

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

<b><u>No:</u></b>	BH2009/02941	<b><u>Ward:</u></b>	HOLLINGDEAN & STANMER
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	Arts D & E Buildings, University of Sussex, Falmer		
<b><u>Proposal:</u></b>	Demolition of existing Arts D & E Buildings, removal of temporary Russell Building and construction of new 4no storey academic building, new 2no storey Lecture Theatre and associated landscaping.		
<b><u>Officer:</u></b>	Anthony Foster, tel: 294495	<b><u>Valid Date:</u></b>	10/12/2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11 March 2010
<b><u>Agent:</u></b>	Parker Dann, Suite 10, The Waterside Centre, North Street, Lewes		
<b><u>Applicant:</u></b>	The University of Sussex, Hastings Building, University of Sussex, Falmer		

**1 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Agreement and to the following Conditions and Informatives:

**S106**

- Public art contribution or inclusion of public art to the value of £22,000 to be used to support the delivery of the University Campus Art Strategy.

**Conditions**

1. BH01.01 Full Planning Permission.
2. BH02.08 Satisfactory refuse and recycling storage.
3. BH03.01 Samples of Materials Non-Cons Area (new buildings).  
No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted, including those relating to the adjacent linked building, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
4. Samples of the materials to be used in the construction of the hard landscaping of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be fully implemented in accordance with the approved

details prior to occupation of the development hereby approved.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

5. BH11.02 Landscaping / planting (implementation / maintenance).
5. The development shall be carried out in strict accordance with the approved Site Waste Management Plan dated 11 September 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 WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
6. Notwithstanding the submitted drawings, the development hereby approved shall not be commenced until full details of the cycle parking layout have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in full prior to first occupation in strict accordance with the approved details. A minimum of 42 cycle parking spaces shall be provided.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Any such amended strategy shall be carried out in strict accordance with the agreed details.  
**Reason:** To prevent the contamination of the underlying aquifer and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.
8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
**Reason:** To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.  
**Reason:** To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
10. No development shall take place until the applicant, or their agents or

successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

**Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

11. No development shall take place until a detailed photographic record of Arts D and E has been undertaken by a person or body approved by the Local Planning Authority and in accordance with a written scheme submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

12. Unless otherwise agreed in writing by the Local Planning Authority, demolition work on Arts D shall only be carried out in the period from 1 September to 1 November.

**Reason:** In the absence of full survey information, to ensure the protection of potential Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 13 Unless otherwise agreed in writing, no development shall commence until details of the construction of the biodiversity roof has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the proposed seed mix. The scheme shall then be carried out in accordance with the approved details.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

14. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development 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.

15. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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.
16. The development hereby approved shall be carried out in accordance with the details set out in the Flood Risk Assessment Supplementary Report dated August 2009.  
**Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
17. Prior to the commencement of development on site a Construction Environment Management Plan shall be submitted and approved in writing by the Local Planning Authority. The works upon site shall be carried out in strict accordance with the approved plan thereafter.  
**Reason:** To reduce construction traffic generation and the impact of construction vehicles using the surround vehicular network in accordance with policy TR1 of the Brighton & Hove Local Plan.
18. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met.  
**Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.
19. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

20. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

21. Details relating to a scheme of improvements to the existing Bramber House bus stop are to be submitted to and approved in writing by the Local Planning Authority. The scheme of improvements shall be fully implemented in accordance with the approved details prior to occupation of the development hereby approved.

**Reason:** To ensure satisfactory accessibility is provided for the users of the existing public transport network in accordance with policy TR2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Drawing nos. SXU7/D/500 Rev A, 501 Rev A, 502 Rev A, 520, 521, 530, 531, 600Rev E, 606 Rev C, 610 Rev G, 621 Rev F, 625 Rev A, 630 Rev G, 631 Rev G, Design and Access Statement, Landscape Statement, Planning Supporting Statement, Transport Assessment, Archaeological Desk-Based Assessment, Flood Risk Assessment, Sustainability Statement, Preliminary Tree and Building Survey for Bat Roost Potential, Site Waste Management Plan, Biodiversity Checklist, Sustainability Checklist submitted 26 November 2009, and Drawing nos. SXU7/D/612 Rev J and 620 Rev G submitted 1 February 2010.

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network



## PLANS LIST – 24 FEBRUARY 2010

TR18	Parking for people with a mobility related disability
TR19	Parking standards
EM19	University of Sussex
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerow
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
NC3	Local Nature Reserves
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

### Supplementary Guidance Notes (SPGs)

SPGBH4 Parking standards

### Supplementary Planning Documents (SPD)

SPD03 Construction and Demolition Waste

SPD06 Trees and Development Sites

SPD08 Sustainable Building Design

### Regional Spatial Strategy (RPG)

RPG9 Waste and Minerals in the South East.

### Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)

PPS1 Delivering Sustainable Development

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG17 Planning for Open Space, Sport and Recreation

PPG24 Planning and noise

PPS22 Renewable energy

PPS25 Development and Flood Risk; and

- ii) for the following reasons:  
The application accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character of the surrounding location. The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'Excellent' BREEAM rating.
3. The applicant's attention is drawn to the detail with consultation response from Southern Gas Networks, letter dated 11 January 2010.
  4. The applicant is advised that a European Protected Species Licence must be obtained from Natural England with respect to the presence of bats on site.
  5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and they must accord with the requirements of the Habitat Regulations with regard to Bats, which are protected under both from disturbance, damage or destroying a bat roost.
  6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
  7. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites ([www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and [www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html)).
  8. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted

with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

## **2 THE SITE**

The application site is located on the western side of the University campus and comprises 1.47 hectares of land, which accommodates the existing Arts D and E academic buildings, associated access road and service area to the rear. The site also includes the area of land which is occupied by the temporary Russell Building located to the rear of Arts D and E buildings and a portion of the Arts Road car park.

Arts D building is a 7 storey brick built building with mechanical equipment and plant housed centrally on the flat roof. Arts D building is located to the north of Arts C block positioned on a north south axis. Arts E building is 3 storey brick building located to the north of Arts D building positioned primarily on an east west axis.

The two buildings were constructed in 1975 and are of their time and longer provide the quality of accommodation required for the University. Arts D building is a dominant building within the site given its location and height.

The temporary Russell Buildings are located to the west of both Arts C and D buildings. These buildings are due to be removed in May of this year to allow for the development proposed by this application. Additional temporary decant accommodation has been granted permission on land adjacent to the Arundel, Chichester III and Engineering II buildings, to enable the demolition of Arts C and D, and Russell Buildings to take place.

In the wider context, the whole of the University of Sussex campus is located within the South Downs Area of Outstanding Natural Beauty (AONB). It also abuts the boundary of the intended National Park. To the west of the site lies Stanmer Park which is a designated Historic Park and Garden and also Stanmer Park Conservation Area.

## **3 RELEVANT HISTORY**

A formal request for an Environmental Impact Assessment (EIA) screening opinion by letter dated 19 March 2009 was received by the Local Planning Authority on 20 March 2009. The proposal comprised the demolition of the existing Arts D & E buildings (4,531 sq m GIA) and the removal of the temporary Russell Building (2,555 sq m GIA) and the erection of a new academic building with a total floorspace of 8,200 sq m. The Local Planning Authority's screening opinion concluded that EIA was not required for the proposal.



Russell House Building A

**BH2009/00230:** The retention of the existing 2 storey temporary academic building for a period of 10 months (retrospective). Approved 24 July 2009.

Russell House Building B

**BH2009/00606:** Application for variation of condition 1 of application BH2004/01033/FP to allow retention of existing temporary building until such time as construction of the new teaching block is completed. Approved 14 May 2009.

Linear Car Park

**BH2005/00047:** Construction of 60 space car park with associated earthworks and soft landscape. Approved 22 March 2005.

**4 THE APPLICATION**

The application seeks full planning permission for the demolition of Arts D and E buildings which consists 4,531 sqm of academic floorspace. The Russell Buildings are to be removed prior to commencement of the proposal as they currently occupy part of the application site. The Russell buildings comprise 2,555 sq m of academic floorspace.

The proposed new academic building and lecture theatre would have a total floorspace of 8,345 sqm of academic floorspace. The main building would be four storeys in height sited on a north south axis to the west of where the existing Arts D building was positioned. The proposed main academic building would provide flexible accommodation centred around a central atrium.

The proposed 500 seat lecture theatre would be partly buried within the landscape to allow for level access to the facility, this also ensures that the building maintains a low profile within the site. The roof of the lecture theatre is intended to serve as an area of formalised amenity space including a raised grassed area with paving and benches. The two buildings are linked at ground floor by an enclosed link and above by an open walkway which links to the first floor of the main academic building.

**5 CONSULTATIONS**

**External:**

**Neighbours:** None received.

**South East Regional Design Panel:**

*Layout and Massing*

We think that the principal building is logically sited and we like the relationship with the lecture theatre, which makes an interesting external space.

The internal layout of the building seems appropriate and potentially attractive. The provision of a traditional cellular arrangement for the academic offices constraints the internal layout and limits the scope for a more varied

and interactive spaces. Whilst respecting the clients' brief we would suggest that the partitions are designed to allow the flexibility of an open plan layout at a future date.

We note that the excavation involved will be substantial and it will be a technical and visual challenge to ensure that the building meets the slope of the site satisfactorily.

#### *Circulation and Public Realm*

The gradient provides a challenge to the accessibility of the building but we think the ramps deal with this acceptably. We see the sense in linking the lecture theatre to the main building, but the entrance area will become very congested and more doors should be provided. This is an architectural consideration affecting the perception of the users as much as it is a practical concern. There is an inherent problem in providing access on one side of a symmetrical layout and a better balance could be established.

The public spaces are vital components and need to function well throughout the year. They could perhaps be greener and softer, in keeping with other parts of the campus where grass and planting flows up to and around the buildings.

#### *Architectural Considerations*

The elevations, form and materials of the new building are unmistakably contemporary but respect Spence's design vocabulary without resorting to imitation. We welcome this.

We have a number of observations about the architectural treatment which the architects may wish to consider:

- The roof silhouette may need further thought. The tiling 'fins' over the atrium have an admirable practical purpose, admitting winter sunlight whilst shielding summer heat. We wonder if they could be more overtly expressed, particularly in the views from the west rather than being partially blocked off by the rooftop plant. The handling of the plant itself and the way it is screened from view could be integrated more positively into the design; the curved baffles seem to rest uncomfortably with the crisp architecture of the rest of the building.
- We admire the 'notch' element in the front façade but wonder if it might be still more effective if the two splayed walls were extended upwards through the roofline, as well as projecting beyond the plane of the façade.
- The slope of the site means that the treatment of the two ends of the main building calls for very careful handling.

#### *Sustainability*

We note the measures taken to maximise natural daylight and ventilation and we welcome the measures being taken to achieve BREEAM Excellent rating. We think however the fact that the lifetime of the buildings will be affected by their adaptability as well as their efficiency and we think that the University

should consider carefully how the lecture theatre might at some point be adapted to serve as a performance space.

We hope you find these comments helpful. In supporting the scheme, we hope that the University and their architects will ensure that the detailed design and execution is as rigorous as the work done so far.

**County Archaeologist:** The proposed development is situated within an archaeologically sensitive area, defining an area of Prehistoric, Romano-British and medieval activity and settlement. Although the site has been heavily impacted by past development, I concur with the findings of the archaeological desk based assessment submitted with this application, that there are potentially some areas of undisturbed ground e.g. the car park area. I also agree with the mitigation methodology proposed by the desk based assessment, that the potential of these areas should be tested with archaeological evaluation excavation.

In the light of the potential archaeological significance of this site, it is my opinion that the area affected by the proposals should be the subject of a ***programme of archaeological works***. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the advice given in PPG16 (the Government's advice on *Archaeology and Planning*).

I would therefore ask for a condition to be attached which secures a programme of archaeological works.

**Brighton & Hove Archaeological Society:** It is highly likely that the original construction of buildings and landscaping at Sussex University removed any archaeological features. It is possible that the existing buildings are listed and as such the comments and recommendations of the County Archaeologist should be requested.

**English Heritage:** No objections. Recommend that planning permission may be granted subject to a condition to ensure a photographic record of Arts D and E is undertaken.

**South Downs Joint Committee:** I have no objections to the proposed development –indeed the removal of the temporary Russell building will be a benefit to the aesthetic quality and character of the campus.

**Southern Gas Networks:** No objections to the proposal.

**EDF:** No objections to the proposal.

**Environment Agency:** No objections subject to conditions to deal with unsuspected contamination, use of SUDS (sustainable urban drainage) and piling.

**Internal:**

**Design & Conservation:**

These proposals were discussed and welcomed at pre-application stage. The existing Arts D & E Buildings do not relate well to the original Basil Spence campus in terms of their siting, height and massing. The Arts D building in particular is very harmful to the setting of the listed buildings of Arts A & B and forms an inappropriate backdrop to views of the distinctive ‘tuning forks’ of Arts A when seen from Fulton Court.

The new building, in its siting, footprint, height and form, respects the design approach of the Spence campus and would enhance the setting of the listed buildings. The important view north from Fulton Court would be greatly improved and the curved brick walls of the lecture theatre reflect those of the listed Chichester lecture theatre. The creation of a landscaped courtyard to the east of the building extends the original campus approach and the wide steps and paths reflect the Spence approach to east-west primary circulation routes. The serrated roof profile would provide a distinctive skyline in views from the east. The west elevation would greatly enhance the view and approach from the existing adjacent car park. The general approach to landscaping is sympathetic to the original vision, subject to detail. The proposed palette of materials respects the Spence buildings in a contemporary manner. The choice of brick, in particular, will be important.

A condition should be added requiring details of the proposed cycle shelter, together with standard conditions on landscaping and approval of materials. A specific condition should also be added requiring submission of large scale details of the proposed handrails to the steps and specifying that these handrails must be painted black. (A uniform design approach has recently been agreed for new handrails on the campus and it is essential that this approach is followed here).

**Sustainable Transport:**

*General*

This application consists substantially of the provision of improved facilities for current levels of students and staff with no increase in numbers intended. The university roads are private and provide access directly onto the A27 and existing public transport services are good. The transport impact of the development is therefore expected to be very limited. However, aspects of the proposal can and should be improved in accordance with policy, as described below.

General car parking- The proposed development would result in changes to the Arts Rd. car park and the new linear car park, which has already been granted planning consent. Both of these car parks are near to the application site. These layout changes would result in a reduction of 28 spaces in the Arts Rd. car park which would be more than offset by the 99 spaces to be provided in the linear car park. It is intended to build the linear car park as part of the implementation of the current proposal. There would be a temporary reduction

in the number of spaces while the linear car park was built. This reduction is likely to last from summer 2010 to September 2012. The proposed development would not increase student or staff numbers. There are a substantial number of parking spaces elsewhere on the campus and no nearby residential areas to which parking could potentially be displaced. This temporary reduction will not therefore cause any problem.

*Disabled parking*

SPG4 requires at least 5 disabled spaces and (unlike general parking in this case) it is essential that these are provided very close to the application site. There are currently 11 disabled bays in the Arts Rd. car park and these will be retained, although 3 are to be relocated. 4 more spaces are to be provided in the linear car park. Clearly this provision is acceptable.

*Cycle parking*

The applicants propose to provide 29 covered cycle parking spaces. This is an improvement on the existing provision but below the SPG4 minimum requirement of 41. It would be difficult to provide extra spaces within the application boundary but it is possible and desirable to provide an additional 12 spaces/ 6 stands near the application site and this should be required by condition.

Provision for sustainable modes- The existing walking and cycling provision within the University is to a high standard. The applicants have agreed to the officers' request to provide raised kerbs at the nearby Bramber House bus stop to make the use of buses for disabled and less mobile passengers easier. This will be enabled by a contribution of £12,000 as part of the S106 agreement. The agreement should also make provision for the Council and it's contractors to be granted reasonable access to the bus stop which is on a university private road.

*Travel Plan*

The applicants have submitted a revised travel plan for the University as a whole. This was produced on request and not as part of the application and there has not been time to assess its quality prior to the preparation of this report. This assessment will be carried out shortly and officers will seek improvements as appropriate. The applicants have advised that the travel plan should be approved in writing prior to first occupation and implemented as approved thereafter. The plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the Council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is shown that monitoring targets are not being met. This reflects good practice and officers will continue to work positively with the University on travel plan initiatives.

*Construction/Environment Management Plan*

This plan should be required for approval by condition prior to commencement. The CEMP should identify the A27 as the HGV access route

(not e.g. the B2123) and the work should be co-ordinated as necessary with the construction of Falmer Stadium and the associated roadworks. It may be necessary to require that HGV arrivals do not take place in the peak hours.

**Public Art:**

It is encouraging to see the applicant acknowledges Local Plan policy QD6 (Public art) as relevant for this application in the Planning Supporting Statement. It is particularly good to see reference to the ‘campus-wide strategy of public art that is being developed by the University in consultation with the City Council’.

It is suggested that the public art element for this application is to the value of £22,000 based on floor area.

Environmental Health: No objections.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
EM19	University of Sussex
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
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
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerow
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting



QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
NC3	Local Nature Reserves
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Guidance Notes (SPGs)

SPGBH4	Parking standards
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Supplementary Planning Documents (SPD)

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design

Regional Spatial Strategy (RPG)

RPG9	Waste and Minerals in the South East.
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Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and noise
PPS22	Renewable energy
PPS25	Development and Flood Risk

## **7 CONSIDERATIONS**

The main considerations of this application relate to the principle of the proposed development and impact on neighbouring amenity, the impact of the development in terms of design and scale on the surrounding landscape and the suitability of the layout. The proposed access arrangements and related highway implications, ecology, landscape design and sustainability are also assessed.

### Background

The original development of the University of Sussex's Falmer campus was based on a Masterplan prepared by Sir Basil Spence. Whilst giving careful consideration to its landscape context, it allowed for future growth of the campus within clear design parameters.

The University is seeking to expand the range and quality of accommodation within the campus. To facilitate this, it has worked with Brighton & Hove City Council, Lewes District Council and other consultees to prepare a new Masterplan, founded on the original Masterplan, that continues to use and reinforce this original approach to control and shape future expansion of the

site. The Masterplan was agreed with these organisations in 2005.

The Masterplan develops Spence's use of courtyards and outdoor space as an asset: by careful positioning of built form, attractive external spaces can be created between buildings with a pleasant micro-climate, good views, and a sense of place.

The Masterplan sets out a long term plan to manage the growth which is now being implemented by the University. It is guided by the following strategic objectives;

- Allowing new academic areas to be explored and developed;
- Supporting the renewal of the University fabric;
- Encouragement of research development; and
- Building on the success of recent years.

#### Principle of development

The proposal seeks to provide additional educational Class D1 use floorspace which is generally supported by Local Planning Policies. Local Plan policy EM19 generally supports proposals which provide additional student housing, teaching and research accommodation.

The application proposes a net increase in academic floorspace of 3,823 sqm when compared to existing accommodation provided in Arts D & E buildings. These buildings were constructed in 1975 and the University consider them to be expensive to maintain and no longer fit for purpose. To this end the University consider it to be too expensive to modified the existing buildings to meet today's standards and has concluded that it would be more appropriate to replace the buildings with the proposed new academic buildings.

The proposed increase in floor area in respect of the application has been assessed against local plan policies and in relation to transport implications and is considered acceptable and will not give rise to adverse impacts on amenity or the character of the area.

The scheme provides enhanced educational facilities on the University site therefore the principle is considered acceptable.

#### Design

As previously stated the site is situated within the Sussex Downs Area of Outstanding Natural Beauty (AONB). The campus and the site of the proposed building can be seen from the proposed South Downs National Park and Stanmer Park which lie to the west and north. As such, it is essential the scheme preserves the integrity of the surrounding landscape.

Local Plan policies QD1, QD2 and QD4 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics and the enhancement and preservation of strategic

views.

The details submitted with the application with respect to layout and scale show the proposed location of the main academic building in a similar location to the existing temporary Russell Buildings. The height of the proposed main building would be lower than the existing Arts D building. The orientation of the proposed main building would site on a North-South axis compared to the East-West axis of the Arts E building. This north-south axis draws upon the original Spence layout and respects the setting of the listed buildings to the south.

This change in orientation and siting would result in additional built form along the boundary of the site when viewed from Stanmer Park. The building is to be set into the landscape and would appear as a two storey building when viewed from the western extremity of the site. A landscaped light well would be formed, including retaining walls to provide an amenity area to the rear of the main building.

The applicant has provided a comprehensive assessment of the site and its surroundings and compelling justification for the design and layout of the proposed development based on the accommodation requirements and the site's attributes and constraints.

The materials to be utilised in the exterior of the front and rear elevation of the building are a combination of brickwork for the entrance "wedge", powder coated aluminium curtain walling, board marked concrete and expanded metal solar shading. The side elevations and lecture theatre will be predominantly brickwork. The scheme also includes large areas of biodiversity roofing to the front of the property.

The South Downs Joint Committee have raised no objection to the development and welcome the removal of temporary buildings as this will benefit the aesthetic quality and character of the campus.

The Council's Design & Conservation Team has assessed the scheme and the proposed materials and believe that the new building respects the design approach of the Spence campus and would enhance the setting of the listed buildings. The South East Regional Design Panel (SERDP) has also commented on the proposed design of the scheme and responded positively to the proposal.

In design terms, the proposal is considered high quality development that respects its sensitive surroundings and would substantially enhance the appearance of this part of the campus.

Local Plan policy HO19 (New community facilities) sets out criteria new facilities are required to adhere to, including accessibility and where it can be demonstrated that there will not be an unacceptable impact on residential

amenities or on the amenities of the surrounding area. The scheme is considered to adequately accord to the requirements of the policy as it will be fully compliant to the requirements of the Disability Discrimination Act, and the use is established.

The University have submitted an in depth landscape statement. The challenge which they have faced is the 13.5m change in levels across the site. The proposed landscaping is based on the original Dame Sylvia Crowe landscape ideas whilst preserving the chalk grassland character of the South Downs. The University has a policy which requires all new planting and trees to be native species. Regrettably the scheme will result in the loss of 9 trees in total, whilst smaller saplings which are located on the site will be carefully repositioned within the site. The scheme proposes the planting of an additional 19 trees within the site. The majority of planting will be to the front of the site within the landscaped walkway to the front of the site. At the time of compiling the report, only a few of the landscaping materials have been submitted for consideration and the remainder will therefore be requested by condition.

With the imposition of recommended conditions to control the development in detail, the scheme is considered to adequately respect the sensitive location within which it is sited. The landscaping scheme is considered to enhance the development and aid the preservation of the strategic views from the Sussex Downs AONB, proposed South Downs National Park and Stanmer Park.

Local Plan Policy QD6 relates to the provision of public art as part of large scale schemes. The University has agreed to enter into a s.106 agreement to provide a contribution towards public art to be used as part as an overall campus wide strategy which is being developed by the University in consultation with the Local Planning Authority.

#### Highways

The Councils sustainable transport officer has assessed the application and accompanying transport statement. This application provides improved facilities for current levels of students and staff with no increase in numbers intended. The university roads are private and provide access directly onto the A27 and existing public transport services are good. The transport impact of the development is therefore expected to be very limited.

The proposed development would result in changes to the layout to the Arts Road car park and the new linear car park, for which permission has already been granted reference BH2005/00047. These layout changes would result in a reduction of 28 spaces in the Arts Road car park which would be more than offset by the additional 99 spaces to be provided in the linear car park. It is intended to build the linear car park as part of the implementation of the current proposal.

The proposed cycle parking is conveniently located near the main entrance of

the academic building, the applicants propose to provide 29 covered cycle parking spaces. This is an improvement on the existing provision but below the SPG4 minimum requirement of 41. It is considered that an increase in the number of cycle parking spaces should be required for the scheme, this can be sought via a suitably worded condition.

The current level of access to existing public transport links within the site is considered to be of a high level. The applicants have however agreed to carry out improvements to the existing nearby Bramber House Bus Stop to enable easier use by people with disabilities.

There is an existing Travel Plan for the University. Policies with respect to the promotion of sustainable transport modes have strengthened since the development of the University. It is considered that the University should produce a new/updated Travel Plan prior to occupation of the development, with annual monitoring and empowering the Council to require proportionate and additional measures for the promotion of sustainable transport modes. It is considered that the requirement to produce a Travel Plan for this development could be incorporated into a campus wide plan if the university desired however there is no requirement to do so outside of this site on the basis of this development.

It is considered that a Construction Environment Management Plan is required for the development. This can be secured by a planning condition prior to the commencement to the development.

#### Ecology

The western boundary of the site is adjacent to the Stanmer Park Historic park and garden and the proposed Stanmer Park Local Nature Reserve. The site itself is located within the Sussex Downs Area of Outstanding Natural Beauty. The applicant upon the advice of the Councils Ecologist carried out a preliminary survey into the potential for bats roosting either during the summer or hibernation. Three species of bat have been recorded within a 500 metre radius of the site, these being Pipistrelle, Brown Long-eared and Serotine Bat species.

The survey concluded that both Arts E and the Russell Buildings had a negligible potential for bats roosting in both summer and during hibernation, whereas Arts D building had a low potential for summer and hibernation roosting.

With the imposition of conditions to secure a number of measures relating to the potential for bats within Arts D building it is considered that the requirements of policies QD18 (Species Protection), QD17 (Protection and integration of nature conservation features) would be met.

The applicant is advised by way of an informative that a Licence must be obtained from Natural England if planning permission is granted.

Sustainability

Policy SU2 relates to the promotion of development which is efficient in the use of energy, water and materials. The policy requires proposals to demonstrate how factors such as measures that seek to reduce fuel use and greenhouse gas emissions are incorporated. Particular regard is given to factors such as: daylight/sunlight, orientation, building form, materials, landscaping and the use of natural ventilation is also relevant.

A BREEAM pre-assessment has been carried out giving an indication that the scheme can meet Excellent standard (70.69) and at least 60% in the Energy and Water sections (65% and 75% respectively). The applicant is signing up to Considerate Constructors Scheme. The scheme will also meet Local Plan SU2 standards through passive design, reduction in carbon emissions, and use of renewables. The most disappointing aspect of the development is a low score in the materials section on the BREEAM assessment.

The submitted sustainability statement includes an assessment of suitable technologies for a reduction in energy use. The applicants proposals for carbon reduction consist of a combination of energy efficiency measures, improvements on the energy performance of the building through improved fabric and passive design. The University currently has a district heating system which provides Medium Temperature Hot Water to buildings around the campus for heating and hot water generation. The central energy centre serving the site comprises a Combined Heat and Power (CHP) unit, which will be utilised to provide all of the New Academic heating and hot water requirements.

Policy SU4 relates to surface water run-off and flood risk and restricts development that would increase the risk of flooding and states that where appropriate conditions will be imposed in order to ensure that effective preventative measures are provided. The policy also refers to the use of 'green' or 'alternative' roofs as a measure to minimise surface water run-off. The application proposes a biodiversity roof to be installed to the front of the main academic building. It should be noted that the site located within Flood Zone 1 and therefore at low risk to flooding. As stated within the Planning Statement potential sources of flooding in relation to the site are from overland flow flooding and failure of the urban drainage system.

A comprehensive Flood Risk Assessment and Supplementary report has been submitted with the application which details flood risk management measures and also assesses off-site impacts, the application also contains foul and surface water details.

The Environment Agency have been consulted on the application and have raised no objection in principle but have recommended some conditions relating to protection of controlled water as the site is located close to a major aquifer. It is considered with the details submitted which includes an appropriate use of materials such as a biodiversity roof combined with a



suitable Sustainable urban Drainage System (SuDS) concerns relating to flood risk have been appeased particularly as the site is in a low risk area.

#### Archaeology

The site is situated within an area of archaeological potential, although at present there are no records of finds on the East Sussex and Brighton & Hove Historic Environment Record. The area of landscape in which the site is located is however archaeologically sensitive with records of Neolithic, Roman and Medieval finds in the surrounding area.

The applicant has produced an Archaeological desk based assessment. English Heritage responded to this report by broadly agreeing with the report that there may potentially be some areas of undisturbed ground e.g. the car park area. In the light of the potential archaeological significance of this site, the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the advice given in PPG16 (the Government's advice on *Archaeology and Planning*). This can be secured by condition.

#### Waste

The application is accompanied by a Site Waste Management Plan in accordance with SPD03 (Construction and Demolition Waste). This is considered to be in acceptable given the potential for waste which is created by this scheme. It is considered appropriate to condition that the Site Waste Management Plan is stringently adhered to by way of a condition.

