2no. equipment cabinets at ground level adjacent to the monopole. Permission was granted earlier this year on appeal for a 10m

metre monopole with 3 no. antennas and 1 no. equipment cabinet at the same site (BH2008/02762). The Inspector found that the proposal would cause no material harm to the living conditions of local residents or visitors, with particular reference to health and safety. The approved development has not been implemented and the current application will supersede it.

The only considerations in this case are the siting and appearance of the proposed development. Health concerns can be a material consideration in relating to siting and are referred to below. Local Plan policy QD23 also seeks a technical and operation justification for use of individual sites with demonstration that existing masts, nearby buildings or structures cannot be used for the purpose.

Design and visual amenity

The position of the equipment is set on a verge adjacent to the Patcham bypass. There is a dual carriageway and residential properties to the west of the proposed site and the Recreation Ground to the east.

The proposed mast is a 12.5 metre high, slim line monopole design telecommunication base station incorporating 6 shrouded antennas. The mast is 0.3 metres in diameter but will have a slender appearance which will not harm the character and appearance of the street scene. It will be “wood effect”, therefore creating the appearance of a telegraph pole. The location is set in line with existing lampposts as far as is practicable due to the presence of existing underground cables.

The cabinets would resemble cabinets found in other street locations and would be painted green to match as closely as possible those already in the vicinity.

A common concern with such street works applications is the cumulative effect of the proliferation of street furniture. In this case, the local street scene is not cluttered, with only lampposts and a directional sign within the vicinity. The impact of this proposal is not considered to lead to a harmful cumulative impact and it would be installed instead of an already approved mast on the site. The mast is considered to be well sited and designed in relation to the existing street furniture and its context.

Technical justification and alternative siting

The sharing of masts by mobile phone operators is encouraged as it reduces the need for additional masts in the local vicinity, discourages excessive street furniture and limits visual intrusion. The proposal seeks to install one mast which will enable two sets of antennas to be installed and enable O2 and Vodafone to achieve their coverage without the need for an additional structure.

The applicant has provided technical justification for a mast in this location. This includes maps showing current levels of signal coverage for the O2 &

Vodafone 3G network and the expected coverage of the equipment.

The current coverage plans show a low and non-continuous level of coverage in the area around the Patcham bypass. The perceived network coverage plan shows a higher level of coverage around the site and to the north east. It is therefore considered that there is a sufficient technical justification for the proposed new mast, given the current signal deficiency in the area.

Section 7 of the accompanying statement considers the site selection process. The existing telecommunications site at Bourne Court, London Road has been examined but was discounted as the site provider will not consider additional equipment.

The Orange street pole at Fairview Rise was examined but discounted on the basis of technical difficulties – the pole would need to be replaced with a taller, larger structure which is considered inappropriate.

The A23 London Road street column has been discounted, also due to technical difficulties – an existing consent (BH2004/00101/TA - determined upon appeal in 2005) has not been implemented. It is advised that a higher structure would now be required at that site to provide adequate coverage.

A rooftop at Mandalay Court, London Road has had to be discounted as there has been no response from the site provider.

Overall, it is considered that the applicant has adequately addressed and discounted other potential sites in the area and has also opted for mast sharing to reduce the likelihood of further proposals in this area.

Health & Safety Concerns

Though this application can only take into account the siting and appearance of the proposed alterations, the High Court has ruled that health arguments fall within the question of the siting of the mast. Health concerns are therefore a material consideration in this application. Many of the general concerns raised by members of the public regarding telecommunications apparatus have focused on the impact on health and the unknown effect of telecommunication equipment.

The Stewart Report recommends a precautionary approach to the siting of telecommunication equipment and recommends the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines are adopted for use in the UK. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection guidelines. Planning Policy Guidance Note 8 states that if telecommunication equipment meets the International Commission for Non-Ionising Radiation Protection guidelines for public exposure it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. It is therefore considered that if the council were to refuse this

application on health grounds this would be a difficult position to sustain at appeal.

With regards to the equipment cabinets, after installation there would still be 2 metres of residual footpath and therefore they are unlikely to cause obstruction or be a significant hazard to the visually impaired or people with disabilities.

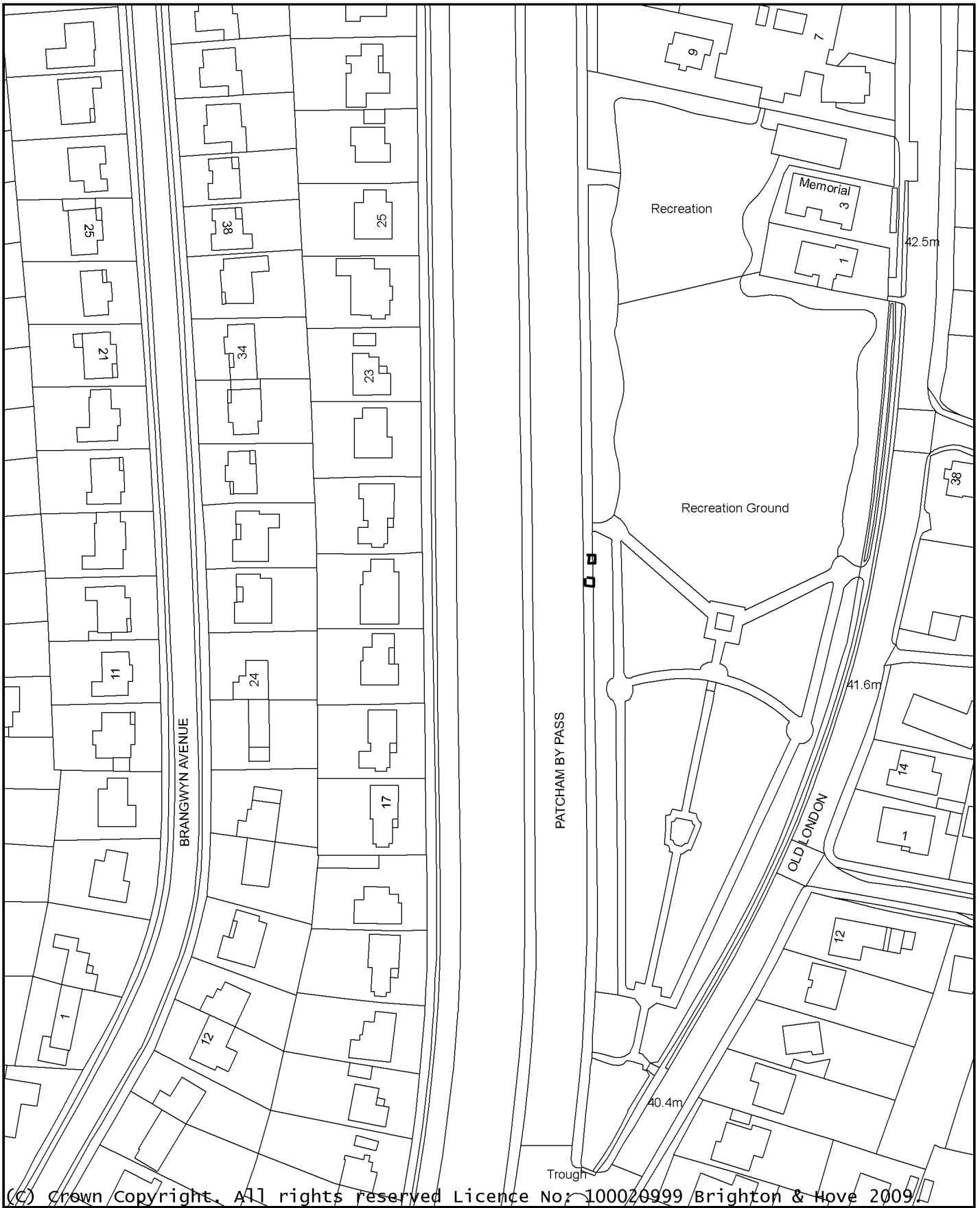
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area. The application is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/02939 Adjacent Recreation Ground, Patcham By Pass



Date: 16/12/2009 03:48:49

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



<u>No:</u>	BH2009/02071	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land to rear of 183 Ditchling Road, Brighton		
<u>Proposal:</u>	Demolition of existing 20 single storey garages. Construction of 3no. two storey, two bedroom dwellings. Conversion of existing storage building to form a further two storey, two bedroom dwelling. To include altered pedestrian/bicycle access and associated landscaping.		
<u>Officer:</u>	Kate Brocklebank	<u>Received Date:</u>	27 August 2009
	tel: 292175		
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	16 November 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Arthur Hazell, 3 Perry Hill, Saltdean		

1 RECOMMENDATION

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

S106

- For a contribution of £3,000 towards sustainable transport infrastructure within the vicinity of the site.

Conditions

1. BH01.01 Full Planning Permission.
2. BH12.07 No permitted development (extensions) – Cons Area (character and amenity).
3. The lower half of the windows in the rear elevation at first storey level servicing bedroom 2 within the units labelled '1 – 3' on drawing number TA 447 /07 revision A shall not be glazed otherwise than with obscured glass and shall be fixed shut and thereafter permanently retained as such.

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

4. BH02.08 Satisfactory refuse and recycling storage.
5. BH12.01 Samples of Materials – Cons Area.
6. The rooflights hereby approved in the roof of unit 4 shall be of 'conservation style' fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

7. BH04.01 Lifetime Homes.
8. No works shall take place until elevations and sections of the new windows and doors to unit 4, at a scale no less than 1:20, shall be submitted to and approved in writing by the Local Planning Authority. The windows and joinery shall be painted softwood. The development shall be carried out in strict accordance with the approved details.
Reason: In the interests of the character and appearance of the building and to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
9. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all three of the new build residential units (units 1 – 3) have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all new build residential units (units 1 – 3) has been submitted to, and approved in writing by, the Local Planning Authority.A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
10. Unless otherwise agreed in writing by the Local Planning Authority, none of the new build residential units (units 1 – 3) hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
11. The development hereby permitted shall not be commenced until details of sustainability measures for the converted stable block have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
12. BH05.08 Waste Minimisation Statement (1-4 housing units or less than

- 500sq m floorspace).
13. BH05.10 Hardsurfaces.
 14. BH06.02 Cycle parking details to be submitted.
 15. BH07.11 External lighting.
 16. BH11.01 Landscaping / planting scheme.
 17. BH11.02 Landscaping / planting (implementation / maintenance).
 18. BH11.03 Protection of existing trees.
 19. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to first occupation of the development and retained thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
 20. The development hereby approved shall not be occupied until 3 wall-mounted all-year bat boxes (which should be manufactured from woodcrete or equivalent) have been fixed to the walls of units 1 – 3. The bat boxes shall be retained as such thereafter.
Reason: To ensure the enhancement and protection of ecological interest on site and to comply with policy QD17 of the Brighton & Hove Local Plan.
 - 21i. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the local planning authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the local planning authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
 - ii. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise

agreed in writing by the local planning authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

22. No works shall commence on site until details of the hours of working on site, hours of delivery of materials to site and storage of materials on site have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To safeguard the amenity of the occupiers of adjoining properties and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA 447 /01 - /06, /09 - /12 submitted on 27th August 2009 and TA 447 /07 - /08 revision A submitted on 13th October 2009 and TA 447 /13 submitted on 5th October 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
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 – full and effective use of sites
QD4	Design – strategic impact

QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
<u>Supplementary Planning Guidance Documents: (SPD's/SPG's)</u>	
SPGBH1:	Roof alterations and extensions
SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
<u>Planning Advice Notes (PAN)</u>	
PAN03:	Lifetime Homes; and

- ii) for the following reasons:
- The proposed development would make provision of four family sized dwellings each with private and shared amenity space without detriment to the neighbouring amenity and will enhance the character of the conservation area. There would be no material adverse impacts on highways conditions in the locality and with the imposition of conditions to control the scheme in detail, it accords with Development Plan policies.
3. The applicant is advised that the crossover should be reconstructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.
 4. The applicant is advise of their obligation to protect bats during construction work, if any bats are found during demolition/conversion, then works should be stopped immediately and advice sought from Natural England.
 5. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis of the information made available to it.

2 THE SITE

The site is situated to the west of Ditchling Road and is accessed via a narrow opening between 183 and 185 Ditchling Road. The site is a backland site surrounded by residential development of predominantly two storey Edwardian terraced properties.

The site is currently occupied by a number of flat roofed domestic garages and one pitched roof historic stable building situated in the south eastern corner of the site.

There are a number of trees which abut the north boundary of the site, the site area slopes down to the west and is tarmac covered. The site boundaries are a mixture of more modern brick walling, timber fencing and areas of flint and brick walling.

3 RELEVANT HISTORY

BH2009/02391: Demolition of 20 single storey garages – concurrent Conservation Area Consent application – under consideration.

BH2009/00053: Conservation Area Consent. Demolition of existing 20 single storey garages and 1 no. two storey storage building. Refused 6/3/09.

BH2009/00052: Demolition of existing 20 single storey garages and 1 no. two storey storage building. Construction of 5 no. new two storey, two bedroom dwellings, and 1 no. two storey commercial office unit (B1). To include altered pedestrian/bicycle access and associated landscaping. Refused 9/3/2009.

4 THE APPLICATION

The application seeks planning permission for demolition of 20 single storey garages which exist on the site and the erection of a modern designed terrace of three 2 x bedroom properties partially sunk into the ground with the living accommodation at the lower levels and bedrooms above. The proposal also includes the retention and conversion of the existing historic stable building on site to form a part two storey 2 x bedroom property. The development has a central courtyard area and each property has a private rear garden area. The proposal contains no off street car parking, the refuse and cycle stores are combined within the courtyard area.

The application is a resubmission of BH2009/00052 which was refused for reasons relating to overdevelopment of the site, impact on neighbouring amenity and lack of private amenity space for the impact of the proposed pergola on the character of the conservation area. The Conservation Area Consent was also refused on the grounds of inadequate justification for the loss of the historic stable block.

The refused scheme proposed the erection of 5 two storey 2 x bedroom dwellings and one 2 x storey commercial office unit (B1). The development

was proposed in a terrace sited from east to west across the site and did not proposed to retain the stable block. The current application has therefore reduced the number of proposed units by two and retained the stable block for conversion to residential.

5 CONSULTATIONS

External:

Neighbours: 33 letters of objection have been received from the occupants of **2 Rugby Road, 44 and 70 Southdown Avenue, 159, 159B, 167, (2xletters) 177, GFF 179, Flat 2 179, 185, 187 and 189 Ditchling Road, 2, 4, 7, 12 and 16 St Andrews Rd, 8, (2xletters) 9, 14, 15, 16, 19, 25, 26 and 26a, 28, 30, (2xletters) 32, 36 and (2xletters) 49 Edburton Avenue**, their comments are summarised as follows:

- The properties will attract younger people
- Poor access for emergency vehicles
- Overbearing
- Reasons 1, 2 and 3 from the previous refusal are still valid
- 177 Ditchling Road has a vibrant population of newts and toads
- A precedent for similar development will be set
- Developing this site will attract crime
- There is existing mature ivy and nesting boxes attached to the garages and walls which will be disturbed along with the wildlife in a neighbouring pond
- It will affect the side gate access to our property
- Sewage and drainage systems will not be able to cope
- Loss of open space
- Erosion of the conservation area
- Fire risk
- Current scheme brings the properties closer to the boundaries edge than the refused scheme
- Parking displacement – many residents park their cars in the garages
- Light pollution
- Loss of sea views and impact on skyline views of Downs school
- Reduction in property value
- Out of character with the area
- Traffic hazard from the access
- The pedestrian access to the north west corner of the site is too narrow and is not a public right of way
- Increased pressure on parking and schools in the area
- No access for emergency vehicles
- No on site parking – leading to increased pressure for existing residents
- Refuse store will be unsightly and unhygienic
- School close by – increased traffic will increase danger to children using the school
- Development is contrary to Local Plan Policies
- Development could damage the root systems of the trees

- Lack of consultation to neighbours
- Loss of sunlight and daylight from the development and the proposed trees and boundary treatment
- Overlooking
- Planting is too close and will be oppressive and the roots will affect the existing garden walling
- Demolition will damage the garden walling
- Increased traffic
- It would set an unwanted precedent
- Too high density in an already dense area
- Inappropriate design and scale for a conservation area
- Noise disturbance

CAG: The group welcomes the retention of the hayloft and agreed to raise no objection to the proposed construction of 3 new dwellings.

