

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

<u>No:</u>	BH2009/03154	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Gala Bingo Hall & Adjacent Car Park, 193 Portland Road, Hove		
<u>Proposal:</u>	Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground floor level and 35 residential units above in part 2, 3, 4 and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	11/01/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 April 2010
<u>Agent:</u>	Robinson Escott Planning, Downe House, 303 High Street, Orpington Kent		
<u>Applicant:</u>	Downland Housing Association, Martello House, 315 Portland Road Hove		

1 RECOMMENDATION

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

S106

- 40% affordable housing;
- £35,000 toward the improvement of open space in the vicinity of the site. These improvements have been identified for Stoneham Park. Reconfigure and upgrade toddler and junior playspace (including sand play and replacement units);
- £73,750 to be used for the following; Olive Road” bus stop eastbound – accessible bus stop , real time bus info sign & react box; “Olive Road” bus stop westbound – accessible bus stop, real time bus info sign & react box; “School Road” bus stop westbound – real time bus info sign & react box; “Westbourne Street” bus stop westbound – real time bus info sign & react box;
- £50,000 for the provision of education capacity.

Conditions

1. BH01.01 Full Planning Permission.
2. The first and second floor bedroom windows in the northern elevation of the building hereby permitted facing the external walkways shall be fitted

with obscured glazing up to a minimum height of 1800mm above the walkway level in accordance with the details shown on drawing no. P21 and shall thereafter be so retained.

Reason: To protect the amenities of the occupiers of these units and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. BH02.07 Refuse and recycling storage (facilities).
4. BH03.01 Samples of Materials Non-Cons Area (new buildings).
5. BH04.01A Lifetime Homes.
6. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) (Code Level 3, Code 4 wheelchair units).
7. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) (Code Level 3, Code 4 wheelchair units).
8. BH05.05A BREEAM – Pre-Commencement (New build non-residential) (excellent).
9. BH05.06A BREEAM – Pre-Occupation (New build non-residential) (excellent).
10. BH11.01 Landscaping / planting scheme.
11. BH11.02 Landscaping / planting (implementation / maintenance).
12. Prior to occupation of corresponding flats, the screen detail for the external walkways shall be implemented as detailed on drawing numbers P12 and P20 and shall be retained in place thereafter.
Reason: To prevent overlooking to properties in Marmion Road and to comply with policy QD27 of the Brighton & Hove Local Plan.
13. The ground and first floor areas indicated on drawing P07 and P08 as a “surgery” shall only be used for the purposes of providing a medical practice and for no other purpose (including any other purpose in 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).
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.
14. Prior to development commencing, a full report comprising of investigation of the capacity of the existing surface water drainage system, and how the drainage system can accommodate the increase flows caused by the proposed development of the site, shall be submitted to and approved by the Local Planning Authority in writing. Works shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: As insufficient information has been submitted and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan
15. No demolition of the existing building shall take place until a program of building survey and recording has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure satisfactory recording of the building and to comply

- with policy QD1 and QD2 of the Brighton & Hove Local Plan.
16. The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The disabled user spaces shall at all times be allocated for use by disabled residents of the site.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan
 17. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.
 18. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed access road, surface water drainage, street lighting and off site highway works to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been fully implemented in accordance with the agreed details.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan
 19. Within 6 months of the occupation of the medical centre, a travel plan for medical centre staff and visitors shall be submitted to and agreed in writing by the Local Planning Authority. The plan should include a travel survey of staff and patients and include measures to encourage travel by sustainable modes of transport. The travel plan shall be reviewed annually and submitted and agreed in writing by the Local Planning Authority and thereafter implemented as agreed.
Reason: To comply with policies TR1, TR2, TR4 and TR7 of the Brighton & Hove Local Plan.
 20. The medical clinic hereby permitted shall not be open to patients and clients except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 1230 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
 21. The DI/D2 unit hereby permitted shall not be open to customers except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 12.30 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with

policies SU10 and QD27 of the Brighton & Hove Local Plan

Informatives:

1. This decision is based on drawing no P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13, P14, P15, P16, P17, P18, P20, P21, and design and access statement and sustainability checklist received on 23rd December 2009 and drawing numbers P01A and P02A received on the 11th 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, including Supplementary Planning Guidance:

Planning Policy Statements:

PPS1: Delivering Sustainable Development

PPS3: Housing

Planning Policy Guidance:

PPG13: Transport

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR16	Potential rail freight depot
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design

QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
SR21	Loss of indoor recreation facilities
<u>Supplementary Planning Guidance:</u>	
SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
<u>Supplementary Planning Document:</u>	
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
<u>Planning Advisory Notes</u>	
PAN03	Accessible housing and Lifetime Homes; and

(ii) for the following reasons:-

The proposed scheme would re-develop this vacant site providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered to be generally acceptable and would also result in an acceptable frontage to Portland Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Car parking for the doctor’s surgery would be located on Portland Road and School Road through a rationalisation of existing on-street facilities. The proposal is thereby considered to be in accordance with relevant development plan policies.