## **8 CONCLUSIONS**

The principle of the development is considered acceptable, it involves the enhancement of educational facilities on the site. The scheme is considered to adequately respect the sensitive location within which it is sited. The choice of materials and the landscaping scheme will enhance the development and aid the preservation of the strategic views from the Sussex Downs AONB/proposed South Downs National Park and Stanmer Park. By securing a Travel Plan which will undergo a review process with the City Council and ensuring the measures set out in the CEMP are upheld the scheme will have an acceptable impact in respect of transport.

Taking the content of this report into consideration and with the imposition of the conditions set out in section 1 the application is considered to acceptably accord to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties, will preserve strategic views and the character of the surrounding location. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'excellent' BREEAM rating.

**10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The application accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character of the surrounding location. The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'Excellent' BREEAM rating.

**11 EQUALITIES IMPLICATIONS**

The proposed development is required to be fully DDA compliant to disabled students, staff and visitors alike, both internally and externally.



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<b><u>No:</u></b>	<b>BH2009/02911</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Roedale, Burstead Close, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of residential home and the development of a 5 storey building containing twenty four affordable flats with 24 parking spaces.</b>		
<b><u>Officer:</u></b>	Ray Hill , tel: 293990	<b><u>Valid Date:</u></b>	10/12/2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11 March 2010
<b><u>Agent:</u></b>	Miller Bourne, 332 Kingsway, Hove		
<b><u>Applicant:</u></b>	Downland Housing Association, Martello House, 2nd Floor, 315 Portland Road, Hove		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to be **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Agreement and to the following Conditions and Informatives:

### S106

- 100% affordable housing;
- Financial contribution of £12,000 towards the provision of sustainable transport infrastructure;
- Financial contribution of £35,512 towards the provision of primary and secondary education; and
- Financial contribution of £37,246 towards the provision of recreational open space.

### Conditions

1. BH01.01 Full planning.
2. BH02.07 Refuse and recycling storage facilities.
3. BH03.01 Samples of materials Non-Cons Area (new buildings).
4. BH04.01 Lifetime Homes.
5. BH05.01 Code for Sustainable Homes – Pre-Commencement (new Build) \* insert Level 4.
6. BH05.02 Code for Sustainable Homes- Pre-Occupation (new build) \* insert Level 4.
7. BH05.07 Site Waste Management Plan.
8. BH06.01 Retention of parking area.
9. BH06.02 Cycle parking details to be submitted.
10. BH11.01 Landscaping / planting scheme
11. BH11.02 Landscaping/ planting (implementation/ maintenance).
12. BH11.03 Protection of existing trees.
13. No development shall take place until details of the brown roof have

been submitted to and approved in writing by the Local Planning Authority. The brown roof shall be implemented in full as approved and thereafter permanently retained.

**Reason:** To enhance the appearance of the development and the bio-diversity of the area and to comply with policies QD1, QD2, QD17 and NC7 of the Brighton & Hove Local Plan.

14. No development shall take place until details of the green/ living wall on the eastern elevation of the building have been submitted to and approved in writing by the Local Planning Authority. The green/ living wall shall be implemented in full as approved and thereafter permanently retained.

**Reason:** To enhance the appearance of the development and the bio-diversity of the area and to comply with policies QD1, QD2, QD17 and NC7 of the Brighton & Hove Local Plan.

15. No development shall take place until details of the proposed bat and bird boxes are submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be implemented as approved and permanently retained thereafter.

**Reason:** To enhance the bio-diversity of the area and to comply with policy QD17 of the Brighton & Hove Local Plan.

16. No development shall take place until details of the children's playground have been submitted to and approved in writing by the Local Planning Authority. The playground shall be implemented in full prior to the occupation of the development and permanently retained for use thereafter.

**Reason:** To ensure the provision of satisfactory outdoor recreation space and to comply with policy HO6 of the Brighton & Hove Local Plan.

17. If, during the development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed by the Local Planning Authority shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a method statement to identify, risk assess and address the unidentified contaminants.

**Reason:** To ensure the safe development of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

18. Prior to the commencement of the development , detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and for the benefit and convenience of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Planning Statement, Design & Access Statement, Draft Site Waste Management Plan and drawing no's 3717 AD02C, AD07, AD09, AD12 & AD13 submitted on 1 December 2009,

Bio-Diversity Checklist, Report on Tree Inspections, Sustainability & Energy Statement, Sustainability Checklist Ecological Survey & Assessment Daylight & Sunlight Study and drawing no's AD00, AD06A, AD10, AD11, AD15, AD14 & AD16 submitted on 10 December 2009 and drawing No. AD04B submitted on 8 February 2010 and drawing no's AD01G & AD17A submitted on 10 February 2010.

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

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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe transport
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
QD5	Design-street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD19	Greenways
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing- 'Windfall sites'
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
NC3	Local Nature Reserves
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance

SPGBH4	Parking Standards
SPGBH9	A Guide for Residential Developers on the Provision of Recreational Open Space



Supplementary Planning Documents

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing & Lifetime Homes; and

ii) for the following reasons:

The development would provide 100% affordable housing and adequate care homes provision for adults with learning disabilities has been provided elsewhere in the City. The design and appearance of the development would be acceptable and there would be no material adverse affects on the setting of the South Downs National Park and Area of Outstanding Natural Beauty. The development would have no adverse affects on the amenity of neighbouring residential occupiers and the standard of accommodation provided for the future occupiers is acceptable. Subject to compliance with conditions, the scheme would comply with the requirements for sustainability, waste management, parking and refuse and recyclables storage. The impact on local infrastructure would be off-set by financial contribution towards recreational open space, sustainable transport provision and education services.

3. IN04.01 Lifetime Homes Standards.

4. IN05.02 Informative: Code for Sustainable Homes.

### **3 THE SITE**

The application site is located at the north-eastern end of Burstead Close, a cul-de-sac accessed via Brentwood Road to the south-east. The site is triangular in shape with a width of 81m, a depth of 77m and an area of 0.37 ha. It comprises a two storey pitched roof building of traditional design which occupies the northern part of the site in a roughly T-shaped configuration. The building which is currently vacant, but was previously in use as a short stay residential care home for adults with learning difficulties. Land levels within the site rise steeply to the north and east following the prevalent topography of the area. There are a number of substantial mature trees along the perimeter of the site to the north and east.

The site is located on the edge of the built-up area as designated in the Brighton & Hove Local Plan. Adjoining the site to the south-east, on the northern side of Burstead Close is a circa 1970s four storey block of flats with raised ground floor finished in light buff coloured brickwork with white ship-lap detailing, while on the southern side, is a two storey, pitched roof residential terrace of comparable date and finish. The remainder of Burstead Close comprises three and five storey flats and two storey terraces. Bounding the site to the north is Hollingbury Golf Course and to the east, Burstead Wood. This adjoining land is designated as Open Countryside, a Local Nature Reserve (LNR) and falls within the boundary of the intended South Downs

National Park. In addition, the higher land some 100m to the north and 200m to the east lies within the South Downs Area of Outstanding Natural Beauty (AONB).

Burstead Close is an unclassified residential access road with unrestricted parking.

**4 RELEVANT HISTORY**

There is no planning history relevant to this application. However, Members are advised that the applicants received pre-application advice from officers on the current proposal.

**5 THE APPLICATION**

The application seeks full planning permission for the demolition of the existing residential care home and the erection of a five storey apartment building containing twenty-four affordable housing units and associated car parking.

The proposed building would occupy the northern part of the plot lying on a north-south axis with two projecting wings positioned on either side of a central core. The building would have a maximum length of 33.5m, a maximum depth of 19m and a height of 15m. It would be set back 8m to 11m from the northern boundary of the site; 15 to 24m from the western boundary with the flats at No's 52 -69 Burstead Close; 15m to 25m from the eastern and 44m from the southern. It would have a gross floor area of approximately 1632 sq m.

The proposed building would have a contemporary flat roofed design featuring projecting balconies with steel supported glazed screens, roof terraces with large regularly spaced windows set within powder coated aluminium frames with coloured opaque glass side panels. It would be faced in brown brickwork with a recessed fifth floor finished in render.

The accommodation would comprise 24 flats (8x1 bed units, 14x2 bed units and 2x3 bed units) with unit sizes ranging from 51 to 86 sqm. The Applicant has indicated that 100% of the development would be provided for rent through a Registered Social Landlord (Downland Affinity Housing Association).

Each dwelling would have access to either a private garden/patio or roof terrace or balcony. A children's play area would also be provided.

Twenty-four car parking spaces have been provided including two covered spaces suitable for use by disabled persons in two parking courts to the front (west) and side of the building (south), together with 32 secure cycle parking spaces and refuse and recyclables storage.

The application has been amended during the course of its consideration.

These include additional tree and boundary planting; darker brickwork to the elevations; the deletion of multi-coloured opaque panels to the north and eastern elevations; a brown roof; a green/ living wall; and a reduction in the height of the lift tower. Additional information has also been provided showing updated photomontages; contextual elevations showing the existing and proposed buildings; and views from the intended South Downs National Park.

## 6 CONSULTATIONS

### External:

**Neighbours:** Ten letters have been received from the occupiers of **44, 61, 67 (x2), 69, 70, 72, 73 & 74 Burstead Close and 2 Stanmer Villas** objecting to the proposal on the following grounds:-

- height of building out of character with the area;
- overly dominant;
- block views of trees;
- balconies would result in overlooking;
- loss of privacy;
- loss of light;
- loss of trees;
- light pollution;
- inadequate parking provision resulting in on-street overspill;
- increased traffic;
- increase noise and disturbance;
- flats would have too many residents for the area to accommodate;
- increased pressure on local services;
- noise/ disturbance and public safety problems during construction;
- inadequate play space for children;
- increased vandalism and anti-social behaviour; and
- inadequate capacity of existing sewage system.

**Councillor Jeane Lepper** objects to the application (letter attached).

**Sussex Police:** The level of crime in this area is average when compared to the rest of Sussex and no major concerns have been identified with the proposal. The Applicant sought advice at the pre-application stage and the principles of Secured by Design have been incorporated into the development.

**Natural England:** No specific comments made on the application. However, advise that the Local Planning Authority should have regard to the impact of the proposal on the AONB, Local Nature Reserve and any protected species that may be found. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife such as the installation of bat or bird boxes.

**South Downs Joint Committee:** Object to the application stating that:-  
“Views of the existing and proposed development from Burstead Close are with the National Park as a backdrop. The existing residential

home is not without aesthetic merit and character. Being only two storey, even with a high roof, and of brick and tile construction, it is in reasonable sympathy with the vegetated rising ground behind when viewed along Burstead Close. It thus forms a transition between the tower blocks on Burstead Close and the National Park backdrop. However, in contrast, the proposed block of flats has no such relationship with the vegetated slope and appears to be designed to boldly draw attention to itself in contrast to the vegetation and land form. I therefore consider that it would detract in views towards the National Park and detracts from its setting, accordingly, I object to this application.”

**Internal:**

**Policy Team:**

Policy HO11- (Retention of residential care homes)- The first test regarding the loss of residential care homes is that planning permission will not be granted for proposals involving the loss of residential care homes which comply with or are realistically capable of reaching the required standards. There does not appear to be any information with this application to satisfy the first policy test. Instead the applicants are arguing that they have replaced this particular care home need elsewhere. However, they need to show that there is no current care home need in the City that could be met here, if the building does meet or is capable of meeting the required standard. If there is no unmet need that this existing home could supply, the proposal to provide an affordable housing development is acceptable.

Policy NC7- The policy states that development will not be permitted adjacent to the SDNP (AONB) and exceptions will only be made if the proposal conserves and enhances the visual and landscape quality and character of the SDNP (AONB). It is considered that as submitted the proposed building would be likely to have an adverse impact on the setting of the SDNP (AONB). The applicant is advised to submit views into the site from the SDNP, additional cross sectional drawings and screen planting.

Policy NC3- The site is adjacent to a Local Nature Reserve and the views of the Council’s Ecologist should be sought on this matter.

Policy HE12- Owing to the proximity of Hollingbury Hill Fort an archaeological watching brief should be sought.

**Sustainable Transport:** No objections in principle subject to conditions requiring the submission of details regarding the access road and its relationship to the adopted highway; conditions to secure the provision of car/cycle parking facilities and a financial contribution of £12,000 towards sustainable transport improvements.

**Environmental Health:** No objections subject to condition. Given the age of the structure and its historic use as a care home, similar sites have

encountered buried clinical waste during the construction process. If during the development such contamination is found it is recommended that a condition be imposed to secure the cessation of works and suitable remedial measures are carried out.

**Private Sector Housing:** No comments.

**Housing Strategy:** Housing Strategy support this scheme which delivers 100% affordable housing on the site. The scheme links into the Westbourne Hospital site and 11 Hawkhurst Road. As part of this joint initiative between the Council and Downland Housing Association, the short break service which did not meet the SSCI standards has been re-worked at the Westbourne site and has released this site to be developed for affordable housing.

Across the City the required tenure split for affordable housing will be 55% social rented and 45% intermediate rent. For individual sites the exact tenure split will be guided by up to date assessments of local housing need and site/ neighbourhood characteristics. Given the current market conditions, tenure mix in the area and local priorities/ housing need, we would have no objection to the proposal that all the units will be for general needs rented. The affordable housing should be owned and managed by a Registered Social Landlord who has entered into nomination agreement with the City Council in this case, the site being transferred by the Council to Downland Housing Association, one of our preferred partners.

The scheme would be built to meet or exceed the Homes & Communities Agency's current Design Quality Standards incorporating Building for Life Criteria and Code for Sustainable Homes Level 4. The scheme also meets Secure by Design principles. All units exceed minimum space standards and have access to outdoor private amenity space and two wheelchair accessible flat are provided. The overall mix of units i.e. 33.3% 1 bed units, 58.3% 2 bed units and 8.3% 3 bed units is acceptable in this location.

**Children and Young Persons Trust:** A financial contribution of £35,512 towards the need for additional education infrastructure arising from the development is required.

**Adult Social Care:** Pioneer House is a BHCC run respite unit. It is currently vacant and the accommodation has been moved to a new purpose built facility at Beach House, Westbourne Villas. The needs of people with learning disabilities for this type and quantity of respite accommodation is now being met at the new premises and there is no outstanding need to retain the use of the original site in Burstead Close for this client group.

**Sustainability Officer:** The scheme would deliver a sustainable forward thinking energy efficient development meeting Code for Sustainable Homes Level 4 and the requirements of SPD08.

**Ecology Officer:** No comments received.

**Aboricultural Officer:** No comments received.

**7 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD5	Design street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing- 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
NC3	Local Nature Reserves
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Down Area of Outstanding Natural Beauty

Supplementary Planning Guidance

SPGBH4	Parking Standards
SPGBH9	A Guide for Residential Developers on the Provision of Recreational Open Space

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
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## 8 CONSIDERATIONS

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

- Local Plan policies and the principle of the proposed development;
- Design and impact on the visual amenity of the area including impact on AONB and the intended National Park;
- Impact on the amenities of neighbouring occupiers;
- The standard of accommodation provided for the future occupiers / amenity and recreation space;
- Provision for education;
- Highways and parking;
- Sustainability; and
- Nature conservation.

### Local Plan policies and the principle of the proposed development

Policy HO11 of the Brighton & Hove Local Plan specifies that planning permission will be granted for proposals involving the loss of residential care and/ or nursing homes subject to the following criteria:-

- (a) that the property does not comply or is not realistically capable of reaching the respective standards set out for residential care/ nursing homes.

Pioneer House is a former Council owned and run 24 bed space residential care home which provided short term respite accommodation for adults with learning difficulties. The proposed redevelopment of the site results from a partnership between Brighton & Hove Learning Disability Services, Brighton & Hove Council Housing Strategy and Downland Affinity Housing Association. As part of a wider rationalisation of services for this sector of the community, Pioneer House was closed in December 2009 and the accommodation transferred to “The Beach House” a more suitable purpose built facility that has recently been completed on the former Westbourne Hospital site in Hove. Cabinet approval has been given for the disposal of the residual site to Downland Housing Association for redevelopment.

Following consultation with the Adult Social Care Contracts Unit and the Housing Strategy Team, it has been confirmed that the respite service/ accommodation provided at Pioneer House did not meet the Care Quality Commission Standards for registration and that there is no outstanding need to retain this site as the new provision at “The Beach House” meets the needs of the relevant client group in terms of both the quantity and quality of accommodation.

No specific information has been provided by the Applicant to indicate that it would not be practical to upgrade Pioneer House to meet the Care Quality Commission Standards. However, given that the building fabric is relatively old and remedial work likely to prove costly; the care home has been replaced by new and improved facilities on the Westbourne Hospital site; no bed

spaces have been lost; the need for respite care for adults with learning difficulties is satisfactorily met by the replacement facility; and, the scheme is an integral part of the Council's strategy with regard to adult social care, it is considered that the loss of the existing residential care home is acceptable and complies with policy HO11 of the Brighton & Hove Local Plan.

- (b) where the loss of the residential care home is considered acceptable, the priority will be to secure additional housing units or supported housing for people with special needs. The conversion of larger homes will be expected to provide a proportion of affordable housing in accordance with policy HO2 (Affordable housing – “windfall sites”).

It is considered that this criterion has been satisfactorily met as the proposed development would provide 24 additional housing units. The specified preference for the provision of housing for people with special needs is acknowledged. However, given the recent interpretation of the policy with respect to planning permission BH2008/00210 (i.e. Dresden House No's 34-28 Medina Villas & No's 14-20 Albany Villas, Hove – change of use from vacant residential care home to form 32 self-contained flats) in which provision of housing units alone rather than special needs housing were considered to be appropriate and the fact that in this case the units would be 100% affordable, it is considered that the current proposal meets with policy HO11 requirements.

Policy HO2 of the Local Plan refers to affordable housing on windfall sites such as this, and states that “where a proposal is made for residential development, capable of producing 10 or more dwellings, the Local Planning Authority will seek to secure a 40% element of affordable housing”. The Applicant has confirmed that 100% of the development would be provided as affordable housing for rent through a Registered Social Landlord. This accords with policy HO2 and is supported by the Council's Housing Strategy Team.

In terms of the affordable housing provision policy HO3 of the Local Plan seeks to ensure that the development would incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. Housing Strategy have indicated that for the City as a whole, the preferred affordable housing mix in terms of unit size and type to be achieved is 40% one bed units, 50% two bed units and 10% three bed units or larger. The proposed development would provide an overall mix of 33.3% one bed, 58.3% two bed and 8.3% three bed units. Housing Strategy has stated that this mix is acceptable and appropriate to the location and as such, the proposal is in accordance with Policy HO3.

#### Design and visual impact on the area

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, whilst avoiding town cramming and providing suitable design and quality of spaces between the buildings.

In townscape terms, the context of the application site is formed by the circa 1970's four storey block of flats (i.e. 52-59 Burstead Close) located immediately to the south-east together with the views from south-west to north-east along Burstead Close towards Burstead Wood which forms a backdrop to the site.

The proposed building would be one storey higher than the neighbouring four storey block of flats, equating to approximately 4m difference. However, given the separation between the buildings (i.e. minimum 18m), its location on rising ground at the end of a cul-de-sac and the fact that the exposed southern elevation of both buildings would have comparable widths (i.e. 18m and 17m respectively), it is considered that the siting, height, bulk and massing of the proposed block would relate satisfactorily to the adjoining building. Although the building would be some 5m higher than the ridge line of the existing building (Pioneer House) it would project 2.5m less beyond the southern elevation of No.52 -59 Burstead Close. It is considered that this, coupled with the soft landscaping scheme and the inclusion of a decorative brick and knapped flint wall within the site to break up the areas of hardstanding, would preserve the views along Burstead Close across the site towards Burstead Wood.

Policy NC7 of the Local Plan specifies that development will not be permitted adjacent to the intended South Downs National Park and the AONB unless the proposal conserves and enhances its visual landscape quality. It is considered that, in its amended form, the proposed development accords with policy NC7 having no material impact on views from either the National Park or the AONB.

The site is located in a relatively low lying area with steeply rising wooded land to the east. Given these topographical characteristics, the proposed building would not be visible in views looking west from either the National Park or the AONB some 200m beyond. The building would have a limited degree of visibility immediately to the north and from a narrow corridor of land running north-east along a dry valley bottom into Hollingbury Golf Course. However, even from these perspectives, it is considered that the impact of the building would not act to the detriment of visual amenity and landscape quality. Although the proposed building would be some 5m higher, its bulk and massing would not be significantly greater than Pioneer House because its exposed northern elevation would be approximately 9m narrower. To ameliorate that aspect of its impact and to blend in with its wooded backdrop officers have sought revisions so that the building would be finished in dark brown brickwork with a brown roof and a green/ living wall on its most prominent north-eastern corner. Additional shrub and tree planting to supplement the existing trees on the northern boundary would also serve to appropriately landscape this edge of settlement site and break-up views of the

building. The appropriate landscaping treatment would be secured by condition. The development would not be visible in long views from Hollingbury Hill Fort due to the distance and undulating terrain.

It is considered that the contemporary design of the building with brick elevations, broken by a regular pattern of large windows with associated opaque glass panels and glazed balconies and roof terraces would have an acceptable appearance and accord with policies QD1 and QD2 of the Local Plan. Notwithstanding this, a condition should be imposed requiring the submission and approval of the external facing materials.

Impact on the amenities of neighbouring occupiers

Policy QD27 of the Local Plan seeks to ensure that new development does not adversely affect the amenities of adjoining and nearby occupiers.

The proposed building would have no material affect on the light, outlook or privacy of the occupiers of the neighbouring 4 storey block of flats to the south east (i.e. Nos. 52-59 Burstead Close). At its closest point the proposed building would be positioned 18m from the north-eastern elevation of 52 -59 burstead close with an angled relationship that would result in a maximum building to building separation at ground floor of 24m and in excess of 30m at first floor and above. It is considered that this spatial relationship would be sufficient to ensure that the light and outlook of the occupiers would not be materially affected and in fact compares favourably with the spacing characteristics of the existing four storey blocks of flats located at the south-eastern end of Burstead Close towards its junction with Brentwood Road.

This is further borne out by the BRE standard Sunlight and Daylight Report which accompanies the application. The results indicate that in terms of daylight the percentage reduction ranges from 0.06% to 10.39% which is well within acceptable parameters (BRE consider a reduction of 20% or less to be unnoticeable) and in relation to sunlight, all windows would maintain good levels of Total and Winter Sunlight with no reduction in Average Probable Sunlight Hours (APSH).

The privacy of the occupiers of Nos. 52- 59 Burstead Close would not be adversely affected by the proposed development. The nearest windows in the south-eastern elevation of the proposed building would be 18m away and these would be either high level or obscure glazed. It is recommended that, in the event of planning permission being granted, this be secured by condition. Furthermore, the proposed balconies would be limited to the north, east and southern elevations of the building and the fifth floor roof terraces screened with restricted access to those areas of flat roof directly abutting the south-eastern elevation of the building.

There would be no adverse affects on the amenities of the occupiers of the two storey terrace (i.e. No's 61-64 Burstead Close). Given that the front elevation of the terrace has a north-western orientation and the proposed

block of flats would be located in excess of 25m away to the north-east, there would be no effect on the level of sunlight, daylight, outlook or privacy that the occupiers currently enjoy.

The concerns raised by neighbouring occupiers with regard to additional traffic generation and potential noise/ disturbance and damage during construction have been noted. Notwithstanding this, it is considered that that the level of traffic generated would be relatively limited and commensurate with the road capacity and character of this urban location. Matters relating to the construction process do not fall within the remit of planning control but local residents may have recourse under the Environmental Health Acts in relation to noise and disturbance, particularly outside normal working hours.

#### 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.

Affordable housing is required to meet the Homes and Communities Agency's Design & Quality Standards. These specify that 1 bedroom units should have a minimum internal floor area of 51 sqm; 2 bedroom (3 person) units 66sqm; 2 bedroom (4 person) units 76sqm and 3 bedroom (5 person) units 86 sqm. All of the flats are in excess of these standards and Housing Strategy are satisfied that the dwellings would provide a good standard of accommodation that is flexible, adaptable and fit for purpose.

Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. The Design & Access Statement indicates that the development would comply with these standards providing accessible off-street parking, level threshold access, appropriate circulation space, entrance arrangement and doorway widths. Two fully wheelchair accessible flats have been provided on the ground floor which comply with the Councils standards as set out in PAN 03- Lifetime Homes & Accessible Housing. Notwithstanding this, a condition should be imposed to secure compliance.

In terms of private amenity space provision, the larger three bed and wheelchair accessible flats on the ground floor would be provided with gardens and the one and two bed units on the upper floors, either a balcony or roof terrace. It is acknowledged that the balconies with areas of 4.5m are relatively small, however, given that accessible open countryside, the intended South Downs National Park and designated Greenways bound the site, this level of provision would satisfy the requirements of policy HO5.

Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space with schemes. The provision must be split appropriately between children's equipped play space, casual/ informal play space and adult and youth outdoor sports facilities. Communal landscaped



areas including a dedicated informal children's play space would be provided. The limitations of the site, particularly in relation to its sloping aspect would limit further on site provision and as such a financial contribution of £37,246 towards the provision of off site play space and recreational facilities is required. The Applicants have indicated their willingness to make such a contribution towards the provision of outdoor recreation space in accordance with policy HO6.

#### Provision for education

The Children and Young Persons Trust have identified a shortfall in provision of school places and seek a contribution of £35,512 to improve primary and secondary provision to accommodate pupils living within the proposed scheme. This can be secured through a legal agreement.

#### Highways and parking

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

A financial contribution of £12,000 towards sustainable transport infrastructure improvements to off-set the increase in demand for public transport services arising from the development is proposed. The applicant's have indicated their willingness to enter into such an agreement.

Twenty four car parking spaces (including two disabled bays) have been provided. The council's Supplementary Guidance Note on parking (SPGBH4) states that a flat outside the city's controlled parking zones such as this, can provide a maximum of one space per dwelling plus one visitors space for two dwellings. On this basis the development would provide up to a maximum of 36 spaces. However, Sustainable Transport advise that based on census data the occupiers of the average flat own 0.75 vehicles which results in the proposed development having a parking demand for eighteen vehicles. Therefore, it is considered that the twenty four spaces proposed would be sufficient to cater for the parking demand of the proposed development in accordance with policy TR19 of the Local Plan. In addition, the inclusion of two covered parking bays suitable for use by disabled persons would satisfy the requirements of policy TR18.

As originally submitted 26 cycle spaces within secure parking lockers were shown. However, in order to meet the standards set out in SPGBH4, 34 spaces are required. Amended details have now been provided by the Applicant to show the appropriate level of provision.

The Traffic Manager has advised that further information is required regarding the relationship between the development site and the adopted highway at the turning head to Burstead Close. It is recommended that this matter be dealt with by condition.



Sustainability

SU2 of the Local Plan requires all developments to be efficient in the use of energy, water and materials and with regard to large-scale 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 4 of the Code for Sustainable Homes (CSH).

The Applicant has submitted a satisfactory Sustainability Checklist and a Sustainability and Energy Statement (including a CSH Pre-Assessment). It is predicted that the proposed development would, with a score of 74.73%, meet Level 4 of the Code for Sustainable Homes. In terms of energy consumption, the scheme would deliver a highly efficient development which comfortably meets the requirements CSH Level 4 through the use of roof mounted photovoltaic's, gas condensing boilers, high insulation values; mechanical ventilation with heat recovery; high specification glazing and energy efficient lighting and appliances. The required standard for the reduction of water consumption would be met through the use of water efficient taps, W.C's, showerheads, baths and rainfall catchment for use on the gardens. Therefore, the proposal accords with policy SU2 and SPD08, although it is recommended that a condition be imposed to secure compliance.

Policy SU2 also requires the provision of refuse/recyclable storage facilities. A communal timber clad refuse/recyclables storage area would be provided on the western boundary of the site adjoining the Burstead Close entrance. The Applicants have indicated that these facilities, in terms of their location and capacity, have been prepared in consultation with, and are acceptable to, City Clean. Notwithstanding this, it is considered that a condition should be imposed to secure further details on this matter.

In accordance with policy SU13 a Draft Waste Management Plan has been provided. However, further information is required, particularly with regard to the type and quantity of demolition material. It would be appropriate to secure these details by condition.

Nature conservation and ecology

The downland bounding the site to the north and east lies within the Wild Park Local Nature Reserve and in such areas policy NC3, which specifies that planning permission will not be granted where its is likely to have an impact, directly or indirectly, on the nature conservation features of the site, is applicable. Policy QD18 of the Local Plan which seeks to ensure that new development does not cause demonstrable harm to protected species or their habitats is also pertinent.