Internal:

Conservation & Design: No objection – The application has taken account of the advice given at the pre-application site meeting. The retention of the existing former stable building and its conversion and restoration to residential use follows the approach discussed at that meeting. Subject to approval of details this is very welcome. The scale, density and layout of the new houses is considered appropriate to the character of this site and they would be clearly subservient to the surrounding Edwardian houses. The contemporary design approach would contrast positively with the restored historic stable building. Subject to approval of details and materials the proposals would enhance the appearance and character of the conservation area.

In addition to conditions on approval of materials and landscaping, please add the following condition to any permission:

Before works commence elevations and sections of the new windows and doors to the converted storage building, at a scale of not less than 1:20, shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Sustainable Transport: No objection. In consideration of the potential parking displacement as a result of the loss of 20 garages as part of this proposed development, an on-site observation revealed that there appears to be sufficient on-street parking capacity within 400m of the site to accommodate the displaced parking from the loss of the garages as well as any potential uplift in owned vehicles from the proposed dwellings.

Ditchling Road and the surrounding road network do not have an existing issue with regards to available on-street parking. It is therefore not believed that the development would have a material impact on parking availability that would cause highway safety or capacity concerns that could justify a refusal

of this planning application.

Condition requiring the provision of on site cycle parking, an informative regarding the construction of the crossover at the access and a financial contribution towards improving sustainable infrastructure in the vicinity of the site is recommended.

Environmental Health: No objection – Concern is raised regarding the potential impact of the construction works on neighbouring amenity particularly owing to the narrow access and limited storage on site. It is therefore recommended that conditions restricting the type and hours of operations on site, the storage and handling of materials and the submission of a contaminated desk top study.

Private Sector Housing: The three 2 x bedroom dwellings should have the living room and kitchen areas separated from the upper level by a suitable door to prevent fire from spreading. Means of escape should be provided from each bedroom.

Planning Policy: In principle there is no objection to housing on the site, provided that the garages are not in approved use for B8 or B use workshops.

Ecology: No objection – Government Planning guidance set out in ODPM Circular 06/2005 (paragraph 99) requires the presence or otherwise of a protected species to be established prior to determination, further survey could not therefore be arranged via a planning condition. However, given that no evidence of bats was found from the daylight survey and that the potential of the site for bat use is considered to be low, it is not considered reasonable to delay determination of this application pending a bat emergence survey in the spring.

Instead it is recommended that an informative is attached to any planning approval, reminding the applicant of their obligations to protect bats during construction work and specifically that if any bats are found during demolition, then works should be stopped immediately and advice sought from Natural England. In accordance with Local Plan policy QD 17 it is also recommended that a condition is attached to any approval requiring the fixing of 3 wall-mounted all-year bat boxes (which should be manufactured from woodcrete or equivalent) to the walls of the new buildings.

Economic Development: (Initial comments) Objection – The revised application does not provide this B1 office accommodation and there is therefore a loss of ‘employment space’ on site. With this in mind the economic development team are unable to support the loss of employment space and therefore the application and it is requested that the employment space be re provided with the scheme.

(Comments after **re-consultation** and receipt of marketing information): No

objection – the marketing information submitted demonstrates that the site has been actively marketed for some considerable time. The economic development team has no adverse comments to make with regards to this application.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
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 – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH1:	Roof alterations and extensions
SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design

Planning Advice Notes (PAN)

PAN03: Lifetime Homes

7 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of the proposed development and loss of the commercial/workshop unit, the impact on the character and appearance of the Preston Park Conservation Area, impact on neighbouring residential amenity and the standard of accommodation, traffic implications, ecology and sustainability.

The principle of new dwellings on the site and loss of the commercial unit

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. The backland site is located within a residential area, the site is not subject to any specific designation in the Brighton & Hove Local Plan.

A key objective of PPS3 is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. PPS3 defines previously developed land (brownfield) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

The proposal site constitutes a brownfield site, it is located within a central fringe location of the city and as such has the benefit of good public transport links and there is the provision of some local services such as a convenience store within walking distance concentrated around Fiveways.

The application also proposes the conversion of the existing stable block on the site to residential. The previous application sought to replace the floor area with a two storey new build office building at the end of the terrace. The current reduced scheme has sought to demonstrate that the unit is redundant in order to accord with policy EM6 which seeks to retain small industrial, business and warehouse units for employment purposes unless it can accord to a set of criteria.

During the course of the application marketing information in the form of letters confirming back to May 2007 that Oakley's have been marketing the site, sample adverts which include photographs of the site have also been submitted. In addition to this information, a statement from Oakley's has also been submitted which states that both the commercial and residential departments of Oakley's have been 'aggressively' marketing the property from between April 2007 and April 2009. The property was marketed on the basis of photographs and description and were distributed to 665 applicants over the period of marketing, full details also appeared on the companies website and other national websites, The Latest Homes and the Argus newspaper of which samples were provided. A list of accompanied viewings showing 7 applicants has also been supplied however it is stated that a

number of others chose to visit unaccompanied owing to the open nature of the site. The interest from applicants was predominantly in respect of redeveloping the site, this was said to be largely due to the lack of facilities, drainage and toilets, making the existing building non compliant with modern business needs.

The marketing information submitted with the application is considered to be robust and exceeds the recommended length of time such a unit should be marketed for in order to demonstrate redundancy. Economic Development was consulted on the application and originally raised an objection to the loss of the commercial unit which was previously proposed as part of the earlier refused scheme (BH2009/00052). However, on receipt of the aforementioned marketing information Economic Development withdrew their objection stating that the information submitted demonstrates that the site has been actively marketed for some considerable time and no adverse comments have been made with regards to the application.

The principle of residential development is therefore considered acceptable.

Impact on the character and appearance of the area and Preston Park Conservation Area

Although PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighboring buildings but the townscape and landscape of the wider locality.

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:

- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- the use of building materials and finishes which are sympathetic to the area;
- no harmful impact on the townscape and roofspace of the conservation area; and

- the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

This application was submitted with a Conservation Area Consent application which sought Consent to demolish the existing 20 garages but not the historic stable block. Conservation and Design raise no objection to the demolition of the garages, noting that they do not make a positive contribution to the conservation area, noting that their loss would not have a detrimental impact.

The application has been the subject of a site meeting, pre-application discussions and negotiation and the applicant has taken account of the advice given. The Conservation and Design Officer acknowledges that the retention of the existing former stable building and its conversion and restoration to residential use follows the approach discussed at the site meeting and subject to the approval of details this element of the scheme is very welcome.

In respect of the new building terrace the Conservation and Design Officer considers that, *'the scale, density and layout of the new houses is considered appropriate to the character of this site and they would be clearly subservient to the surrounding Edwardian houses. The contemporary design approach would contrast positively with the restored historic stable building. Subject to approval of details and materials the proposals would enhance the appearance and character of the conservation area.'* It is also noted that the consultation response on the concurrent Conservation Area Consent application states that this area would originally appear to have had some form of mews use, evidenced by the remaining hayloft/stable building.

The imposition of conditions for materials and landscaping, elevations and sections of the new windows and doors to the converted stable building are recommended in order to control the detail of the scheme.

The removal of the unsightly garaging and partial greening of this space which is currently hard surfaced and built on, combined with the welcome retention and sympathetic conversion of the existing stable block, subject to approval of details, is considered acceptable and will result in an enhancement of the conservation area.

Impact on amenity for existing and future occupiers

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should full comply with the standards and conversions should demonstrate wherever it is practicable the criteria has been incorporated into the design. On assessing the plans it appears that the new build dwellings can meet Lifetime Homes Standards except that the living rooms are not at entrance level, the properties are laid out with the access at the first floor and the living areas below. It is however considered that if the living accommodation were to be relocated to the first floor, the impact on neighbouring dwellings to the west of the site would increase in line with the

increased level of activity expected from the main living area of a house when compared to a bedroom. The methods to remedy this would result in an increase sense of enclosure for the occupants, if for example the glazing reduced in size and/or obscured. It is therefore considered to be acceptable in this instance, it is also considered important to note that the stairway is wide enough to make provision of a stair lift as well. In respect of the converted dwelling the layout appears to adequately accord. A condition would be placed on an approval to ensure that the new units fully accord to Lifetime Homes standards.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The proposal site is within a central fringe location where it is characteristic for the majority of properties to have the benefit of private rear amenity space. With regular plot sizes, the majority of properties have the benefit of in excess of 40sqm of private rear amenity space of between 7.5 and 10m in depth from the main rear elevation. The proposed development makes provision of two bedroom properties and are capable of family occupation as such the amenity space provision should reflect this and what is characteristic for the area.

The previously refused scheme (BH2009/00052) proposed garden areas of only approximately 17.5sqm private rear amenity space with units 2-5 with unit 1 retaining a wider plot (approximately 30sqm rear amenity space) with side garden area. Each property only proposed to retain approximately 3.5m from the rear elevation to the southern rear boundary. The provision for each unit was significantly less than is characteristic for the area, whilst taking note that some of the existing properties have been converted with only the ground floor unit retaining the rear garden area. The scheme did not make provision of any shared amenity space either except for the communal access path to the north side which could not be actively used. It was therefore considered that the provision of amenity space would be inappropriate for and out of character with the area and as such the development is contrary to policy HO5 of the Brighton & Hove Local Plan.

The converted stable block will retain the smallest private provision of approximately 22.5sqm patio area to the east side of the property, followed by Unit 1 which has a slightly smaller rear provision of approximately 28sqm, Units 2 and 3 will have approximately 32sqm. In addition to the private rear amenity space within each of three new build units, each has a semi private sunken terrace measuring approximately 9.9sqm with the store indicated on plan and approximately 13sqm when measured without the store. The units will all also have the benefit of the use of the central courtyard area to supplement their private provision. The combined provision is equivalent to the provision the larger properties which surround the site currently enjoy (excluding those which have been subdivided to flats some of which have less than proposed) and is considered acceptable for the scale and character of this development and therefore acceptably accords to policy HO5.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. Each unit makes adequate provision within the courtyard area for cycle parking and refuse/recycling storage. Each area is to be covered and as no detail of the external appearance has been submitted a condition requiring the submission of details of each would be recommended in order to control the design in detail. It is also considered that these areas may present additional opportunities for additional planting and greening of the space.

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The Building Research Establishment Report, 'Site layout planning for daylight and sunlight: A guide to good practice' states *"privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m"*.

Whilst the Brighton & Hove Local Plan does not set out a minimum distances between new buildings, the distances recommended by BRE are considered to be appropriate when balanced within what is characteristic for surrounding development. The properties which surround the site currently enjoy good separation distances when measured back to back due to the existence of this currently undeveloped plot, it is therefore important that the proposed development respects this and does not give rise to an unacceptable level of overlooking.

The proposed terrace has been arranged so that the private rear elevations of both the proposed and the existing properties are fronting one another with private rear garden areas abutting. The site is slightly higher than the properties to the west and slopes down from east to west. The proposal seeks to dig the terrace into the ground below the current ground level on site. To the front of the properties approximately one storey will be above ground level and one and half to the rear.

A minimum separation distance between the rear elevation of the proposed and the rear projection of the existing dwellings is 16m which is 2m below the guidance set out above. As such it is considered prudent to condition that the lower part of the windows to the second bedrooms are obscure glazed and fixed shut as shown on submitted drawings, thus precluding direct overlooking to those neighbouring dwellings. It is also considered prudent to condition that the Permitted Development Rights of each of these dwellings is restricted in order to prevent the insertion of any additional windows without the submission of a planning application in order to continue to protect neighbouring amenity. It is not considered that any of the other proposed glazing or use of the site will give rise to unacceptable levels of overlooking to

any neighbouring dwelling. Further it is considered that acceptable levels of privacy will be maintained for each of the proposed dwellings. However, it is acknowledged that overlooking will occur from within the courtyard to the units however in a development of this nature it is considered acceptable. It is not considered that the development will cause demonstrable harm by overshadowing or having an overbearing affect due to the separation distances between the proposed and existing dwellings, and taking into account the height of the new development (approximately 6m above ground level). The roofs of the properties have also been designed to have an asymmetric roof form to limit the height of the properties.

The site is surrounded by residential properties; as such concern is raised regarding the potential impact of the construction phase on neighbours. Environmental Health have been consulted and have raised concerns in this respect and have advised a number of conditions in order to limit the impact on the adjoining neighbours, the condition will include the requirement for the developer to submit details such as the hours of operation on site, the storage of materials and delivery times prior to the commencement of development to be agreed by the LPA and requiring the development to be carried out in accordance with the approved details.

Transport issues

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

Policy HO7 of the Local Plan will grant permission for car free housing in accessible locations where there are complementary on street parking controls and where it can be demonstrated that the development would remain genuinely car-free over the long term.

The site is within reasonable access to public transport with regular bus services along Ditchling Road. It is not within a Controlled Parking Zone (CPZ) however there are restrictions along parts of Ditchling Road. The proposal contains cycle parking for each unit but no off-street car parking.

The site, as previously stated, is currently occupied by 20 garages and the stable building, Sustainable Transport have been consulted on the application both prior to the submission of the previously refused scheme and during the course of the current submission. Part of their assessment is in relation to the potential impact of displaced parking on the surrounding road network. The Transport Officer has raised no objection to the scheme in it's current form however did raise previous objections to the use of the access for vehicles on

highway safety grounds due to the narrow width which is not up to current safety standards.

Although the application cannot fully accord to policy HO7, the Traffic Manager does not consider that increased demand on parking and traffic on the highway network will result in highway safety implications which could warrant recommending refusal on this basis. Any parking displacement which may occur as a result from the demolition of the garages will not have an unacceptable impact as adequate parking provision can be found within a reasonable distance of the site, including for the proposed dwellings.

Conditions relating to the crossover construction and securing cycle parking provision are recommended. With the imposition of these conditions and securing a financial contribution of £3000 via a legal agreement to off-set the impact of the proposed development and help fund improvements to sustainable infrastructure in the location the proposal is considered to have an acceptable impact in highway terms.

Sustainability and Ecology

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. The units provide an acceptable level of natural and ventilation and make provision for features such as cycle and refuse stores. SPD08 – Sustainable Building Design requires the new build element of the scheme to meet Code Level 3 of the Code for Sustainable Homes (CSH), the converted stable block will be conditioned to require the applicant to submit general sustainability measures.

The Design and Access Statement submitted with the application contains a sustainability section and a Sustainability Checklist which state that the three new properties will achieve Code Level 3 of the Code for Sustainable Homes and detail aspirations including permeable pavers, solar panels to all the roofs for hot water and locally sourced sustainable materials throughout providing a highly insulated building envelope which will beyond building regulations standards. The scheme is considered to accord with the recommendations of SPD08 which will be assured via condition.

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. The Council's Ecologist has been consulted on the application and recommended that a bat survey was undertaken however given the nature of the site no other surveys were recommended. The bat survey was undertaken during daylight hours by a qualified ecologist and has been assessed by the Council's Ecologist. The Government Planning guidance set out in ODPM Circular 06/2005 (paragraph 99) requires the presence or otherwise of a protected species to be established prior to determination. No objection has been raised to the scheme on the basis of these surveys which found no evidence of the presents of bats on site and therefore suggesting the likelihood of bats being present is low.