2 THE SITE

The application relates to site of the former Gala bingo hall on the north side of Portland Road at the corner with School Road. It is understood that the building has been vacant since 2003.

Residential properties along Marmion Road adjoin the site to the north. This comprises of two storey terraced housing. Commercial premises with residential uses above adjoin to the east of the site and are located opposite on the southern side of Portland Road. West Hove Infant School is located immediately to the west of the site.

3 RELEVANT HISTORY

BH2008/02586: Most recently, an application was submitted in September 2008 for the demolition of existing building and redevelopment of site to provide a new GP surgery at part ground, part first floor a new D1/D2 unit at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units (40%) with surface car parking and landscaping at rear. Resubmission of withdrawn application BH2008/00600.

This application was refused on the 14th November 2008 for the following reasons:

1. The development by reason of scale, bulk, height and mix of uses is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD27, HO3, HO4, HO5 and HO6 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of its form, bulk, scale, height and positioning in the site, would be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, of the Brighton & Hove Local Plan.
3. Policy SR21 of the Brighton & Hove Local Plan resists the loss of indoor recreation facilities except where it can be demonstrated that there is an excess of provision within the catchment area, the facilities are to be replaced by improved facilities and that replacement facilities are in a location which is equally accessible to the users by a choice of transport modes as the existing facilities. Insufficient justification has been made to address these issues, including inadequate marketing of the premises for a similar use thereby failing to adequately account for the loss of such a facility, to the detriment of the amenities of the local population and contrary to policy SR21.
4. 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. Insufficient information has been made for the loss of this element of the facility, contrary to the policy, and to the detriment of the amenities of the local population.
5. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
6. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space would not be accessible for all of the residents of the development. It would be appropriate and practicable for a proportion of the outdoor recreation space to be

provided on-site in this location. The proposal would thereby be contrary to the policy, to the detriment of the amenities of the future occupiers of the properties

7. The proposed development would by reason of its height, scale and positioning in close proximity to the northern boundary of the site lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. The proposed development would by reason of the external walkways along the north elevation lead to a significant level of overlooking and consequential loss of privacy to the occupiers of adjoining properties to the detriment of neighbouring residential amenity. Furthermore, the linked walkways by reason of the positioning of windows serving habitable rooms would have a detrimental impact on the amenity of future occupiers by reason of overlooking and noise and disturbance. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
9. The car parking, by reason of its positioning in close proximity to the northern boundary of the site, together with the potential for frequent trips during the day in connection with the use of the Doctors Surgery will lead to a significant level of noise and disturbance for neighbouring occupiers to the north and future occupiers of the proposed development. The proposal would therefore be contrary to planning policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan.
11. Notwithstanding inaccuracies between the accompanying plans and the supporting documentation, the applicant has failed to demonstrate that the introduction of a 161 square metres of A1 floor space would not have a detrimental impact on the existing town and local centres in order to ensure that the vitality and viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan.

This refusal was the subject of an appeal hearing on the 1st and 2nd July 2009. The Planning Inspector did not uphold all of the Council's reasons for refusal, but in dismissing the appeal the Inspector found the scheme unacceptable for three reasons:

- an inefficient site layout resulting in an inadequate and poorly located recreation facilities for residents also resulting in the car park area giving poor outlook for the flats;
- the 4 storey height of the development adjacent to the boundaries of 82 and 80 Marmion Road harming the outlook of these properties and maintaining unacceptable daylight restrictions to these dwellings;
- the rear elevation of four-storey Portland Road block, facing Marmion

Road, which would have a top-heavy appearance and would result in an oppressive outlook for residents in Marmion Road.

BH2008/00600: An application was withdrawn in May 2008 for the demolition of existing building and redevelopment of site to provide new GP Surgery at part ground floor, part first floor, new A1/A2/D1/D2 units at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units. Surface car parking and landscaping at rear.

BH2005/00335/FP: Planning permission was refused in April 2005 for the demolition of the bingo hall and construction of a range of three to six storey building of 54 private and affordable flats and 34 car parking spaces. The reasons for refusal related to the loss of indoor recreation and community facilities, design height and scale of the development, impact on neighbouring properties, to the detriment of the amenities of the local population, lack of open space, failure to meet lifetime homes and sustainability criteria, and lack of completed s106 details.

BH2003/02020/FP: Planning permission was refused in November 2003 for the demolition of the bingo hall and associated car park and construction of 50 Sheltered Apartments (Category II) and House Manager's accommodation, communal facilities, landscaping and 14 car parking spaces. The reasons for refusal related to the loss of community facilities, lack of affordable housing, sustainability concerns, and an absence of public art.

M/18392/74: The site has been occupied by the current building since 1933, when it was constructed as a Granada Cinema. In 1968 planning permission was granted for the change of use of the premises to indoor squash courts, followed by a mixed cinema/sports hall use and indoor games use. In 1974, a further planning application was granted for a Bingo Social Club, under which the premises were most recently in operation. There have since been numerous minor applications in association with the Bingo Hall use, the most recent being a disabled access ramp to the front entrance doors, granted in August 2000 (ref: **BH2000/01467/FP**).