The Applicant has undertaken a full Ecological Survey to assess the impact of the proposed development on both the site and the adjoining Local Nature Reserve. The report indicates that the application site contains no protected species and is of relatively low ecological value and that with appropriate

mitigation measures there will be no harm to the Local Nature Reserve. The ecological enhancements suggested include the retention and protection of the boundary trees and hedgerow; the inclusion of native species in the planting scheme and bird and bat boxes, details of which can be secured by condition. Since the submission of the application a brown roof and a green wall have been included. Therefore, it is considered that the proposed development would accord with the provisions of policies NC3 and QD18 of the Brighton & Hove Local Plan.

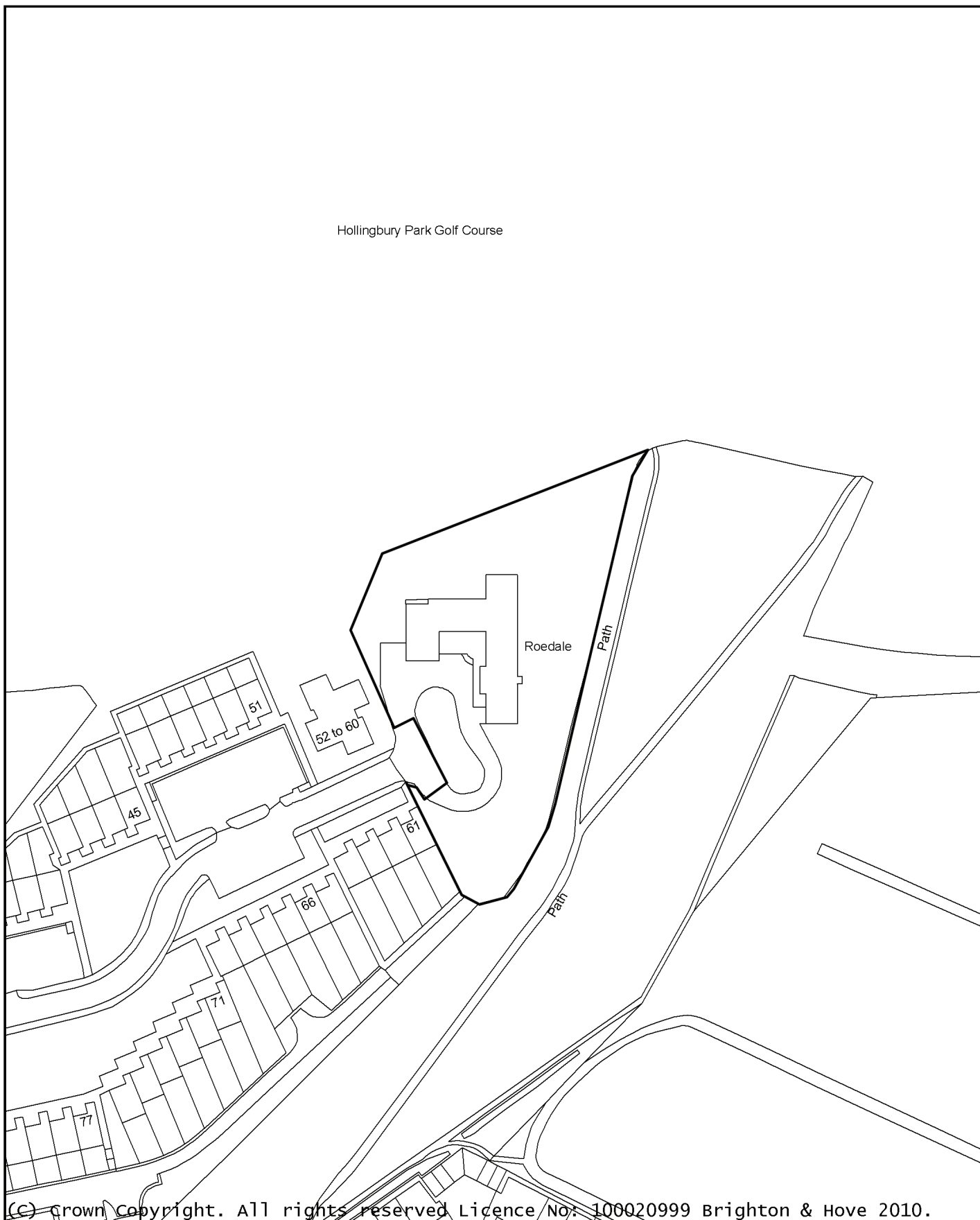
**10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development would provide 100% affordable housing and adequate alternative care home provision for adults with learning disabilities have been provided elsewhere in the City. The design and appearance of the development would be acceptable and there would be no material adverse affects on the setting of the intended South Downs National Park or the Area of Outstanding Natural Beauty. The development would have no adverse affects on the amenity of neighbouring residential occupiers and the standard of accommodation provided for the future occupiers is acceptable. Subject to compliance with conditions, the scheme would accord with the requirements for sustainability, waste management, parking and refuse and recyclables storage. The impact on local infrastructure would be off-set by financial contributions toward recreational open space, sustainable transport provision and educational services.

**11 EQUALITIES IMPLICATIONS**

The proposed development would be required to comply with Part M of the Building Regulations. Two wheelchair accessible flats have been provided with associated parking. The development would comply with Lifetime Homes Standards.

# BH2009/02911 Roedale, Burstead Close



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Date: 08/02/2010 03:48:37

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**Brighton & Hove  
City Council**

PLANS LIST – 24 FEBRUARY 2010

COUNCILLOR REPRESENTATION

**From:** Jeane Lepper [mailto:Jeane.Lepper@brighton-hove.gov.uk]

**Sent:** 29 January 2010 14:31

**To:** Ray Hill

**Cc:** Jeanette Walsh; Martin Randall; Gloria Berridge

**Subject:** Planning application BH2009/02911

Dear Mr Hill

I have been contacted by residents of Burstead Close about Planning Application BH/2009/02911.

They have already lodged objections to this application.

I am also objecting on the grounds that:

- a) The appearance and size of the building is inappropriate and out of keeping with the area.
- b) Adjoining residents will suffer overshadowing, overlooking and loss of privacy
- c) There will be an increase in noise and disturbance from the extra traffic.

Please be advised that as the local Councillor for Hollingdean and Stanmer ward I wish to speak at the Planning Committee when this application comes before it. Please notify me when this is.

Yours sincerely

Jeane Lepper, Councillor, Hollingbury and Stanmer Ward

<b><u>No:</u></b>	<b>BH2009/02606</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Old Ship Hotel, Kings Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar.</b>		
<b><u>Officer:</u></b>	<b>Paul Earp, tel: 292193</b>	<b><u>Valid Date:</u></b>	<b>05 November 2009</b>
<b><u>Con Area:</u></b>	<b>Old Town</b>	<b><u>Expiry Date:</u></b>	<b>04 February 2010</b>
<b><u>Agent:</u></b>	<b>Finch Associates, 318 Kensal Road, London</b>		
<b><u>Applicant:</u></b>	<b>Paramount Hotels, c/o Puma Hotels, Bond Street House, 14 Clifford Street, London</b>		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves it is **MINDED TO GRANT** planning permission subject to no objections being raised from the Council's Sustainability Officer to the proposed sustainability measures and energy strategy for the new development, and subject to the applicant entering into a Section 106 Agreement and to the following Conditions and Informatives:

### S106

- a financial contribution of £21,870 towards off-site highway improvements, and
- a financial contribution of £25,000 for the provision of public art as an integral part of the development,

### Conditions

1. BH01.01 Full planning.
2. BH12.01 Sample of materials - conservation areas.
3. BH05.05A BREEAM – Pre-commencement (new build non-res) – “60% in energy and water sections of relevant BREEAM assessment within overall ‘Excellent’.
4. BH05.06A BREEAM – Pre-occupation (new build non-res) - “60% in energy and water sections of relevant BREEAM assessment within overall ‘Excellent’.
5. BH14.01 Archaeology (Investigation/Programme of work).
6. Notwithstanding the details shown on the submitted drawings, further details and specifications of the balconies, glass balustrading, handrails, copings, window frames, eaves, doors, ground floor shopfronts, air conditioning units and ducting shall be submitted to and approved by the Local Planning Authority at a scale of 1:20 elevations and 1:1 sections in writing before work commences, and shall be completed in strict accordance with the approved plans.

- Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
7. The existing granite setts to the garage crossover shall be salvaged and reused in situ in accordance with details to be submitted to and approved by the Local Planning Authority, and thereafter retained.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
  8. BH08.01 Contaminated Land
  9. 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 BS 4142:1997".  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
  10. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
  11. No servicing or deliveries to or from the business premises shall take place outside the hours of 07.30 to 23.30 Mondays to Saturdays, or outside the hours of 08.30 and 23.00 on Sundays and Bank Holidays.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
  12. A scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out in accordance with the agreed details.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
  13. A scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out in accordance with the agreed details and the sound insulation works shall be maintained thereafter.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.



14. Prior to the commencement of development on site, detailed drawings including levels, sections and constructional details of all proposed works to amend the access to the car parking area, and to form the basement car park, shall be submitted to and approved by the local planning authority. The development shall thereafter proceed in accordance with the agreed details.  
**Reason:** In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
15. The development shall not be occupied until the basement and ground floor parking areas have been provided in accordance with the details shown on drawing nos. 771-PL-102 and 771-PL-103. These areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.  
**Reason:** To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR19 of the Brighton & Hove Local Plan.
16. BH06.03 Cycle parking facilities to be implemented.
17. BH02.07 Satisfactory refuse and recycling storage.

Informatives:

1. This decision is based on drawing nos. FA.771/PL.101-114, FA.771/EX.11-17, Heritage Statement, Tall Building Statement, and Design and Access Statement submitted on 22 October 2009, and the Planning Statement, Biodiversity Checklist, Site Waste Management Plan, and Sunlight and Daylight Assessment submitted on 5 November 2009.
2. Potentially contaminated land: 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. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.
3. Licensing: It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.
4. Investigations under the Environmental Protection Act 1990: The applicant should be aware that although conditions have been applied to

the application, the future investigation of nuisance under the above legislation is not mitigated against. Should future investigations identify a Statutory Nuisance this could attract further odour and noise control measures.

5. The proposal includes works to the access serving the garaging area off Black Lion Street and a series of Juliette balconies which overhang the publicly adopted highway. The applicants are reminded of the need to secure approval from the Highway Authority for these works.
6. IN05.06 BREEAM
7. IN08.01 Land Contamination
8. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan (delete as necessary) set out below, including Supplementary Planning Guidance:
 

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
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
SU10	Noise nuisance
SU11	Polluted land and buildings
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
QD5	Design - street frontages
QD6	Public Art
QD14	Extensions and alterations
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

SPGBH4: Parking Standards  
SPGBH15: Tall Buildings  
Supplementary Planning Documents  
SPD03: Construction and Demolition Waste  
SPD08: Sustainable Building Design; and

ii) for the following reasons:

The proposal would provide improved hotel and conference accommodation within the hotel core area. The proposed extension is of a scale and design which relates well to the existing hotel and adjoining buildings and improves the appearance of the street scene and character and appearance of the Old Town Conservation Area.

### 3 THE SITE

The application relates to the northeast corner of the Old Ship Hotel, fronting Black Lion Street. This part two/part three storey element of the building forms a car park within at ground and first floor levels, with boiler/plant room within the basements, and redundant staff accommodation within the second floor which is generally set back front the building facade. The hotel covers a block bounded by Kings Road, Black Lion Street and Ship Street. The hotel is a collection of mainly 19th century buildings, generally 6 storeys in height. The Assembly Rooms within the building is the only part of the building which is listed.

The adjoining building to the north, 8 Black Lion Street, is a new four storey development forming karaoke bar. The building is part of a larger scheme approved in 2007 for the redeveloped the site of 8 to 14 Black Lion Street for a mixed use also including restaurant and drinking establishment. The Thistle Hotel and Bartholomew House, Council Offices, are on the opposite side of Black Lion Street.

The site lies within the Old Town Conservation Area and is defined in Brighton & Hove Local Plan as being within the Hotel Core Area.

### 4 RELEVANT HISTORY

**BH2009/02607:** is concurrent with this application and seeks conservation area consent for the demolition of the hotel garage. The application is considered elsewhere on this agenda.

**BH2007/03472:** Demolition of existing hotel garage. Construction of two and six storey extension to form replacement garage and 30 additional bedrooms. Withdrawn 14/12/09.

**BH2007/03473:** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Withdrawn 14/12/09.

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**95/0449/FP:** Erection of 6 storey plus basement extension to Black Lion Street. Additional floor to 2 sections of building fronting Kings Road, link block at rear and alterations, providing a total of 86 bedrooms and 40 parking spaces. Granted 07/09/95.

**95/0450/CA:** Demolition of hotel garage and No. 8 Black Lion Street. Granted 07/09/95.

**BN90/0732/F & BN90/0733/LBC:** Demolition of Old Ship Hotel garage and floor above and No. 8 Black Lion Street and erection of a 6 storey plus basement extension fronting Black Lion Street comprising 40 car parking spaces on ground/basement floors with 61 bedrooms over, additional floor on 2 sections of the building fronting Kings Road, new link block at the rear and other additions/alterations to provide an additional 86 hotel bedrooms. Granted 14/08/90.

**86/2147/F & BN86/2148/LBC/CA:** Alterations extension at first to fifth floors on Black Lion Street wing to provide 86 bedrooms and mansard room extension at front southeast corner. Granted 24/03/87.

## 5 THE APPLICATION

The proposal is for the demolition of the hotel garage and construction of a seven storey extension to the hotel to provide an additional 42 bedrooms, 2 conference rooms, a restaurant/bar and car parking. Works consist of:

### Demolition:

- Demolition of existing two storey garage and redundant staff accommodation at second floor level. This work is subject to the tandem application BH2009/02607 which seeks conservation area consent for the demolition as the building is within the Old Town Conservation Area.

### Proposed extension:

- Size: maximum width 31m with a street frontage 22m, depth 21m, height 5/6 storey with maximum height of 18.5m – 6 storey.
- Floorspace: existing floor space to be demolished – 1,378m<sup>2</sup>; proposed floorspace 3097m<sup>2</sup>; additional floorspace 1719m<sup>2</sup> of which 1,594m<sup>2</sup> would form bedrooms, etc. and 125m<sup>2</sup> would form restaurant/bar.
- Layout: excavation to form basement for car parking; ground floor to form restaurant/bar and car parking area; first floor to form 2 meeting rooms – 240m<sup>2</sup>, and 6 bedroom; second floor to form 6 bedrooms; third and fourth floors to form 11 bedrooms per floor; fifth floor to form 8 bedrooms. Total of 42 bedrooms of which 8 overlook the rear of the hotel and 28 overlook Black Lion Street. Hotel currently has 152 bedrooms which will be increased to 194 (a 27% increase in bedroom numbers)

### Design/materials:

- Front elevation with three main vertical sections in painted render, lightweight glazed fifth floor set back from façade behind terrace, curved northern elevation, powder coated metal windows, Juliette balconies.
- Shopfront at ground floor level

### Parking areas:

Parking for 37 vehicles to be provided at ground floor level and in a new basement car park accessed via a car lift.

Cycle Parking:

- To be situated within an existing car parking area at ground floor level with an area of 40m<sup>2</sup>.

**6 CONSULTATIONS**

**External:**

**Neighbours: “Lucky Voice” Karaoke Bar, 8 Black Lion Street:** No objection. Initial concerns regarding effect of the development on daylight to the 4th floor office, treatment of party walls and disruption to trading and street closure etc during construction have been resolved following a meeting on site with the developer. Daylight reduction is considered to be negligible by Lucky Voice, party walls were noted as remaining structurally intact during development and limiting noise transmission from the venue to the proposed development will be the responsibility of the Old Ship Hotel. Issues relating to proposed length of development and road closures are noted not to be planning issues.

**Sussex Police:** No concerns with the proposal.

**CAG:** Welcome the application subject to officer approval of materials and details.

**English Heritage:** Comments awaited

**County Archaeologist:** The proposed development is situated within an archaeologically sensitive area, in close proximity to the medieval Cluniac complex of St Bartholomews and within an area of regular burgage plots that formed in the 12<sup>th</sup>-14<sup>th</sup> century. In light of the potential archaeological significance of the site recommend that approval should be subject to a programme of archaeological works.

**Brighton & Hove Archaeological Society:** The proposed development lies well within the confines of medieval ‘Old Brighton’ and despite previous development should be subject of archaeological evaluation. Recommend that the development justifies an archaeological assessment.

**Southern Gas:** No objection.

**EDF Energy:** No objection.

**Fire Brigade:** Comments awaited

**Internal:**

**Design & Conservation:** The Hotel is a collection of mainly 19th century buildings. The existing building to be demolished is a 1920’s garage with a wide entrance at ground floor level and fronts onto Black Lion Street. It is not a building that makes an important contribution to the character of the conservation area. A new building of the scale proposed would be acceptable

in this location in townscape and urban design terms. The set back all glazed top storey and the stepping down of the building at its north end effects a satisfactory transition in scale between the new building and the extended former warehouse and the modern office block beyond. It would also screen the blank north wall of the 1960s extension and largely screen its plant room in views from the street looking south.

The introduction of a restaurant use on the ground floor with a glazed restaurant frontage would be a welcome improvement to the street level appearance and character of the street and improve the linkage between the seafront and the Old Town.

The design introduces some vertical subdivision by slightly recessing the end bays, which reflects the modeled facade of the modern hotel extension to the south, as well as the plot width subdivisions of the historic streets. The proposed balconies and full height glazing and doors would be an acceptable approach given the character of the south end of this street, which is dominated by modern buildings. The galvanised steel windows provide slim elegant profiles. The painted rendered blockwork in a colour to match the existing hotel, with the recessed painted in a light shade of grey, are acceptable materials and colours.

The new building will not impinge on the Listed Assembly Rooms at the rear.

**Sustainable Transport:** No objection. The hotel has 152 bedrooms which will be increased by 42. The Council's parking standards would allow 97 parking spaces and 37 are proposed. Applicants are expected to make a financial contribution towards off site highway improvements commensurate with the scale of highway impact. To comply with policies TR1 and QD28, and Planning Policy Guidance Note 13 – Transport (PPG13) a contribution of £21,870 should be sought.

The proposal includes works to the access serving the garaging area off Black Lion Street and a series of Juliette balconies which overhang the publicly adopted highway. Approval for these works will need to be secured from the Highway Authority.

**Environmental Health:** Historic mapping indicates several areas of potentially contaminated land with former uses including a motor garage and manufacturer and a motor car engineers. A contaminated land condition should form part of any approval. Noise and odour from plant and machinery from extraction and ventilation systems, noise from deliveries/servicing should also be control by condition.

**Arts Officer:** Policy QD6 of the Brighton & Hove Local Plan seeks an arts component within the scheme. Based on the size of the development a contribution of £25,000 should be sought.



**Head of Tourism:** Welcome the proposal. The Hotel Futures Study indicates that the city's accommodation stock had probably reached saturation under current levels of demand however other proposed developments including the i360, Brighton Centre re-development etc would increase demand. The hotel has made many improvements over the recent years and these proposals are complimentary to the aims and objectives of the City's 2008 Tourism Strategy – specifically p20 (parking), p28 (accommodation standards). The development will improve the appearance and attractiveness of Black Lion Street in an area increasingly used by visitors. Welcome the continued provision of car parking within the scheme, the provision of new build quality bedrooms including accommodation suitable for disabled visitors.

**Planning Policy:** No objection. The site lies within the Core Hotel Area where policy SR14 applies; the proposal to increase accommodation in the core area is acceptable in principle as it supports the city's economy. The site is also within the archaeologically sensitive area where policy HE12 applies; provision should be made for an archaeological investigation of the site within the phasing of the development. The site lies within a conservation area and involves demolition so policies HE7 and HE8 apply. Part of the hotel is listed but not a part affected by this application.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
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
SU10	Noise nuisance
SU11	Polluted land and buildings
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
QD5	Design - street frontages
QD6	Public Art
QD14	Extensions and alterations
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
HE12	Scheduled ancient monuments and other important

archaeological sites

Supplementary Planning Guidance

SPGBH4: Parking Standards

SPGBH15: Tall Buildings

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

SPD09: Architectural Features

**8 CONSIDERATIONS**

The main considerations in the determination of the application relate to the impact of the proposed development on the appearance of the building, character and appearance of the Old Town Conservation Area, viability of the hotel, impact on the amenities of the occupiers of neighbouring properties, traffic implications, archaeological and sustainability issues.

Background / principle of development

The Old Ship is an amalgamation of a number of adjoining properties with the garage area proposed to be replaced constructed in the 1920's. This northeast corner of the site fronts onto Black Lion Street and several planning approvals have been granted for the redevelopment of the area, including a 6 storey extension to provide an additional 86 bedrooms that was approved in 1987, and a subsequent amended scheme granted in 1990. In 2002 approval was granted for a 5 storey bedroom wing providing 30 bedrooms with garage under providing 38 car parking spaces; this consent expired October 2007. Additionally, the recently completed redevelopment of the northern part of Black Lion Street for commercial development, including a restaurant and karaoke bar, has transformed the street both architecturally and commercially and now makes a positive contribution to the vibrancy of this part of the Old Town.

The application relates to a non-listed building with the Old Town Conservation Area. The Assembly Room is listed but as the development does not affect this part of the building listed building consent is not sought. The hotel is also identified in the Local Plan as being within the Hotel Core Area.

Policy SR14 encourages the development of new tourist accommodation and the Head of Tourism supports the provision of the additional guest rooms, including those suitable for guests with disabilities, and conference rooms, which will strengthen the economic viability of the hotel and town as a tourist and conference destination.

Visual amenity and impact on character & appearance of Conservation Area

Policies QD1, QD2, QD3 and QD14 aim to ensure that new development, including extensions, demonstrate a high standard of design and make a

positive contribution to the visual qualities of the area. HE6 states that proposals within conservation areas should preserve or enhance the character or appearance of the area, that detailing should reflect the scale, character and form of the area, with materials and finishes sympathetic to the area.

The existing building to be demolished is a 1920s garage with a wide entrance at ground floor level and fronts onto Black Lion Street. It is not a building that makes an important contribution to the character of the conservation area. It backs onto the Listed Assembly Rooms at the rear and adjoins a 1960s style hotel extension to the south. To the north of it is a recently refurbished and extended warehouse building forming a karaoke bar, and further north is a recently refurbished office building which incorporates a restaurant on the ground floor. On the opposite side of the road is a modern hotel and Council office building.

The scale of the proposed building is considered to be acceptable in this location in townscape and urban design terms. The set back all glazed top storey and the stepping down of the building at its north end effects a satisfactory transition in scale between the new building and the extended former warehouse and the modern office block beyond. It would also screen the blank north wall of the 1960s extension and largely screen its plant room in views from the street looking south.

The introduction of a restaurant use on the ground floor with a glazed restaurant frontage would be a welcome improvement to the street level appearance and character of the street and improve the linkage between the seafront and the Old Town.

The design introduces some vertical subdivision by slightly recessing the end bays, which reflects the modeled facade of the modern hotel extension to the south, as well as the plot width subdivisions of the historic streets. The proposed balconies and full height glazing and doors would be an acceptable approach given the character of the south end of this street, which is dominated by modern buildings.

Glazing bar subdivisions enliven the fenestration and relate it better to the glazed screen walls of the top storey with its glazing bar subdivisions. The plain glass balcony balustrading and glass panels of the Juliet balconies benefit from having stainless steel hand rails and stanchions to add further interest. The doors opening onto the balconies would be deeply recessed in their reveals which would give the building's facade more of a sense of depth and solidity. Windows are to be colour powder coated and the painted rendered blockwork in a colour to match the existing hotel, with the recessed painted in a light shade of grey, are acceptable materials and colours.

The new building will not impinge on the Listed Assembly Rooms at the rear.

Supplementary Planning Guidance Note SPG:15 relates to tall buildings which are defined as buildings 18m or taller (approximately 6 storeys) above ground floor level. The guidance states that buildings significantly taller than surrounding buildings should be located in designated areas. The main bulk of the proposed building is 5 storey, 15.8m in height, with the recessed top floor of maximum height of 18.5m. The proposed extension is lower than the existing hotel and provides an attractive link in terms of scale and design to the lower adjoining building to the north, and of similar height to the main new development to the northern part of the street and the office and hotel opposite.

The stepped form of the composition relates well to adjoining buildings, adds visual interest to the street scene and would enhance this part of the street and conservation area. CAG welcome the development.

#### Impact on amenity

Policy QD27 aims to ensure that new development will not cause material nuisance or loss of amenity to existing /adjacent users.

The development overlooks an office block to the east and the rear of the hotel to the west. The only impact of the development on amenity is the overshadowing of the window to the office of the adjacent karaoke bar, 8 Black Lion Street. The window at third floor level is to a south facing recessed area with outlook over the existing roof of the hotel. The occupiers of the building acknowledge that daylight reduction would be negligible and have raised more concerns that the hotel do not object to the activities of their karaoke bar; whilst the karaoke booths are soundproofed noise may be experienced from general comings and goings to the venue. This has been raised with the applicants and it is considered that the uses are compatible and that excessive noise and disturbance could be satisfactorily dealt with by Environmental Health legislation, if necessary.

#### Traffic implications

Policy TR1 states that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. QD28 relates to planning obligations which may be sought where necessary, relevant and directly related to the proposal and fairly and reasonably related in scale and kind. This aim includes provision of public transport infrastructure and off-site highway improvements, and other matters such as public art which is sought within this scheme.

The existing hotel has approximately 39 parking at ground and first floor levels. The first floor is access by a car lift which is old and unreliable and this parking area is not generally used at present. The proposal involves excavation to form a new basement, which together with part of the ground floor will provide a total of 37 car parking spaces, including two for disabled users at ground floor level. The proposal extension would increase the number of bedrooms from 152 to 194 and provide two additional conference

rooms. The hotel is situated in a Controlled Parking Zone; public car parks are within close proximity. The Sustainable Transport Team raise no objection to this level of parking provision subject to a financial contribution towards off site highway improvements commensurate with the scale of highway impact. In line with policies TR1 and QD28, and Planning Policy Guidance Note 13 – Transport (PPG13) a contribution of £21,870 should be sought through an obligation under Section 106 if Members were minded to grant permission for the development.

Policy TR14 seeks the provision of secure and covered cycle parking facilities within developments. The hotel, which does not currently have dedicated cycle storage, proposes to provide a cycle storage area of 40m<sup>2</sup> within the building adjacent to the ground floor car parking area. This is considered satisfactory in accordance with development plan policies.

#### Archaeology

Policy HE12 relates to archaeological sites stating that development proposals must preserve and enhance sites of known archaeological interest. The County Archaeologist and Brighton & Hove Archaeological Society comment the development is situated within an archaeologically sensitive area, designated because it lies within the historical core of the medieval village and post medieval town of Brighton. The basement is to be excavated and the County Archaeologist considers that there is the potential for archaeological deposits to survive in the area and recommends that the area affected by the proposals should be subject to a programme of archaeological works to comprise a watching brief on the ground work associated with the extension which would enable any archaeological deposits and features disturbed during the proposed works to be adequately recorded. A suitable condition is recommended.

#### Sustainability

Policy SU13 of the Brighton & Hove Local Plan and SPD03 on Construction and Demolition Waste requires that development proposals show regard has been given to the minimisation and reuse of construction waste. To this end, a detailed Site Waste Management Plan accompanies the application. The proposed demolition of the existing 2 and 3 storey structure and excavation of the basement would produce brick and concrete rubble, structural steel beams and columns, and timber which can be recycled and used as hardcore. The Waste Management Plan also addresses site operations and post completion factors and is considered satisfactory.

Local Plan Policy SU2 aims to achieve a high standard of efficiency in the use of energy, water and materials in all developments. The standards expected to be met through SU2 and SPD08 in terms of this application are BREEAM excellent, with 60% in energy and water sections; which requires reduction in fuel use & greenhouse gas emissions; incorporation use of renewable energy; siting layout & design considering, daylight/sunlight, orientation, building form, materials, natural ventilation, fenestration, landscaping minimisation of



heat island effect; measures that reduce water consumption; feasibility study of rainwater harvesting and greywater recycling; use of materials which minimise raw material and energy inputs; space for recycling & composting storage, and cycle parking; and signing up to Considerate Constructors scheme.

A Sustainable Building Design Statement has been submitted with the application together with a detailed BREEAM 'Pre-Assessment' Report and a further Energy Strategy Report. There is a clear commitment from the applicant to achieve BREEAM 'excellent' and score 60% in the energy and water sections, and these reports aim to provide assurance at this pre-determination stage that this is achievable.