It is recommended that an informative is attached to any planning approval, reminding the applicant of their obligations to protect bats during construction work and specifically that if any bats are found during demolition, then works should be stopped immediately and advice sought from Natural England. In accordance with Local Plan policy QD17 it is also recommended that a condition is attached to any approval requiring the fixing of 3 wall-mounted all-year bat boxes (which should be manufactured from woodcrete or equivalent) to the walls of the new buildings. With the imposition of said informative and conditions the application is considered to acceptably accord to policies QD17 and QD18.

There are some trees which are close to the boundaries of the site which could be affected by the proposed development, it is therefore considered prudent to also condition that a tree protection plan is also submitted prior to any works commencing on site in order to accord with policy QD16.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would make provision of four family sized dwellings each with private and shared amenity space without detriment to the neighbouring amenity and will enhance the character of the conservation area. There would be no material adverse impacts on highways conditions in the locality and with the imposition of conditions to control the scheme in detail, it accords with Development Plan policies.

9 EQUALITIES IMPLICATIONS

Level or ramped access will be provided to each property which will be required to be built to Lifetime Homes Standards.

BH2009/02071 Rear of 183 Ditchling Road



Date: 21/12/2009 03:09:28

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



<u>No:</u>	BH2009/02391	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Land rear of 183 Ditchling Road, Brighton		
<u>Proposal:</u>	Demolition of existing 20 single storey garages.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	01 October 2009
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	26 November 2009
<u>Agent:</u>	Turner Associates , 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Arthur Hazell, 3 Perry Hill, Saltdean		

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** conservation area consent subject to the following Conditions and Informatives:

Conditions:

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision is based on drawing nos. TA 447 /01 - /06, /09 - /12 submitted on 27th August 2009 and TA 447 /07 - /08 revision A submitted on 13th October 2009 and TA 447 /13 submitted on 5th October 2009.
2. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:
HE8 Demolition in conservation areas
Planning Policy Guidance (PPG)
PPG15 Planning and the Historic Environment; and
 - (ii) for the following reasons:-
The garages are considered to be of no merit and do not make a positive contribution to the conservation area. An acceptable replacement scheme has been submitted which is considered to enhance the conservation area.

2 THE SITE

The site is situated to the west of Ditchling Road and is accessed via a narrow opening between 183 and 185 Ditchling Road. The site is a backland site surrounded by residential development of predominantly two storey

Edwardian terraced properties.

The site is currently occupied by a number of flat roofed domestic garages and one pitched roof historic stable building situated in the south eastern corner of the site.

There are a number of trees which abut the north boundary of the site, the site area slopes down to the west and is tarmac covered. The site boundaries are a mixture of more modern brick walling, timber fencing and areas of flint and brick walling.

3 RELEVANT HISTORY

BH2009/02071: (Planning application) Demolition of existing 20 single storey garages. Construction of 3no. two storey, two bedroom dwellings. Conversion of existing storage building to form a further two storey, two bedroom dwelling. To include altered pedestrian/bicycle access and associated landscaping – under consideration.

BH2009/00053: Conservation Area Consent. Demolition of existing 20 single storey garages and 1 no. two storey storage building. Refused 6/3/09.

BH2009/00052: Demolition of existing 20 single storey garages and 1 no. two storey storage building. Construction of 5 no. new two storey, two bedroom dwellings, and 1 no. two storey commercial office unit (B1). To include altered pedestrian/bicycle access and associated landscaping. Refused 9/3/2009.

4 THE APPLICATION

The application seeks Conservation Area Consent for demolition of 20 single storey garages to the rear of 183 Ditchling Road.

5 CONSULTATIONS

External:

Neighbours: One letter has been received from the **Preston and Old Patcham Society**, their comments are summarised as follows:

- The Society objected to the previous scheme.
- Welcome the new density has been considerably reduced containing only 4 houses.
- The retention and restoration of the hayloft is also welcome.
- Concerned about the narrow access – hard to overcome.
- Concerned about the scaffolding on the front of 183 Ditchling Road.

Internal:

Conservation and Design: No objections. This area of land would originally appear to have had some form of mews use, evidenced by the remaining hayloft building. The post-war garages are in poor condition and do not make a positive contribution to the appearance or character of the conservation area. Their demolition would not have any detrimental effect.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE8 Demolition in conservation areas

Planning Policy Guidance (PPG)

PPG15 Planning and the Historic Environment

7 CONSIDERATIONS

In accordance with policy HE8 of the Brighton & Hove Local Plan, the main issues for consideration in this case are the merit of the existing buildings and the contribution that they currently make to the conservation area, and the proposed replacement scheme.

Policy HE8 demolition in conservation areas and seeks to retain buildings that make a positive contribution to the character or appearance of a conservation area.

Existing buildings

The site is currently occupied by 20 flat roofed single storey garages and a part two storey stable building. The area around the buildings is hard surfaced and the boundary treatment is a mixture of timber fencing and flint and brick walling.

The application seeks Conservation Area Consent to demolish all the garages on the site but not the stable building. The Council's Conservation Officer has been consulted on the application and has noted that the site would originally appear to have had some form of mews use, evidenced by the remaining hayloft building. It is acknowledged that the post-war garages are in poor condition and do not make a positive contribution to the appearance or character of the conservation area and their demolition would not have any detrimental effect.

Policy HE8 states that demolition will not be considered without acceptable detailed plans for the site's development. The plans are considered under the concurrent planning application BH2009/02071 which is considered acceptable and is recommended for approval elsewhere on this agenda.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The garages are considered to be of no merit and do not make a positive contribution to the conservation area. An acceptable replacement scheme has been submitted which is considered to enhance the conservation area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/02391 Rear of 183 Ditchling Road



(C) Crown Copyright. All rights reserved Licence No: 100020999 Brighton & Hove 2009.

Date: 21/12/2009 03:10:11

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



<u>No:</u>	BH2009/02169	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Unit C, Cambridge Works, Cambridge Grove, Hove		
<u>Proposal:</u>	Application for variation of condition 2 of application 3/85/0104 which states that 'the premises shall be used for industrial finishing specialising in plastic and powder coating only' in order to allow the use of the premises for testing, servicing, repair and maintenance of motor vehicles only.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	09 September 2009
<u>Con Area:</u>	Adjacent Willett Estate	<u>Expiry Date:</u>	26 November 2009
<u>Agent:</u>	La Digue Creative, 30 Montpelier Crescent, Brighton		
<u>Applicant:</u>	Mr S Ross, c/o La Digue Creative		

1 RECOMMENDATION

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

Conditions:

1. The premises shall only be used for the testing, servicing, repair, maintenance and storage of motor vehicles and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument evoking and re-enacting that Order with or without modification).
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
2. The use hereby permitted shall only take place between 08:00 and 18:00 hours Monday to Fridays and between 08:00 and 13:00 hours on Saturdays and not at all on Sundays and Bank Holidays.
Reason: To safeguard amenity of the occupiers of adjoining properties and comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
3. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. The car parking areas as indicated on the approved plans shall be

retained for car parking in conjunction with the use of the unit for the testing, servicing, repair, maintenance and storage of motor vehicles only.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policy TR19 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the Design & Access Statement, Heritage Statement, Waste Minimisation Statement, Biodiversity Checklist and drawing no's 09/CR/100, 101, 102, 09/CG/P100, 102 & 202 received on the 9th September and 1st October 2009.

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

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

Brighton & Hove Local Plan

TR1 Development and the demand for travel

TR7 Safe development

TR19 Parking standards

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

QD27 Protection of amenity

EM3 Retaining the best sites for industry

HE6 Development within or affecting the setting of conservation areas;

Supplementary Planning Document

SPD03 Construction and Demolition Waste; and

(ii) for the following reasons:-

It is considered that the proposal would not result in a significant impact on the amenities of neighbouring occupiers or adversely affect the setting of the adjacent Willett Estate Conservation Area. The scheme also compensates for the demand for it travel it creates and would not result in a significant impact on parking in the area.

2 THE SITE

The application site relates to single-storey industrial units on land to the north of Cambridge Grove. Residential properties on Cambridge Mews adjoin to the west, a two-storey property (Cambridge House) in use as offices to the east, and a main railway line to the north. The site is accessed via a narrow entrance road off Wilbury Villas, and adjoins the Willett Estate Conservation Area to the south.

3 RELEVANT HISTORY

Permission has recently been refused for the installation of new canopy and

alterations to front elevation (ref: **BH2009/02167**). The proposed canopy is indicated on the drawings submitted with the current application for the variation of the condition. The application was refused on the grounds that the materials, design, height and projection from the building of the canopy, would form an incongruous and unsympathetic addition which would significantly detract from the character and appearance of the host building and the setting of the adjacent conservation area and adjacent buildings.

Permission has also been granted for the adjacent unit (Unit D) for the demolition of existing buildings and construction of four-storey commercial development (ref: **BH2007/01100**). This permission has not been implemented and is still extant.

Planning permission was refused in June 2006 for the 'demolition of light industrial unit (B1) and erection of 3 no. two bedroom live/work units' (ref: **BH2006/00458**). Permission was then granted for a revised scheme in November for the demolition of the light industrial unit (B1) and erection of ground floor unit (B1) with two storey office accommodation over (ref: **BH2006/01421**). This permission was not implemented and has now expired.

Outline planning permission was granted in 1980 for the erection of a single-storey industrial building (ref: **3/80/0491**). Planning permission was granted in 1985 for the use of the unit for industrial finishing specialising in plastic and powder coating, including the installation of four gas fired ovens with flues (ref: **3/85/0104**).

4 THE APPLICATION

Planning permission is sought to vary condition 2 of application 3/85/0104 which states that 'the premises shall be used for industrial finishing specialising in plastic and powder coating only' in order to allow the use of the premises for testing, servicing, repair and maintenance of motor vehicles only.

5 CONSULTATIONS

External:

Neighbours: 12 letters have been received from **22 Cromwell Road, 3B, 5A, 5B, 7A, 8, 9, 20, 26B, 27 and Cambridge House, Cambridge Grove** objecting to the application on the following grounds:

- The proposed use will result in increased traffic problems and congestion for Cambridge Grove with further damage to the road and hamper access for residents. Parking is already a serious issue in this area and this proposal will only add to the problems.
- Access is already hampered by an existing garage operating within Cambridge Grove. There is only one access in and out of the Grove and this is often blocked due to traffic congestion. This has caused arguments in the street and leads to an increase in car pollution and safety / health problems for residents.
- Fire engine access is poor and often restricted by vehicles parked on or near the corners of the street.

- There is already one garage on the corner of Cambridge Grove which already leads to traffic congestion in the area.
- The scheme will affect the character of the mews street.
- There is concern regarding the hours of use of the MOT testing centre.

Internal:

Economic Development: No comment.

Environmental Health: Given the MOT use, the building is likely to require ventilation and to have plant and machinery which runs. No objection is raised to the MOT use subject to a condition that that the site is capable of running plant and machinery and not causing a problem.

Transport Planning: No objection is raised subject to a condition requiring the applicants to enter into a legal agreement with the Council to contribute £2,800 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

6 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR19	Parking standards
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
QD27	Protection of amenity
EM3	Retaining the best sites for industry
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document

SPD03 Construction and Demolition Waste

7 CONSIDERATIONS

The determining issues relate to the impact on the amenity of neighbouring properties, highway safety / parking and the appearance of the building and conservation area.

Impact on amenity

Planning permission was granted in 1985 for the use of the unit for industrial finishing specialising in plastic and powder coating, including the installation of four gas fired ovens with flues (ref: 3/85/0104). This use falls within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987. This permission included a condition which restricted the use of the property for industrial finishing specialising in plastic and powder coating only.

Permission is now sought to vary the condition to allow the use of the premises for testing, servicing, repair and maintenance of motor vehicles. This use also falls under Class B2. The proposed use is for two thirds of the units to be used for the MOT and car servicing with a reception and waiting area to the area and the other third to serve a wedding car business.

The site is to the rear of Cambridge Grove which is comprised of a mix of commercial and residential properties and includes a garage at the eastern end of the street. The adjoining building to the west is a single-storey light industrial building currently in use for metal working, Ottawood Sheet Metal Fabrications. To the immediate east of the site is Cambridge House, which is used as offices. The MOT business will be formed of a partnership with the Baileys Garage who currently occupy the existing garage on Cambridge Grove.

Environmental Health have commented that they have no objection to the scheme subject to a condition that noise associated with plant and machinery within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level.

Having regard to the existing use of the premises for industrial finishing and the existence of an additional industrial use adjacent the site at Unit D, it is considered the proposed use for the for testing, servicing, repair and maintenance of motor vehicles would not result in additional noise disturbance or loss of amenity over and above that which already exists.

To protect amenity, a condition is recommended relating to hours of use which states that the use hereby permitted shall only take place between 08:00 and 18:00 hours Monday to Fridays and between 08:00 and 13:00 hours on Saturdays and not at all on Sundays and Bank Holidays. These are the same hours of use which were imposed under condition 3 of the original permission for the industrial use of the premises (ref: 3/85/0104).

Design

This application does not involve any external alterations to the building and only proposes the variation of the condition. The plans indicate a proposed canopy and external alterations to the building which have been considered under a separate application.

Traffic issues

The majority of concerns raised by local residents relate to the parking problems in Cambridge Grove and how the proposal will result in an increase in these problems. Cambridge Grove and Cambridge Works to the rear are accessed off Wilbury Villas to the east. This is the only access to the site and it is clear through the letters of objection and on the site visit that parking spaces are limited in the street and there are often difficulties in accessing

and exiting the street.

The Sustainable Transport Manager has commented that the site is within a controlled parking zone and that an assessment has been undertaken based on the information provided. Based on comparing the existing use against the proposed MOT use, the proposal results in an increase in trips generated over the existing use. Therefore, the Sustainable Transport Manager has requested a contribution of £2,800 from the applicant towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site. However, this is deemed unreasonable in terms of the relevant tests in circular 11/95 as the scheme does not propose a change of use outside Class B2. As the proposed use also falls within Class B2, it is considered it would be unreasonable to require a contribution towards highway improvements in the area.

The previous use for industrial finishing could have lead to large delivery vehicles visiting the site. Such vehicles would pose significantly more threat to highways issues than the proposed use – which is only likely to attract domestic size motor cars. The existing highways problems referred to by local residents all relate to existing businesses, and not the business that is proposed for unit C. Whilst the other businesses are located on the “U” shaped part of Cambridge Grove – which is effectively a thoroughfare - the application site is located in a cul de sac off from the main thorough fare and so will not have any impact on the usual through-flow of vehicles along Cambridge Grove.

Additionally, the MOT testing station is to be operated in partnership with Baileys Garage, which appears to be the main cause of the highways problems flagged up local residents, and so will result in less cars waiting in the street. The benefit of the partnership is that it reduces the intensity of the parking problem by releasing the space previously dedicated to the powder coating works to the overall problem.

The applicant has stated the majority of Baileys business is to the benefit of Brighton Taxis, most of that business is in preparation for MOT, the cars sit around accumulating until Baileys employees can take them (currently) to Westbourne Motors for testing, they then return awaiting collection. The new situation gives space for 2 test areas and 2 service areas (inside the building) and 3 allocated parking bays for waiting on the forecourt, all of this within the boundaries of the existing building and not impacting on the mews.

Also, based on the partnership with Baileys, the applicant has stated that they have agreed, in principle that, between them, they would progressively improve on the parking on the mews approach road which Bailey currently controls and, with increased management input, would control the manner in which taxi drivers come and go. It is also proposed to introduce to instigate management styles such as "Live Diaries" which will enforce the MOT attendance times.

Consequently, having regard to the proposed use, the scheme is deemed appropriate in terms of its impact on highway safety and parking in the area.