4 THE APPLICATION

Full planning permission is sought for the redevelopment of site to provide new GP surgery (1081m²) a new D1/D2 use (115m²) and 35 residential units in part 2, 3, 4 and 5 storey buildings. 14 affordable units of accommodation would be provided (40%).

The building would provide a continual frontage along Portland Road and School Road, however, three distinct blocks are proposed. Block 1 is sited on the corner of Portland Road and School Road and rises from 2storeys in height adjacent to Marmion Road to 5 storeys at the junction of Portland Road and School Road. Nine residential units would be located in this block with the ground floor and first floor proposed as a surgery. Block 2 along Portland Road rises to four storeys and would contain 18 units of accommodation above the ground floor surgery. Block 3 along Portland Road is separated from block two by gated vehicle access. This block would be 3 storeys in high comprising of 8 units above ground floor level. The ground floor would provide a new D1/D2 unit.

The proposal represents a density of around 129 dwellings per hectare, although it is acknowledged that the surgery would be in addition to this.

The proposal includes 18 residential car parking spaces, 4 designated as disabled bays. Doctor's car parking is proposed in the form of designated bays on the highway.

All of the units would benefit from private amenity space in the form of balconies and terraces. An area of shared amenity space, including some outdoor recreation space is provided behind Block 2 with further amenity space provided on a communal terrace on the roof of Block 1 and above the vehicle access between Blocks 2 and Block 3

Pre-Application Discussions

The revised proposal has been developed through pre-application discussion with officers focusing on the Inspector's decision under BH2008/02586 and has sought to address all of the outstanding areas of concern. The developers made a presentation to members of both Planning Committee and ward Councillors on the 24th November 2009. A public consultation was undertaken on the 14th December 2009 with an exhibition held at West Hove Infant School.

5 CONSULTATIONS

External:

Neighbours: A petition of support has been submitted with a total of **357** signatures.

5 letters of support have been received. The addresses of the supporters are listed in Appendix A. Reasons for supporting the scheme are as follows:

- well considered scheme which uses high quality materials;
- it would result in a positive addition to the area;
- scale respecting the context of the area while adding worthwhile regeneration;
- the 5-storey elements gives Portland Road a better sense of scale;
- affordable housing should be welcomed;
- there are excellent transport links;
- this scheme addresses the points raised at the appeal;
- it would remove the existing building which is an eyesore;
- the site needs to be redeveloped.

A total of **476** letters of objection in the form of a standard letter have been received. The addresses of the objectors are listed in Appendix A.

12 individual letters of objection have been received, the addresses of the objectors are listed in Appendix A.

Reasons for objecting to the scheme are as follows:

General

- the scheme is an overdevelopment of the site;

- only minor changes have made to the scheme which was refused previously, and the appeal dismissed;
- family houses would be a suitable alternative;
- the site should become open space;
- the scheme would set a dangerous precedent;
- this scheme puts profit before people.

Design & Scale:

- the size of the new building will be significantly bigger than the existing building;
- the scale of development is inappropriate for the area;
- the design is unsuitable for the area;
- the existing building is an attractive building of historical importance to the local area;
- the building extends well beyond the building line in School Road;
- all other blocks of flats nearby in Portland Road are set back from the pavement and stand in their own ground, the proposal is out of keeping with this standard;
- balconies overhanging the pavements are excessive;
- the development bulges out on to School Road;
- three storey development is typical for the area.

Use:

- the site will be vastly overdeveloped;
- 35 dwellings is excessive;
- the loss of a large community space and the social amenity that was enjoyed by local residents;
- loss of open space in form of the car park;
- the scheme fails to address the needs of the local area for elderly sheltered housing;
- the use of the surgery is wholly inappropriate on the grounds that it will generate more traffic in an already busy and potentially dangerous area;
- the residents of Marmion Road do not want a surgery;
- there is a current desire to create more affordable family housing within the area.

Impact on amenity:

- the increased site coverage will have an overbearing impact on neighbouring properties to the north;
- the development will result in loss of light to neighbouring occupiers;
- the development will result in overlooking and loss of privacy, the open walkways will result in noise and disturbance;
- open decked walkways have proved historically to result in anti-social behaviour;
- air quality problems exist in the area;
- a Doctor's surgery is built on the site there will be a huge increase in noise and disturbance.

Standard of accommodation

- the flats would have poor outlook;
- children will not play unsupervised in the amenity areas,
- the amenity space would be dark and un-used;
- rear windows would be obscured glass and offer no outlook,
- the flats would suffer from fumes from increased traffic movements,
- this is not good quality housing.

Transport:

- the parking provision is totally inadequate for the area;
- how will patients park in the vicinity?
- increased traffic flows will impact on child road safety;
- there are road safety problems in the area and the proposed scheme will increase the problems;
- the existing car park is not used to the same extent as the proposed car park;
- the council should conduct travel surveys;
- the controlled parking zone in Marmion Road is not properly enforced at peak times, parking problems will increase as a result of the development;
- increased traffic will increase air pollution;
- the surgery will increase parking congestion in the surrounding area, particularly at school times;
- the parking surveys submitted with the application are misleading.