The outline energy proposals include such measures as providing domestic hot water to new bathrooms through solar heating panels at main roof level supplemented with plate heat exchangers making use of spare capacity in the existing hotel boilers located adjacent to the new extension at basement level; installing a new air conditioning system with heat recovery; and photovoltaics to supplement up to the necessary level required to meet BREEAM standard. Detailed design for building services has not yet been fully worked up but the Energy Strategy Report makes it clear that a number of suitable technologies are being properly considered to meet SPD08 standards as required. There is commitment to appoint Mechanical and Electrical Service Consultants, and a BREEAM assessor, to design the services within the scheme.

Discussions with the architect have covered the possibility that a roof integrated photovoltaic (PV) system (producing electricity) rather than roof mounted panels may meet conservation and maintenance requirements on the uppermost roof and this is being further explored by the applicant. In addition a daylight and sunlight assessment accompanies the application. Bedrooms have an east or west facing orientation and will receive natural daylight, although it is recognized that the proposed conference rooms will be artificially lit and ventilated as little scope exists to provide natural light and ventilation to this internal area.

To achieve energy credits within BREEAM it is recognised that the existing boiler may need to be upgraded to a higher efficiency in addition to airtightness and building fabric far beyond building regulations requirements. In relation to water efficiency and the feasibility of greywater or rainwater system there is a commitment from the applicant to undertake a feasibility study for these systems and an opportunity to use collected rainwater for flushing WCs.

From the detailed information now provided in the form of a BREEAM pre-assessment report and Energy Strategy report it would appear as though an overall BREEAM rating of excellent and a score 60% in the energy and water sections is readily achievable within the development – and this matter is currently being assessed by the Council's Sustainability Officer. If Members



are minded to grant permission it would be subject of condition to requiring compliance with BREEAM excellent and for certification to be provided to confirm this has been achieved prior to occupation.

#### Arts

Policy QD6 requires the provision of public art in Major schemes to create and enhance local distinctiveness and develop a sense of place. A sum of £25,000 is sought and discussions on how this would be incorporated into the development are taking place. This is likely to relate to, and take inspiration from, the historic nature of this building as the oldest remaining hotel in Brighton and may include a specifically commissioned piece of work to be displayed in the hotel lobby, but visible to the public.

### **9 CONCLUSIONS**

This application follows two previous approvals for the redevelopment of this part of the hotel site. The garage to be demolished is of little architectural merit and not a building that makes an important contribution to the character of the conservation area. The proposed extension is of a scale and design which relates well to the existing hotel and adjoining buildings. The introduction of a restaurant use on the ground floor with a glazed restaurant frontage would be a welcome improvement to the street level appearance and improve the linkage between the seafront and the Old Town. The proposed works respect the character of the listed Assembly Room and the provision of additional tourist and conference accommodation in the Hotel Core Area accords with planning policies. The level of car parking is considered adequate and provision of a secure and covered cycle parking area is to be welcomed. Subject to the development meeting the Council's criteria for sustainable development and the applicant entering into a satisfactory S106 agreement as set out the proposals are considered acceptable.

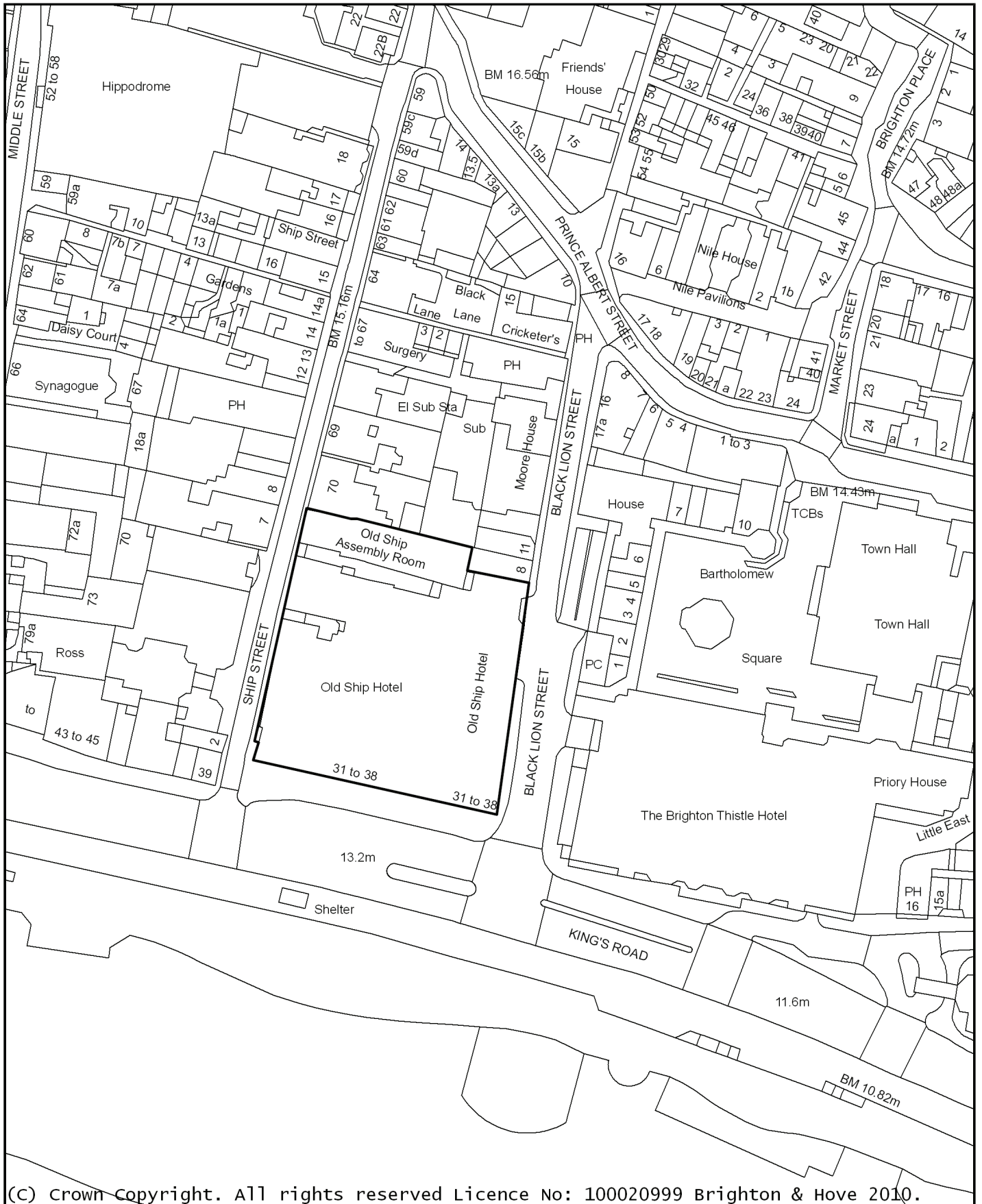
### **10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal would provide improved hotel and conference accommodation within the hotel core area. The proposed extension is of a scale and design which relates well to the existing hotel and adjoining buildings and improves the appearance of the street scene and character and appearance of the Old Town Conservation Area.

### **11 EQUALITIES IMPLICATIONS**

The building will have to meet Part M of the Building Regulations. Rooms which comply with the Disability Discrimination Act and a wheelchair refuge are located on each floor. A disabled toilet is provided within the proposed restaurant/bar.

# BH2009/02606 The Old Ship Hotel, Kings Road



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<b><u>No:</u></b>	<b>BH2009/02607</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type</u></b>	<b>Conservation Area Consent</b>		
<b><u>Address:</u></b>	<b>Old Ship Hotel, Kings Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of hotel garage.</b>		
<b><u>Officer:</u></b>	Paul Earp, tel: 292193	<b><u>Valid Date:</u></b>	05/11/2009
<b><u>Con Area:</u></b>	Old Town Conservation Area	<b><u>Expiry Date:</u></b>	31 December 2009
<b><u>Agent:</u></b>	Finch Associates, 318 Kensal Road, London		
<b><u>Applicant:</u></b>	Paramount Hotels, c/o Puma Hotels, Bond Street House, 14 Clifford Street, London		

### 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 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. FA.771/PL.101-114, FA.771/EX.11-17, Heritage Statement, Tall Building Statement, and Design and Access Statement submitted on 22 October 2009, and the Planning Statement, Biodiversity Checklist, Site Waste Management Plan, and Sunlight and Daylight Assessment submitted on 5 November 2009.
2. This decision to grant Listed Building 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; and
  - ii) for the following reasons:  
 The existing building does not make an important contribution to the character of the conservation area and the proposed redevelopment would both preserve the area's character and would produce substantial benefits that would outweigh the building's loss.

### 3 THE SITE

The application relates to the northeast corner of the Old Ship Hotel, fronting Black Lion Street. This part two, part three storey element of the building forms a car park within at ground and first floor levels, with boiler/plant room

within the basements, and redundant staff accommodation within the second floor which is generally set back front the building facade. The hotel covers a block bounded by Kings Road, Black Lion Street and Ship Street. The hotel is a collection of mainly 19th century buildings, generally 6 storeys in height. The Assembly Rooms within the building is the only part of the building which is listed.

The adjoining building to the north, 8 Black Lion Street, is a new four storey development forming karaoke bar. The building is part of a larger scheme approved in 2007 for the redeveloped the site of 8 to 14 Black Lion Street for a mixed use also including restaurant and drinking establishment. The Thistle Hotel and Bartholomew House, Council Offices, are on the opposite side of Black Lion Street.

The site lies within the Old Town Conservation Area and is defined in Brighton & Hove Local Plan as being within the Hotel Core Area.

#### 4 RELEVANT HISTORY

**BH2009/02606:** Is concurrent with this application and seeks planning permission the construction of a new 7 storey extension (basement - 5<sup>th</sup> floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar. The application is recommended for approval elsewhere on this agenda.

**BH2007/03472:** Demolition of existing hotel garage. Construction of two and six storey extension to form replacement garage and 30 additional bedrooms. Withdrawn 14/12/09.

**BH2007/03473:** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Withdrawn 14/12/09.

**BH2001/02968/FP:** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Construction of new 5 storey bedroom wing providing 30 bedrooms with replanned garage under providing 38 car parking spaces. Granted 17/10/02.

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**95/0449/FP:** Erection of 6 storey plus basement extension to Black Lion Street. Additional floor to 2 sections of building fronting Kings Road, link block at rear and alterations, providing a total of 86 bedrooms and 40 parking spaces. Granted 07/09/95.

**95/0450/CA:** Demolition of hotel garage and No. 8 Black Lion Street. Granted 07/09/95.

**BN90/0732/F & BN90/0733/LBC:** Demolition of Old Ship Hotel garage and floor above and No. 8 Black Lion Street and erection of a 6 storey plus basement extension fronting Black Lion Street comprising 40 car parking spaces on ground/basement floors with 61 bedrooms over, additional floor on 2 sections of the building fronting Kings Road, new link block at the rear and other additions/alterations to provide an additional 86 hotel bedrooms. Granted 14/08/90.

**86/2147/F & BN86/2148/LBC/CA:** Alterations extension at first to fifth floors on Black lion Street wing to provide 86 bedrooms and mansard room

extension at front southeast corner. Granted 24/03/87.

## 5 THE APPLICATION

The proposal is for the demolition of the two storey garage and redundant staff accommodation at second floor level, an area of approximately 1,378m<sup>2</sup> floorspace. This work is concurrent with application BH2009/02606 which seeks planning permission for a 7 storey (basement to fifth floor) extension to the hotel. The site is within the Old Town Conservation Area.

## 6 CONSULTATIONS

**External:**

**Neighbours:** None.

**CAG:** No objection to the demolition of the building. Welcome the redevelopment of the site.

**English Heritage:** Comments awaited.

**Internal:**

**Design & Conservation:** The Hotel is a collection of mainly 19th century buildings. The existing building to be demolished is a 1920's garage with a wide entrance at ground floor level and fronts onto Black Lion Street. It is not a building that makes an important contribution to the character of the conservation area. A new building of the scale proposed would be acceptable in this location in townscape and urban design terms.

**Planning Policy:** The site lies within a conservation area and involves demolition and policy HE8 applies. No objection to demolition subject to a suitable replacement.

## 7 PLANNING POLICIES

Brighton & Hove Local Plan:

HE8 Demolition in Conservation Areas

## 8 CONSIDERATIONS

Policies seek to retain buildings which make a positive contribution to the character and appearance of a conservation area. Demolition is generally only acceptable where supporting evidence is submitted which demonstrates that the building is beyond economic repair, viable alternative uses cannot be found, and where the redevelopment both preserves the area's character and would produce substantial benefits to outweigh the building's loss. Demolition would not be considered without acceptable detailed plans for the redevelopment of the site.

The site is located within the Old Town Conservation Area wherein the Council have a duty to preserve or enhance the character and appearance of the area.

The hotel is a collection of mainly 19th century buildings. The existing part of

the building that is now proposed to be demolished is a 1920's garage, with redundant floor space above, and has a wide entrance at ground floor level which fronts onto Black Lion Street. This part of the building forms the service area of the hotel and it is considered that it is not a building which makes an important contribution to the character of the conservation area. It is considered that the proposed replacement building (subject of application BH2009/02606) would be acceptable in townscape and urban design terms. The development would also screen the blank north wall of the 1960s extension and largely screen its plant room in views from the street looking south. The introduction of a restaurant/bar on the ground floor with a glazed frontage would be a welcome improvement to the street level appearance and character of the street and improve the linkage between the seafront and the Old Town.

For these reasons no objections are raised to the demolition of this part of the building subject to a condition requiring evidence to show that contracts have been entered into to ensure that building work would commence within 6 months following commencement of demolition in order to prevent premature demolition and to safeguard the character and appearance of the conservation area.

**9 CONCLUSIONS**

No objections are raised to the proposed demolition of this garage/service area on the basis that the proposed replacement building would enhance the character and appearance of the conservation area.

**10 REASONS FOR RECOMMENDATION TO GRANT CONSENT**

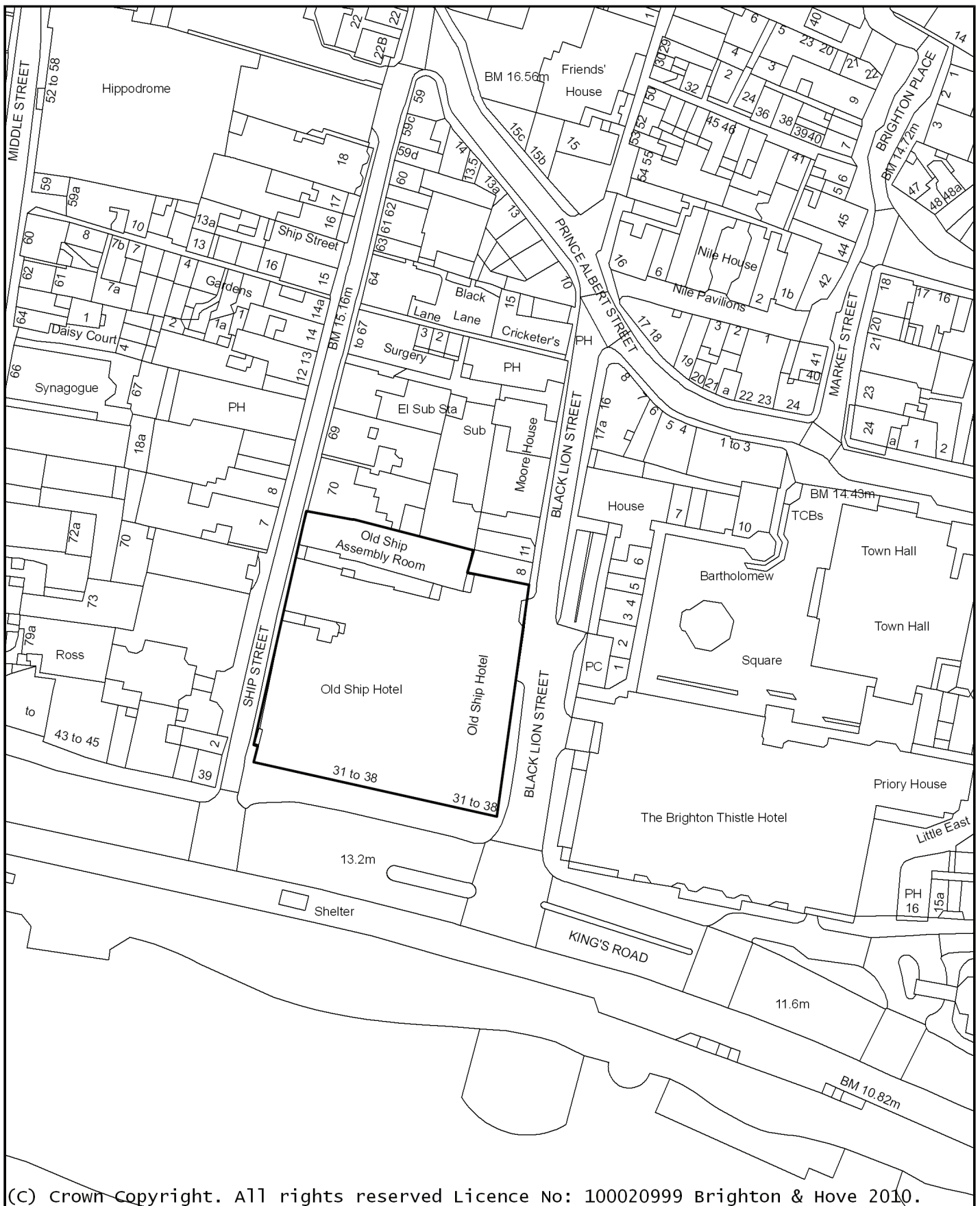
The existing building does not make an important contribution to the character of the conservation area and the proposed redevelopment would both preserve the area's character and would produce substantial benefits that would outweigh the building's loss.

**11 EQUALITIES IMPLICATIONS**

None identified.



# BH2009/02607 The Old Ship Hotel, Kings Road



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**LIST OF MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2009/01489</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Ocean Heights, Roedean Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and construction of 7 residential apartments. (Part-retrospective).</b>		
<b><u>Officer:</u></b>	Ray Hill, tel: 293990	<b><u>Received Date:</u></b>	19 June 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25 August 2009
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Mr Jerry Vasse, C/O Lewis & Co Planning		

At the Planning Committee meeting held on 25/11/09 it was resolved to defer a decision on the application pending further negotiations by officers. This report has been amended to reflect these negotiations and further representations received.

**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 windows in the south-eastern and north-western side elevations of the building shall not be glazed otherwise than with obscure glass and top hung with restricted ventilation opening only 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.
2. The privacy screens to the balconies and terraces shall be installed prior to the occupation of the development and thereafter permanently retained.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD27 of the Brighton & Hove Local Plan.
3. That part of the flat roof at third floor level adjoining the north-western elevation of the building shall be used for maintenance purposes only as indicated on drawing no. 009/07A and shall not be used as a roof garden, terrace, patio, or similar amenity area.  
**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. BH04.01 Lifetime Homes.
6. BH05.04 Ecohomes – Pre-occupation amend to read “... achieved Ecohomes rating of Very Good ...”.
7. BH06.01 Retention of parking area.
8. BH06.03 Cycle parking facilities to be implemented.
9. BH11.02 Landscaping/planting (implementation/ maintenance).

Informatives:

1. This decision is based on drawing nos.009/02, 03, 08, TA195/04 and Design & Access statement, Waste Minimisation Statement, Bio-Diversity Checklist submitted on 19 June 2009, Ecohomes Assessment, Sustainability Checklist submitted on 29 June 2009, Agents letter dated 8 December 2009 & drawing no’s 009/01A, 04B, 05B, 06B, 07B, 10D, 11D, 12D, 13D, 14D & 009/20 submitted on 10 December 2009.

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

Brighton & Hove Local Plan Policies

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD4	Design-strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC3	Local nature reserves
NC5	Urban fringe

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

East Sussex & Brighton & Hove Waste Local Plan  
WLP11 Construction industry waste; and

ii) for the following reasons:

The additional height of the building and the modifications to its external appearance has had no significant adverse impact on the character and visual amenity of the area. Subject to conditions, there would be no material detriment to the amenities of the occupiers of adjoining and nearby residential occupiers. Cycle and vehicle parking arrangements are satisfactory and the development will achieve a high standard of sustainability.

2. INF 04.01 Lifetime Homes.

3. INF 05.02 Code for Sustainable Homes.

## 2 THE SITE

The application site is located on the northern side of Roedean Road some 120m to the west of its junction with Roedean Crescent. The site is rectangular in shape with a depth of 57.5m, a width of 23m and an area of approximately 0.13ha. It originally contained a circa 1970's three storey detached house which has been demolished and replaced by a substantial five storey (including lower ground floor) flat roofed block of flats of contemporary design. Land levels within the site rise steeply from south to north following the prevalent topography of the area. Vehicular access to the site is from Roedean Road by means of a shared drive way.

The application site is situated in a suburban neighbourhood on the fringe of the designated built-up area and comprises large detached properties set within spacious plots. Adjoining the site to the west is The White House, a two storey detached house; immediately to the east is a two storey detached house of traditional design fronting Roedean Heights (No.5); and to the rear is an expansive area of open countryside which is in use as a golf course. Opposite the site, the southern side of Roedean Road comprises two storey houses of a variety of styles and designs which front The Cliff.

Roedean Road is a Classified B Road with no separate public footways in the immediate vicinity of the site.

## 3 RELEVANT HISTORY

**BH2007/02086:** On 13 November 2007 planning permission was granted for the demolition of the existing building and the construction of a block of seven flats.

**BH2006/03674:** A planning application was submitted and subsequently withdrawn in May 2007 for the demolition of the existing house and the redevelopment of the site for 7 apartments on five floors (comprising 2x1 bedroom, 1x2 bedroom and 4x3 bedroom flats together with underground parking and associated landscaping.

**BH2006/00804:** In June 2006 planning permission was granted for the alteration of a front boundary wall and the formation of an underground garage.

**80/1303:** In July 1980 planning permission was granted for the erection of a screen wall at the front of the dwelling.

**78/1052:** In November 1978 planning permission was granted for the erection of a detached four bedroom house with integral garage and associated parking.

#### **4 THE APPLICATION**

The application seeks full planning permission for the retention of the block of seven residential apartments that has recently been erected on the site. It has been submitted in order to address a breach of planning control because the development is materially different in terms of its siting, height and design to that approved in November 2007 (BH2007/02086).

As erected the proposed building has a maximum depth of 18m, a width of 16.5m and a height of 15.85m. It is set back approximately 28m from the front boundary of the site with Roedean Road, roughly aligning with the front building line of The White House to the west and projecting well beyond the rear elevation of No.5 Roedean Heights to the east.

The building is of a contemporary flat roofed design featuring a stepped front elevational treatment and terraces and 'Juliette' style balconies. It is finished in white render with horizontal and vertical thermowood timber cladding and large areas of glazing with grey power coated aluminium frames.

The accommodation comprises 2x1 bedroom flats occupying the front part of the lower ground floor; 2x3 bed duplex apartments on the upper ground floor and rear part of the lower ground floor; 1x2 bed apartment on the first floor; 1x3 bed duplex apartment on the first and second floors; and 1x2 bed duplex apartment occupying part of the second floor and the whole of the third floor.

Ten covered basement level car parking spaces (including two suitable for use by disabled persons) have been provided to the front of the building together with associated cycle parking and refuse and recyclables storage. In addition, two visitor's spaces have been provided adjoining an open courtyard on the frontage.

Members are advised that the salient differences between the current submission and that previously approved (BH2007/02086) are that:-

- the building is 0.92m higher;
- the second floor is closer to the eastern site boundary by 100mm (as measured on site); and
- additional timber cladding has been added to the front and rear elevations.

Amended plans were submitted during the course of the application's

consideration to correct an error in the height of the building and to show privacy screens to the terraces. Additional information was also submitted including a structural engineers and surveyors report to establish the height of the block as built.

Since the Planning Committee meeting held on 25/11/09 the following amendments have been received:-

- revised screening to the front facing terraces/ balconies;
- new screening to the easternmost second floor balcony and third floor; and
- additional planting to the eastern boundary.

Additional information has also been submitted which includes specifications of the obscure glazed windows in the side elevations of the building; specifications of the 'Thermowood' cladding; a surveyors report; and photographs of the original boundary trees after storm damage.

## 5 CONSULTATIONS

### External:

**Neighbours:** 45 letters of objection were received from the **East Brighton Golf Club** and the occupiers of **51 Roedean Road, 7, 8, 9, 15, 33, 37, 38, 49, Roedean Crescent, 4, 5 (X3) Roedean Heights, 11, 14 Roedean Way, 1, 5, 6 Roedean Terrace, 2, 13, 22, 24, 29, 32, 34, 45, Mandarin House (X2), The Cliff, 27 Elm Drive, 52 The Brow, 98 Farm Hill, 29 Rushington Road, 122 Goldstone Crescent, 101 Northease Drive, 30 Nutley Drive, 119 Church Road (X2), 17 Carey Down, Primrose Cottage Freshfields Lane (Danhill), 45 Oaklands Avenue, 31 Hawthorn Close, 62 Florence Road, 5 The Ridings & 97 Wilmington Way.** The following grounds of objection were raised:-

- overdevelopment;
- design, height and scale out of character with the area;
- adverse effect on residential amenity;
- overlooking/ loss of privacy;
- development not in accordance with the original planning permission;
- bulk, width and height of the building significantly larger than approved;
- adversely affects views from neighbouring open land;
- development too high in relation to neighbouring properties;
- set unacceptable precedent for developers to seek retrospective permission;
- unduly prominent/ overly dominant in street scene;
- visually intrusive/ too close to adjoining property;
- inadequate screen planting/ no room left for screen planting;
- too many flatted developments in the area;
- intensification of the use of the vehicular access onto Roedean Road hazardous to pedestrians and other road users; and
- site includes land not in the ownership of the applicant.



A letter has been received from the **Roedean Residents Association** objecting to the proposal on the following grounds:-

- the building has far exceeded its permitted height;
- an independent survey is required to establish the buildings height;
- the building is far too close to the eastern boundary of the site;
- original screen boundary trees have been removed and insufficient space is provided to plant replacements; and,
- the development should follow the agreed permission precisely.

31 letters of support have been received from the occupiers of **19, 40, 41 The Cliff, 35 (x2), 37 Roedean Road, 88 Longhill Road, 133 Crescent Drive North, 3, 4 Greenway Court Marine Drive, 3 Marine Drive, 8 Swallow Court, 49 Wickfields Avenue, 5 Westfield Rise, Desmond Way (un-numbered), 324 Highbrook Close, 5 Sussex Mews, 31 Eastbourne Road, 56 Chepstow Villas (London), 45 St Leonards Road, 73, 77, 79 Fitch Drive, 18 Martha-Gun Road, Caron House (High Wycombe), 11 Hampden Hill (Beaconsfield), 40 Beaconsfield Road (Lancing), 55 Littleworth (Oxfordshire), 39 Trinity Street (Oxford), 73 Wisbech Road (Peterborough), 9 Mickledon Close (Nottingham)**. The following grounds of support were given:-

- attractive landmark building;
- aesthetically pleasing/ good design;
- building is not overbearing/ unduly prominent;
- represents a significant improvement on the original building;
- will reduce co2 emissions and protect environment; and
- green/ sustainable/ eco-friendly building.

Following the amendments referred to in Section 4 above, re-notification has been carried out.

22 letters were received from the occupiers of **2, 4, 5(x4) Roedean Heights, 23 Roedean Road, 2, 18, 22, 24a, 45 The Cliff, 7, 38 Roedean Crescent, 11 Roedean Way, Fairlight Primary and Nursery School St Leonards Road, 98 Farm Hill (Woodingdean), Primrose Cottage (DaneHill), 62 Florence Road, 52 The Brow and The Ridings (Ovingdean), 117 Valley Drive, Hove** objecting on the same grounds as those set out above and the following:-

- increased cars and traffic in the area;
- no guarantee that side windows would be obscure glazed;
- wood cladding unsightly and difficult to maintain in the long term;
- lack of amenity space;
- lower ground floor flats would have poor natural light; and
- expensive apartments would not assist current housing need.

A letter was received from the **Roedean Residents Association** objecting to the application on the following grounds:-

- the proposal by reason of its prominent location, design, height, bulk and increased massing has resulted in the building appearing incongruous and

out of character thus detrimental to the character and appearance of the street scene;

- lack of amenity space for the future occupiers;
- overlooking from the balconies resulting in a loss of privacy;
- the lower ground floor apartments would have insufficient natural light;
- site entrance is narrow and hazardous;
- the apartments are expensive and will not address current housing needs;
- insufficient room to plant screen trees on the boundary;
- as amended the building is too high;
- the wood cladding is cheap looking and ugly.