Sustainability

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

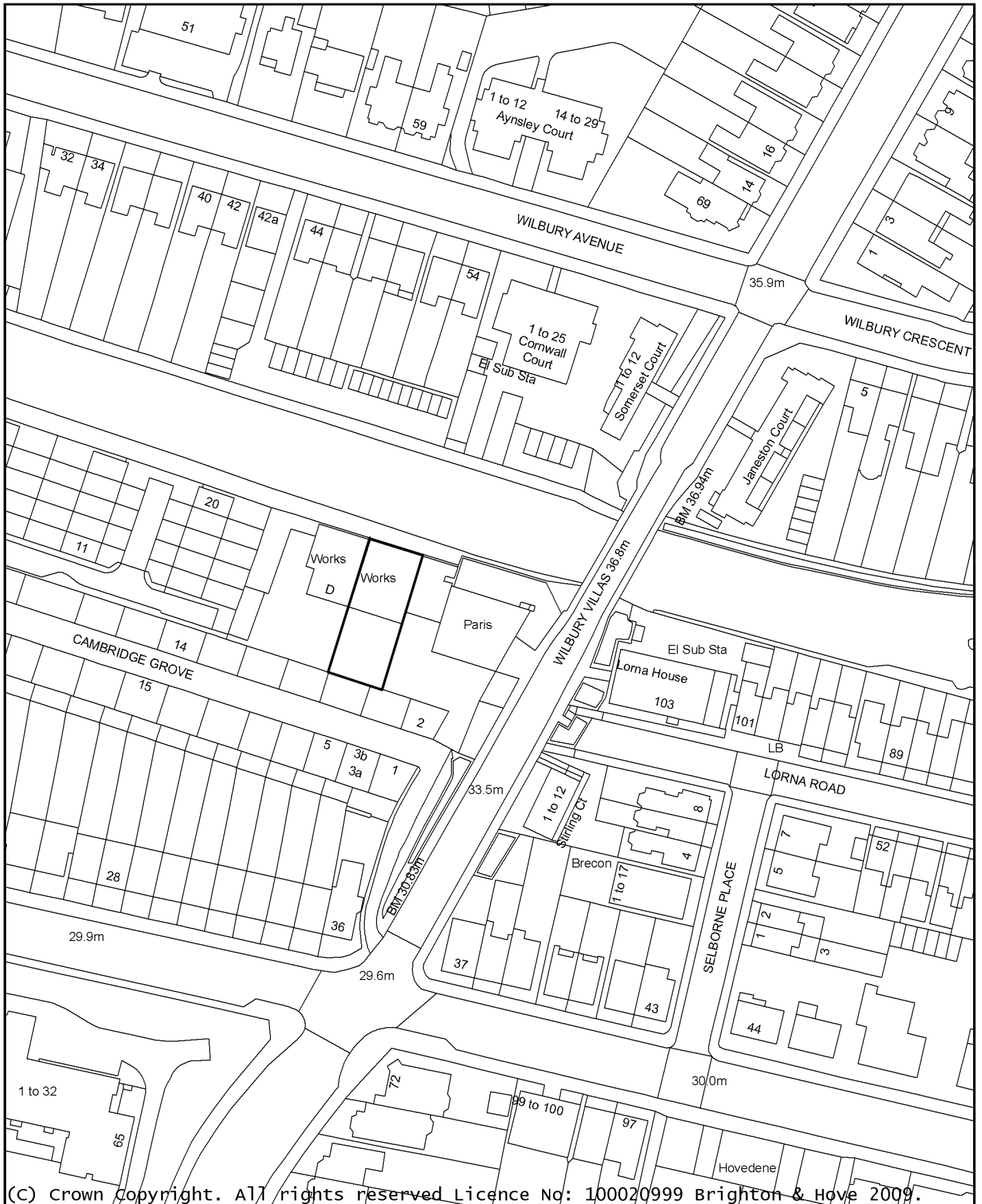
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

It is considered that the proposal would not result in a significant impact on the amenities of neighbouring occupiers or adversely affect the setting of the adjacent Willett Estate Conservation Area. The scheme also compensates for the demand for it travel it creates and would not result in a significant impact on parking in the area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/02169 Unit C, Cambridge Works, Cambridge Grove



Date: 21/12/2009 03:17:51

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



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

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings)
3. BH11.01 Landscaping / planting scheme
4. BH11.02 Landscaping / planting (implementation / maintenance)
5. The rear dormers at second floor level shall be obscurely glazed to the lower half of the windows and shall be retained as such at all times thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. The hereby approved first and second floor maisonettes shall not be occupied until the obscured screen to the outdoor terrace has been installed in accordance with the approved plans. The screen shall be retained at all times thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
7. Notwithstanding the submitted details no development shall commence until details of how lifetime home standards will be incorporated in the hereby approved units have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
8. BH05.01 Code for Sustainable Homes - Pre-Commencement (New build

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

Informatives:

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

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

Supplementary Planning Guidance

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

The development makes efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.
- 3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website

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

- 4) The applicant is advised that in respect of condition 5 the submitted details should ensure that bathrooms are designed to incorporate ease of access to the bath, WC and wash basin (lifetime homes standard 14).

2 THE SITE

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

3 RELEVANT HISTORY

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

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

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

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

4 THE APPLICATION

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

5 CONSULTATIONS

External:

Neighbours: 15 letters have been received from **12, 37 (x2), 41, 49 (x3), 51, 53 (x2), 55 (x3), 57 & 63 Norway Street** objecting to the proposal for the following reasons:-

- the three-storey building squeezed into what was historically a moderate rear garden is ludicrous;
- the building's design disregards existing buildings and the garden setting;
- the amenity space is inadequate;
- the amendments are only minor and do not overcome the main concerns;
- loss of privacy to both gardens and window openings;
- loss of light;
- increased noise and disturbance;
- parking in the area is already difficult and to add further housing without provision for extra parking is ludicrous;

- safety concerns as the pavement to the front of the building is narrow and large delivery lorries access the adjoining commercial unit;
- concerned that the common walkway (*to the rear of properties on Norway Street*) will be acquired and block access to the rear of the remaining properties;
- question why some neighbours have not been consulted;
- loss of property value.

45 Franklin Road: Do not object to the proposals.

Internal:

Economic Development: No comments have been received.

Environmental Health: The absence of any contaminated land investigation or supporting data affords a refusal on PPS23 grounds. PPS23 states 'where development is proposed on land that is or may be affected by contamination, an assessment of risk should be carried out by the applicant for consideration by the LPA before the application is determined.'

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

Private Sector Housing: No comments.

Transport Planning: No objection subject to the provision of cycle parking areas and details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

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

EM3 Retaining the best sites for industry

Supplementary Planning Guidance

03 Construction and Demolition Waste

08 Sustainable Building Design

7 CONSIDERATIONS

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

Background

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

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

Principle of residential on the site

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

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

If the site in its entirety had originally come forward for residential development policy EM3 would have sought affordable housing. However, it is considered that this could not reasonably be insisted upon as the commercial use is no longer present on the site, the Norway Street frontage buildings do not form part of the application nor are they linked to this site by

condition or other agreement. For these reasons there is no objection to the principle of (non-affordable) market residential housing on the site.

Standard of accommodation

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

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

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

Impact on amenity

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

The first and second floor maisonettes incorporate a balcony at first floor level enclosed by a parapet wall and opaque screening to a height of approximately 1.6 metres. It is acknowledged that the balcony would be visible from adjoining properties and there would be a perception of overlooking. However, the screening would prevent views from anyone sitting on the balcony and the overall height and terrace planters are sufficient to ensure no harmful downward overlooking of adjoining properties to the south.

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

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

Design

The principle of a two-storey building on the site has already been accepted through planning permission ref: BH2007/02547. As part of this application it was considered that 'the proposal would be a significant improvement in visual terms over the existing asbestos shed, and the proposed simple

contemporary design of the new offices is considered acceptable and in keeping with the nearby new housing development in Denmark Road.'

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

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

Sustainability

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

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

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

Transport

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

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

The application site does not lie within a controlled parking zone and it is not possible for the development to be made 'car free'. There is potential for on-

street parking along the frontage of the site and having regard to the previously consented scheme it is considered that any additional demand for parking would not warrant refusal of the application.

Contaminated Land

Environmental Health Officers commented in 2006 that the site is potentially contaminated and that further information should be required by condition. There has been no change in material considerations or planning policy in terms of contaminated land since this date. For this reason it is considered issues surrounding potentially contaminated land can be suitably overcome by way of a condition.

Other considerations

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

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

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

BH2009/01746 Land rear of 43-45 Norway Street



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

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



<u>No:</u>	BH2009/02310	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	61 Hill Brow, Hove		
<u>Proposal:</u>	Addition of a first floor to create a two storey dwelling.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Received Date:</u>	23 September 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 December 2009
<u>Agent:</u>	M J Lewis, 25 St Nicholas Lodge, Church Street, Brighton		
<u>Applicant:</u>	Mr T Jeffery, 61 Hill Brow, 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. BH03.03 Materials to Match Non-Cons Area.
3. BH02.05 (obscured glass) “first floor ensuite windows in the north-west and south-east facing elevations of the dwelling” “and shall be fixed shut unless any parts of the windows which can be opened are at least 1.7 metres above the floor level of the rooms in which they are inserted”.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the north and south flank walls of the extension hereby permitted without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the waste management plan and 2 no. photomontages submitted on the 23rd September 2009; drawing nos. A460/02 & A460/04 submitted on the 16th October 2009; and amended drawing nos. A460/03A & A460/05A submitted on the 18th December 2009.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD14 Extensions and alterations
QD27 Protection of amenity
SU13 Minimisation and re-use of construction industry waste

Supplementary Planning Guidance:
SPGBH1: Roof Alterations and Extensions

Supplementary Planning Document:
SPD03 Construction and demolition waste; and
 - (ii) for the following reasons:-

The proposed addition of a first floor would not result in result in significant loss of light, privacy or oppression to adjacent occupiers and would be built of materials to match the existing property. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application relates to a large detached bungalow located on the east side of Hill Brow, Brighton. The site sits on raised land above road level such that it has a garage at basement level in a similar manner to other houses on the same side of the road. A large garden rises further to the rear whilst dwellings opposite are below street level.

3 RELEVANT HISTORY

BH2008/00869: New first floor to create two storey dwelling. Refused 25/09/2008.

4 THE APPLICATION

The application seeks planning permission to add a new first floor, thereby converting the bungalow into a house. The rear first floor elevation would be recessed 4.8m from the current rear ground floor elevation following the approximate common rear building line of the street. The ridge line would be raised 3.3m above its current level.

5 CONSULTATIONS

External

Neighbours: Three letters of representation have been received from the residents of **nos 59 and 63 Hill Brow**. **No 59 Hill Brow** object to the proposed development on the following grounds:

- The development will be too large in relation to the surrounding properties
- The existing bungalow occupies in excess of 95% of the available frontage with its southeast elevation 0.85m from the boundary with No.59 Hill Brow. Any major work will require scaffolding to be erected over this boundary which would not be acceptable for security reasons and personal inconvenience
- The two storey extension extends too far beyond the rear of No.59 and would be oppressive and overshadowing due to its very close proximity

No.63 Hill Brow raise no objection in principle to the scheme subject to no further extensions being permitted.

Cllr Vanessa Brown objects to the proposal and has requested that the application be determined by the Planning Committee (comments attached).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SU13	Minimisation and re-use of construction industry waste

Supplementary Planning Guidance:

SPGBH1: Roof Alterations and Extensions

Supplementary Planning Document:

SPD03 Construction and demolition waste

7 CONSIDERATIONS

The main considerations material to this application are the impacts of the proposed first floor addition on the character and appearance of the building, the street scene, and the impacts on the amenities of adjoining properties.

Local Plan policy QD14 relates to residential extensions and alterations and states that planning permission will only be granted if the proposed development is well designed, sited and detailed in relation to the host property, adjoining properties and to the surrounding area. Such proposals should not result in a loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. This accords with policy QD27 which seeks to protect the amenities of residents adjacent to proposed developments.

Design and Appearance

The bungalow as existing sits on an elevated position above street level with a double basement garage below. It is of a fairly non-descript shallow pitched design that extends approximately 5m beyond the rear elevations of the adjacent detached properties. Two hipped bay windows sit to the front either side of a central recessed porch. The street scene is characterised of various forms of detached bungalows and houses with no distinctive character or consistency present.

The proposed development would add an extension at first floor level across the width of the building. This extension would be 11m in depth but set off the existing rear elevation by 4.8m such that it would break the rear building line to the adjacent properties by approximately 2 metres. The existing ground floor section to the rear would remain as current but with the pitched roof reduced to a mono-pitched façade. To the front, the bay window sections would follow to first floor level either side of a recessed porch and balcony, with a hipped roof above replicating the form of the existing. The overall height of the building would be raised by 3.3 metres but would sit between that of the adjacent properties, without over-dominating the street scene.

Having regard to policy QD14 it is considered that the proposed extension is of a strong design that is proportionate to the existing dwelling and surrounding street scene. The reduction of the first floor element off the rear elevation has negated the bulk issues of the earlier refused scheme (BH2008/00869) and better relates to the common building lines in the street. The extension and replication of the front bay features alongside a recessed porch and first floor balcony results in a visual distinctiveness that compliments the street scene. Likewise the use of white render and concrete interlocking tiles creates a modest yet contemporary appearance. Although the building occupies much of the width of the site, this arrangement is as existing and does not lead to the impression within the street scene that the site is overdeveloped.

Residential Amenity

The main concerns are the impacts of the proposed extension on the amenities of the adjacent properties. To the north, No. 63 is a small bungalow on a similar ground level with front, side and rear dormers (no dormer sits in the hip facing the site). The proposed extension would largely follow the front and rear building lines of this dwelling and would not result in an over-dominance of outlook. It is acknowledged that the southerly position of the extension relative to No.63 would result in an element of lost sunlight to their rear patio however, on balance, this is not considered sufficiently significant to justify the refusal of this scheme, particularly as much of their raised rear garden will be unaffected. A side window to the ground floor of No.63 would be impacted by the taller flank wall however again, on balance, this is not considered significant given its purpose serving a hallway/dressing room area and not a principal room.

To the south, No.59 is a large detached house on a slightly lower (<0.5m) ground level. The first floor extension would extend approximately 2 m to the rear of a recessed rear window and small area of garden to No.59 that is adjacent to the boundary with the site. Owing principally to its location on higher land close to the boundary (0.8m separation), it is acknowledged that the proposed extension would impact on the amenity of this area of No.59. By calculation the extension would not though break the vertical or horizontal 45 degree angle from this recessed window whilst the area of garden impacted (through oppression and loss of direct evening sunlight) is minimal in comparison to the overall rear garden area of the plot. The re-configuring of the rear part of the building would result in the loss of the projecting hipped roof element, thereby reducing the domination of this section of the building on the rear outlook to No.59. On balance it is considered that the proposed extension would not extend excessively beyond the rear of No.59 and would consequently not cause a significant degree of overshadowing or oppression to warrant refusal.

The two windows in the first floor side elevations would serve en-suite bathrooms and would be obscurely glazed however, as a precaution, a condition restricting the opening of any additional windows in these flank elevations will be attached to preserve the privacy of the adjacent dwellings. Subject to this condition it is considered that, on balance, the proposed extension would not result in a significant degree of oppression, loss of sunlight or loss of privacy to either adjacent property to warrant the reasonable refusal of this proposal having regard to policies QD14 and QD27 of the Brighton & Hove Local Plan.

Owing to the large footprint of this property and the size of extension proposed, it is considered expedient to remove permitted development rights to extend the property further via condition, in order to protect the adjacent properties from development that could be detrimental to their amenities.