8 letters of comment have been received. The addresses of the respondents are listed in Appendix A. The reasons for commenting were as follows

- no objection to the proposal,
- need to get the development moving,
- suggestion for more car parking,
- the garage owners to the east should be consulted as there is a right of way on the east boundary of the site,
- bus service data in the traffic statement is inaccurate in relation to the no.7 service which calls east bound only in the morning.

A letter has been received from **Celia Barlow MP** commenting

- only moderate changes have been made to the previous scheme which was refused by Planning Committee and dismissed by the Planning Inspector
- it would result in a huge increase in noise and disturbance from the development and additional traffic,
- inadequate car parking is proposed,
- parking for patients has not been considered,
- road safety concern and impact on air quality,
- adjoining residents would suffer from overlooking and a loss of privacy
- future residents would suffer from overlooking and a loss of privacy.

EDF energy: No Objection

Sussex Police: No objection:

Primary Care Trust: The Primary Care Trust has identified the need for a large Primary care development in central / west Hove. The PCT are in discussions with three local practices seeking to relocate to more suitable premises. The PCT is supportive in principle but can offer no commitment to the site.

Southern Water: There is currently inadequate capacity in the local network to provide full foul and surface water sewage disposal to service the proposed development. It is possible that by removing some of the existing surface water entering the sewer additional foul flows could be accommodated i.e. No net increase in flow, or improvements to the existing infrastructure can be made by the developer. Further details are required by condition.

Councillor Ted Kemble objects to the application. A copy of his email is attached to this report.

Internal:

Planning Policy The general principle of redeveloping this site for mixed use comprising GP surgery, D1/D2 unit and residential was accepted by the Inspector who considered a similar scheme last year. Whilst the reduction in the community facility floorspace is disappointing it is not felt sufficiently significant to raise a policy objection, however evidence should be submitted to demonstrate the amended size of unit is viable. If there is no identified user of the D1/D2 unit then it is recommended a S106 should have appropriate clauses to secure the use should it remain unlet for 1 year i.e. suggested fall back position is for the Housing Association to take on the booking, maintenance etc of the unit. It is felt the shortfall in outdoor recreation space should be addressed via a financial contribution.

The calculated contribution is £56,904.00.

Education Team: The proposed development contains 21 market units and 14 affordable units in a mixture of 1, 2 and 3 bed sizes. The reason for seeking a financial contribution is the impact that this development will have on the need for school places in the primary, secondary and sixth form sectors.

A contribution for £67,248 is sought.

Access officer No objection We would normally be looking for access to the wheelchair accessible units via two lifts rather than one but, bearing in mind that the units are only one floor above entrance level and that our colleagues in Housing seem to be content to accept a single lift, this is acceptable.

Sustainable Transport: No objection

The proposed on site provision for residential car parking spaces is acceptable.

Insufficient information about staff numbers at the surgery has been provided to form a clear opinion on the overall level of required parking as set out in SPG4. The submitted car parking report was drafted using a standard methodology agreed in advance with the Highway Authority includes a section of the provision of parking for the surgery. Based on these surveys a worst case scenario in term of the use of the surgery would mean that the total parking demand would be for 47 car parking spaces.

The submitted car parking report makes it clear that the provision of 18 car parking spaces would meet the demand generated by the residential element of the proposal. It also shows that there is sufficient on-street car parking space available within a reasonable walking distance of the site to accommodate the demand created by the surgery element of the proposal.

As a part of this planning application there are a number of proposed improvements and alterations to the adopted highway adjacent to the site that will need to be designed and secured to ensure that the interests of the Council acting in its capacity as the Highway Authority are protected. This is usually achieved via the inclusion of a condition as to link the works directly to the application and ensure that a s278 agreement of the Highways Act 1980 is entered into

To comply with policies TR1 QD28 the Applicant will be expected to make a financial contribution in-line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The level of this contribution is set at £200 per person-trip.

The existing bingo hall had capacity for 300 people and is estimated to have resulted in significant trip generation which would need to be discounted from the proposal.

The required contribution for the development would be £73,750. The contribution would be spent on Olive Road” bus stop eastbound – accessible bus stop , real time bus info sign & react box; “Olive Road” bus stop westbound – accessible bus stop, real time bus info sign & react box; “School Road” bus stop westbound – real time bus info sign & react box; “Westbourne Street” bus stop westbound – real time bus info sign & react box.

Housing Strategy: Support

Housing Strategy strongly support this planning application on this underused brownfield site which will provide a scheme of mixed tenure including 14 units of much needed affordable housing in addition to a new doctor’s surgery.

As per policy HO2 we welcome the fact that the scheme will provide 40% affordable housing which equates to 14 units.