Two letters were received in support of the application from the occupiers of **41 The Cliff** and **133 Crescent Drive**. In addition to re-iterating some of the points referred to above, the following comments were made:-

- the wooden cladding has an attractive appearance.

Re-notification has been carried out on the amendments submitted by the Applicant following the Planning Committee Meeting of the 25/11/09.

**Neighbours:** 24 letters of objection have been received from the **East Brighton Golf Club** and the occupiers of **33 Rodean Road, Mandarin House, 2, 6, 14(x2) 18, 22, 24, 25, 32, 34, 36, 45(x2) The Cliff, 7, 8, 15, 18, 24 Rodean Crescent, 5/6 Rocdean Terrace, 12 Silwood Road & 98 Farm Hill, Woodingdean**. The grounds of objection were the same as those previously raised.

A letter has been received from the **Rodean Residents Association** objecting to the proposal on the following grounds:-

- Euonymus japonica is slow growing and will take ten years to form a reasonable hedge;
- Leylandii will not grow here;
- Gates unlikely to prevent access to side terraces;
- Smaller rear terraces will reduce amenity space ;
- Appearance of the cladding is unacceptable;
- Car park is not as approved.

Five letters of support have been received from the occupiers of **35(x2) Rodean Road, 133 Crescent Drive North, 77 Frith Drive, Lower Bevendean & 12 Manor End, Uckfield**.

**Internal:**

**Sustainable Transport:** No objections in principle subject to conditions to ensure the retention of the vehicle and cycle parking and to secure a financial contribution of £3,750 towards the provision of sustainable transport infrastructure.

**Environmental Health:** No response received.

**Private Sector Housing:** No response received.

**Arboricultural Officer:** *Euonymus japonica* is suitable for this location. Depending on the distance from the building and the available space I would suggest the following planting which is recommended for harsh coastal locations:-

- A staggered row of *Griselinia littoralis* at 1m height to reach 4m;
- A couple of trees such as *Phillyrea latifolia* or *Hippophae* spp.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD4	Design-strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC3	Local nature reserves
NC5	Urban fringe

### Supplementary Planning Guidance

SPGBH4 Parking Standards

### Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

### East Sussex & Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

## 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 amenity of adjoining occupiers;
- The amenities of the future occupiers;
- Highways and parking;
- Sustainability; and
- Land ownership.

The principle of the proposed development

Given that planning permission was granted by the Council (BH2007/02086) in November 2007 for a block of seven flats and that in land use terms there are no policy objections to the re-use of previously developed land for housing, the development is acceptable in principle subject to the considerations highlighted below.

Design and visual impact on the locality

Policies QD1 and QD2 of the Local Plan require new development to be of a high standard of design that would make a positive contribution to the surrounding area.

In townscape terms the character of the northern side of Roedean Road in the vicinity of the application site is formed by large detached two storey houses of traditional design set well back from the road within spacious plots. In its consideration of the previously approved scheme, the Council acknowledged that the modern design and form of the proposed building differed from those in the immediate vicinity but considered that this would not detract from the character or visual appearance of the area. Apart from relatively minor alterations to the elevations of the building which include the re-positioning of fenestration, additional areas of timber cladding and rendered parapet walls rather than glazed balustrades, the contemporary design principles and the external appearance of the building compares satisfactorily to that previously approved. Notwithstanding this, Members concerns regarding the extent and finish of the timber cladding have been acknowledged. The Applicant has stated that the cladding has been treated with a single coat of linseed oil to provide an initial protective barrier and that over time the wood will weather and lighten to a silver/blond colour. It is considered that the external appearance of the building is acceptable and in accordance with the design policies of the Local Plan.

The Applicant has indicated that due to Building Regulation requirements to install a sprinkler system which was not taken into account in the original design process, the floor and ceiling voids within the building needed to be enlarged. As a result, in comparison with the approved scheme, the building which has now been erected is 15.85m in height rather than 14.93m. The comments of third parties with regard to the height of the building and its prominence when viewed from the public highway to the south and from the north and north-west across the East Brighton Golf Course and East Brighton Park have been noted. Notwithstanding this, it is not considered that a 0.92m increase in the height of the building has rendered it so prominent or detrimental to the visual amenity of the locality as to warrant refusal.

The impact on the amenity of adjoining occupiers

Policy QD27 of the Local Plan seeks to ensure that new development does not adversely affect the amenities of adjoining and nearby occupiers.

As measured on site, the projecting eastern flank elevation of the building at second floor level is 100mm closer to the boundary with No.5 Roedean Heights. Apart from this, the footprint of the building and its relationship to the site boundaries is as previously approved. The concerns of the adjoining occupier with regard to the impact of the development on light and outlook have been noted, however, the increased height of the building coupled with the repositioning of the building at second floor level by 100mm are not considered to materially affect the amenities of the occupier above and beyond the scheme that was originally approved. With regard to the impact on The White House to the west, the relationship between building and boundary would remain unchanged and the additional height would have no material impact on light and outlook.

The development has no adverse affects on the privacy of adjoining occupiers. There are a total of six obscure glazed secondary windows (restricted opening tilt windows) at or above first floor level in the eastern flank elevation of the building, two less than in the approved scheme and three comparable windows in the western elevation. In response to Members concerns a further site inspection has been carried out and additional information submitted by the Applicant. It can now be confirmed that the obscure glazing is of sufficient density to allow light penetration but to prevent an external views and the tilt opening is restricted to the top of the windows and would provide ventilation only. It is not possible to gain views over adjoining sites even when the windows are open. Subject to a condition to ensure that the obscure glazing and the restricted opening is retained in perpetuity, no overlooking to either the occupiers of No.5 Rodean Heights or The white House will result. Furthermore, given the orientation of the building there is no direct window to window overlooking between the application building and the neighbouring residential properties.

To preclude any overlooking to the gardens of the adjoining properties, amended plans were submitted to show privacy screens to the sides of the terraces on the front elevation of the building. In response to concerns that these would not be sufficient to prevent overlooking further amendments have now been submitted. The design of the timber screens to first and second floor front facing terraces has been modified so that they are now 1.8m high along their whole length rather than graduated; a more substantial 1.8m high obscure glazed screen has been added to the eastern corner of the third floor balcony; small vertical obscure glazed panels have been included to the eastern side of the rear facing second floor terrace and at third floor level to further ameliorate any potential oblique overlooking from a rear facing bedroom window. It is recommended that a condition be imposed requiring their installation prior to the occupation of the building. In addition, access to a large section of roof terrace abutting the western boundary of the site with

The White House has now been limited to maintenance purposes only and access to it can be restricted by the imposition of an appropriate planning condition.

Prior to the construction of the development there was a row of mature *Leylandii* trees along the eastern boundary of the site and in its consideration of the original planning application the Council recognised that although they were not of sufficient quality or amenity value to merit a Tree Preservation Order, they did performed an important screen function, but could be susceptible to loss or damage during the construction process. These trees have subsequently been removed by the Applicant, an accompanying arboricultural report indicating that they had been disfigured by tree works, were growing in unsuitably shallow soil and were destabilised by the installation of a boundary fence. Notwithstanding this, a dense row of *Euonymus Japonicas* (a salt tolerant, dense, fast growing evergreen shrub growing to a height of 3m – 4m) has been planting along the eastern boundary with No.5 Roedean Heights. Owing to concerns that this planting would not be sufficient to appropriately screen the development, based on the advice of the Council's Arboricultural Officer as revised screen planting scheme has been submitted. In addition to the existing hedging of *Euonymus japonica* (a dense, salt tolerant relatively fast growing shrub capable of reaching a height of 3m to 4m) which is common to the locality, four 2m high *Cypressus leylandii* will be planted on the eastern boundary in the more sheltered location to the rear of the building and tree planting further to the south. It is considered that this would provide suitable screening and its long term retention should be secured by condition.

#### The amenities of the future occupiers

Apart from some minor internal changes, the number and dwelling mix is comparable to that previously approved and 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. As indicated in the submitted Design & Access Statement, the development complies with Lifetime Homes Standards, providing appropriate level access, door widths, circulation space and lift access.

In terms of private amenity space provision, each unit would have access to a sizeable roof terrace or balcony 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 proposals create and to maximise the use of public transport, walking and cycling.



The parking arrangements are identical to that previously approved providing 12 spaces (including two visitor's spaces and two suitable for use by disabled persons). In addition, covered secure cycle parking spaces have been provided within the site in accordance with policy TR14. It is recommended that a condition be imposed to secure the retention of these arrangements.

Although the Sustainable Transport Manager has no objections to the development, a financial contribution of £3,750 towards the provision of improved sustainable transport infrastructure in the vicinity of the site has been requested. Notwithstanding this, given that the parking arrangements and trip generation characteristics of the development now under consideration are unchanged and that no contribution was sought on the original approval, it is considered that the imposition of such a requirement would now be unduly onerous.

#### Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials.

The Applicants have submitted a Sustainability Checklist and addressed sustainability matters within their Design & Access Statement, stating that CO2 emissions would be negligible and that water consumption would be reduced through the use of ground source heat pumps to supply each unit with all its heating and hot water; a rainwater and sustainable drainage system to supply wc flush water and an external water supply; high levels of thermal insulation and energy efficient A-rated white goods. An Ecohomes Pre-Assessment has also been undertaken indicating that the development would be likely to achieve an Echomes Rating of "Very Good". This is considered to be acceptable.

Since the original planning approval and the commencement of works on the site, Supplementary Planning Document 08 Sustainable Building Design has been adopted by the Council which requires Applicants, for medium-scale new build residential development such as this, to submit a completed Sustainability Checklist and recommends that the development achieve a minimum rating of Level 3 of the Code for Sustainable Homes, emit zero net annual CO2 from energy use and be designed to Lifetime Homes Standards. These assessment criteria have been satisfactorily addressed and it should be noted that the "Very Good" Ecohomes rating referred to above is equivalent to Level 3 of the Code for Sustainable Homes.

#### Land ownership

The occupiers of No.5 Roedean Heights have indicated that a small parcel of land located at the north-east corner of the application site is not within the ownership of the Applicant and that the requisite notice under the Town & Country Planning (General Development Procedure) Order 1995 has not been given. This is disputed by the Applicant.

Members are advised that land ownership disputes of this nature do not fall

within the remit of planning control. However, the area of land in question would not comprise the development as built.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The additional height of the building and the modifications to its external appearance has no significant adverse impact on the character and visual amenity of the area. Subject to conditions, there would be no material detriment to the amenities of adjoining and nearby residential occupiers. Cycle and vehicle parking arrangements are satisfactory and the development will achieve a high standard of sustainability.

**9 EQUALITIES IMPLICATIONS**

The development would provide two disabled parking bays, level access and a lift. The development will be required to meet Part M of the Building Regulations and has been designed to comply with Lifetime Homes Standards.

# BH2009/01489 Ocean Heights, Roedean Road



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<b><u>No:</u></b>	<b>BH2009/02915</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Windlesham School, 190 Dyke Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Alterations to existing classroom including removal of 1 no. roof-light and lowering of the East section of the building with new mono-pitched roof.</b>		
<b><u>Officer:</u></b>	Kate Brocklebank, tel: 01273 292175	<b><u>Received Date:</u></b>	28 October 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	24 December 2009
<b><u>Agent:</u></b>	Turner Associates, 19a Wilbury Avenue, Hove		
<b><u>Applicant:</u></b>	Mrs Aoife Bennett-Odlum, 190 Dyke Road, Brighton		

This application was deferred for a site visit at the last Planning Committee meeting on 03/02/10. The report has been amended to include the landscaping conditions previously attached to planning permission BH2009/00509.

## 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. The development hereby approved shall not be in use except between the hours of 8.30 to 16.00 Monday to Friday and shall not be in use at any time on Saturdays, Sundays and Bank Holidays.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
3. The development hereby approved shall only be used as a classroom until 20<sup>th</sup> May 2012. Unless otherwise agreed in writing by the Local Planning Authority, after 20<sup>th</sup> May 2012 the development may only be used as storage space ancillary to the school use of the site.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
4. BH11.01 Landscaping and planting scheme.
5. BH11.02 Landscaping / planting (implementation / maintenance).

Informatives:

1. This decision is based on drawing no's TA 466/01, TA 466/03, TA 466/10 – TA 466/13 submitted on 28<sup>th</sup> October 2009 and TA 466/02 revision A, TA466/04 revision A, TA 466/05 revision A submitted on 20<sup>th</sup> January 2010.

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle 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	Efficient and effective use of sites
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity

Supplementary Planning Document

SPD03 Construction & Demolition Waste

Supplementary Planning Guidance

SPG04 Parking Standards

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction Industry Waste; and

(ii) for the following reasons:-

The proposed development would not be of detriment to the character and appearance of the area and would not adversely impact on the residential amenity of adjacent properties.

**2 THE SITE**

The site is located on the east side of Dyke Road, opposite Dyke Road Park and covers a large, roughly square area to the rear of 182-188 Dyke Road; 190 Dyke Road forms part of the school complex. The site is bounded by residential properties on Port Hall Road to the south east with a private garden area abutting the southern boundary, Port Hall Street to the north east and Dyke Road to the south west. To the north of the site there is a complex of three blocks of flats known as Fairways, the closest block is approximately 5 metres from the site boundary. The site has two points of access from Dyke Road. There is a narrow pedestrian access to the front of 190 Dyke Road which is a large former residential dwelling. The second access is adjacent to

178 Dyke Road is a narrow vehicular access to the site.

In the wider context, Dyke Road is characterised by a mix of more modern flatted development and detached and terraced dwellings of varying design and age set back from the road. Port Hall Street and Port Hall Road have a more uniform character formed predominantly by terraced period properties with regular sized relatively shallow front gardens when compared with Dyke Road development.

The site is generally level however the ground level on site differs to that of neighbouring properties along Port Hall Road and Port Hall Street which are approximately 1.5m lower.

### 3 RELEVANT HISTORY

**BH2009/00509:** Demolition and removal of 2 no. existing sheds. Erection of 1 new classroom with new recreation fencing. Approved 20/5/2009.

**BH2008/00232:** Demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and new classrooms and internal alterations to existing building. Approved 08/07/2008.

**BH2003/00574/FP:** Construction of external staircase to new classroom block. Approved 31/03/2003.

**BH2002/02140/FP:** New classroom block (3 storey) and pool enclosure-amendment to previously approved application BH2002/00469/FP. Approved 30/09/2002.

**BH2002/00469/FP:** Removal of temporary classrooms and temporary swimming pool enclosure and construction of new classroom block and pool enclosure, alteration of hall and new link walkways. Approved 05/04/2002.

**BH2001/01277/FP:** Erection of temporary classroom to north part of the site. Approved 18/07/2001.

### 4 THE APPLICATION

The application seeks planning permission for an amendment to the recently constructed classroom. The building was not built in accordance with the approved scheme and was instead erected closer to the eastern and southern boundaries of the site and three domed rooflights were installed in the roofslope rather than flush. The current application has sought to reduce the bulk of the building where it abuts the eastern boundary by introducing a sloping roof over the eastern section of the building including a section of the overhang of the roof to the front of the structure. The amendments also propose the removal of one of the rooflights.

The proposed building is approximately 5.1m in depth and approximately 7.1m in width with a single pitched roof rising from 2.2m in height on the south side to 3.3m in height on the north side. Windows will be in the north elevation only with a single access door in the west elevation. As the site is surrounded by trees an Arboricultural Report has been submitted with the application.



## 5 CONSULTATIONS

### External:

**Neighbours:** 7 letters of objection have been received from the occupants of 13, 15 (3xletters), 17, 21 Port Hall Street and 27 Port Hall Road; their comments are summarised as follows:

- The classroom is built too close to the boundary
- Poor design
- Proposal does not adequately address the breaches of the previous permission
- Rooflights should be removed – increased height and light pollution
- Out of character and scale
- Overshadowing
- In breach of conditions restricting the hours of use
- No landscaping has been implemented to minimise the impact of the building
- Request that the members carry out a site visit from neighbouring houses to assess the impact prior to determination
- Ground level in Port Hall Street is significantly greater than 1m lower than the school resulting in a greater impact
- The building should be further reduced in scale
- the proximity of the classrooms will bring an increase in noise and disturbance immediately beyond their boundary walls.

### Internal:

**Environmental Health:** No objection – (Comments as per previous application BH2009/00509). The acoustic properties of a timber framed building may not be as good as a masonry construction but the restricted hours of use mean that there is little chance of serious additional disturbance to neighbours. Concern is raised regarding light escape through the large roof lights having an impact on neighbours. To resolve this concern it is recommended a condition requiring that blinds are incorporated within the roof lights: 'Before the development is occupied blinds shall be fitted to the roof lights to prevent the upward escape of artificial light.'

**Arboricultural Officer:** No objection – A site visit has recently been conducted and the Arboricultural section are in full agreement with the arboricultural report.

The Sycamore should be removed on the grounds of health and safety, the elder scrub is minimal and is of little arboricultural value. Any tree pruning should be done to BS 3998 (1989) Tree Pruning Operations.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle 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	Efficient and effective use of sites
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity

Supplementary Planning Document

SPD03 Construction & Demolition Waste

Supplementary Planning Guidance

SPG04 Parking Standards

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction Industry Waste

**7 CONSIDERATIONS**

The main considerations relating to the determination of this application relate to the impact of the structure on the character and appearance of the area, neighbouring amenity and the impact on trees.

Visual impact

Local plan policies QD1, QD2 and QD3 require new development to make effective use of land and to demonstrate a high standard of design. They must make a positive contribution to the visual quality of an area and be of an appropriate scale, height and materials.

The proposed shed/classroom is a single storey structure and has been constructed a minimum of 1m from the east and southern boundaries of the site. Although the structure was erected closer to the adjacent boundaries the floor area is no larger than that which was approved under BH2009/02615, approximately 35sq metres. The classroom is constructed in sweet chestnut timber boarding with windows in the northern elevation and with three domed rooflights in the mono-pitched roof, one of which is proposed to be removed as part of the current application.

Objections have been raised by the adjoining occupiers of the site in relation of issues including overshadowing. The applicant has aimed to address these concerns by reducing the eastern section of the building and introducing a sloping roof angled away from the eastern boundary approximately 1.5m in depth. The maximum height of the structure would therefore be approximately 2.3 metres away from the boundary wall to the east compared with the current distance to the maximum height of approximately 1 metre. To the rear of the building (adjacent to the southern boundary) a similar relationship is

maintained to that of the previous shed the current structure has replaced. The proposed alterations to the structure are considered acceptable in design terms, particularly given the modest overall scale, is not considered it will be an overbearing structure detrimental to the appearance of the site.

Impacts on residential amenity

Local Plan policy QD27 states that development will not be granted where it would cause material nuisance and loss of amenity to proposed, existing or adjacent residents of the site.

Residential gardens to Port Hall Street are located on lower ground behind the eastern boundary wall. These properties have objected principally on the grounds of overshadowing, increased noise disturbance and loss of privacy.

The properties immediately adjacent to the site, No's 15 & 13 Port Hall Street have rear gardens that sit on lower ground, it is noted that this is not clearly shown on the plans submitted however was ascertained when conducting a site visit. Owing to the differing site levels the existing building is visible above the rear boundary walling and more so where the boundary wall lowers in height at the rear of number 15. The proposal seeks to reduce the impact of the building on these properties by introducing a sloping roof over the most easterly section of the building which slopes away from the adjoining boundary. To the south of the site, the building is proposed to stay a minimum of 1m from the southern boundary and is approximately 2.5m in height to the top of the eaves level before sloping away. The roof height is very similar to that of the previously removed shed however is of a greater width. The siting and scale of the existing and proposed building, although more prominent in views from the adjoining boundaries, particularly from the east, will not cause demonstrable harm to neighbouring residential amenity by way of overshadowing, loss of light or have an overbearing affect.

No windows proposed in the structure will cause significant harm by overlooking any neighbouring dwelling, particularly as those proposed face north into the existing playground area.

The classroom did not involve increasing the number of pupils attending the school. The construction of new facilities approved under BH2008/00232 will involve the loss of a larger timber classroom to the west of the site and the classroom sought to address this shortage in teaching space. A condition was attached to the previous consent for the classroom to require that the building only be used as teaching space for a period of 3 years. This was to allow for the construction of the new facilities. After this time period the applicant has indicated that the building will be used for storage. A similar condition is recommended for this amended application.

The Environmental Health officer has commented that whilst the acoustics of the timber classroom are not as good as a masonry construction, the restricted hours of its use will not result in additional disturbance to

neighbours. A condition to restrict use to school time hours only is therefore recommended in order to prevent the building being used for after school activities in the future. Given the hours of use and the location of the main playground adjacent to the eastern boundary it is considered that there will be no significant noise disturbance than already exists at this part of the site. All access to the new classroom will be from the west only, away from the objecting properties, on a new permeable paved pathway.

Environmental Health Officers previously recommended that a condition be attached requiring blinds to be incorporated into the rooflights to avoid the upward escape of artificial light impacting on neighbours. It was considered that this condition was unreasonable, especially given the use of the classroom is restricted to daylight hours. The hours of use have also been supported by a letter from the schools bursar who has confirmed the classroom will be used Monday to Friday between 9:00am and 3:30pm. The number of rooflights is to be reduced by one and will be flush to the roofslope rather than domed and it is not felt that further lighting control is warranted.

#### Impact on trees and landscaping

Policy QD16 of the Local Plan requires new development to accurately identify existing trees and must seek to retain these trees as part of the proposals.

The proposed classroom is to be sited immediately adjacent to four trees within the site. The classroom has been constructed entirely above ground level. An Arboricultural Report has been included with the application that details root protection radii and recommendations to protect the trees in accordance with the British Standards. The Arboricultural Officer has agreed with the content of the report and has conducted a site visit. The building is in situ, does not involve moving of the structure, and the Council's Arboricultural Officer has visited the site to confirm acceptability of the construction.

The previous approval for a classroom on the site (BH2009/00509) included conditions requiring the submission and implementation of a landscaping scheme. The scheme has not been submitted and it is therefore recommended that, should the current scheme be approved, the conditions be attached again. Additional landscaping could have the benefit of significantly improving the outlook from adjoining houses towards the school site and would also have ecological benefits.

#### 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. Adequate information has been submitted with the application to demonstrate how these requirements have been met.

Given that the building will only be used as a classroom for a temporary period, it is not considered necessary in this case to require the development meet a specific BREEAM standard.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would not be of detriment to the character and appearance of the area and would not adversely impact on the residential amenity of adjacent properties.

**9 EQUALITIES IMPLICATIONS**

The new classroom should be DDA compliant.

# Windlesham School, 190 Dyke Road



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<b><u>No:</u></b>	<b>BH2009/02797</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>106 Waldegrave Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of bicycle shelter to front of property.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett, tel: 292525	<b><u>Valid Date:</u></b>	16/12/2009
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	10 February 2010
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Dr Matthew Adams, 106 Waldegrave Road, Brighton		

This application was deferred at the last meeting on 03/02/10 for a Planning Committee site visit. This report has been amended to reflect further representations.

## 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 reason:

1. The proposal, by reason of its materials, size and siting in a small, elevated front garden area, would be prominent and visually intrusive. Views of the front elevation and bay window of the existing property would be obscured and the proposal would appear as an incongruous and inappropriate feature, harming the character and appearance of the existing property, and the surrounding street scene and Preston Park Conservation Area. The proposal is therefore contrary to Policies HE6, QD1, QD2, and QD14 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on the drawing no. 106/02 submitted on the 16<sup>th</sup> of November 2009.

## 2 THE SITE

The application relates to a terraced house on the eastern side of Waldegrave Road, the property is located within the Preston Park Conservation Area.

## 3 RELEVANT HISTORY

### ***106 Waldegrave Road***

**BH2009/01198:** Erection of a bicycle store to front of property. Refused 14/07/2009 on grounds that the visual impact of the proposed structure was considered inappropriate.

### ***96 Waldegrave Road***

There is a bicycle store in place at no. 96 Waldegrave Road, of a design similar to that proposed at no. 106. This structure is unauthorised; an Enforcement Notice has been served and it is currently the subject of an

appeal.

**86 Ashford Road**

Erection of storage shed to front garden (retrospective). Refused 25/11/2004. Subsequently dismissed on appeal 19/10/2005.

**4 THE APPLICATION**

The application is a resubmission of the scheme refused under application BH2009/01198, seeking consent for the erection of a bicycle shelter in the front garden area of the property.

**5 CONSULTATIONS**

**External**

**Neighbours:** Letters have been received from the residents of nos. **110, 113 and 117 Waldegrave Road**, objecting to the proposed development on the following grounds:

- The proposed structure would be unsightly, visually intrusive and out of keeping with the conservation area. The garden area is raised above street level which would worsen this impact.
- The existing buildings in the terrace are of uniform character with open front gardens and low walls; the proposed structure would harm this character and would make no positive contribution to the conservation area.
- The proposed soft landscaping would not adequately screen the structure and would take many years to grow and mature.
- If the proposed structure is granted consent a precedent would be set for the approval of similar developments located in front garden areas in the area.
- The proposal represents a security hazard.
- There is currently a bicycle shelter in the rear garden area which is a more appropriate location.
- Storage for bicycles could be accommodated within the house.
- The applicants state that there is local support for the application; this is not the case.
- Locking up bicycles in a shed to the front of the property may not be more convenient than storing bicycles within the house.

A letter has been received from the residents of no. **104 Waldegrave Road** in support of the proposed development on the grounds that the proposed bicycle store is of a sympathetic design, the use of bicycles will reduce carbon emissions, and that there are many examples of bicycle storage facilities located in the front gardens of surrounding properties. The occupants of no. 104 consider that a balance must be struck between controls on development due to the locality's Conservation Area status, and the wider concerns of the community.

**Councillor Kevin Allen** has written in support of the proposal requesting that the application be determined by the Planning Committee if it is

recommended for refusal (letter attached).

**Internal:**

**Conservation & Design:** Waldegrave Road is a coherent and attractive historic street, and the front of the properties are of a uniform appearance. Due to the small, raised character of the front garden area, the proposed store would be a prominent and obtrusive feature. The structure would project above the adjacent boundary walls and pillars, and above the cill height of the ground floor bay window obscuring views of this feature. Overall it is considered that by virtue of its size and location the store would fail to preserve the appearance and character of the property and the wider conservation area, and it is not considered that planted screening would significantly alleviate that harm. Furthermore, a precedent would be set for the approval of similar structures located in front gardens in the surrounding area, which would substantially alter its traditional appearance.

It is difficult in this case to envisage how a structure for bicycle storage could be provided without being visually obtrusive, due to the small size and raised ground level of the front garden. The only possibility may be to excavate down and partially sink such a structure into the ground to significantly reduce its height, though such a proposal could make accessing the bicycles problematic.

**Sustainable Transport:** No comments.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

- QD1 Quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD27 Protection of Amenity
- HE6 Development within or affecting the setting of conservation areas
- TR14 Cycle access and parking

**7 CONSIDERATIONS**

The main issues of consideration relate to the visual impact of the proposed structure on the existing property, the surrounding conservation area, and any impact on neighbouring amenity.

The visual impact test with respect to applications within a conservation area is whether the proposed development preserves or enhances the character and appearance.

Visual Impact

The property is located in the Preston Park Conservation Area and Waldegrave Road is considered to be a coherent and attractive historic street. As such, any alterations/additions which would be visible in the street scene must be carefully considered. Policy HE6 of the Brighton & Hove Local Plan

states that proposals within conservation areas should preserve or enhance the character and appearance of the area. Inappropriate additions to the front of properties have the potential to cause significant harm to the character of an area.

Waldegrave Road consists of medium-sized Victorian terraced houses with tightly spaced frontages and small front gardens. The houses have bays and generally retain original architectural features. There is a consistent boundary line of low front walls between pillars. The walls/pillars and front gardens are important features within the street scene as well as allowing the buildings themselves to be clearly seen.

The ground floor level of number 106 is raised slightly up from pavement level, approached by steps, and the garden is similarly raised above pavement level (in common with neighbouring houses). The store would therefore be a very prominent and obtrusive feature in the small front garden and within the street scene and would clearly draw the eye. Because of its size and the elevated level of the garden it would not only be 1.3 metres above the height of the low front wall but also above the height of the nearby pillar. More harmfully still, it would be significantly above the cill height of the ground floor bay window and would obscure a significant part of the bay window in views from the street. It would also obscure views of the bay at no. 104. By virtue of its size and location the shed would fail to preserve the appearance and character of the conservation area.