With regard to the additional comments raised by No.59 Hill Brow, the issues over scaffolding and resultant security and inconvenience concerns are not considered to be material planning considerations and are civil matters to be addressed outside of the planning remit.

Waste Minimisation

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seeks to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. The information submitted is considered adequate to acceptably demonstrate that the minimisation and reuse of construction industry waste in the scheme will meet the requirements of this policy.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed addition of a first floor would not result in result in significant

loss of light, privacy or oppression to adjacent occupiers and would be built of materials to match the existing property. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.



(c) Crown Copyright. All rights reserved Licence No: 100020999 Brighton & Hove 2009.

Date: 21/12/2009 01:48:47

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).





**Brighton & Hove
City Council**

PLANS LIST – 13 JANUARY 2010

COUNCILLOR REPRESENTATION

From: Vanessa Brown [Vanessa.Brown@brighton-hove.gov.uk]
Sent: 18 December 2009 18:06
To: Adrian Smith
Follow Up Flag: Follow up
Flag Status: Red

Dear Mr Smith

RE: BH2009/02310 61 Hill Brow Hove

As a Councillor for Stanford Ward I am writing to object to this application to turn a bungalow into an extremely large house. Although the original plans have been scaled back I still think this is an overdevelopment of the site. The building would now extend well beyond the back of the next door house which will cause overshadowing and loss of light to their patio and back living rooms. The residents of no. 59 Hill Brow are also very concerned about the loss of privacy as this large house will be less than a metre from their boundary.

As previously requested if the decision under delegated powers is to pass this application I would like it to go to the Planning Committee for decision.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown
Cabinet Member for Children and Young People
Member for Stanford Ward

<u>No:</u>	BH2009/02648	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Kingsmere, London Road, Brighton		
<u>Proposal:</u>	Construction of 5no. additional garages.		
<u>Officer:</u>	Steven Lewis, Tel: 290480	<u>Received Date:</u>	02 November 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28 December 2009
<u>Agent:</u>	Andrew Borley, 17 Maltravers Street, Arundel		
<u>Applicant:</u>	Anstone Properties Ltd, 29 Palmeira Mansions, 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 permission.
2. BH03.03 Materials to match non cons area.
3. The development hereby permitted shall be carried out in strict accordance with the Waste Minimisation Statement (prepared by Andrew Borley RIBA) submitted with the application and received on 02/11/2009.
Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies SU13 of the Brighton & Hove Local Plan, W10 of the East Sussex and Brighton & Hove Waste Local Plan and Supplementary Planning Document 03 (Construction and Waste Minimisation).

Informatives:

1. This decision is based on Design and Access Statement, Biodiversity Checklist, Andrew Borley Waste Minimisation Statement and drawing nos. A2109/01, A2109/02, A2109/03, A2109/04, A2109/05, A2109/06 & A2109/10 submitted on 02/11/2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:
Brighton & Hove Local Plan:
 - TR1 Development and the demand for travel
 - TR7 Safe development
 - TR19 Parking Standards
 - QD1 Design – quality of development and the demand for travel
 - QD2 Design – key principles for neighbourhoods
 - QD3 Design – effective and efficient use of sites

QD14 Extensions and alterations
QD27 Protection of amenity; and

ii) for the following reasons:

The proposed garages are considered well designed in relation to the surrounding area of the site and would have an acceptable material impact upon the public highway. The garages would not cause a significant amenity impact for neighbours and no further material consideration have been raised which would justify refusing planning permission in this case.

2 THE SITE

The application relates to an area of garaging located at the eastern end of a complex of flatted developments known as Kingsmere on the eastern side of London Road in Brighton.

The site is specifically located at the eastern most end of Kingsmere and consists of a hardstanding currently used for parking and surrounded by garaging.

3 RELEVANT HISTORY

BH2008/02135: Construction of 2 new garages – approved 15/10/2008.

BH2001/00473/FP: Proposed replacing two parking spaces with two garages - approved 25/07/2001.

4 THE APPLICATION

The proposal seeks planning permission for the erection of 5 garages.

5 CONSULTATIONS

External:

Neighbours: Kingsmere Residents Association (72 Kingsmere), 41, 42, 49, 73, 78, 81, 106, 111, 112 Kingsmere object on the following grounds:

- The proposal is poorly designed and out of character for the present Kingsmere site. The development is poorly detailed due to the development will comprise of 5 garages backing onto 6 and of differing dimensions.
- The current area is designated for car washing and repair for all 120 Kingsmere flats, shown by the positioning of a stand pipe,
- The garages would create a narrow enclosed area that could be a danger for users; whilst there has been an increase in crime including several break-ins to garages in the last 12 months.
- The proposal would lead to an increase in traffic and have an adverse impact upon the residents of Kingsmere due to additional noise, traffic and pollution.
- The area is also designated for commercial vehicle parking as these vehicles are prohibited from parking in other areas of Kingsmere.
- The Kingsmere estate already has a lack of parking which has been reported to the managing agents, along with points regarding access and

safety. The result of the development would be that the number of car parking spaces would be reduced.

- Many of the current garages in Kingsmere are not used by residents, but are owned or rented as storage spaces for trade or storage purposes. On this basis the development would result in additional traffic volumes.
- The development would displace parking to areas of Kingsmere including the narrow public entrance and feed additional traffic on to the A23 (London Road) leading to highway safety concerns.
- The London road is a sustainable transport route and suffers from high volumes and congestion in peak hours and in the summer.
- The displacement of parking on the site would further restrict access to the site for key services (refuse collection, emergency vehicles).
- The application does not consider the impact to the manhole cover located at the site, or the safety of pedestrians within the site.

Internal:

Sustainable Transport: The proposal seeks to formalise an existing area used for car parking into 5 garages, the application will not increase trips to the site or displace parking off-site and will therefore not have a material impact on the local highway network.

Environmental Health: No comment.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR19 Parking Standards
- QD1 Design – quality of development and the demand for travel
- QD2 Design – key principles for neighbourhoods
- QD3 Design – effective and efficient use of sites
- QD14 Extensions and alterations
- QD27 Protection of amenity

7 CONSIDERATIONS

The main issues in this case are the impact of the development upon the character and appearance of the area, the residential amenity of nearby occupiers, highway safety and traffic issues and any other material considerations.

Design issues

The proposal would not have an adverse impact upon the character and appearance of the area. The garages are considered satisfactorily designed by reason of their siting, scale, appearance and detailing.

The site comprises of an area of hardstanding currently used for parking and is located to the side of and at the back of a complex of garages. The proposed garages would infill this area and are designed to match the

appearance of the existing garage complex.

Notwithstanding the width of the individual garages exceeding that of existing garages; and consequently fitting a totalling five garages into the space where six of the existing would fit; it is considered that these differences would not have any material impact upon the character and appearance of the area.

The garages are considered to be appropriately designed and detailed and largely match that of the existing garage appearance. The use of matching brickwork and door opening method is welcomed; however a planning condition to match materials as closely as possible to the existing is recommended in the interests of consistency.

Highway Issues

The Transport Planning team consider that the proposal would not have any material effect upon the public highway.

A number of objections have been raised with regards to traffic generation and highway safety. The development in itself would limit the number of spaces by a single place, further to this it is possible that the garages could be let or sold to “off-site users”. However the level of traffic potential generated by the development is not considered significant and the potential for off-site ownership is not considered a legitimate planning reason to withhold permission in this case.

The garages are sited to the rear of the Kingsmere and accordingly would not physically impact upon the access to London Road or the public highway. Some concerns have been raised that the development will displace parking into areas where it may affect the access. Users of the site have a duty to parking safely and with care of other highway users, if such misuse of the highway occurs then it can be tackled with adequate on site parking management or by suitable enforcement.

Residential amenity

The proposal would not have a significant impact upon the amenities of nearby residential occupiers. The site is currently used for parking, accordingly the proposed use would generate similar types and level of amenity impact as is experienced at present.

The garages would not be for commercial use and are required as part of the maintenance and improvement programme on the part of Anstone Properties.

The garages would not have any physical impact upon the flats in Kingsmere and are sufficiently sited away from the residential buildings to cause a loss of light, privacy or outlook.

Waste Minimisation

Policy SU13 and Supplementary Planning Document 03 on Construction and

Demolition Waste seeks to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. The information submitted is considered adequate to acceptably demonstrate that the minimisation and reuse of construction industry waste in the scheme will meet the requirements of this policy.

Other issues

A number of other issues have been raised by residents of Kingsmere. None of these reasons are considered material reasons that justify refusing planning permission in this case.

The development is not considered to have any material impact upon crime in this case. The use of garaging is likely to afford better protection for vehicles and property than if left in the open.

The manhole cover could be relocated as part of the development but is not considered a planning issue in this case.

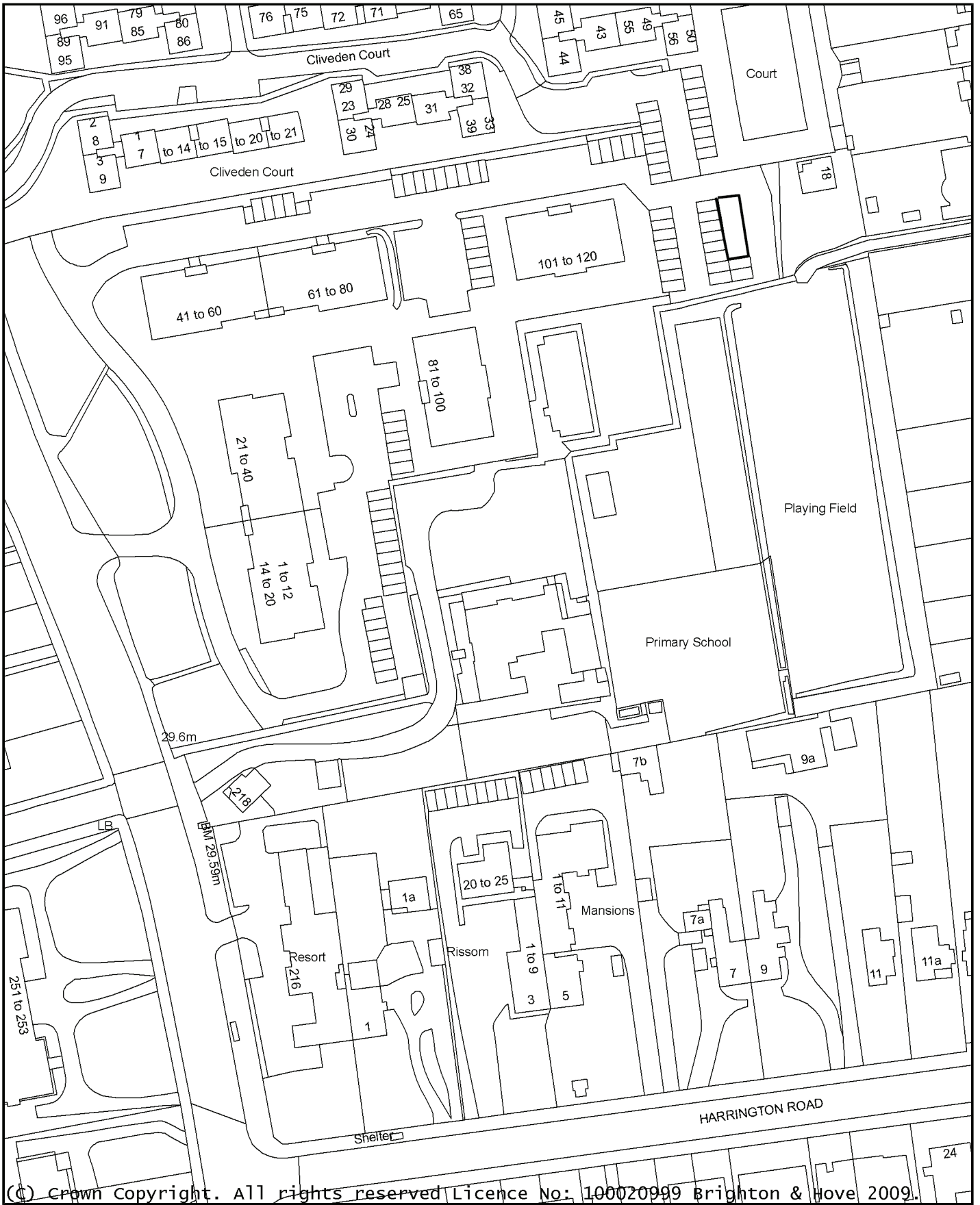
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed garages are considered well designed in relation to the surrounding area of the site and would have an acceptable material impact upon the public highway. The garages would not cause a significant amenity impact for neighbours and no further material consideration have been raised which would justify refusing planning permission in this case.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/02648 Kingsmere, London Road



<u>No:</u>	BH2007/04074	<u>Ward:</u>	QUEEN'S PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land adjoining 24 Tower Road, Brighton		
<u>Proposal:</u>	Construction of one new dwelling house attached to 24 Tower Road.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	01 November 2007
<u>Con Area:</u>	Queens Park	<u>Expiry Date:</u>	12 February 2008
<u>Agent:</u>	Morgan Carn Architects, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Mr & Mrs N Davey, 24 Tower Road, Brighton		

1 RECOMMENDATION

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

S106:

- £1,500.00 towards improving sustainable transport infrastructure within the vicinity of the development.

Conditions:

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity and character).
3. BH02.06 No cables, aerials, flues and meter boxes.
4. BH02.08 Satisfactory refuse and recycling storage.
5. BH04.01 Lifetime Homes.
6. BH05.01 Code for Sustainable Homes – Pre-Occupation (New build residential).
7. BH05.08 Waste minimisation statement.
8. BH05.10 Hardsurfaces.
9. BH06.01 Retention of parking area.
10. BH06.02 Cycle parking facilities to be submitted.
11. BH12.01 Samples of materials (cons area).
12. Prior to the commencement of the development 1:20 drawings of each elevation shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall include all details of all architectural detailing including fenestration.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
13. The Elm trees located on and adjacent to the site shall be protected to BS 5837 (2005) Trees related to construction; including the erection of protective fencing , prior to works commencing on the site. The protective

measures shall be retained during all construction works.

Reason: To protect two Elms Trees located on and adjacent to the site, in the interests of the amenity of the area and to accord with policies QD1, QD16 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant planning permission has been taken:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and Lifetime Homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic park and gardens

Supplementary Planning Guidance

SPGBH1	Roof alterations and extensions
SPGBH4	Parking standards
SPD03	Construction and demolition waste
SPD08	Sustainable building design; and

ii. for the following reasons:

The proposed dwelling is considered well designed and would provide a high quality contrast in this location to both the adjacent properties and the historic environment. It would enhance the appearance of the Queens Park conservation area; the setting of the registered park would be preserved and would have only a minimal impact upon the setting of the

adjacent listed building. The proposal would preserve the amenity of adjacent residents, provide for the travel demands it creates and achieve a high standard of sustainability.

2. This decision is based on Morgan Carn Architects Waste Minimisation Statement submitted on 01/11/07, drawing nos. 0775-110A, 100C, 101, 102A, 103A, 104A, 109 and Design and Access Statement, Sustainability Statement and Code for Sustainable Homes Pre-Assessment Estimator Report submitted on 05/11/09.
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
4. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
5. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
6. 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).

2 THE SITE

The application relates to an end of terrace house and its curtilage on the western side of Tower Road in Brighton. The site is situated at the corner with Tower Road itself and West Drive.

The host dwelling is a two storey 1970's type dwelling, which forms part of a short terrace of similar dwellings (directly to the north). It is noted that the host property and no. 22 Tower Road have a more modern appearance having been externally renovated.

To the east of the site is a 1970's small estate of low rise blocks of flats with houses (2 and 3 storey) beyond. To the south of the site is Queens Park which is on the register of Parks and Gardens of Special Historic Interest and the application site is visible from the park itself. To the east of the site is a

grade II listed villa (30 West Drive).