Across the City and based on the Housing Needs Survey 2005, the Council generally seeks a tenure mix of 55% of the affordable units for rent and 45% for shared ownership. For individual sites the exact tenure split will be guided by up to date assessments of local housing need and site neighbourhood characteristics. This scheme will provide a tenure mix of 57% of the affordable units for rent and 43% for shared ownership and we are happy with this mix. In the event of the RSL being unable to obtain public subsidy for the rented affordable units, the units will revert to 100% affordable home ownership (shared ownership). The RSL would need to demonstrate that that public subsidy is not available for this scheme.

The affordable housing should be owned and managed by a Registered Social Landlord approved by the City Council and who has entered into a nomination agreement with the council. The council will expect 100% nomination rights in the first instance to the affordable housing units In this instance Downland Housing Association own the site.

For the City as a whole the preferred affordable housing mix in terms of unit size and type to be achieved is 40% one bedroom units, 50% two bedroom units and 10% three bedroom and or larger.

We note the overall mix is 29% 1 bed units, 64% 2 bed units and 7 % 3 bed units. Given the location this is mix is acceptable. We note that the scheme meets English Partnerships' Quality Standards and therefore comply with our minimum space standards

City Clean: No objection.

Public Art: The appropriate level of contribution would be to the value of £25,000. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions.

Environmental Health: No objection.

The development does not include plant and machinery. I am assured that the soundproofing between the commercial elements of the scheme and the new residential dwellings would be adequate. In addition the proposed opening hours for the surgery appears to be acceptable. Core hours for GP's - 8am to 6.30pm with some likely morning and evening clinics offered.

Sustainability: The scheme falls short of the expected overall sustainability standards for this size and type of development. The recommended standards in SPD08 are Code for Sustainable Homes level 4 (CSH4) for residential aspects and BREEAM Healthcare 'excellent' with 60% in energy and water sections for the GP surgery. It was initially predicted that the

residential score would be Code level 3.

However, during the course of the application, the applicant has sought to improve the scheme to meet these standards as far as feasibly possible and have given justification where these are not met.

The residential development is predicted to meet Code for Sustainable Homes level 3 in 31 of the residential units, and the higher standard of Code level 4 in the 4 disabled units.

Through use of ground source heat pumps, the surgery is predicted to achieve energy and carbon savings gaining 60% credits in the BREEAM energy section, meeting the council's requirements for this challenging section. Evidence is also provided to indicate achieving 60% in the water section. The GP surgery overall BREEAM score will be conditioned to achieve 'excellent' but this score has not been confirmed prior to acquisition.

According to Energy Saving Trust guidance, Code level 4 could feasibly be achieved on this scheme by further improvements to thermal performance. Reasons given by the applicant for not making these improvements are that consultation with the architect have thrown up issues that increasing thermal performance would require for example increasing wall thicknesses and thus reducing internal space.

Considering the applicant has attempted to exhaust possibilities for realising a Code level 4 score across the site, and have given reasonable financial and technical justification why the expected standards cannot be met, the proposals are considered acceptable in relation to overall sustainability standards in the residential element.

6 PLANNING POLICIES

Planning Policy Statements / Guidance:

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPG13: Transport

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel plans
- TR5 Sustainable transport corridors and bus priority routes
- TR7 Safe development
- TR8 Pedestrian routes
- TR9 Pedestrian priority areas
- TR14 Cycle access and parking
- TR16 Potential rail freight depot
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards

PLANS LIST – 7 APRIL 2010

SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
SR21	Loss of indoor recreation facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design

Planning Advisory Notes

PAN03: Accessible housing and Lifetime Homes

7 CONSIDERATIONS

The determining issues in respect of this application relate to the principle of whether the proposed development is acceptable, the scale and design of the

proposed development, the impact on neighbouring residents, the standard of accommodation proposed, impact on traffic and parking, and sustainability objectives.

This submission follows the refusal of a similar scheme in November 2008 which was the subject of an appeal (see planning history). Weight must therefore also be given to how these scheme responds to the reasons for the appeal decision which in itself is a material consideration.

Principle of Development

The established use of the site is as a bingo hall which provided indoor recreation facilities (use class D1). Policy SR21 refers to loss of indoor recreation facilities and advises that “planning permission for development proposals resulting in a reduction or loss of indoor recreation or sporting facilities will not be permitted unless it can be demonstrated that there is an excess of provision within the catchment area of the facility; the facilities are to be replaced by improved facilities that meet the aims of the City Council’s sport and recreation strategy; and replacement facilities are in a location as close as is practicable to existing and potential users, and readily accessible by a choice of transport modes.

As a bingo hall, the site also provides a community facility. Policy HO20 of the Brighton & Hove Local Plan seeks to retain community facilities and states planning permission will not be granted for development proposals that involve the loss of community facilities unless replaced within a new development; or the community use is relocated to a location which improves its accessibility to its users; or existing nearby facilities are to be improved to accommodate the loss; or it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

Representations from neighbours clearly indicate some public concern over the loss of community facilities. The previous application was refused for providing inadequate justification for the loss of this facility. However at the appeal, the Inspector concluded that the Council had been unreasonable for refusing the planning application on these grounds. He found the loss of the bingo hall was justified given the provision of a modern hall elsewhere in the city and under policy SR21 there was no specific requirement to consider the needs of other indoor recreation facilities for this site.