It is stated that proposed new screening along the front and southern side of the front garden in the form of a new hedge (*Ligustrum Ovalifolium*), would block views of the store from the street. It is however the case such hedging would need to be of a considerable height, and would need to extend around all three sides of the garden area to restrict views of the street. The fact that high screening would be required on all sides of the garden to hide the structure is a further indication that the store would not be an appropriate addition to the street scene. Such screening would alter the currently open nature of the front of the property, with low boundary walls and clear views of the detailing of the front of the house available. This character is in keeping with the majority of neighbouring properties. Overall it is considered that the partial restriction of views of the store which hedging would provide would not sufficiently mitigate the visual harm which would be caused, and more substantial screening would not preserve the character of the property and the wider conservation area.

It is noted that there is a store similar to that proposed in place at no. 96 Waldegrave Road; this structure is currently subject to enforcement action. It is considered that the approval of the current proposal at no. 106 would set an unwelcome precedent which would encourage the erection of similar structures to properties in the surrounding area.

To conclude, it is considered that the proposed store would have a harmful

impact upon the character and appearance of the Preston Park conservation area.

Impact on neighbouring amenity

The proposed store would have most impact on residents of the adjoining terraced property to the south, no. 104 Waldegrave Road. The proposed store would affect the outlook from the front ground floor bay window of no. 104, however views from within the room (away from the window) would be largely unaltered. The store would have a slight enclosing effect when viewed from closer to the window, however overall it is considered that due to the limited scale of the proposed store, the impact on residents of no. 104 would not be of a level which would represent significant harm to amenity.

Transport

The store is proposed in order to provide convenient and easy access for the family at No.106 to their bicycles. The applicants have indicated that they use their cycles most days. They also highlight the benefits of cycling in reducing car usage and helping to reduce the impact of climate change. Such benefits are supported by national and local planning policies and the principle of improved cycle storage for the house is clearly acceptable.

Conclusion

Whilst it is a priority of the Local Planning Authority to encourage use of sustainable transport methods such as cycling, this must be balanced against the harm to Preston Park conservation area.

It is acknowledged that cycle storage located to the front of the property may be the most convenient solution for residents of the property. It is however possible for bicycles to be stored to the rear of the property or internally. Such an arrangement is common in terraced properties across the city. In this case, it is considered that the need for a convenient store does not outweigh the harm which would be caused to the appearance of the property and the character and appearance of the surrounding conservation area by the proposed store.

**8 EQUALITIES IMPLICATIONS**

None identified.



# BH2009/02797 106 Waldegrave Road



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**Brighton & Hove  
City Council**

PLANS LIST – 24 FEBRUARY 2010

COUNCILLOR REPRESENTATION

**From:** Kevin Allen [Kevin.Allen@brighton-hove.gov.uk]  
**Sent:** 12 January 2010 22:03  
**To:** Jonathan Puplett  
**Subject:** RE: BH2009/02797 106 Waldegrave Road

I wish this application to go to committee and I wish to speak at the meeting where it is discussed. I shall be supporting the applicant along the lines that there should be a more flexible interpretation of the principles governing Conservation Areas in order to take account of families' needs and that so long as a bike shed is not unduly prominent it should be allowed. But I will make these points at the meeting.

Regards

Kevin Allen

<b><u>No:</u></b>	<b>BH2009/02354</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Old Music Library, 115-116 Church Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from library (D1) to restaurant (A3) and steel louvres on Eastern roof slope to serve plant room.</b>		
<b><u>Officer:</u></b>	Kate Brocklebank, tel: 292175	<b><u>Valid Date:</u></b>	02/11/2009
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	28/12/2009
<b><u>Agent:</u></b>	MBDS, Unit 1G Chelsea Reach, 78-89 Lots Road, London		
<b><u>Applicant:</u></b>	Mr Chris Benians, Cote Restaurants, 3rd & 4th Floor, 15 Greek 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 to be **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Agreement and to the following Conditions and Informatives:

### S106

- Contribution of £500 to fund additional cycle parking within the vicinity of the site and thus improve sustainable transport infrastructure in the vicinity.

### Conditions

1. 01.01AA Full planning.
2. Notwithstanding the plans submitted, no development shall take place until details of the proposed rear boundary treatment, including samples of the materials, railings and detailing (including bond pattern and coursing and pointing details) to be used in the construction of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE6, TR13 and QD2 of the Brighton & Hove Local Plan.
3. No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall commence until a scheme for the sound insulation

of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

5. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

6. Noise associated with all 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(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

7. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

8. The premises shall not be open or in use between the hours of 01:00 and 08.00 hours.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

9. The outside sitting area to the rear of the building shall not be used by customers except between the hours of 08:00 and 23:00 on any day.

**Reason:** In the interests of the residential amenities of occupiers of existing dwellings in close proximity, in compliance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 2005 or any amendment thereto, the building and garden area shall not be used for any other purpose than as

an A3 restaurant, with the lower ground floor as an ancillary kitchen, storage and WCs and the first floor as ancillary storage unless otherwise agreed in writing by the Local Planning Authority. Any bar area shall be ancillary to the approved A3 restaurant use.

**Reason:** In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

11. Notwithstanding the approved plans, the proposed internal layout of the ground floor, including any bar area, the rear garden and details of the disabled access shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and thereafter be retained as such at all times.

**Reason:** To ensure a satisfactory internal layout and to ensure any bar area remains ancillary to the A3 restaurant use and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

12. BH02.07 Refuse and recycling storage (facilities).
13. BH11.01 Landscaping/planting scheme.
14. BH11.02 Landscaping/planting (implementation/maintenance).

Informatives:

1. This decision is based on drawing nos. P-GA-01 Revision A and P-GA-00 Revision A submitted 30<sup>th</sup> October 2010, P-GA-11 Revision A submitted 13<sup>th</sup> January 2010, P-GA-10 Revision A submitted on 22<sup>nd</sup> January 2010 and SK01 submitted on 3<sup>rd</sup> February 2010.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
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
SU14	Waste Management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhood
QD4	Design- Strategic Impact
QD5	Design - Street frontages
QD7	Crime prevention
QD12	Advertisements and signs
QD25	External lighting
QD26	Floodlighting

QD27	Protection of amenity
HO20	Retention of Community facilities
EM9	Mixed uses and key mixed use sites
EM15	Jubilee Street – mixed uses
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
HE6	Development within the setting of conservation areas
HE9	Advertisements and signs within conservation areas
<u>Supplementary Planning guidance</u>	
SPGBH 2	External paint finishes and colours
SPGBH 4	Parking Standards
<u>Supplementary Planning Documents</u>	
SPD08	Sustainable Building Design
SPD03	Construction and Demolition Waste
<u>Planning advice note (PAN)</u>	
PAN 05	Design Guidance for the storage and collection of recyclable materials and waste; and

- ii) for the following reasons:  
With the imposition of recommended conditions, the proposed development would not cause undue harm to adjacent residential properties or the general locality. The proposal is considered to be in accordance with development plan policies.
3. The application does not purport to grant permission for any advertising requiring Consent.
  4. The applicant is advised that the rear boundary treatment sought by condition 2 above should be appropriate in design and character to its conservation area setting but should also address pedestrian safety by providing natural surveillance over the adjoining pedestrian route.
  5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
  6. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House,

Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).

## 2 THE SITE

The application relates to the former music library located on the north side of Church Street, within the Valley Gardens Conservation Area. The site adjoins the North Laine Conservation Area. The building is a large stone fronted structure with large window openings on the ground floor and a flat roof. The accommodation is laid out over three floors consisting of a basement, ground and first. To the rear of the property there is a yard area currently enclosed by 2 metre high hoarding. The property is currently occupied as an art gallery.

The surrounding area is characterised by a mix of uses, both residential and commercial, predominantly the latter and also a range of architectural styles. The site adjoins a former funeral directors' site, which has been converted to provide 2 retail units at the front and a mews type development at the rear forming 4 no. residential units and 2 no. live/work units. To the east of the site is a twitten, which gives pedestrian access through to the Princes Regent swimming pool and access to the Jubilee Square. Opposite the site is the Listed Royal Pavilion Estate.

## 3 RELEVANT HISTORY

**BH2007/04117:** Change of use to a spa, and ancillary retail area and cafe. Approved 16/04/2008. Permission has not been implemented.

**BH2006/1871:** Change of use from approved office use of part to A3 ancillary to approved A3 element. Approved 8/9/06. This permission has not been implemented.

**BH2004/02662/FP:** Change of use from D1 to mixed use of A3 (restaurant), B1 (offices) and Sui Generis (Private Members Club). Two Storey rear extension. Approved 03/11/2004. Permission has not been implemented.

**BH2001/00843/FP:** Mixed Development comprising: central library and square, residential (including affordable housing provision), hotel, business and retail use, restaurants/bar/café bars (with outside seating), theatre use and doctor's surgery, new road (Jubilee Street, pedestrian and cycle links, servicing, disabled parking and cycle parking together with hard and soft landscaping on land at Church Street, Regent Street, Jubilee Street, North Road and Barrack Yard, Brighton. Approved 05/11/01.

## 4 THE APPLICATION

The application seeks planning permission for change of use from the former music library (use class D1) to a restaurant (use class A3). The application involves no extensions and the only external alteration proposes metal louvres flush to the eastern roofslope to service the plant room in the roof void. The louvres would be powder coated steel in a colour to match the existing roof tiles and would be flush with the roof plane.

The basement would house the WCs, kitchen, back of house and storage



areas, the ground floor restaurant dining and disabled WC with landscaped garden and external dining area and the first floor will be used for additional storage.

## 5 CONSULTATIONS

### External:

**Neighbours:** Nine letters of objection were received from the occupants of **114 Church Street, 115 Wick Hall, 11e Lewes Crescent, 10 Grafton Street, 2, 3, 4 and 5 Pavilion Mews** and Humberts Leisure written on behalf of the residents of **Pavilion Mews**. Their comments are summarised as follows:

- The proposal has a lack of creativity for this unique and beautiful Brighton building.
- Other uses could better use the full space and take advantage of the buildings full potential – this scheme does not.
- Unneighbourly development – unacceptable impact on neighbouring amenity, noise disturbance, litter and smoking.
- The proposal will detract from the character of the North Laine Conservation Area and the setting of the listed Royal Pavilion Estate buildings opposite.
- Disturbance has already been caused to residents by the temporary occupants of the building – which has not been properly controlled.
- Contrary to policy.
- It will cause excessive traffic generation.
- It should close at 11:00pm.
- The area is already saturated with restaurants and bars.
- Contrary to HO20 – loss of community facility.
- The operation should be strictly controlled to protect neighbouring amenity.

**North Laine Community Association (NLCA):** Object to the application, their comments are summarised as follows:

- Negative impact on neighbouring amenity – noise and smell.
- Should be retained as a community facility or live work units which the area is in need of having lost a number.
- Should permission be granted, strong conditions should be attached restricting the closing time to 11:00pm every night, customers should be made to leave quietly, there should be not live music and sufficient extract ventilation systems should be installed.

**Sussex Police:** No objection. A condition is recommended to control the sale of alcohol to be ancillary to food which is prepared on the premises and served by waitresses/waiters. Any replacement glazing should conform to LPS 1175 SR3.

### Internal:

**Design & Conservation:** This historic building has been vacant for some

time and is in poor condition. The principle of re-using it for restaurant use with restoration of the building is welcome in principle.

Aside from the repair and restoration works the main external impacts relate to the venting for the service ducting and the proposed external dining area to the rear.

A large area of louvres is proposed in the western roof slope to vent the service ducting. Confirmation should be sought from Environmental Health that such an approach would be adequate to satisfy them. It should also be investigated as to whether the area of louvres can be reduced. The western roof slope is very clearly visible from New Road and from Jubilee Street and can also be seen more obliquely from Church Street. The eastern roof slope is much less visible, though can be seen from the bottom of Church Street. It would therefore have less impact if the louvres were placed on the eastern slope, and preferably reduced in extent. Large scale section details (indicating the louvres. in context with the existing slate covering) and colour finish should be required by condition.

The existing rear area currently has no boundary treatment on the east and north sides and the applicant appears to be unaware of this. (The boundary is currently demarcated by hoardings). Details of the proposed boundary treatment will therefore be required. It is suggested that in order to be sympathetic to the immediate context the boundary should be formed of substantial walls in brick and flint. Plans and elevations should be provided as part of the current application, with large scale details and a sample panel of flintwork to be approved by condition.

**Sustainable Transport:** No objection A contribution should be sought to provide for 3 cycle parking spaces which cannot be accommodated on site.

**Environmental Health:** I note that the main plant space is proposed to be within the existing roof void and that a new opening will be formed in the roof for venting plant space. The proposed plant to be housed in the roof space includes air conditioning and refrigeration condenser units. An HVAC duct will also route through the roof space. It is understood that air extracted from the kitchen will exit through this ducting. Concern is raised about the impact of noise and odour from all of this plant and machinery on neighbouring properties. The vent will be on the west pitch of the roof, which faces the residential properties on Pavilion Mews.

It is understood that there will be some external lighting and due to the close proximity to residential properties concern is raised about light impact.

There will be an external dining area at the rear of the premises. Noise from people using this dining area and also noise from people inside the restaurant when the door to this area is opened may disturb neighbours.

Conditions relating to noise and odour control, restriction of opening hours, delivery hours and use of the outside seating area are recommended.

**Planning Policy:** Policy HO20 applies. Community facilities will not be released but exceptions may apply when it is incorporated or replaced with new development. The requirements of HO20 have been met in this case in that the Jubilee Library incorporated the music library which improved its accessibility to users.

Policies EM15 and EM9 apply. The site falls within the Local Plan allocation for the Jubilee Quarter where the development should be for mixed use development offering employment, retail, arts and cultural facilities and public open space. It should be noted that the policy refers to retail uses rather than mixed A class uses. However it is noted that the policy requirement has been breached with the number of A3 premises already operating in the vicinity of the Jubilee Library in the EM15/EM9 defined area.

Policy SR12 applies. The proposal for a new A3 premises triggers policy SR12 which requires criteria a-d to be met. The premises must a) not be within 400m of another establishment, b) not abut premises with residential accommodation and c) cause a nuisance or increase disturbance to nearby residents, nor d), cause disturbance as people disperse. An exception is also permitted where the service is to seated customers for any floor space in excess of 150 sq m and that would be imposed by planning condition. The applicant proposes to use the garden area:

*Landscaping*

*It is of utmost importance to make the garden at the rear a desirable place to sit, so landscaping this area will form a key part of the re-development. New planting, lighting, and furniture, as well as making good of any existing walls are all intended.*

but it is not clear whether this would be in addition to the floor area of the main building and detailed plans are not submitted of the garden area and should be requested to comply with QD15 and QD16. When in use SU10 (noise nuisance) may apply and to the ventilation system.

Policy SU14 applies in that these premises could generate considerable waste and provision needs to be made for recycling as well as waste disposal. The applicant's attention should be drawn to PAN05.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
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
SU14	Waste Management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhood
QD4	Design- Strategic Impact
QD5	Design - Street frontages
QD7	Crime prevention
QD12	Advertisements and signs
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
HO20	Retention of Community facilities
EM9	Mixed uses and key mixed use sites
EM15	Jubilee Street – mixed uses
	SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
HE6	Development within the setting of conservation areas
HE9	Advertisements and signs within conservation areas

Supplementary Planning guidance

SPGBH 2	External paint finishes and colours
SPGBH 4	Parking Standards

Supplementary Planning Documents

SPD08	Sustainable Building Design
SPD03	Construction and Demolition Waste

Planning advice note (PAN)

PAN 05	Design Guidance for the storage and collection of recyclable materials and waste
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**7 CONSIDERATIONS**

The main issues of consideration for the proposed development are the principle of change of use, impact on neighbour amenity, conservation area, refuse, accessibility and parking/transport.

Principle of Development

The application proposes to change the use of building from library (D1) to restaurant (A3) use to provide a commercial kitchen facilities, store rooms and staff area for the approved ground floor A3 use as a restaurant.

The building is currently being used as a gallery and prior to that, the last occupier of the building appears to have been for a music library (Use Class D1).

Restaurant (A3) use for the site was originally granted under the original consent for the Jubilee Street redevelopment (BH2001/00843/FP). When applications BH2004/2662 and BH2006/1871 were considered it was felt that the mix of uses A3 (restaurant) B1 (offices) and sui generis (private members club) were considered acceptable and in line with policy EM15 of the Local Plan. The most recent permission granted in 2008 made provision of the building as a spa and ancillary retail area and cafe. None of the above approvals have been implemented and until recently the building has lain vacant from a number of years.

On considering the planning history, the principle of an A3 use with kitchens and associated stores located on within the lower ground floor accommodation and ground floor was accepted and approved under BH2006/01871. The current proposal however does not include the use of the first floor as a private members club and instead intends its use to be for storage.

Given the material consideration of the history on the site and the fact that there have been no material changes to the development plan since 2006 that would impact on the determination of the application, the proposed use is considered acceptable in principle.

Policy SR12 sets out a list of four criteria that must be met for large A3 restaurants, cafes, pubs and bars. An exception to the policy may be permitted provided that any customer floorspace in excess of 150sqm is for service to seated customers only. The floor area of the building and its garden significantly exceeds 150 sqm, although the application clearly specifies restaurant (A3) rather than pub/bar (A4) use. Detailed plans of the proposed layout of the ground floor have not been submitted with the application and conditions to control the use of the premises and to restrict the service of alcohol to those seated is recommended.

#### Neighbour Amenity

Local Plan policy QD27 states that development will not be granted where it would cause material nuisance and loss of amenity to proposed, existing or adjacent residents of the site.

The neighbouring property to the west, 114 Church Street, is occupied by a jewellers and to the rear of the jewellers approval was given to convert to form 4 residential units and 2 live work units (BH2003/00987/FP) in a mews style development. The potential impact of the then approved (but not implemented) permission for a three storey A3 bar use on the subject site was considered to be an acceptable adjoining use when this residential development was approved.

The two storey building along the shared property boundary (west) extends 16.5m further to the north than the old music library and comprises two livework units.

Conditions are recommended to ensure that adequate odour and noise control are provided to prevent detriment to neighbouring amenity, and that hours of use are restricted. However, it is accepted that as a town centre location, some impact on residential conditions from uses such as that proposed is to be expected.

Furthermore, it is also noted that objection to the application on the basis of detriment to neighbouring amenity would not be sustainable given the planning history and there have been no material changes in circumstances which would prejudice an approval.

#### Impact on Conservation Area

The application does not propose any further extension to the building, and the proposed A3 use of the building is not considered to cause any detriment to the character or appearance of the surrounding Conservation Area.

The rear garden/yard area is currently enclosed by 2m high site hoarding, it is proposed to enclose this area with a 2.1m high flint and brick wall in accordance with Design and Conservation advice. It is however considered that in accordance with previous decisions on this site that the twitten would benefit from increased security and surveillance which can be provided by introducing lower walling and railings above. Details of the boundary treatment including sample materials and detailing, including bond pattern and coursing and pointing details are recommended to be secured by condition to ensure the walling has a satisfactory appearance.

#### Accessibility

The site is currently accessed directly off the pavement by a single step up from the pavement. The previous application (BH2004/02662/FP) provided ramped access at the rear of the site from the twitten up to the outdoor seating area this lead onto internal ramps within the building to ground floor level (café) and WC facilities. Whilst no plans have been submitted detailing the internal layout of the lower ground and ground floor a condition requesting detailed plans is recommended.

#### Traffic Matters

No car parking would be provided for the proposed use. Given the town centre location and existing site layout, this is considered to be acceptable.

No cycle parking is proposed with the application. Consistent with sustainable transport aims and policy TR14 of the Brighton & Hove Local Plan, it is recommended that cycle parking to be provided in accordance the guidance set out in SPG4 at a ratio of 1 space per 200 sqm, totalling 3 spaces. The rear garden area is to be enclosed with no rear access, as such the applicant has agreed to provide a contribution to pay for the erection of two stands in the vicinity of the site.



Refuse and Recycling

The applicant confirmed that one of the storage areas within the lower ground floor will be used for recycling and waste storage. A condition to ensure this is recommended.

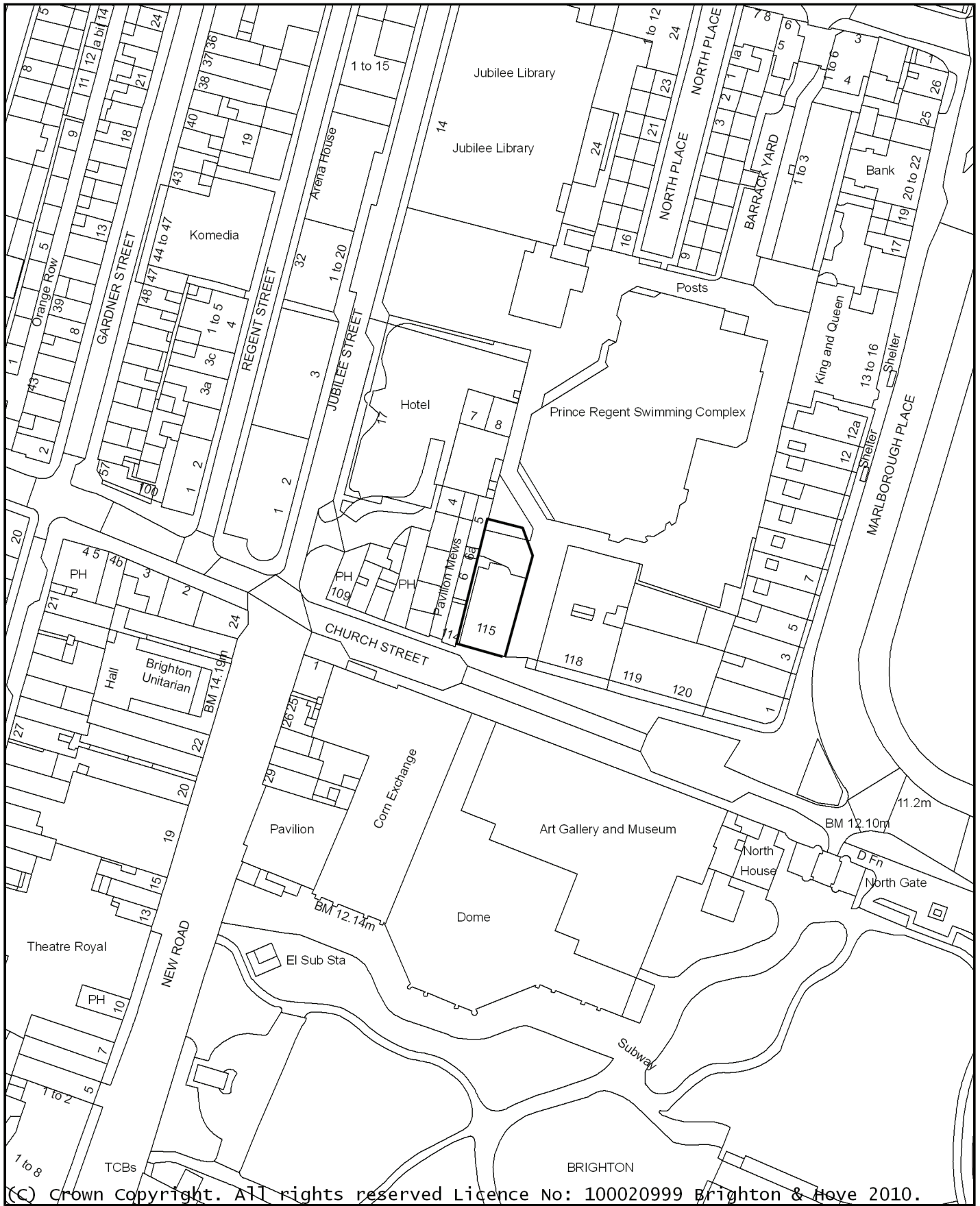
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

With the imposition of recommended conditions, the proposed development would not cause undue harm to adjacent residential properties or the general locality. The proposal is considered to be in accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

The development should accord with DDA standards.

# BH2009/02354 The Old Music Library, 115-116 Church Street



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Date: 08/02/2010 11:25:06

Scale 1:1250



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<b><u>No:</u></b>	<b>BH2009/02943</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>123-125 Portland Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Alterations to shopfront including insertion of ATM cash machine. Erection of external condenser unit to rear within timber plant enclosure.</b>		
<b><u>Officer:</u></b>	Adrian Smith, tel: 01273 290478	<b><u>Valid Date:</u></b>	06/01/2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	03 March 2010
<b><u>Agent:</u></b>	WYG Planning & Design, 100 St John Street, London, EC1M 4EH		
<b><u>Applicant:</u></b>	Sainsbury's Supermarkets Limited, c/o WYG Planning & Design, 100 St John Street, London, EC1M 4EH		

## 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. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

### Informatives:

1. This decision is based on the design and access statement and drawing nos. 301, 302 & 306 submitted on the 1<sup>st</sup> December 2009; the waste minimisation statement and drawing nos. 303, 304, 305 & 307 submitted on the 24<sup>th</sup> December 2009; and the acoustic report and drawing nos. 300 rev A, 401, 402 & 403 submitted on the 6<sup>th</sup> January 2010.
2. The applicant is advised that notwithstanding the approved plans, the ATM's controls should be raised and separated from each other, have a positive action and have raised numbers, letters or Braille characters on each control and be no higher than 1060 mm from ground level.
3. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local

Plan set out below;

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- 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
- QD5 Design - street frontages
- QD10 Shopfronts
- QD14 Extensions and alterations
- QD27 Protection of amenity
- SR6 Local centres

Supplementary Planning Document:

- SPD02 Shop Front Design
- SPD03 Construction and demolition waste; and

(ii) for the following reasons:-

The proposed shopfront, ATM and plant enclosure would not significantly detract from the character or appearance of the street scene, would not result in highway safety concerns and, subject to conditions, would not cause detriment to the amenities of adjoining property. The proposal is thereby considered to be in accordance with development plan policies.

## 2 THE SITE

The application relates to a medium-sized A1 retail unit located on the north side of Portland Road, Hove, between the junctions with Rutland Road and Shelley Road. The site falls centrally within the designated Portland Road local shopping centre.

## 3 RELEVANT HISTORY

**BH2009/02942:** Display of internally illuminated fascia and hanging signs. Awaiting determination.

## 4 THE APPLICATION

The application seeks planning permission to install a new shopfront and ATM machine to the Portland Road elevation and to install an enclosed plant facility to the western elevation, recessed beneath an overhanging office building.

## 5 CONSULTATIONS

### External:

**Neighbours:** Two letters have been received from the **Marmion Residents Association** and the residents of **No.3 Shelley Road** objecting to the proposal on the following grounds:

- The scheme in general will result in an increase in traffic levels in the area to the detriment of existing residents.

- There are already three other ATMs in the immediate area and another is not needed.
- The introduction of another ATM will result in the same traffic problems (parking on double yellow lines, obstructing crossing areas, parking in bus stops, double parking) associated with the ATM machines at the nearby Co-op store and Post Office.

**Councillor Oxley** has objected to the application (email attached).

**Sussex Police:** No objection is raised to the proposal. The location is a well lit street with both pedestrian and vehicle movement, and there is good overlooking from the opposite terrace of shops and flats. Although not immediately within sight of a CCTV camera, this length of Portland Road is covered by the camera located at the junction with Scott Road, 220 yards west. Additionally, the applicant is a major national retailer and they are satisfied that the installation of the ATM will be fully in accordance with the industry standards for ATM physical security systems.

**Internal:**

**Sustainable Transport:** We would not wish to restrict grant of consent of this Planning Application. Particular concern has been raised about the affects and implications of the vehicle movements associated with the proposed change of retail occupiers. There are no grounds on which the Highway Authority can object to a proposed change of occupiers if a site is going to remain in the same use class (i.e. retail use). As the site is to remain as retail we can not object on the grounds that any additional delivery vehicles or customers might park & unload in an illegal or inappropriate location. These matters are covered by the decriminalization of the parking and dealt with via the usual channels, i.e. via the enforcement of the existing parking layout.

The guidance on what can be considered when reviewing a planning application states that Highway Authorities can only raise a concern if there is a material increase in the volume or a material change in the characteristics of traffic entering or leaving a classified road. A material change in the volume or in the characteristics of traffic would only be relevant, and thus grounds on which a negative recommendation could be based, if this were an application to change the use of the site.

For these reasons it is unlikely that a refusal of the application on the grounds of a detrimental affect to highway capacity or safety could be supported if appealed against without the risk of incurring an award of costs against the Council.