The site is also located within the Queens Park conservation area.

3 RELEVANT HISTORY

BH2006/04002: Construction of an attached two storey, 3/4 bedroom dwelling house. Provision of car parking space and new vehicle access – Refused 07/02/2007 – Appeal Dismissed 11/03/2008.

BH2006/03018: Certificate of Lawfulness application for proposed internal alterations to existing layout including formation of study/bed. 4 external alterations to fenestration and external finishes – Approved 01/11/2006.

4 THE APPLICATION

The application seeks planning permission for the erection of a three storey dwellinghouse attached to 24 Tower Road. The scheme is designed to be fairly modern in appearance and incorporates lower ground, ground and first floor levels. The scheme is to be flat roofed and rendered, painted white.

The ground floor footprint follows the staggered stepping of the existing terrace, with the same set backs present to the front and rear of the proposed property. The overall ground floor footprint measures 7.5m wide x 8.0m deep.

The first floor is set in from the ground by 1.5m and incorporates a U shaped terrace with glass balustrade. The proposed flat roof is 5.7m from ground level, which is just below the eaves height of the host dwelling.

The basement level is more extensive than the ground floor and incorporates a number of bedrooms and bathrooms.

The remainder of the plot is to incorporate a car parking space to the front, accessed from Tower Road itself, pedestrian access from West Drive with the remainder being garden for the proposed dwelling.

The dwelling is to be built to meet Level 5 of the Code for Sustainable Homes.

5 CONSULTATIONS

External:

Neighbours:

On plans received 30.09.08

Carn Court Residents Association, 26 Carn Court, 59 Cobden Road, 23 East Drive, 79 Freshfield Road, 6, 8, 14 Park View, 4 St Lukes Terrace, 4, 6, 8, 12, 20, 22 Attree Court, Tower Road, 1, 2 Stable Cottage, 1, 19, 29, Park View, Flat 1 Park View, West Drive, object on the following grounds:

- The proposal is an over development of the site and represents a density which does not fit with the background character of the area.
- The development would fail to emphasise or enhance the open characteristics of the area or the natural or built setting of the neighbourhood.

- The design of the building and its use of materials do not relate to any other around the park or within the conservation area.
- The development would set an uncomfortable precedent for further development around the edge of the park.
- The proposal would harm the setting and views of the adjacent listed building. It would clash with the style of the villa and would be exposed in winter when the tree canopy is sparse.
- The proposal would damage the Sylvan quality of the conservation area. Would damage the spacious and open character of the area
- The development would encroach upon the setting of Queens Park and general the building line of the conservation area
- The proposal will contravene a covenant which does not allow development within 20 feet of the footpath; another outlines the covenant as being 15 feet.
- The proposal has changed little since the earlier refusal and a Planning Inspector dismissed an appeal.
- The pavements adjacent to the site offer safe refuge to children crossing and is understood to be part of a safe routes to school scheme. The inclusion of a new crossover would threaten the safety of pedestrians and other road users.
- The development will result in a loss street of parking bays.
- Loss of privacy

On plans received 05.11.09

59 Cobden Road, 6 South Avenue (x2), Flats 1, 5 & 14 Park View 30 West Drive, 2 Stable Cottage West Drive, 1, 19 & 29 West Drive and 4, 8, 10 & 20 Tower Road object on the following grounds:

- Overdevelopment of the site;
- Does not respect existing building lines;
- Poor design;
- It would create a dangerous precedent;
- It would be detrimental to the Conservation Area;
- The scheme is contrary to policy;
- It would create a danger to pedestrians;
- It would adversely impact on the setting of the Listed Building;
- The design is out of character with the existing conservation area; and
- It will result in the loss of an open area adjoining the park.

Flat 1 167, 239 Queens Park Road, 6 Windmill Drive, 24 St Georges Terrace (x2), 7 Upper Winfield Avenue, 1 Weavers Cottage, 19 Islingword Place, 150 Springfield Road, 46 Hampden Road, 40 Toronto Terrace, 13 Cuthbert Road, 1 St Lukes Road and 22 Tower Road support on the following grounds:

- The development would enhance the site; and
- The gable end of the existing terrace is unsightly and the new dwelling will complete the terrace in a more pleasing way.

Cllr Rachel Fryer: Objects to the proposal (comments attached).

Cllr Ben Duncan: Supports the proposal (comments attached).

CAG:

On plans submitted 18/11/08

The group advise the proposed development would affect views of the only surviving 'Barry' Villa they consider the principle of the development on this site would be inappropriate. It is advised that the application should be refused and in the event of a recommendation for approval being reached that the application be determined by the Planning Committee.

On plans submitted 05/11/09

The group did not think it was appropriate to develop this site. The group agreed to recommend refusal of this application, as it would obscure views of the listed building and result in the loss of a green garden area.

Internal:

Conservation and Design:

Comments 18/11/2008.

The existing terrace of houses is architecturally undistinguished and terminates to the south with the bland gable end of number 24. Originally there was another villa on the site in Tower Road where the terraced housing now lies and that villa shared a southern building line with number 30 West Drive, allowing a wide arc of views both to the villa from the park and to the park from the villa. The main views of the listed building now are from the south and south west, from West Drive and from the park itself. Moving eastwards, views of the listed building are obscured for several metres by the mature trees until it emerges again as the viewer moves east into North Drive. From here the 1960s terrace has compromised the original setting of the listed building but its roof (including chimneys) and part of the front elevation remain imposing.

The revised proposal has no significant impact on the main views of the listed building and only a very slight adverse impact on the view from North Drive, where a small area of the front elevation would be obscured. However, the whole of the roof, the distinctive chimney stacks and the upper storey windows would remain in clear sight and the eaves line would be uninterrupted.

In terms of the impact on the character and appearance of the Queens Park conservation area, the proposed house respects the form and design idiom of the existing terrace and maintains the stepping down the hill, whilst at the same time terminating the terrace in a manner that gives the southern end a more lively and interesting elevation, which better befits its position overlooking West Drive and the Park. This provides a far more visually satisfactory street end than the existing bland gable.

The revised design has is considerably simpler than the previous design and

has less intrinsic architectural interest. However, the removal of the curved 'tower' and the change to a flat roof serve to retain the majority of the view of the listed building from North Drive, whilst still forming a subtly distinctive house.

It is therefore considered that the proposal has very little adverse impact on the setting of the listed building whilst enhancing the appearance and character of the conservation area. The setting of the registered park would be preserved. It is further considered that the revised design has a strong design quality and the proposed materials reflect both traditional materials and the existing terrace.

The materials and detailing would need to be carefully controlled by condition to ensure that the design quality is carried through to construction. Such conditions should include for the submission of 1:20 scale elevation details.

Comments on revised plans received 07.12.09

The matter of the principle of a house on this site and the main considerations with regard to scale, massing and design have been addressed in a number of previous comments and are therefore not repeated here.

The revised proposal would again have no significant impact on the primary views of the listed building and only a very slight adverse impact on the view from North Drive, where a small area of the front elevation would be obscured. However, the whole of the roof, the distinctive chimney stacks and the heads of the upper storey windows would remain in clear sight and the eaves line would be uninterrupted.

In terms of the impact on the character and appearance of the Queens Park conservation area, the proposed house respects the way the existing terrace steps down the hill, but is not as contextual in design as the previous schemes, particularly in terms of window proportions and materials, having a more pronounced 1930s International Modern style. However, it would terminate the terrace in a manner that would give the southern end a more lively and interesting elevation, which better befits its position overlooking West Drive and the Park. This provides a far more visually satisfactory street end than the existing bland gable. In this respect it has more interest than the most previous design.

It is noted that photovoltaic panels are shown on the areas of overhanging eaves and porch above ground floor level but do not appear on the elevations or CGI. It is likely that these would need to be set at an angle (or certainly would have an upstand above the clean lines of the eaves) and would therefore have an impact on the appearance of the building. This should be clarified in further drawings/CGIs but in order to maintain the aesthetic of the design they may need to be removed.

Subject to that point it is considered that the proposal has very little adverse impact on the setting of the listed building whilst preserving the appearance and character of the conservation area. The setting of the registered park

would also be preserved.

The materials and detailing would need to be carefully controlled by condition to ensure that design quality is carried through to construction. Such conditions should include for the submission of 1:20 scale elevation details.

Arboriculturalist

The Arboricultural Section previously visited the above site and would like to make the following comments.

The applicant has submitted an Arboricultural Method Statement with the application which eliminates most of the concerns the Arboricultural Section would have with regard to both the Elm on site and the Elm on street just outside the boundary of the property.

As long as this Method Statement is utilised on site, the Arboricultural Section would not object to this application, however:

- The root protection areas quoted are to BS 5837 (2005) and not NJUG10.
- Protective fencing should be to BS 5837 (2005), ie immovable regardless of the fact it is on a site with no vehicular traffic. I don't recall seeing a plan to show this, although one was mentioned. It might be better to have a protection fence line coming down the eastern side of the new property, encompassing both trees.

In summary, no objection as long as it is a condition that BS 5837 (2005) Trees on Development Sites is adhered to, everything appears to be in order.

Sustainable Transport

No objections on Traffic Grounds subject to the following conditions:

- The cross over is constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highways Operations Manager prior to commencement of any other development upon the site.
- The development shall not be occupied until cycle parking areas shall thereafter be retained for that use and shall not be used other than for parking of cycles
- The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall not be used other than for the parking of motor vehicles.
- The applicant shall enter into a legal agreement with the council to contribute towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

The Sustainable Transport Manager suggests a contribution of £1,500 would be an appropriate sum. This amount is based upon a calculation of the number of residential units created, number of anticipated trips and a

reduction factor. These figures are based upon a shortfall in Local Transport funding and PPG13.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and Lifetime Homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic park and gardens

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Construction industry waste
-------	-----------------------------

Supplementary Planning Guidance

SPGBH1	Roof alterations and extensions
SPGBH4	Parking standards
SPD03	Construction and demolition waste
SPD08	Sustainable building design

7 CONSIDERATIONS

The main considerations in this case are the impact of the development upon the character and appearance of the area, the Queens Park conservation area and the setting of the adjacent listed building and historic park. Other issues considered include sustainability, traffic issues, construction industry waste minimisation, amenity of nearby residential occupiers and living accommodation standards.

The planning history of the site is also considered an important material

consideration in this case.

Planning History

Application BH2006/04002 was refused planning permission as it was considered that the proposal would further harm the already damaged setting of the adjacent listed building (30 West Drive) and that the design, detailing, use of materials and siting would harm the character and appearance of the conservation area and historical park.

The proposal was then a continuation of the present terrace with some modern design detailing and materials. The proposal followed the present pattern of the terrace in terms of scale, siting, bulk and roof design.

The decision was appealed and was subject of an informal hearing. The Inspector dismissed the appeal concluding that the proposal would seriously harm the character and appearance of the conservation area, the Park and the setting of the grade II listed building (30 West Drive).

The Inspector commented that the dwelling would be “prominently seen in views from the south along West Drive (from around Albion Hill); from the east underneath tree canopies on the southern side of North Drive (albeit partially screened by trees); and from the top of Tower Close (sic), In all these views the extension of the built form out towards the park would seriously intrude into the spacious character of the area and the street scene. This intrusion would be particularly noticeable in views from the south up West Drive and from the Park’s perimeter path. Thus, the proposal would destroy the open nature of generally green space between surrounding buildings (mainly front gardens) and the peripheral roads around the park in this locality”.

Design, visual amenity, conservation area character and setting of the adjacent listed building

The design of the proposal differs considerably from that refused planning permission under reference BH2006/04002. The design also differs significantly from that of the existing terrace and includes an excavated area to create a lower ground floor area. The dwelling has three storeys although the height and massing of the building from distant views will show the dwelling as two storeys in height. Accordingly further consideration to the new design and its impact upon the Adjacent listed building, listed park and the Queens Park conservation area should be given.

Policy QD1 relates to design – quality of development and design statements. 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. In areas of drab and uninteresting character, the planning authority will expect the opportunity to be taken to create new buildings and areas of distinction on suitable sites.

Unless a development proposal is within an area featuring a distinctive

historic style of architecture, replication on existing styles and pastiche designs will be discouraged. The following design aspects will be taken into account in all developments:

- a. Scale and height of development;
- b. Architectural detailing;
- c. Quality of materials;
- d. Visual interest particularly at street level; and
- e. Appropriate levels and type of landscaping.

Policy QD2 relates to design – key principles for neighbourhoods. It confirms that all 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 streets and spaces;
- f. Linkages with surrounding areas, especially access to local amenities e.g. shops, community facilities, open spaces;
- g. Patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
- h. Natural landscaping.

Policy HE3 will not permit development where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.

Policy HE6 confirms that proposals within or affecting the setting of a conservation area should preserve or enhance its character and appearance.

The design is a contemporarily styled dwelling that seeks to contrast with the design approach of the existing adjacent terrace. The existing terrace is not considered a design success or characteristic of the Queens Park conservation area. The gable end of number 24 facing south is bland in appearance and does not terminate well or produce any interest or add to the character and appearance of the area.

The dwelling will appear as subservient to the existing terrace. The use of a flat roof, the vertical emphasis of the fenestration upon the front elevation, the use of white render will provide a high quality contrast to the existing terrace. The use of timber cladding has been added to the two adjacent houses in the terrace recently and the use of timber will allow for the transition between the existing terrace and the contemporary design. In turn this allows

for non traditional materials and detailing to be used to exact a high quality contrast in the proposed design. However it is important that the choice of materials and detailing should be crisp and high quality and such planning conditions should be imposed to ensure a satisfactory finish to the development.

The latest comments from the Design and Conservation Team in relation to the PV cells is noted, however, these are to be incorporated into the eaves overhang structure itself and thus will not protrude any higher than that shown on the drawings and therefore would be acceptable.

The proposal is considered to have a minor enhancing effect upon the appearance of the Queens Park conservation area. The proposal continues the important key traits of the terrace in that it respects the scale and siting of the dwellings and continues to step down in height with the terrace heading south and steps back off the front building line to continue the present staggered building line. The design will enliven a blank and drab side flank wall and create a better termination to the terrace which improves the appearance of the terrace from views within the Conservation Area.

Objections have also been raised in relation to the proposed building impacting on the building line around Queens Park. It is noted that this is already compromised further east of the site, by the 1970's residential development. In addition, it is not considered that the proposal would cause a harmful impact in this regard in any event.

The impact upon the adjacent listed building is considered acceptable. It is recognised that the present setting and views of the villa have been heavily compromised by the existing terrace in Tower Road. However it is important to ensure that the important remaining visible features are not further detrimentally harmed by the development. The Conservation and Design Team consider that the development has no significant impact upon the Listed Building and only a very slight impact upon the views from the North Drive. A very small area of the front elevation would be obscured by the development, but the whole roof structure, the distinctive chimney stacks and the upper storey windows would remain in clear sight and the eaves uninterrupted.

It is therefore considered that the proposal has very little adverse impact on the setting of the listed building whilst enhancing the appearance and character of the conservation area. The setting of the registered park would be preserved. It is also considered that the revised design has a strong design quality and the proposed materials reflect both traditional materials and the existing terrace.

Traffic Issues

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 proposal includes space for a single vehicle parking space to the front of the property, together with an electric car charging point. A condition is recommended to ensure that the parking space is secured and retained for such use.

Whilst it is noted that no cycle parking facilities have been shown on the plans, it is considered that a condition requiring details of such facilities is acceptable as there is sufficient space within the application site to provide for these.

In addition the Sustainable Transport Manager requests that the developer makes a contribution of £1,500 towards accessibility bus stops, pedestrian facilities and cycling infrastructure within the local area of the site. The sum requested by the Traffic Manager is based up a calculation of the number of residential units created, a reduction factor and a shortfall in Local Transport Plan funding. A condition is recommended to require the developer to enter into a legal agreement with the council to pay the necessary sums payable prior to the commencement of development upon the site.