In regard to HO20 the Inspector was satisfied that the provision of a doctor’s clinic would provide a suitable replacement community facility both in size and use. For these reasons, the general principle of redeveloping this site for mixed use comprising GP surgery, D1/D2 unit and residential units was accepted by the Inspector who considered a similar scheme last year. As with the previous application, the amount of non-residential floorspace is approximately 50% of the existing community floorspace. Whilst the reduction in the community facility floorspace compared with the existing use is regrettable, it is not felt so significant to raise a policy objection given the

Inspectors comments. There remains a concern that proposed independent D1/D2 use has no defined end-user. Again this was not a concern shared by the Planning Inspector.

The development is thereby considered acceptable in principle subject to compliance with other development plan policies and material considerations.

Standard of accommodation

Notwithstanding the needs for a community facility on the site, there has been an assumption in favour of securing residential accommodation in accordance with both the national policy (PPS1 and PPS3) and local policies. Policy QD3 and HO4 in particular seek to ensure the maximum use of sites, whilst avoiding town cramming and providing suitable design and quality of spaces between the buildings.

The site is owned by the Registered Social Landlord Affinity Sutton (Downland Housing Association). Policy HO2 of the Brighton & Hove Local Plan refers to affordable housing on windfall sites and states “where a proposal is made for residential development, capable of producing 10 or more dwellings, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing”. The scheme proposes 35 residential units in total which is a decrease of three units from the previous submission. Of the 35 proposed residential units, the scheme would provide 14 units of affordable housing, which equates to 40%; (comprising 8 units for social rent and 6 units for shared ownership).

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. The Housing Needs Study 2005 provides an indication of the mix of units required to meet housing needs in the city. An appropriate mix would include 30% one bedroom units, 40%three bedroom units and 30%three bedroom units. Housing Strategy Team 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 29% one bed, 64% two bed units and 7% three bed units. Therefore the development could be accused of offering a disproportionate amount of 2 bed units. Nevertheless the Housing Strategy Team has stated that this mix is acceptable and supports the proposal. For this reason the mix is considered appropriate to the location and as such, the proposal is in accordance with the broad objectives of Policy HO3.

In accordance with the requirements of Local Plan Policy HO5, all residential units within the development would be provided with a private balcony area.

Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space within schemes. Such provision must be split

appropriately between children's equipped play space, casual/ informal play space and adult and youth outdoor sports facilities. In this scheme communal landscaped areas including a dedicated informal children's play space would be provided to the north of the main block and provide 457m² of amenity space for residents. Previously 124m² was proposed in the north east corner of the site.

This recreation area would be laid out with grass, planting, seating and play areas. This is a significant improvement on the size and quality of outdoor recreation space proposed in the previous scheme which was insufficiently sized and only accessed by crossing the car park. This was a specific issue identified by the Inspector in dismissing the appeal. In addition, whilst not providing any play-space, further shared spaces are provided on the roof of Block 1 (168m²) and a roof terrace of Block 2 (75m²) with both areas providing pergola, hard and soft landscaping and a "brown roof".

The amended scheme is considered to overcome the Inspectors criticism of the last scheme which was considered to have an inefficient and disproportionate allocation of land for car parking at the expense of casual play space.

The improvements compared to the appeal scheme are noted. There remains, however, a shortfall in the amount of recreation space which is provided for residents. Under policy HO6, it may be acceptable in some circumstances to seek contributions for outdoor recreation space improvements in the vicinity of the application site. In assessing the previous scheme, the Local Planning Authority advised that if the Inspector was minded to allow the appeal, a financial contribution should be sought for improvements to local recreation spaces which would be secured through a S106 Agreement. In considering this request, the Inspector found that in the absence of an audit of local facilities and in the absence of any current proposals to upgrade local parks, the council could not demonstrate a need for the contribution, or in any case, a program to remedy any deficiency.

Since the appeal hearing, the Council have completed the Open Space Sport and Recreation Study which is a city wide audit of existing facilities. In addition, an accessibility audit has been undertaken for Stoneham Park which is close to the application site and this has identified some deficiencies and areas for improvement. In light of these studies, and in accordance with local plan policies HO6 and QD28, it is considered justifiable to seek a financial contribution for open space improvements in respect of this development.

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. The Council's Access Officer has not objected to the scheme. Four fully wheelchair accessible flats

would be provided 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.

Design

The application proposes relatively minor changes to the design of the previous scheme. In his assessment of the previous proposal, the Inspector commented that the proposal would have an acceptable effect on the character and appearance of the area and describes the external elevations to Portland Road and School Road as having a high standard of design. The previous scheme was also supported by the Regional Design Panel and the Council's Urban Designer.

Whilst supportive of the general design approach of the previous scheme, the Inspector considered that some elements of the design would harm the residential amenity of neighbouring occupiers. Therefore the design issues raised in respect of the appeal decision need to be fully addressed in this revised application.