**Environmental Health:** No objection

The applicant should ensure that noise from the condenser unit does not impact on residents. The acoustic report does not provide enough information for me to comment. Recommend condition requiring the submission of a scheme for the suitable treatment of all plant and machinery against the

transmission of sound and/or vibration to the Local Planning Authority too safeguard the amenities of the occupiers of adjoining properties.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
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
QD5	Design - street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
SR6	Local centres

### Supplementary Planning Document:

SPD02	Shop Front Design
SPD03	Construction and demolition waste

## 7 CONSIDERATIONS

The main considerations material to this planning application are the impacts of the proposed shopfront on the character and appearance of the local shopping centre, the impacts of the proposed plant unit on the amenity of adjoining units, and the impacts of the proposed ATM on local parking demand and pedestrian and highway safety.

### Character and appearance

The application is principally for a new shopfront therefore Local Plan policy QD10 and the accompanying SPD02 'Shop Front Design' apply. This policy states that replacement shopfronts will be permitted provided that they respect the style, proportions, detailing, colour and materials of the parent building and surrounding shopfronts. Proposals should also not interrupt architectural details, should provide a visible means of support to the building above and should allow access for everyone including wheelchair users, the visually impaired and other people with disabilities. Policy TR7 requires development not to increase danger to users of adjacent pavements.

The existing retail unit forms a triple frontage within a two storey block that spans the Shelley Road and Rutland Road junctions to Portland Road. The site is located well within the boundaries of the Portland Road local shopping centre therefore local plan policy SR6 applies which seeks to maintain and enhance such areas and retain a predominance of A1 retail use. As retail use (use class A1) is already established at the site the principle of the unit being occupied by different A1 retailers is not a material planning consideration and policy SR6 is not conflicted.



The existing shopfront to the triple unit is formed of large glazed panels above low brick stallrisers, with smaller high level windows and grills above and a central double door access. Large brick columns separate the three frontages. This basic format is replicated on the smaller adjacent units within the building. The proposed shopfront seeks to replace the existing fenestration with larger single windows set within the central and eastern frontages. New sliding entrance doors would be located within the western frontage adjacent to a proposed ATM machine. Each glazed frontage would consist of four vertically panes of glass set within charcoal grey aluminium frames, all set above the retained brick stallriser. Although a different fenestration pattern to the other units in the building it is considered that the proposed shopfront would not detract from the character or appearance of the building and would not be detrimental to the appearance of an already varied street scene. The proposed sliding entrance door would allow for an ease of disabled access.

The location chosen for the plant is relatively well screened and the design and materials (hit and miss timber fencing) of the proposed enclosure are considered satisfactory.

Objectors have raised concern over the need for the proposed ATM, stating that there are already 2 in the immediate locality. The fact that there may be other ATMs within the area is not, in itself, reasonable grounds to refuse planning permission for this proposed development. Furthermore, having regards to Local Plan policies it is considered that neither the principle nor appearance of the proposed additional ATM are objectionable in this instance, particularly as the site is located well within a designated shopping centre where such facilities would be expected. For these reasons the proposal would accord with policies QD5, QD10 & QD14 of the Brighton & Hove local plan, and SPD02 'Shop Front Design'.

#### Impact on neighbouring amenity

A plant area is proposed to the west side elevation. This area would be partially enclosed by a 1.7m deep and 4.7m wide 'hit-and-miss' timber enclosure and would sit beneath an overhanging office building fronting Shelley Road. No windows or other openings would face this enclosure. The immediate adjacent properties are offices above and to the rear, and a Church building to the rear on the eastern side of the site. No residential units are within immediate proximity. Notwithstanding the siting of the plant area away from residential properties, further details are still required to demonstrate that the proposed plant would not cause undue disturbance to the adjoining units by way of noise or odour nuisance. Whilst statutory nuisance can be controlled under separate legislation, it is good planning to seek to avoid any potential conflict from the outset. To this end an acoustic report has been submitted with the application, however, this report does not contain all of the necessary details to confirm that a material nuisance will not occur. Nevertheless, the Council's Environmental Health officer has recommended that this additional information can be requested by condition

in this instance and, as such, a suitably worded condition is recommended to accord with the provisions of Local Plan policies SU9, SU10 and QD27.

#### Highway safety

The main concern raised by objectors in respect of this scheme is the potential impact the proposed ATM would have on pedestrian and highway safety, through people short-stopping in the adjacent parking/loading bays, double yellow lines and bus stops. It is acknowledged that such problems are not uncommon in respect of ATM machines generally or other short-term destinations, such as hot food takeaways. Notwithstanding this, Portland Road is located within a controlled parking zone and has further complimentary parking controls in the form of double yellow lines and meters. That individuals may choose to flout parking restrictions on occasion is acknowledged. However there is no evidence to demonstrate that this is a direct consequence only associated with ATMs and this is, in any case, unlikely to result in a materially detrimental impact on highway capacity or safety. For this reason a refusal of planning permission on this basis can not be reasonably substantiated having regard to policies TR1 and TR7. Furthermore, the Sustainable Transport Team has raised no objection to this proposal on these grounds and have noted that any vehicles illegally parking could be enforced against through existing legislation.

With regards to the potential impact on pedestrian safety, it is noted that the pavement to the front of the retail unit is a very generous width (in excess of 5metres) and is further separated from the main carriageway by an existing bay. It is therefore unlikely that any customers queuing to use the proposed ATM would create a material obstruction to pedestrians that would lead to a significant hazard, as there would be ample passing room available on the pavement – including for wheelchair users.

#### Other matters

In terms of general security and crime prevention in the area, Sussex Police have raised no concerns over the proposal. They state that the location is a well lit street with both pedestrian and vehicle movement, and there is good surveillance from the opposite terrace of shops and flats. Although not immediately within sight of a CCTV camera, it is noted that this length of Portland Road is covered by the camera located at the junction with Scott Road, 220 yards west.

#### 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. Such a statement has been provided with the application and, taking into account the limited scale of the development, 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 and guidance note.

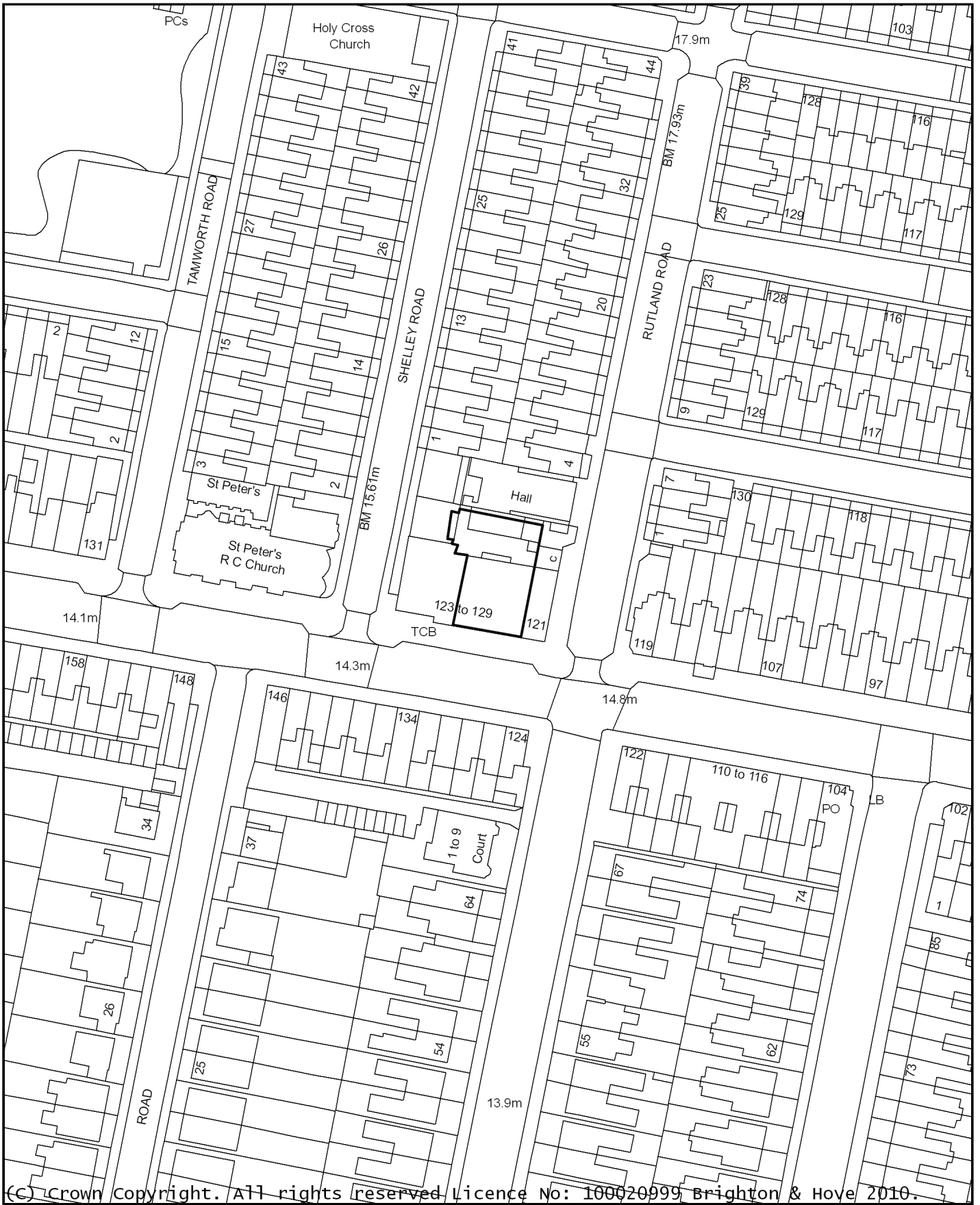
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed shopfront, ATM and plant enclosure would not significantly detract from the character or appearance of the street scene, would not result in highway safety concerns and, subject to conditions, would not cause detriment to the amenities of adjoining property. The proposal is thereby considered to be in accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

The new entrance doorway would be DDA compliant with a level threshold.

# BH2009/02943 123-125 Portland Road



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Date: 08/02/2010 11:01:01

Scale 1:1250

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## Brighton & Hove City Council

PLANS LIST – 24 FEBRUARY 2010

COUNCILLOR REPRESENTATION

**From:** Brian Oxley [brian.oxley1@mac.com]  
**Sent:** 04 February 2010 10:09  
**To:** Zachary Ellwood  
**Cc:** Denise Cobb; Lynda Hyde  
**Subject:** J Sainsbury plc - Planning Application BH2009/02943

Dear Zac

As one of the two Councillors for the Westbourne Ward, I would be grateful, if there is a recommendation to approve this planning application, if it could be referred to Committee.

My reason for asking this is that I believe the ATM cash machine could lead to additional vehicular traffic which, given the congestion, parking issues and ever-present concerns regarding double-parking in Portland Road could lead to additional problems in that road.

There are a number of cash machines already in Portland Road which shoppers can use.

Could I also mention another point? I notice that application refers to '123-125 Portland Road'. The Sainsbury unit is known as 'Unit 1, 123-129' Portland Road, as the store is to be within a divided shop. Does this materially affect the consideration of this application as the address is incorrect?

Thanks for all your help.

All good wishes,

Brian

Cllr Brian Oxley

## Brighton & Hove City Council

**Meeting:** Planning Committee

**Date:** 24 February 2010

**Subject:** BH2009/00696

39 Salisbury Road, Hove

Demolition of existing building and erection of a four storey private residential building containing nine mixed size units and community area on ground floor.

**Ward(s) affected:** Brunswick & Adelaide

### **1. Purpose of the report**

- 1.1 To consider and re-determine planning application reference BH2009/00696 following the receipt of amended and additional information.

### **2. Background**

- 2.1 On 2<sup>nd</sup> September 2009 Planning Committee considered an application for the following development:-

*Demolition of existing building and erection of a four storey private residential building containing nine mixed size units and community area on ground floor.*

- 2.2 The Committee, following a visit to the site and adjoining properties, resolved that planning permission be granted subject to the completion of a s106 obligation to secure the provision of the community facility as a community benefit, a management plan for the community facility to ensure its use as such; and a number of conditions and informatives. The original Committee report and minutes of this meeting are attached at Appendix I. Planning permission has not been issued as the s106 agreement has not yet been completed.
- 2.3 Following this resolution a Judicial Review Letter Before Claim has been received. The letter states that inaccuracies on the submitted plans had been identified and, as a result, the conclusions reached within the Committee report were based on flawed and incorrect information. The Letter advised that if planning permission were issued on the basis of the current Committee resolution it was intended to issue Judicial Review proceedings against the Council with the aim of obtaining an Order to quash the decision. It was therefore requested that a full daylight sunlight impact report be carried out; accurate survey plans of all



properties and level survey of the application site and adjoining properties be submitted; and that the application then be reconsidered.

- 2.4 It is agreed that plans originally submitted with the application were inaccurate in so far as they relate to the position and presence of the rearmost window in the basement flat of no. 9 Palmeira Avenue; a patio door of the basement flat to no. 11 Palmeira Avenue; and associated 25 degree lines, drawn from window openings to the rear of Palmeira Avenue to assess the impact of the development on daylight to adjoining properties.
- 2.5 These inaccuracies affect considerations relating to the impact of the proposed building on adjoining properties and having sought the advice of the Head of Law it was considered appropriate to take matter back to Committee for redetermination.
- 2.6 The applicant has submitted amended drawings, with sections through the proposed development and adjoining properties on Palmeira Avenue, drawn to a recognised scale for planning purposes (as were the previous plans); and a report assessing the potential loss of daylight to rear windows of properties on Palmeira Avenue as a result of the proposed development.
- 2.7 In light of the above it is considered appropriate that the application be reconsidered based on the additional information and amended plans. It is only the impact of the development on overshadowing and daylight to adjoining properties which requires consideration and there are no new material considerations in respect of the other key issues.

### **3. Recommendation**

- 3.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 5 of this report and resolves to **MINDED TO GRANT** planning permission subject to:

- (i) A Section 106 obligation to secure the following:
  - The provision of the community facility as a community benefit;
  - A management plan for the community facility to ensure its use as such; and
- (ii) The following conditions and informatives:

#### Conditions

1. BH01.01 Full Planning
2. The ground floor of the building, excluding the communal cycle, refuse, recycling stores and access to upper levels, shall only be used for uses falling within Class D1 of the Schedule to the Town and Country

Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless prior written consent is obtained from the Local Planning Authority for any community uses falling outside this Class.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. BH14.01 Archaeology (Investigation/Programme of work).
4. BH03.01 Samples of Materials Non-Cons Area (new buildings).
5. BH11.01 Landscaping / planting scheme.
6. BH11.02 Landscaping / planting (implementation / maintenance).
7. No development shall commence until details of the ground floor community facility details of boundary screening along the eastern (rear) boundary of the site have been submitted to and agreed in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
8. The boundary screening shall be completed in accordance with the details approved under condition 7 prior to occupation of the ground floor community facility and be retained as such thereafter.  
**Reason:** To safeguard the amenities of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
9. The lower sections of windows to the rear elevation at first, second and third floor levels, as indicated on approved drawing no. BRX 201 02, shall not be glazed otherwise than with fixed shut obscured glass and shall thereafter permanently retained as such.  
**Reason:** To safeguard the amenities of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
10. Access to the flat roof areas at first, second and third floor levels to the rear of the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
11. The rear outdoor space and rear access doors shall not be open or in use except between the hours of 09.00 and 18.00 Monday to Friday, 10.00 and 16.00 on Saturdays and at no times on Sunday's or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
12. Prior to occupation of the ground floor of the building details of the management of the rear outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The rear outdoor space shall only be used in accordance with the approved details thereafter. The management plan for the outdoor space shall be reviewed annually and submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.
- Reason:** To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
13. BH07.02 Soundproofing of building.
14. BH06.02 Cycle parking details to be submitted
15. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) Code Level 3.
16. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) Code Level 3
17. Notwithstanding the submitted details no development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.
- 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 WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
18. BH04.01 Lifetime Homes.

Informatives:

- 1) This decision is based on drawing nos. BRX 203 0 & 206 0 submitted 23<sup>rd</sup> March 2009; BRX 100 02, 200 02 & 205 01 submitted 9<sup>th</sup> April 2009; drawing no. BRX 201 02 submitted 17<sup>th</sup> April 2009; drawing nos. BRX 202 03, 203 03, 204 01 & 207 00 submitted 7<sup>th</sup> December 2009; and 'potential loss of daylight to rear windows in Palmeira Avenue, Hove, due to proposed development at 39 Salisbury Road' report submitted 22<sup>nd</sup> 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, including Supplementary Planning Documents:
- 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
  - 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
  - QD27 Protection of amenity
  - 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
  - HO19 New community facilities
  - HO20 Retention of community facilities
  - HE6 Development within or affecting the setting of conservation areas
  - HE12 Scheduled ancient monuments and other important archaeological sites
  - SPD03 Construction and Demolition Waste
  - SPD08 Sustainable Building Design; and

- ii) for the following reasons:

The development is of an appropriate height, scale, bulk and design having regard to the local characteristics and will provide modern flexible D1 community floorspace at ground floor level and a good standard of residential accommodation at upper floors.

The development will result in a greater impact on adjoining properties than currently exists. However, it has been demonstrated that sufficient light will remain available to adjoining properties, and despite additional overshadowing to adjoining gardens to the east the remaining light is considered sufficient in this location and the harm will not be significant.

The development will be 'car free' and therefore no increase demand for on-street parking will result.

- 3) The applicant is advised that in respect of condition 6 details relating to the means of enclosure to the western boundary of the site should have regard to achieving noise attenuation between the ground floor Class D1 use(s) and adjoining residential properties.
- 4) The applicant is advised than in respect of condition 14 the cycle parking facilities should include the provision of a roof over the cycle parking areas.

#### **4. Consultations**

- 4.1 Local residents have been re-consulted on the amended plans and additional information.
- 4.2 An additional letter has been received from **13 Palmeira Avenue** (*all residents*) objecting to the application as the conclusions of the daylight report are not considered conclusive in this matter, and restating previous objections to the application as outlined in the previous Committee report (attached at Appendix I).
- 4.3 Any subsequent letters will be reported, and if necessary responded to, in the Late Representations List.

#### **5. Considerations**

- 5.1 As set out at paragraph 2.7 it is only the impact of the development on overshadowing and daylight to adjoining properties which requires further consideration and there are no new material considerations in respect of the other key issues.
- 5.2 Overshadowing: the previous committee report stated:-

*“a ‘sun on ground study’ has been submitted which illustrates the impact of the existing building, the previous appealed scheme, and the proposed building on adjoining properties to the rear. The key points of the study are:-*

- *the rear garden of no. 9 will be unaffected by the development;*
- *the development will result in overshadowing of no. 11 approximately 1 hour earlier than at present (at 16.00 instead of 17.00);*
- *the proposed building will result in additional overshadowing to no. 13. The southern part of the rear garden would be overshadowed approximately 20 minutes earlier than at present*

*(at 15.25 instead of 15.45), with the northern part of the garden overshadowed 60 mins earlier than at present (at 17:00 instead of 18:00 hours).*

*The findings of the study have been assessed by the Building Research Establishment (BRE) who concluded that 'sunlight provision to the rear of Palmeira Avenue would remain satisfactory with the development in place. It would meet the guidance in the BRE report Site layout planning for daylight and sunlight: a guide to good practice'.*

- 5.3 These conclusions were accepted at the September 2<sup>nd</sup> Planning Committee Meeting.
- 5.4 The inaccuracies on the submitted plans, as outlined in section 2.3, have not compromised the submitted 'sun on ground' study which indicates overshadowing of rear garden areas on Palmeira Avenue, as opposed to the impact on adjoining window openings. There are no reasons, and none have been given, to question the methodology or conclusions of the submitted sun on ground study.
- 5.5 It is therefore considered that the submitted information satisfactorily demonstrates the additional overshadowing resulting from the development will not lead to significant harm for occupiers of adjoining properties on Palmeira Avenue.
- 5.6 Loss of daylight: the previous committee report stated in respect of loss of light:-
- "A drawing has been submitted showing the relationship between the proposed building and existing ground floor window openings to the rear of 9 and 11 Palmeira Avenue. The drawing demonstrates that the proposed development, with the set-back at third floor level, does not subtend the 25 degree line as projected from the rear of these properties. On this basis it is it has been adequately demonstrated that the proposed building will not result in significant effect on light levels to adjoining properties."*
- 5.7 As set out in paragraphs 2.4 and 2.6 it has since emerged that plans submitted with the application were inaccurate, and that amended plans and additional information have been submitted.
- 5.8 The BRE Report 'Site layout planning for daylight and sunlight: A guide to good practice' recommends that to assess the impact of a development on the amount of diffuse daylighting entering existing buildings the vertical sky component (VSC) be calculated. The VSC is a ratio of the amount of sunlight falling on a wall or window and is recognised as being a good measure of the amount of daylight entering it.



- 5.9 A report calculating the vertical sky components to windows at lower ground and ground floor rear windows of nos. 7, 9 and 11 Palmeira Avenue has been prepared by the BRE and submitted by the applicant: this report is based on accurate drawings. The report demonstrates that the impact of loss of light to these window openings would still meet the BRE guideline. In accordance with the BRE guide the resulting loss of light can be considered small and would not be so harmful as to justify refusal of planning permission for the development.
- 5.10 The report referred to in paragraph 5.9 also notes that windows on the upper floors and those further along the terrace, i.e. no. 13 Palmeira Avenue onwards, would be less affected than nos. 7, 9 & 11 by the new development and therefore also meet the BRE guideline.
- 5.11 There are no apparent reasons to dispute the methodology or conclusions of this report. The impact on daylight resulting from the proposed development is therefore considered acceptable and would not warrant refusal of the application.
- 5.12 The Judicial Review Letter Before Claim, as set out in paragraph 2.3, requested a sunlight report be carried out. However, in respect of sunlight to adjoining properties the BRE guide recommends that living room windows of existing buildings should be checked if they are within 90 degrees of due south. The windows to the rear of Palmeira Avenue are north of due west and do not therefore need to be checked for sunlight.

## **6. Conclusion**

- 6.1 The application required further consideration in light of amended and additional information relating to the impact of the proposed development to adjoining properties on Palmeira Avenue. To this end revised, accurate drawings have been submitted and local residents have been consulted in respect of these.
- 6.2 It has been adequately demonstrated that the development will not result in significant harm to neighbouring amenity, by way of overshadowing and loss of light, for occupiers of adjoining properties on Palmeira Avenue.
- 6.3 It is therefore recommended that planning permission be granted for the proposed development, subject to the heads of terms and conditions outlined in section 3 of this report.

**COPY OF REPORT OF APPLICATION BH2009/00696 REPORTED TO  
COMMITTEE ON 2<sup>nd</sup> SEPTEMBER 2009**

**APPENDIX I**

<b><u>No:</u></b>	<b>BH2009/00696</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>39 Salisbury Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of a four storey private residential building containing nine mixed size units and community area on ground floor.</b>		
<b><u>Officer:</u></b>	Guy Everest, tel: 293334	<b><u>Received Date:</u></b>	23 March 2009
<b><u>Con Area:</u></b>	Adjoining Willett Estate	<b><u>Expiry Date:</u></b>	12 June 2009
<b><u>Agent:</u></b>	Town & Country Planning Solutions Ltd., Sandhills Farmhouse, Bodle Street Green, Hailsham		
<b><u>Applicant:</u></b>	Brightwell Homes, 2 Goldstone Street, Hove		

This application was deferred at the last meeting for a Planning Committee site visit.

**1 RECOMMENDATION**

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

- (i) A Section 106 obligation to secure the following:
  - The provision of the community facility as a community benefit
- (ii) The following conditions and informatives:

**Conditions**

1. BH01.01 Full Planning.
2. The ground floor of the building, excluding the communal cycle, refuse, recycling stores and access to upper levels, shall only be used for uses falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless prior written consent is obtained from the Local Planning Authority for any community uses falling outside this Class.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. BH14.01 Archaeology (Investigation/Programme of work).
4. BH03.01 Samples of Materials Non-Cons Area (new buildings).
5. BH11.01 Landscaping / planting scheme.
6. BH11.02 Landscaping / planting (implementation / maintenance).
7. The lower sections of windows to the rear elevation at first, second and third floor levels, as indicated on approved drawing no. BRX 201 02, shall

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not be glazed otherwise than with fixed shut obscured glass and shall 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.

8. Access to the flat roof areas at first, second and third floor levels to the rear of the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

9. The rear outdoor space and rear access doors shall not be open or in use except between the hours of 09.00 and 18.00 Monday to Friday, 10.00 and 16.00 on Saturdays and at no times on Sunday's or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

10. Prior to occupation of the ground floor of the building details of the management of the rear outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The rear outdoor space shall only be used in accordance with the approved details thereafter. The management plan for the outdoor space shall be reviewed annually and submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.

11. BH07.02 Soundproofing of building.

12. BH06.03 Cycle parking facilities to be implemented.

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

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

15. Notwithstanding the submitted details no development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

**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 WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

16. BH04.01 Lifetime Homes.

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Informatives:

- 1) This decision is based on drawing nos. BRX 202 01, 203 0, 204 0 & 206 0 submitted 23<sup>rd</sup> March 2009; BRX 100 02, 200 02 & 205 01 submitted 9<sup>th</sup> April 2009; and drawing no. BRX 201 02 submitted 17<sup>th</sup> April 2009.
- 2) This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Documents:

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
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
QD27	Protection of amenity
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
HO19	New community facilities
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and
  - ii) for the following reasons:

The development is of an appropriate height, scale, bulk and design having regard to the local characteristics and will provide modern flexible D1 community floorspace at ground floor level and a good standard of residential accommodation at upper floors.

The development will result in a greater impact on adjoining properties than currently exists. However, it has been demonstrated that sufficient light will remain available to adjoining properties, and despite additional overshadowing to adjoining gardens to the east the remaining sunlight is

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considered sufficient in this location and the harm will not be significant.

The development will be 'car free' and therefore no increase demand for on-street parking will result.

- 3) The applicant is advised that in respect of condition 6 details relating to the means of enclosure to the western boundary of the site should have regard to achieving noise attenuation between the ground floor Class D1 use and adjoining residential properties.

**2 THE SITE**

The application site relates to a site on the eastern side of Salisbury Road which contains a single-storey building. The building currently appears vacant but represents a hall-type community facility. The eastern side of Salisbury Road is predominantly relatively recent flatted development, with the western side historic semi-detached houses within the Brunswick & Adelaide Conservation Area.

**3 RELEVANT HISTORY**

Planning permission was refused in 2008 for 'demolition of existing building and erection of four storey private residential building containing nine mixed size units and community area on ground floor' (ref: **BH2008/01967**). The reasons for refusal were:-

1. The existing community use is not incorporated or replaced within the proposed development and it has not been demonstrated that there is a demand for the type of speculative community space to be provided within the local area, or that the space would be accessible to all members of the community and include demonstrable benefits to people from socially excluded groups.

Furthermore it has not been demonstrated the community use is, or has, relocated to a location that improved accessibility to its users; that existing nearby facilities are to be improved to accommodate the loss; or that the site is not needed for its existing use, or other types of community use.

The proposal is therefore contrary to policies HO19 and HO20 of the Brighton & Hove Local Plan.

2. There is insufficient information to demonstrate that the proposed development will not result in harmful overshadowing of adjoining gardens to the rear of the application site on Palmeira Avenue. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan which seeks to protect residential amenity.

Planning permission was refused in 2007 for demolition of existing building & erection of four storey private residential building containing nine mixed size units (ref: **BH2007/00144**). The reasons for refusal were:-

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1. Policy HO20 of the Brighton & Hove Local Plan resists the loss of community facilities except where it can be demonstrated that the use is incorporated or replaced in the new development, is relocated to a location which improves its accessibility to users, nearby facilities are to be improved or the site is not needed, not only for its existing use but also for other types of community use. No justification has been made for the loss of the existing use on the site, contrary to the aims of the above policy, to the detriment of the amenities of the local population.
2. The proposal represents an overdevelopment of the site by reason of its excessive depth in relation to adjoining development. The height of the building is out of keeping with adjoining development by virtue of an unduly prominent fourth floor which would represent a highly visible component of both the building, wider street and adjoining conservation area. Furthermore the detailing of the front elevation fails to incorporate vertical relief appropriate to the conservation area setting. The proposal is therefore considered contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.
3. Policy QD27 of the Brighton & Hove Local Plan seeks to protect amenity. The proposed building by reason of its close proximity to the rear boundary of the site, particularly at first floor level, will result in overlooking of adjoining properties on Palmeira Avenue above that which would reasonably be expected from development on this site. The proposal is therefore contrary to the above policy to the detriment of neighbouring residential amenity.
4. Policy HO13 of the Brighton & Hove Local Plan requires new residential units be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. Insufficient information has been submitted, particularly with regards the accessibility of bathrooms and the communal staircase, to demonstrate how the requirements of policy HO13 have been incorporated into the design of the development.
5. Policy TR1 of the Brighton & Hove Local Plan requires that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Whilst the applicant has demonstrated a willingness for the development to be car free no delivery mechanism to ensure the development will remain genuinely car-free over the long term has been submitted. Therefore, in the absence of information to indicate demonstrate otherwise the proposal makes no provision for the increase in traffic likely to be generated and will exacerbate on-street parking demand.
6. Policy SU2 of the Brighton & Hove Local Plan requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Insufficient information has been submitted with the application to demonstrate how these requirements have been met, particularly with regards the presence of internal



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bathrooms with no natural light or ventilation.