On this basis it is considered that the development would meet for the travel demands created by the development.

Landscaping and trees

Policy QD16 relates to trees and hedgerows. It confirms that applications for new development:

- Should accurately identify existing trees, shrubs and hedgerows;
- Must seek to retain existing trees and hedgerows; and
- Wherever feasible include new tree and hedge planting in the proposals.

It goes on to confirm that development resulting in works to a tree subject to a Tree Preservation Order will be permitted only where the works do not damage the amenity value of the tree. Where the removal of any preserved tree is permitted a replacement tree will be required of an appropriate type and size, and located to the satisfaction of the planning authority.

There are no specific trees upon the site which are worthy of a Tree Preservation Order. Adjacent to the site and within the public realm is a semi mature Elm Tree and an Elm Tree upon the site which need some

precautions taking during construction to ensure their retention. It is considered that if proper precautions are taken to protect the trees upon the site and the adjacent public highway there should be no undue impact upon the health of the Elms.

When an Inspector considered the case at a recent appeal he concluded that development need not harm the tree adjacent to the site on the basis of appropriate protection is secured. The Council's Arboricultural team consider that also to be the case and recommend that the roots of trees be protected to BS 5837 (2005) and not NJUG10 standards and that protective fencing be used during construction.

Residential Amenity

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 proposal will not significantly harm the amenities of adjacent residential occupiers. It will not cause a loss of light, overshadowing or loss of privacy. The dwelling is well spaced and sited in relation to immediate neighbouring properties.

A certificate of lawfulness application was granted for the blocking up of the existing windows of number 24 Tower Road. These works have been carried out and will allow the dwelling to be built upon the south elevation of number 24.

There have been objections on the grounds that the proposal will lead to a loss of view. This is not considered to be a material planning consideration. The dwelling is sufficiently spaced from other near neighbours and would not cause a loss of outlook.

Policy HO13 requires residential units to be lifetime home compliant. The submitted plans are consistent with the required standards and thus the scheme is HO13 compliant.

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

The scheme does provide an amenity space for the proposed dwelling, which due to the constraints of the site and the size of amenity spaces in neighbouring developments is considered to be acceptable. The application clearly results in the loss of amenity space for the host dwelling, which would retain only a small amount of amenity space. However, given the size of the gardens to the properties in Tower Road and the extremely close proximity to Queen's Park, it is considered to be acceptable in this instance.

In addition, the plans do not display refuse or recycling storage and the design statement does not refer to this aspect of the development. Given the adequate amenity space it is considered that such facilities could comfortably be provided within the amenity area. It is therefore proposed that a condition could secure the provision and retention of recycling and refuse storage.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate efficiency in the use of energy, water and materials. The applicants have submitted the new Brighton & Hove Sustainability Checklist, in accordance with SPD08.

The applicant's have submitted a Design Stage Code for Sustainable Homes Pre-Assessment Report with the application. This indicates that the scheme would achieve Code Level 5. This is a very high level of sustainability which is considerably in excess of the Level 3 required by SPD08. A condition is recommended to ensure a minimum of Code Level 3 is achieved.

In addition, the proposal incorporate solar panels in the flat roof, facing south at a slight incline. These are shown on the plans and considered acceptable and are welcomed to improve the energy efficiency of the proposed dwelling without harming the character or appearance of the surrounding area.

Construction and demolition waste minimisation

Policy SU13 of the Brighton & Hove Local Plan requires the reduction of demolition and construction waste. A waste minimisation statement has been provided to demonstrate how construction waste would be minimised, and thus this aspect is acceptable.

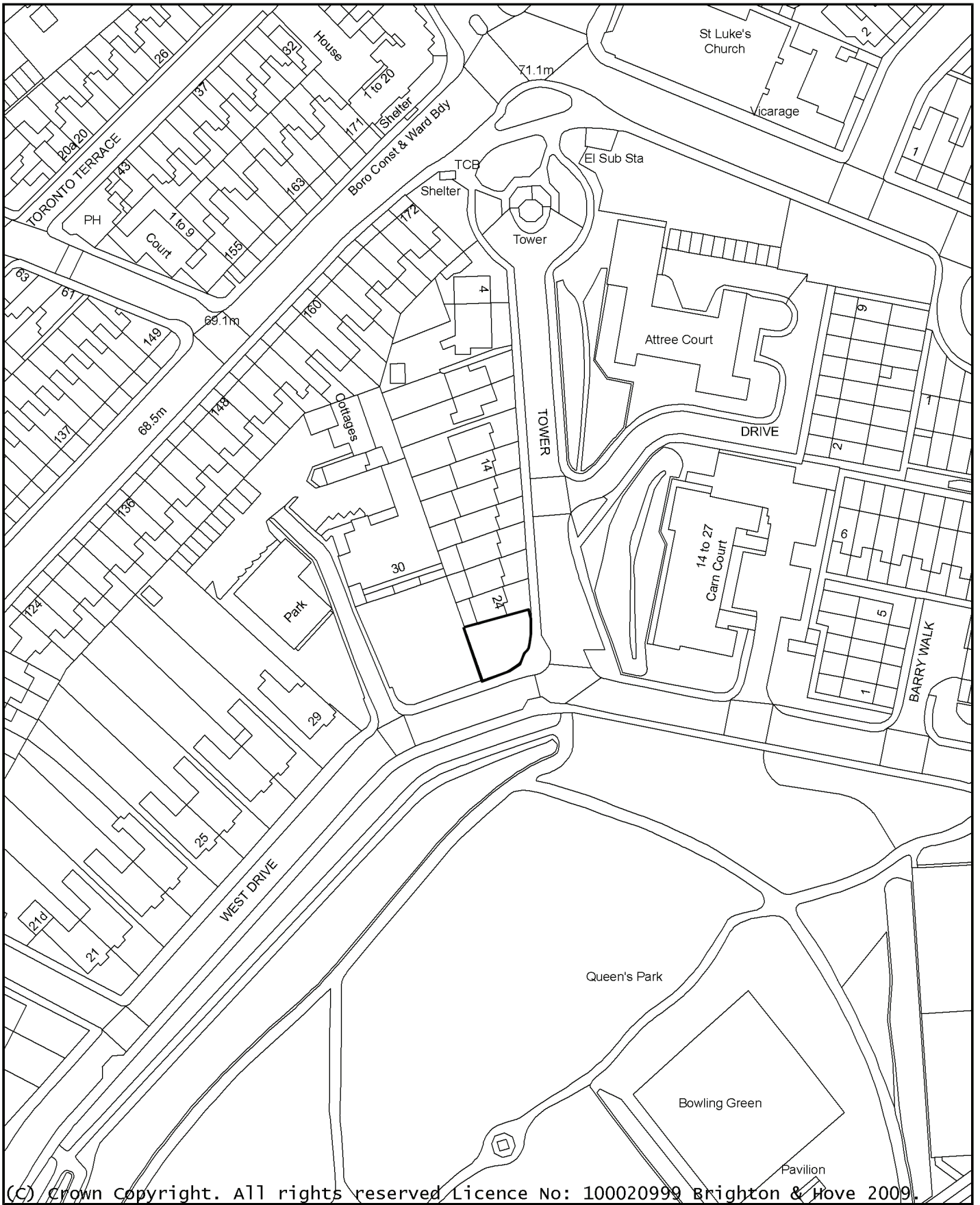
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed dwelling is considered well designed and would provide a high quality contrast in this location to both the adjacent properties and the historic environment. It would enhance the appearance of the Queens Park conservation area; the setting of the registered park would be preserved and would have only a minimal impact upon the setting of the adjacent listed building. The proposal would preserve the amenity of adjacent residents, provide for the travel demands it creates and achieve an acceptable standard of sustainability.

9 EQUALITIES IMPLICATIONS

The proposed dwellings should comply with Part M of the Building Regulations and is conditioned to meet Lifetime Home Standards.

BH2007/04074 Land adjoining 24 Tower Road



Date: 21/12/2009 01:54:12

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).





Brighton & Hove City Council

PLANS LIST – 13 JANUARY 2010

COUNCILLOR REPRESENTATION

From: ben.duncan@brighton-hove.gov.uk
Sent: 17 December 2009 13:19
To: Planning Comments
Subject: Planning Application BH2007/04074 - comment

Planning Application - BH2007/04074

I want to provide the Authority with comments on the Planning Application

Sender's details

Ben Duncan
6A Walpole Terrace
BN2 0EB
01273 296441
ben.duncan@brighton-hove.gov.uk

Comment

I am writing as ward councillor for Queen's Park to express my support for the above planning application. I would be grateful if my comments could be reported to members of the planning committee should you be minded to recommend denying consent to this application. Should building consent be granted, the city will benefit from a much-needed, centrally-located, additionally family housing unit, and one which will meet excellent sustainability standards (Code 5, Code for Sustainable Homes), both in line with council planning policy. The proposed site, being adjacent to Queen's Park, will enjoy access to open space, and will serve as a showcase for sustainability features, as well as benefitting from high standards of design. As it is the intention of the applicant to live in the property, and the applicant currently lives in a neighbouring property, I am convinced the construction will be carried out to a high standard, and in a way that minimises disruption to neighbours and the wider area. Cllr Ben Duncan



Brighton & Hove City Council

PLANS LIST – 13 JANUARY 2010

COUNCILLOR REPRESENTATION



Brighton & Hove 16/03/2008 17:37

rachel.fryer@brighton-hove.gov.uk

To: planning.applications@brighton-hove.gov.uk

cc:

Subject: Planning Application BH2007/04074 - comment

Planning Application - BH2007/04074

I object to the Planning Application

Sender's details

Councillor Rachel Fryer
c/o King's House, Grand Avenue, Hove
BN3 2LS
01273 296442
rachel.fryer@brighton-hove.gov.uk

Comment

I believe that this development would be inappropriate to the area and would have a negative impact on views from and around the park as well as of the park. It could also potentially damage the elm tree on the site.

<u>No:</u>	BH2009/01058	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land adjacent to 10 Ainsworth Avenue, Brighton		
<u>Proposal:</u>	Erection of new family dwelling.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Received Date:</u>	01 May 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 July 2009
<u>Agent:</u>	KEL Building Advisor Ltd, 88 Nevill Avenue, Hove		
<u>Applicant:</u>	Mrs Elaine Tyler, 10 Ainsworth Avenue, Ovingdean		

1 RECOMMENDATION

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

S106

- £2,000 towards improving sustainable transport infrastructure within the vicinity of the development.

Conditions

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity and character).
3. The dormer windows to the family bathroom and en-suite bathroom at first floor level in the south-western elevation of the building shall not be glazed otherwise than with obscured glass and top hung and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. BH02.07 Refuse and recycling storage (facilities).
5. BH03.01 Samples of materials Non-Cons Area (new buildings).
6. BH04.01 Lifetime Homes.
7. BH05.01 Code for Sustainable Homes – Pre-commencement (new build residential)* insert Code Level 3.
8. BH05.02 Code for Sustainable Homes- Pre-occupation (new build) * insert Code Level 3.
9. BH05.08 Waste Minimisation Statement.
10. BH05.10 Hardsurfaces.
11. BH06.01 Retention of parking area.
12. BH06.02 Cycle parking details to be submitted.
13. BH11.01 Landscaping/planting scheme.
14. BH11.02 Landscaping/ planting (implementation/ maintenance).
15. BH11.03 Protection of existing trees.

Informatives:

1. This decision is based on Planning Statement (comprising Waste Minimisation Statement, Design & Access Statement and Bio-diversity Checklist) submitted on 1 May 2009, Sustainability Checklist submitted on 14 May 2009 and drawing no's 0387/001, 002, 003, 004, 005, 006, 007 & 008 submitted on 10 November 2009.
2. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles of neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN 03 Accessible Housing and Lifetime Homes; and

- ii) for the following reasons:
The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of the occupiers of adjoining and nearby residential properties. Sustainability measures are acceptable and transport generation will be off-set by a financial contribution.
3. IN.04.01 Lifetime Homes.

4. IN.05.02 Code for Sustainable Homes.
5. IN05.08 Site Waste Management Plans/ Waste Minimisation Statements.
6. IN.05.10 Hard surfaces.

2 THE SITE

The application site is located on the south-western side of Ainsworth Avenue some 70m to the south-east of its junction with Greenways. It comprises a roughly triangular shaped plot of land which currently forms part of the garden of 10 Ainsworth Avenue, a two storey detached house of traditional brick and tile construction. The application site has a frontage width to Ainsworth Avenue of 48m, a maximum depth of 30m and an area of approximately 0.072 ha. The land level within the site slopes gently downwards from north east to south-west following the prevalent topography of the area. There are a number of trees on the site boundaries none of which are subject to a Tree Preservation Order.

The surrounding area is wholly residential in character comprising a mixture of detached two storey houses and bungalows. Adjoining the site to the south-east, No.12 Ainsworth Avenue is a detached bungalow as are No's 104 to 92 Greenways immediately to the rear. To the north of the site, the opposite side of Ainsworth Avenue is characterised by a mixture of two storey detached houses and bungalows.

Ainsworth Avenue is an unclassified residential access road which is not subject to any on-street parking restrictions.

3 RELEVANT HISTORY

BH2008/02616: On 15 January 2009 planning permission was refused for the erection of a detached house on the grounds that it would be detrimental to the amenities of adjoining residential occupiers and for reasons relating to parking and travel demand arising from the development.

BH2000/02274/FP: In October 2000 planning permission was granted for the erection of a single storey front addition incorporating entrance porch and garage extension.

4 THE APPLICATION

The application seeks full planning permission for the erection of a two storey detached house. The proposed dwelling would have a width of 12.5m, a maximum depth of 8.5m, an eaves height of 3.3m and a ridge height of 7m. It would be set back between 8m and 10m from the back edge of the footway on Ainsworth Avenue and between 4.5m and 10m from the rear boundary of the site with the properties in Greenways. There would be a building to building separation of 4.4m with the host property.

The house would be of traditional design with face brick elevations surmounted by a substantial gable ended clay tiled roof with three front and

three rear facing gabled dormers. A conservatory would be attached to the north-western side elevation.

The accommodation would comprise a lounge/ diner, kitchen/ breakfast room, WC and conservatory on the ground floor and three bedrooms (one en-suite) and a family bathroom on the first floor contained within the roofspace.

An area of hard standing would be located on the forecourt accessed via an existing vehicle crossover providing a parking space and turning area. A substantial garden would be provided to the side and rear of the house.

The application has been amended during the course of its consideration in respect of the site boundary position.

5 CONSULTATIONS

External:

Neighbours: Nine letters of objection have been received from the occupiers of **11 (x2), 17, 19 (x3), 32 (x2) Ainsworth Avenue and 102 Greenways.**

The following grounds of objection were raised:-

- out of character with the open nature and pattern of development in the area;
- building is too big;
- building would be overbearing and prominent in the street scene;
- overdevelopment;
- overlooking and loss of privacy;
- site boundaries inaccurate;
- disturbance to and loss of wildlife;
- noise and disturbance from extra traffic.

One letter has been received from the occupiers of **100 Greenways** indicating no objection to the application.

Internal:

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

Arboricultural Officer: No comments received.

Environmental Health: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards

SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN 03 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 visual impact on the locality;
- The impact on the amenities of neighbouring residential occupiers;
- The amenities of future occupiers;
- Highways and parking;
- Sustainability: and
- Trees.

The principle of the proposed development

In accordance with central government advice contained in PPS 3: Housing, which encourages the re-use of previously developed land for housing, there are no policy objections in principle to the sub-division of the garden of No.10 Ainsworth Avenue and the erection of an additional dwelling house subject to other material considerations.

Design and visual impact on the locality

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

of spaces between buildings.