There are no significant changes proposed to the Portland Road elevation. The scheme proposes a continual frontage to Portland Road, rising from three storeys to the east to five storeys to the west where it would provide a strong corner feature at the visually important junction with School Road. The three storey element corresponds to the scale of the existing buildings in this section of Portland Road which are generally two-storey with accommodation in the roof space. Block 2 rises to four storeys with the top floor set back. The red brick and metal cladding would result in a modern appearance which is considered appropriate to its setting. The proposed building would be comparable to the main building line of the existing bingo hall although the balconies would extend forward giving added prominence in the street. The principal entrance to the residential units would be on Portland Road.

In terms of the School Road elevation the changes affect the lower part of the block adjoining the rear of Marmion Road. This has been reduced to two storeys in height with a pitched roof. This change is a direct response to the Inspector's comment on the previous application that it would be normal for the flank of a two storey house to rise in this location. As a result the scale of the development in this location generally responds to this comment, and now represents a two-storey development with accommodation in the roof space. A similar approach has been taken for the three storey element of this building.

The outcome, in design terms, is that an area incorporating pitched roofs is now proposed on a block which is otherwise characterised by flat roof. Whilst this relationship is not ideal given the Inspector's positive assessment of the overall design approach on the previous scheme, the changes to this part for the building are not considered to significantly harm the design of the overall scheme which is now considered broadly acceptable in the form and massing

presented to Portland Road and School Road. The pitched roof element would also not be “read” with the rest of the block.

Changes have been incorporated to the rear of the scheme, which although would not be visible from public vantage points the rear provides the outlook for Marimon Road residents. The main change is to the rear of Block 2. The roof of this property would slope back and incorporate dormer windows which would reduce the impact on this property. Small dormer windows are proposed which are suitable in terms of size and positioning and would be suitable for the locality. The impact of these changes for neighbouring residents are discussed in the following section of the report.

With regards to landscaping, a proposed garden plan has been submitted as part of this application. A combination of trees, shrubs, and a lawn area are proposed. This would give the benefit of improved outlook from the proposed flats and the existing residential units in Marmion Road. The boundary to the north and east which runs alongside the twitten to the rear gardens of Marmion Road will be 2 m high timber high panels. The surface level car park will be laid to a mix of paved and permeable materials with pedestrian routes marked with contrast paving. Planters are proposed to be placed along the rear surgery windows.

Trees are proposed outside the buildings which are viewed as a positive design feature. These will be secured as part of a package of highway works which would be secured through the legal agreement.

Impact on amenity

The previous application was refused for having a significant overbearing impact and an increased sense of enclosure to neighbouring occupiers. The Inspector was also concerned about the impact of the new building, but was specific in identifying the scheme would have an oppressive outlook for residents in Marmion Road, and as subsidiary reason, restricting levels of daylight.

The existing bingo hall rises close to the rear boundaries of 82-68 Marmion Road. The bulk, form and massing of the existing building encloses and already severely restricts daylight to these properties. The rear elevation of Block 1 which was previously proposed as four stories in height rising close to the boundary with 82 and 80 Marmion Road was criticised for harming the occupiers of these properties in much the same way as the existing building, thus conflicting with policy QD27 of the Local Plan.

With the rear gardens of 80 and 82 Marmion Road and the rear twitten about 10metres in length, the Inspector remarked it would be usual for a two storey dwelling to rise in this location. As a result, the bulk of this part of the scheme has been significantly reduced in this location. As discussed above, this would be now two storeys in height with a pitched roof and dormer windows. Block 1 still rises to 5 storeys but in a stepped manner, and this reduction in the scale

is considered to result in an acceptable outlook for 80 and 82 Marmion Road. In addition, the proposed building (Block 1) has been moved away from the northern boundary by 1.2 metres which further reduces the sense of enclosure on these properties and provides a far more acceptable separation distance.

In regard to the outlook presented to Marmion Road, the appeal decision made specific reference to the 4-storey rear elevation of Block 2. The Inspector commented that the design and detailing of the top floor, specifically 'metal cladding in conjunction with windows wider than those on the floors below' resulted in this element of the scheme having a top-heavy appearance which gave an oppressive outlook for the properties at the rear.

The rear elevation of Block 2 has now been altered in an attempt to respond to this criticism. Whilst the scale and positioning of this part of the building, relative to Marmion Road, remains comparable to the previous scheme, the design and detailing of the top floor is much improved. This now incorporates a pitched roof with dormer accommodation resulting in a more domestic appearance to this part of the scheme. The inclusion of dormer windows are appropriate in design and positioning. The overall impact of these changes is that the top floor of this part of the scheme now feels subservient to rest of the rear elevation and much less oppressive.

Loss of light did not form a specific reason for refusal for the previous scheme, however the Inspector found that the impact of the previous development created 'inadequate daylighting conditions' to certain properties in Marmion Road and found this to be a 'contributory' reason for dismissing the appeal scheme. In drawing his conclusions the Inspector identified that there were locations where the existing outcome would not be acceptable by current standards and should not be replicated by new development.