However, a subsequent appeal against this decision was dismissed solely due to loss of the community facility (reason 1 above), and overshadowing and loss of daylight to 7, 9, 11 & 13 Palmeira Avenue (part of reason 3 above). All other matters either did not constitute sufficient reasons for refusing the proposal or could be satisfactorily resolved by condition.

Permission was granted in 1988 for a conversion of the church to form ground floor offices with first and second floor extensions to form eight self-contained flats (ref: **3/88/0711**). Further permission was granted in 1989 for demolition of the existing building and construction of terrace of 3 three-storey offices with nine parking spaces (ref: **3/89/0648**). None of these approvals were implemented.

Planning permission was granted in 1951 and 1955 for a church building for public worship and religious instruction (ref: **M/1740/51** and **M/3518/54**).

**4 THE APPLICATION**

The application seeks consent for demolition of the existing building and erection of a four storey building comprising ground floor D1 floorspace with 9 self-contained flats above (1 x one-bed and 8 x two-bed).

**5 CONSULTATIONS**

**External:**

**Neighbours:** Ten (10) letters have been received from **7 (flats 4 & 5), 9 (flats A & E), 13 (flats 1, 2, 3, 4 & 5) Palmeira Avenue; 15 (flat 5) Salisbury Road** and **1 letter of no address** objecting to the proposal for the following reasons:-

- the development is not addressing a priority need for affordable housing in the area: in light of the current recession there will be no shortage of this type of property in the foreseeable future;
- no discernable attempt has been made to consult with the local community to assess what the local need is or how the facility is likely to be used. The community space is not addressing any identified community need and is not fit for purpose;
- loss of light;
- overshadowing as a result of the proposed height;
- overlooking and loss of privacy;
- the plans suggest a balcony or communal garden at the upper stories which will cause increased noise and disturbance;
- lack of parking facilities;
- a recent application for an additional storey at 38 Salisbury Road was recently refused (*ref: BH2008/03885*) with one of the reasons that the proposal was contrary to QD14 and QD27 which seek to protect residential amenity. The height of the new building as proposed will be at a similar level and the same objections apply;
- believe it should be possible to develop a more appropriate building;
- noise pollution, dust and dirt from demolition and construction works;

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- security issues resulting from the erection of new flats adjoining existing dwellings;
- loss of property value.

**Cllrs Elgood & Watkins:** Object – letter attached.

**Country Archaeologist:** (previous comments) the development is situated within an archaeologically sensitive area designated because of a large Bronze Age burial mound. The barrow contained at least one burial accompanied by a very rich and important assemblage of artefacts. There is also a strong possibility that this monument was surrounded by satellite burials and may have various phases of construction and use, possible pre-dating the Bronze Age, as well as subsequent use during later periods. The site is of national importance in the understanding of early to middle Bronze Age transition. In light of the potential significance of this site the area affected by the proposal should be subject to a programme of archaeological works to enable any deposits and features, disturbed during the works, to be adequately recorded.

**Internal:**

**Environmental Health:** No comment.

**Sustainable Transport:** The proposed application will generate fewer trips than the existing consented use and will therefore not have a material impact on the highway network requiring a financial contribution. The proposed application is within the City's controlled parking zone N which currently does not have a waiting list for a residential parking permit.

The cycle parking provision has been designed in accordance with policy TR14 and SPG4.

## **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
- 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
- QD27 Protection of amenity
- HO3 Dwelling type and size

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HO4 Dwelling densities  
HO5 Provision of private amenity space in residential development  
HO7 Car free housing  
HO13 Accessible housing and lifetime homes  
HO19 New community facilities  
HO20 Retention of community facilities  
HE6 Development within or affecting the setting of conservation areas  
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents

03 Construction and Demolition Waste  
08 Sustainable Building Design

**7 CONSIDERATIONS**

The main issues of consideration in the determination of this application are the loss of the existing building and use on the site; and the impact of proposed development on amenity for occupiers of adjoining properties, the visual amenities of Salisbury Road and the adjoining conservation area, the impact on the demand for travel, and sustainability issues. The previous decisions, and associated appeal decision, are also material considerations.

Existing community facility

The existing building was originally built as a church building for public worship and religious instruction, and it is understood that between 1991 and 2006 the building was used as a function room available for hire. It is not in question that the former use of the premises was as a community facility.

Local plan policy HO20 states that planning permission will not be granted for development proposals that involve the loss of community facilities, and that exceptions may apply when:

- a) the community use is incorporated, or replaced within a new development;
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed.

The ground floor of the proposed development is indicated as community space within Class D1. The applicant considers that this provision complies with criteria (a) of policy HO20 and notes that although the site still remains in D1 use the building has been vacant for 3 years and as such there is no community facility to replace. It is not being suggested that the community facility is being replaced elsewhere, that existing nearby facilities are to be improved to accommodate the loss, or that the site is not needed for community use; accordingly criteria (b), (c) and (d) do not apply to the proposal.

The proposed ground floor provides modern flexible space, capable of

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accommodating 1 or 2 users, and will be DDA compliant. The application is accompanied by supporting information from local agents advising that the community facility is likely to be attractive to a number of end-users; and outlining probable future management arrangements. Although the D1 element of the scheme is speculative, with no known end user, on the basis of the submitted information there are no apparent reasons why a community use would not be realised within the premises and meet a demand in the local area.

The proposal must also be considered against the provisions of local plan policy HO19, which relates to the provision of new community facilities. For the reasons outlined above, there are no reasons to believe the facility would not be accessible to all members of the community, and include demonstrable benefits to people from socially excluded groups.

### Character and appearance

The existing building on the site is of little architectural merit and does not positively contribute to the overall character and appearance, or setting, of the Willett Estate Conservation Area. The principle of redevelopment is therefore acceptable in design terms.

### *Scale*

The eastern side of Salisbury Road is generally characterised by relatively modern flatted development of between 3 and 5 storeys in height. The proposed four-storey height of the building is generally comparable with adjoining buildings and would be in keeping with the prevailing scale on Salisbury Road.

### *Design*

A previous planning application (ref: BH2007/00144) was partly refused as the proposed building was considered excessive in depth, out of keeping with adjoining development by virtue of an unduly prominent fourth floor, and poorly detailed in relation to the adjoining conservation area.

However, when considering a subsequent appeal, the Planning Inspector considered that the depth of the proposed building would not be unreasonably excessive, the overall height of the building would be generally comparable with that of other buildings on this side of the road, the detailing of the front elevation would compare favourably with that of other modern buildings in the vicinity. This appeal decision is a material consideration in the determination of this application.

The overall design approach of the building proposed by this application has not altered following the earlier appeal decision and for this reason it is considered that refusal on design grounds could not be justified.

### Impact on neighbouring amenity

#### *Proposed building*

The existing building on the site is lower than the adjoining buildings fronting

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Salisbury Road to the north and south of the site. The proposed building would rise to about half a storey above the height of the adjoining buildings on either side, and would obstruct the open aspect across the site that is presently enjoyed by the occupiers of the upper flats at 7, 9 and 11 Palmeira Avenue. However, if the development is acceptable in other respects (i.e. with regards light levels) the loss of aspect would not be an overriding reason for refusing planning permission.

The Planning Inspector, when considering an appeal for a comparable building on the site, raised concerns that upper parts of the proposed building would overshadow and lead to a reduction in light to the lowest flats and gardens at 7, 9, 11 & 13 Palmeira Avenue. The Inspector did not raise any other concerns with regards neighbouring amenity that would warrant refusal of the application.

In response to the appeal decision the third floor of the proposed building has been set back approximately 3.7 metres from the floor below and additional information on sunlight / overshadowing has been submitted.

*Overshadowing* - a 'sun on ground study' has been submitted which illustrates the impact of the existing building, the previous appealed scheme, and the proposed building on adjoining properties to the rear. The key points of the study are:-

- the rear garden of no. 9 will be unaffected by the development;
- the development will result in overshadowing of no. 11 approximately 1 hour earlier than at present (at 16.00 instead of 17.00);
- the proposed building will result in additional overshadowing to no. 13. The southern part of the rear garden would be overshadowed approximately 20 minutes earlier than at present (at 15.25 instead of 15.45), with the northern part of the garden overshadowed 60 mins earlier than at present (at 17:00 instead of 18:00 hours).

The findings of the study have been assessed by the Building Research Establishment (BRE) who concluded that 'sunlight provision to the rear of Palmeira Avenue would remain satisfactory with the development in place. It would meet the guidance in the BRE report *Site layout planning for daylight and sunlight: a guide to good practice*'. There are no apparent reasons to question these findings and whilst additional overshadowing will result for occupiers of adjoining properties, the resulting harm to amenity will not be significant.

*Loss of light* - a drawing has been submitted showing the relationship between the proposed building and existing ground floor window openings to the rear of 9 and 11 Palmeira Avenue. The drawing demonstrates that the proposed development, with the set-back at third floor level, does not subtend the 25 degree line as projected from the rear of these properties. On this basis it has been adequately demonstrated that the proposed building will not result in significant effect on light levels to adjoining properties.

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*Loss of privacy* - in accordance with the previous appeal decision on the site lower sections of windows to the rear elevation at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels are to be obscurely glazed; this is indicated on the proposed plans and required by condition. This is considered sufficient to prevent overlooking and no significant loss of privacy will result for occupiers of adjoining properties. The plans do not indicate access to the flat roofed areas at first and third floor levels and a condition is recommended to prevent any future use as amenity space.

*Proposed use(s)* – the ground floor community facility has potential to create noise and disturbance for occupiers of adjoining properties: although it is noted there is no apparent history of noise complaints from the previous community use on the site. Whilst Environmental Health have not raised any concerns, to minimise the potential for such harm, conditions are recommended restricting hours of use and access to the rear garden area(s); requiring details of soundproofing between the ground floor and upper levels of the building, which may need to be in excess of that required by Building Regulations; and details of boundary treatment. The outlined conditions are considered sufficient to minimise the potential for noise and disturbance from future use of the ground floor premises.

Standard of accommodation

The development incorporates (8) 2 bed units and (1) 1 bed unit. This is considered to be an appropriate mix of units and whilst private amenity space is only provided for four units this is considered acceptable due to amenity and design constraints. The applicant has submitted a statement indicating that lifetime home standards have been incorporated into the design and this is apparent from the proposed floor plans.

Transport

The development proposes 9 residential units and a ground floor community centre with no provision for on-site parking, and due to the constraints of the site none can realistically be provided. An earlier application for 9 residential units on the site (see section 3) was partly refused as it was considered the development would exacerbate the demand for on-street parking. However, in an appeal decision against this refusal the Inspector considered an agreement to ensure that the development would remain genuinely car-free would overcome this.

A Unilateral Undertaking has been submitted to amend the Traffic Regulation Order so that future occupants of the development would not be eligible for resident parking permits. This approach is consistent with the preceding appeal decision on the site and will ensure no harmful demand for on-street parking will result from the development.

The proposed development has been assessed by the Transport Planning Team and is envisaged to generate fewer trips than the existing use of the site. On this basis the proposed development does not require the provision of additional sustainable transport infrastructure in the vicinity of the site.



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Secure cycle storage is located in a readily accessible position to the side of the property. The plans indicate the store could accommodate 12 cycles and this is considered acceptable with regards the requirements of LP policy TR14.

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 application should include a completed Sustainability Checklist and achieve Level 3 of the Code for Sustainable Homes.

The sustainability checklist states the development will achieve a Level 3 or 'very good' rating. Further information in the Planning, Design & Access Statement outlines measures, such as solar panels to supplement the domestic hot water supply and water saving devices, which will contribute towards this being achieved. An earlier appeal decision considered that there were no reasons why this could not be secured by condition and as such suitable conditions are recommended to require further details.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Site Waste Management Plan demonstrating how elements of sustainable waste management have been incorporated into the scheme. A statement has been submitted demonstrating that there are no reason why construction and demolition waste cannot be minimised as part of the works and further details are required by condition.

Archaeological issues

Policy HE12 of the Brighton & Hove Local Plan aims to ensure developments preserve and enhance sites of known and potential archaeological interest and their settings. The application site forms part of a large Bronze Age burial mound and within an Archaeologically Sensitive Area.

In light of the potential significance of this site, the area affected by the proposal should be subject to a programme of archaeological works to enable any deposits and features, disturbed during the works, to be adequately recorded. A condition is therefore recommended to require a programme of archaeological works to be carried out before any development of the site takes place.

Conclusion

The existing building on the site contrasts with the prevailing scale and form of development on the eastern side of Salisbury Road. The proposed building is of an appropriate scale with the design and detailing, having regard to a previous appeal decision on the site, suitable for the location.

The development will provide modern flexible D1 floorspace at ground floor

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level and there are no apparent reasons why a community use would not be realised within the premises and meet a demand in the local area. At upper floors the development will provide nine residential units with a good standard of accommodation throughout.

The proposed building will result in a greater impact on adjoining properties than currently exists. However, it has been demonstrated that sufficient light will remain available to flats on Palmeira Avenue and whilst additional overshadowing of adjoining garden areas, and primarily no. 13, will result, the remaining sunlight is considered sufficient in this location and the harm will not be significant.

To ensure the development does not increase demand for on-street parking, which is in limited supply, future occupants of the residential units will not be eligible for resident parking permits.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development is of an appropriate height, scale, bulk and design having regard to the local characteristics and will provide modern flexible D1 community floorspace at ground floor level and a good standard of residential accommodation at upper floors.

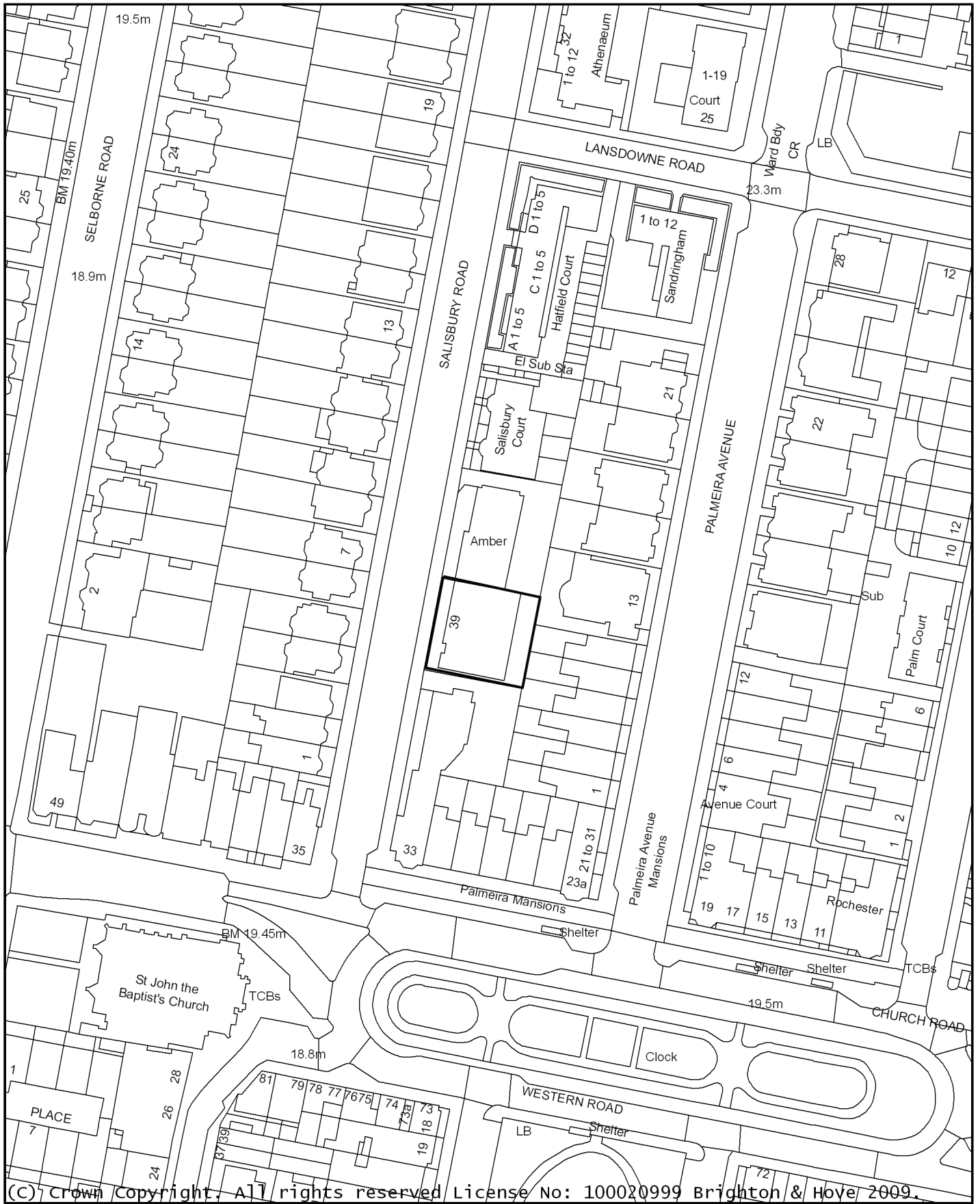
The development will result in a greater impact on adjoining properties than currently exists. However, it has been demonstrated that sufficient light will remain available to adjoining properties and, despite additional overshadowing to adjoining gardens to the east, the remaining sunlight is considered sufficient in this location and the harm will not be significant.

The development will be 'car free' and therefore no increase demand for on-street parking will result.

**9 EQUALITIES IMPLICATIONS**

The development should be built to Lifetime Home standards.

# BH2009/00696 39 Salisbury Road



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## Brighton & Hove City Council

PLANS LIST – 2 SEPTEMBER 2009

### COUNCILLOR REPRESENTATION

**From:** Paul Elgood [Paul.Elgood@brighton-hove.gov.uk]  
**Sent:** 06 August 2009 13:18  
**To:** Penny Jennings; Guy Everest  
**Cc:** David Watkins  
**Subject:** Late representations for BH2009/00696 - 39 Salisbury Road, Hove

Dear Penny, Guy,

As the local Ward Councillors, we would like to make late representations for the above application, which comes before the Planning Committee on Wednesday.

Residents have contacted us concerned that the development will cause a considerable loss of privacy to neighbouring properties (especially to the rear). The proposal will cause loss of light to these properties, reduce daylight hours, cause overlooking (especially from the proposed balcony) and increase noise and disruption. These residents purchased their properties based on the existing use of the building, not as residential units.

We are concerned that the development will lose one of the few large community facilities in the area. The previous use of the building included a nursery which helped to meet a growing need for families in the ward who have limited other opportunities locally. The report does not mention the previous use as a nursery, and we would like to seek urgent clarification. There are a large number of community uses such a building could offer, and to lose it will impact negatively on residents.

Indeed, the comments within the report regarding the 'community' space are too vague and do not address how the space would be used, managed and made available to the public. Firmer undertakings need to be undertaken before any decision is made.

In addition, we are concerned that none of the nine units will be offered on an affordable basis, access to affordable housing is a vital issue in an area such as this.

We would like to suggest a site visit is undertaken for the committee to assess the level of intrusion for the homes to the rear.

We would be grateful if you would kindly draw our views to the attention of the committee.

Best wishes

Councillor Paul Elgood & Councillor David Watkins

**(iii) MINOR APPLICATIONS**

**B. Application BH2009/00696, 39 Salisbury Road, Hove** – Demolition of existing building and erection of a four storey private residential building containing nine mixed size units and community area on ground floor.

- (1) The Area Planning Manager (West) gave a presentation detailing the constituent elements of the scheme, and referred to floor plans and elevation drawings. He stated that the application was sited on a known Bronze Age burial ground, although emphasised that the burial ground covered a large area and there was no suggestion that this application was being built over actual archaeological remains.

The Area Planning Manager (West) noted there were issues of overshadowing on the site, but this was not severe enough to constitute a reason for refusal. The standard of accommodation to be provided was acceptable and the retention of the community space within the building was desirable. He referred to two late responses from the Manager of Cornerstone Community Centre in support of the application, and a letter from a member of the public that did not support the application.

- (2) Mr Tanner, a local objector to the scheme, addressed the Committee and stated that his main concern was in relation to loss of light. The BRE assessment originally conducted had taken measurements at incorrect angles and had resulted in an outcome that stated there was a satisfactory loss of light suffered by the residents. However, a new assessment taken at the correct angles had significantly increased the loss of light likely to be suffered by residents and Mr Tanner felt this was unacceptable. He also felt that the assessment took no account of interior light loss and did not consider the effect the development would have on the living room on 11 Palmeira Square, which would suffer the greatest impact. The local residents accepted the principle of development on this site and welcomed the community use, but asked that the issue of loss of light be resolved before the application was agreed.
- (3) Councillor Caulfield asked if parking in the area was difficult and Mr Tanner agreed that it was but that the area was permitted.
- (4) Mr Pickup, the applicant, addressed the Committee and stated that the building had been marketed up to 2007 but had fallen into disrepair and was currently unusable. It was a building of little architectural merit and attracted squatters despite several security measures. A new building was proposed to ensure a mix of use and be of benefit to the community. The building would have full disabled access and all of the units would comply with lifetime homes standards. Mr Pickup felt that all elements of the scheme were now acceptable, including the loss of light that the neighbouring properties would suffer.
- (5) Councillor Davey asked how the community space would be managed once the development was built, and how many cycle parking spaces there were on site. Mr Pickup replied that the management would form part of the planning obligation and had been designed to be flexible in its use to ensure feasibility. Kitchens could be added to the development if there was a need for them. There were 24 cycle spaces provided at the front and back of the development.



- (6) Councillor Caulfield asked who would manage the community space on a day to day basis, and why it was not considered to put a 10<sup>th</sup> flat in the development instead of a community space. Mr Pickup stated that the management of the community space would be subject to agreement of the planning obligation and the Planning Inspector had rejected a previous appeal on the site because of the lack of community space offered.
- (7) Councillor Mrs Theobald asked if disabled toilets were provided as part of the development, whether there was any car parking available on site and where the obscured glazed windows were situated. Mr Pickup replied that all the toilets were DDA compliant, there was no car parking on site and the obscured glazed windows were part of some bathrooms, some bedrooms and some living accommodation of the units.
- (8) Councillor Smart asked why there were rear balconies if there was no access to them. Mr Pickup explained that part of the design was to step back the building, which created artificial balconies. However, these were not intended for use as such.
- (9) Councillor Smart recognised that the building had been marketed for two years but felt that it was unlikely to find a buyer in its current state and asked why it was allowed to get into disrepair. Mr Pickup agreed and stated that the building had squatters despite the security measures implemented which made it almost impossible to market.
- (10) Councillor Watkins addressed the Committee as Ward Councillor and stated that it was unacceptable that some of the residents would lose up to an hour of sunlight a day due to this development. He felt the facility was underused and had not been marketed properly and although the residents welcomed the community use for the building the current proposals were too high and too intrusive. He also raised concerns about the ongoing management of the community space and felt that these issues should be resolved before the application was approved.

#### **Questions/Matters on Which Clarification was Sought**

- (11) Councillor Kennedy and Councillor Smart expressed concern that this was an archaeological site, and Councillor Kennedy asked if the recommended condition regarding archaeology was strong enough given the sensitivity of the possible remains. The Area Planning Manager (West) confirmed that this was a condition recommended by central government and as a consequence was very robust. The process was clearly defined and took the form of two stages. The development would be closely monitored and progress halted if remains were found on site.
- (12) Councillor Kemble noted that this was to be a car-free development and asked when this was agreed. The Area Planning Manager (West) replied that an agreement to this had been reached on 30 June 2009 and formed part of the policies of Brighton & Hove City Council.
- (13) Councillor Mrs Theobald asked if the general public would be able to use the community space provided with the application, whether any of the units were designated for disabled use and if there was a lift planned as part of the application. The Area Planning Manager (West) stated that a lift was provided, and although all of the units were



wheelchair accessible, none were specifically designated for wheelchair disabled use. He was unable to say who would use the community space as this was a matter for the owners of the building, but stated there was an identified need in the area.

- (14) Councillor Mrs Theobald asked if there was any car parking provided on site and the Area Planning Manager (West) replied there was not.
- (15) Councillor Steedman asked where it was stated that the development would be car-free and the Area Planning Manager (West) replied that there was a unilateral agreement between the developers and the Council to this effect.
- (16) Councillor Davey noted the intention for community use of the facility and asked if a Community Facility Management Plan would be drawn up to guarantee this. The Area Planning Manager (West) stated that there could not be a guarantee that the community would use the facility, but the intention of this use could form part of the Section 106 Agreement.
- (17) Councillor Davey asked if the cycle parking area was covered and the Area Planning Manager (West) stated that an informative could be added to the decision to ensure this was the case.
- (18) Mr Small, CAG, asked what the dimensions of the community space would be under the new development. The Area Planning Manager (West) replied that the total community space would be 320 square meters in the new development, which would constitute a loss of 76 square meters from the existing building dimensions.
- (19) Councillor Caulfield asked if the community use could be stipulated as part of the decision to ensure it was not returned to residential use at any point. The Area Planning Manager (West) stated that this would be intrinsic to the decision, but added that if the community space was not being used a further application could be submitted to change the use back to residential.
- (20) Councillor Smart stated that he was worried about the intrusion of the use of the proposed garden on the nearby residential properties and asked what enforcement was available to the Council to ensure the amenity of the neighbours was protected. The Area Planning Manager (West) stated that a condition could be added to improve screening along the garden cartilage and noted that the Environmental Health Department would deal with any statutory nuisance created by the garden and could take enforcement action if necessary.
- (21) Councillor Steedman asked what items could be secured by a Section 106 Agreement and referred specifically to kitchens on the development. The Development Control Manager stated that the Head of Term could be expanded to include this and a management plan for the premises.

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

- (22) Councillor Mrs Theobald welcomed the proposed community space in the building but felt that the application required some car parking facility on site. She felt that the development would increase the number of cars on the street, which was already

congested. She also felt that application was too high compared with other buildings on the street and was concerned about the issues of overshadowing that the neighbours would suffer.

- (23) Councillor Smart was also unhappy about the issues of lack of parking and overshadowing, which had not been resolved satisfactorily, and stated he could not support the development.
- (24) A vote was taken and on a vote of 6 for, 4 against and 2 abstentions Minded to Grant planning permission was granted.

96.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves it is Minded to Grant planning permission subject to the conditions and informatives set out in the report and the following additional conditions and informatives:

- (a) A Section 106 obligation to secure the following:
- The provision of the community facility as a community benefit, and
  - A management plan for the community facility to ensure its use as such.
- (b) A condition for the details of the boundary treatment.
- (c) Informative: That the cycle parking area should be a covered area for the storage of cycles in all weathers.

**C. Application BH2009/014000, 32 Redhill Drive, Brighton** – Demolition of existing house and construction of a pair of semi-detached houses.

- (1) The Area Planning Manager (West) gave a presentation detailing the constituent elements of the scheme, and referred to floor plans and elevation drawings. He stated that the application had previously been refused, which was upheld at appeal. The Planning Inspector had agreed with the reasons for refusal regarding the roofscape but did not agree that the neighbours would suffer detrimental impact. The new application sought to resolve this with an increased roof pitch. The development was close to badger sets but a condition to ensure their successful relocation was included in the recommendation.
- (2) Mr Gibson, a local objector, addressed the Committee and stated that the development was inappropriate in terms of size and appearance. The demolition of the detached residence for two semi-detached residences was out-of-keeping with the area and contravened Brighton & Hove's planning policies. He felt the development felt cramped in and the footprint had increased by 100 percent which would make the building appear bulky and over-dominant. Mr Gibson was concerned about the effect of the hard-standing at the front of the building, and felt that the problem of the badger sets was unresolved. He also felt that the development would create extra parking on the street.
- (3) Ms Cattell, Agent for the applicant, addressed the Committee and stated that the Planning Inspector's decision at appeal had been helpful in designing a more acceptable building. The principle of development on the site was accepted and only the