In townscape terms, Ainsworth Avenue contains detached residential properties with diverse architectural styles and building heights. It is considered that the proposed house, with the height, scale and form shown would compare satisfactorily to these properties. The properties on the south-western side of Ainsworth Avenue have relatively consistent front building lines and the proposed house would project in excess of 3m beyond that of the host property, No10. Notwithstanding this, given that the proposed house would still be set back some 8.5m to 10m from the back edge of the footway on Ainsworth Avenue; the first floor would be contained within the roofspace thus reducing the bulk of the exposed south-east facing flank elevation; and, visually it would read as the end house in the street, it would not appear unduly obtrusive or out of keeping with the character of the area. Furthermore, there would be a separation of 4.4m between the proposed house and No.10 Ainsworth Avenue which would satisfactorily preserve the integrity of the host property and reflect the existing pattern of development in the street.

In terms of its external appearance, the design of this pitched roof, brick and tile chalet bungalow would be satisfactory and compare favourably to the varied, yet broadly traditional townscape of Ainsworth Avenue. Notwithstanding this, it is recommended that in the event of planning permission being granted, a condition be imposed requiring the approval of the external finishes of the building.

Impact on the amenities of neighbouring residential occupiers

It is considered that the current submission satisfactorily addresses the reason for refusal in respect of application BH2008/02616 in relation to its impact on the outlook and privacy of the occupiers immediately to the rear of the site in Greenways.

The rear building line of the proposed house has been staggered and at its closest point, set back a further 1m from the rear boundary compared to the previously refused scheme so that the building would now be a minimum distance of 4.5m and a maximum of 10m from the boundary. In view of the length of the rear gardens of the houses on Greenways (i.e. 30m-35m), the intervening dense evergreen screen boundary hedge and the fact that the proposed house is of a chalet bungalow design with a relatively limited height and bulk, it is considered that the development would not be so dominant when viewed from the rear gardens of these properties as to warrant refusal.

In the current submission the upper floor layout of the proposed dwelling has been amended so that the two dormer windows closest to the rear boundary now serve bathrooms rather than a bedroom and dressing room. It is considered that now that these windows serve non-habitable rooms and can be conditioned so that they remain obscure glazed and top hung only, overlooking to the rear gardens of the houses on Greenways would be satisfactorily ameliorated. In addition, the only remaining habitable room

(bedroom) window at first floor level would be 9m from the boundary and approximately 45 metres from the nearest house in Greenways, and would not result in any undue overlooking.

There are no other material residential amenity considerations arising from this development and therefore, it is considered that the proposal accords with policy QD27 of the Local Plan.

The amenities of the future occupiers

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

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

In terms of private amenity space provision, there would be a substantial garden to the side and rear of the property that would be commensurate with the suburban character of the area and the recreational needs of the future occupiers in accordance with policy HO5 of the Local Plan.

Highways and parking

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

A Section 106 Obligation requiring a contribution of £2,000 towards sustainable transport infrastructure improvements in the locality to off-set the increase in demand for transport arising from the development is proposed. The applicant has submitted a letter indicating their willingness to address this impact.

The hardstanding at the front of the premises has been redesigned and the application form indicates that two car parking spaces would be provided. This accords with the Council's parking standards and addresses the previous reason for refusal (BH2008/02616) relating to parking. Vehicle access to the site would be via the existing crossover onto Ainsworth Avenue and the forecourt would be of sufficient size to allow vehicles to enter and leave in a forward gear.

Secure cycle storage facilities have been provided in accordance with the requirements of policy TR14. However, it is recommended that a condition be imposed requiring the submission of further details on this matter.

Sustainability

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

The Applicant has submitted a satisfactory Sustainability Checklist indicating that energy use and water consumption would be reduced by means of a condensing boiler, ground source heat pump, under floor heating, low energy light fittings, aerated/ flow regulated taps, dual flush toilets and that the development would meet Level 3 of the Code for Sustainable Homes in accordance with policy SU2. In the event of planning permission being granted, it is recommended that a condition be imposed to secure compliance.

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

Trees

The proposal would involve the removal of two small fruit trees within the site and a larger conifer on the Ainsworth Avenue frontage. These are not worthy of a Tree Preservation Order or of any significant amenity value. Notwithstanding this, the remaining trees and attractive boundary hedgerow are to be retained and it would be appropriate to secure this by way of condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and neighbouring residential occupiers. Sustainability measures are acceptable and transport generation will be off-set by a financial contribution.

9 EQUALITIES IMPLICATIONS

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

BH2009/01058 Land adjacent 10 Ainsworth Avenue



Date: 21/12/2009 02:50:38

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



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

1 RECOMMENDATION

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

S106

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

Conditions

1. BH01.01 Full Planning Permission.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. The existing west hedge boundary and east hedge boundary (adjoining the rear garden of no.36) treatment shall be retained. The hedges shall not be removed unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of nature conservation and to safeguard the existing outlook to the occupiers of adjoining properties and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.
4. The development shall not be commenced until fences for the protection of the hedges to be retained have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the hedges which are to be retained on the site and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.
5. The development shall not be commenced until fences for the protection of the SSSI have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no

vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. No materials shall be stored or dumped within the SSSI boundary and there should be no access (pedestrian or vehicular) to the site from within the SSSI boundary shown red on the attached plan.

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

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

A completed pre-assessment estimator will not be acceptable.

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

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

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

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

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.02.04 No cables, aerials, flues and meter boxes.
14. No development shall take place until full details of the location of three woodcrete type 'sparrow terraces' have been submitted to and approved

by the Local Planning Authority. The terraces shall be completed in accordance with the approved plan to the satisfaction of the Local Planning Authority prior to the first occupation of the development hereby approved.

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

15. BH02.01 No permitted development (extensions) (amenity)

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

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

17. BH02.04 No permitted development (windows and doors)

18. Notwithstanding the colour indicated on the approved plan, revised details showing a white rendered finish shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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

Informatives:

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

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking

PLANS LIST – 13 JANUARY 2010

TR18	Parking for people with mobility related disability
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of conservation areas
<u>Supplementary Planning Guidance Documents</u>	
SPGBH4	Parking Standards
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and

- ii. for the following reasons:

The proposal complies with relevant planning policies and guidance and is considered to be of a scale, height and design in keeping with the natural and developed background. The proposal meets local plan policies and guidance with regard to sustainability measures, parking provision and accessibility and seeks to mitigate its potential impact on the natural environment.
3. The applicant is advised that the installation of a communal aerial or satellite dish would require planning permission and is preferable to the installation of more than one device.

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

2 THE SITE

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

3 RELEVANT HISTORY

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

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

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

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

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

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

BN85/995F: Change of use from single dwelling house to rest home –

Granted 3/9/85.

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

4 THE APPLICATION

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

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

5 CONSULTATIONS

External:

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

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

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

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

Rottingdean Preservation Society: Objects to the application as it would appear as an unacceptable blot on the landscape at the entrance to a Conservation Area. The current proposal will neither respect nor enhance the appearance and character of the seafront environment contrary to Policy SU7 and will add to the clifftop clutter. There should be no loss of spaces in the long-stay carpark which will be to the detriment of the village's much needed tourism industry as well as to local residents. Increased traffic access and

egress will be to the detrimental of local residents Traffic turning right from the Rottingdean crossroads into the site will cause further unnecessary delays to all vehicle travelling east. The proposal will jeopardise the stability of the cliffs.

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

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

Internal:

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

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

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

I have no general objection to the proposal in principle but am duty bound to point out that this scale of the existing development served via the unadopted track is in excess of the level that would normally be acceptable. The maximum number of residential units that should be served off of a private

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

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

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

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

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

Environmental Health: No comment.

Private Sector Housing: No comment.

Arboriculturist: There is, as expected, little of any arboricultural value in this harsh, exposed location. Any screening to be retained should be protected to BS 5837 (2005) Trees on Development Sites as far as is practicable.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents

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

7 CONSIDERATIONS

The main considerations in this case are the impact of the proposal upon the visual amenity and character of the area, the residential amenity of adjacent occupiers, sustainability, traffic and highways considerations and impact on the natural environment.

Background

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

Design

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

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

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

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

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

Amenity for residential occupiers

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

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

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

Impact on amenity of neighbouring occupiers

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

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

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

The west elevation of the proposal would have stairwell windows, en-suite and lounge windows that would face Highcliff Court. Further windows are proposed on the western elevation which are angled toward the south in a 'sail' design and would serve bedrooms, kitchens and lounges with a small area of the glazing facing west directly toward Highcliff Court. All of the habitable rooms with west facing windows also have other windows that face due south and it is therefore considered reasonable for a condition to be imposed so that the windows on the western elevation are obscurely glazed.

The proposed terraces on the south elevation that would allow some indirect overlooking toward Highcliff Court. However, the terraces would be approximately 18m & 28m away from Highcliff Court and are not considered to create further detriment of overlooking or loss of privacy that currently exists.

Traffic and Highways

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

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

Sustainability

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

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

Policy SU13 requires a development of this scale to be accompanied by a site waste management plan. The application was accompanied by a waste statement. The submitted waste statement sets out some general methods

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

Impact on the natural environment

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

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

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

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

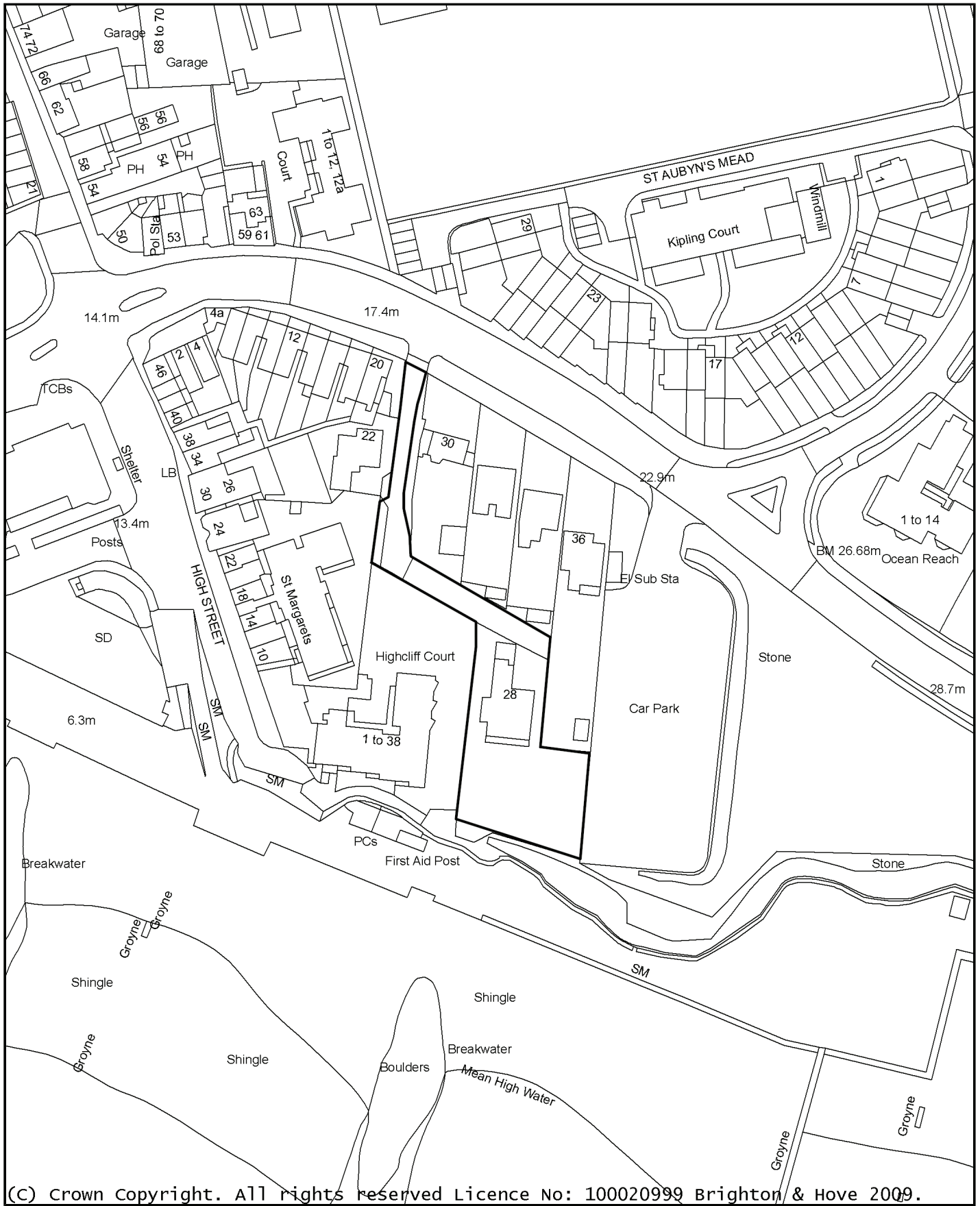
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

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

BH2009/02228 28 Marine Drive



(C) crown copyright. All rights reserved Licence No: 100020999 Brighton & Hove 2009.

Date: 22/12/2009 05:48:04

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



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

1 RECOMMENDATION

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

Conditions

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

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

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

4. All new windows, other than the fully glazed screens fronting onto the central courtyard, shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing Crown Gardens.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
6. All rainwater goods shall be cast iron or cast aluminium and shall be painted to match the walls.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
7. BH02.03 No permitted development (extensions) (amenity and character).
8. BH02.07 Refuse and recycling storage (facilities).
9. BH04.01 Lifetime Homes.
10. BH05.01 Code for Sustainable Homes- Pre-commencement (new build residential).
11. BH05.02 Code for Sustainable Homes – Pre-occupation (new build residential).
12. BH06.03 Cycle parking facilities to be implemented.
13. BH06.04 Sustainable transport measures.

Informatives:

1. This decision is based on drawing no. TA318/10 and Design & Access Statement, Bio-diversity Checklist, Site Waste Minimisation Statement, Heritage Statement and Sustainability Checklist submitted on 16 September 2009, drawings no's TA318/11A, 12A, 13A, 14A,15A, 16A, 17A, 17B submitted on 7 October 2009 and Daylight & Sunlight Assessment submitted on 22 October 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan

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

QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes; and

ii) for the following reasons:

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

3. INF.04.01 Lifetime Homes.

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

5. INF.06.04 Sustainable Transport Measures (insert Condition 14 & £2000).

2 THE SITE

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

The surrounding area is mixed commercial and residential in character. Adjoining the site to the north is a two storey detached house of traditional pitched roof design finished in painted render. Adjoining the site to the south is a flat roofed brick built single storey building with basement which is in

residential use. To the west, on the opposite side of Crown Gardens, is a terrace of two storey cottages with 7m deep front gardens.

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

3 RELEVANT HISTORY

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

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

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

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

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

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

4 THE APPLICATION

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

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

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

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

5 CONSULTATIONS

External:

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

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

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

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

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

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

Internal:

Conservation & Design: The principle of the development of this site has been established and it is considered that the revised layout and design is a substantial improvement upon the scheme previously approved. Planning

permission is recommended subject to conditions requiring the submission and approval of details regarding materials, windows, doors, dormers, balustrading, railings and landscaping.

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

6 PLANNING POLICIES

Brighton & Hove Local Plan:

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

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
-------	---------------------------------------

7 CONSIDERATIONS

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

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

The principle of the proposed development

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

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

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

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

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

Impact on the amenities of neighbouring occupiers

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

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

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

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

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

material affect.

The amenities of the future occupiers

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

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

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

Highways and parking

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

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

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

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

Sustainability

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

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

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

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

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

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



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

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).





**Brighton & Hove
City Council**

PLANS LIST – 13 JANUARY 2010

COUNCILLOR REPRESENTATION

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

Dear Jeanette,

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

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

Many thanks

Pete West