Daylight studies have since been carried out for the proposed revised development. Windows on the rear of properties 82-65 Marmion Road were the subject of a daylight study. The daylighting information relies on the amount of unobstructed sky that can be seen from the centre of the window under consideration and a comparison between existing and proposed. The study demonstrates that all the windows would be within the BRE standards for the vertical sky component (VSC). The BRE guidelines states that "if the vertical sky component, with the new development in place is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight." The scheme represents an overall improvement in daylight levels for the surveyed properties in Marmion Road.

Focusing on the properties which would be impacted most by the development, these properties would receive improved levels of daylight above that which currently exists. All 7 windows will benefit from an improvement in vertical sky component from existing results. No 82 Marmion

Road currently has 3 windows which fall below the 27% of Vertical Sky Component as a result of the existing Bingo Hall building. The scheme would reduce this to one ground floor window. For 80 Marmion Road, four windows currently fall below the 27% and this would be reduced to only 2 ground floor windows.

In addition to the VSC, shadow diagrams have been submitted with the application which show improvement for Marmion Road residents for much of the year compared to the existing daylight levels caused by the Bingo Hall. The exception is an increased shadowing at 12.00 and 15.00 on the 21st June where some gardens in Marmion Road would experience a small amount of additional shade.

Given that loss of light and overshadowing did not constitute a reason for refusing the last scheme, and given the improvements which been made to the outlook for neighbours, the minor improvements particularly to the ground floor windows at 80 and 82 Marmion Road, are considered acceptable. Loss of light and overshadowing are not considered to cause significant harm to the occupiers of neighbouring properties. The decrease in the scale of the building would result in improvements to level of light received by 80 and 82 Marimon Road when compared with the current situation and the previous scheme. For this reason the scheme is considered to offer an adequate response to the appeal decision and complies with policy QD27 in this regard.

With regard to loss of privacy and overlooking to the properties in Marmion Road, the proposed walkways which provide the entrances to the flats at the rear for the previous scheme remain in this proposal. This was a concern in the previous application but not supported by the Planning Inspector when assessing the previous application. During the appeal hearing, the privacy screens were presented to the Inspector as a method of addressing overlooking to the properties in the rear in Marmion Road. The Inspector found this to be an acceptable solution to prevent mutual overlooking between the rear of the proposed development and rear of houses in Marmion Road.

Furthermore, the bedroom windows which face the external walk ways would be half-glazed with obscured glass. This is not generally considered to be a suitable approach for the principal window of the bedroom. Nevertheless, given the conclusions of the Inspector on the previous application, this is not considered to warrant a significant opposition to the development. The above elements would however need to be secured by condition to protect privacy.

Lastly a significant improvement for some residents in Marmion Road is the revised site layout now presented. In the previous submission, the surgery parking was proposed run alongside the majority of the rear boundary of the site, adjacent to the gardens of 76- 60 Marimon Road. This caused concern due to a potential for noise and disturbance; however, this concern was not shared by the Planning Inspector.

In this revised proposal, the car parking would run along a smaller proportion of the rear boundary to the eastern section of the site adjoining residential boundaries at 64-56 Marmion Road. However by rationalising the car parking to this area, where the separation distances between the buildings are at the greatest, the potential impact is minimised.

In conclusion, the changes to the bulk, form and massing of Block 1, the changes to the design of Block 2, and improved site layout are considered to represent significant improvements to the previous scheme. In addition, given the comments of the Planning Inspector, loss of privacy is not considered to be an issue. The development would still invariably have some impact on residents in Marmion Road, however on balance, the scheme is considered to be acceptable in terms of its impact on residential amenity.

Some residents have raised concerns that the proposal would result in noise and disturbance to future and adjoining occupiers. The Environmental Health Officer is satisfied that the building would be adequately soundproofed and it is confirmed through the sustainability statements that the building would be passively ventilated resulting in no requirement for plant and machinery. In addition it should be noted that such concerns did not form a reason for the appeal scheme being dismissed.

Sustainability

In the previous scheme the development was expected to meet Code Sustainable Homes Level 3 which was the standard approach taken by officers at this time. However, since August 2008, when the previous application was submitted, the adopted policy framework has changed. Despite the similarities with the previous scheme, it is considered the application must now be assessed against the criteria of Supplementary Planning Document on Sustainable Building Design SPD08 which has been adopted by the council. The suggested criteria outlined for this type of development is that the residential element should reach Code for Sustainable Homes (CSH) Level 4 with the commercial element achieving a BREEAM rating of 'Excellent'.

The residential element of the scheme falls slightly short of the expected standards, meeting Code for Sustainable Homes Level 3. This is regrettable. However through consultation with the councils Sustainability Consultant, significant improvements have been made during the course of the application to improve the standards of energy performance for the residential element of the scheme. The wheelchair units would now meet Code 4 and the other residential units are not far off.

A BREEAM pre-assessment has been submitted with the application indicating that BREEAM 'Excellent' rating is achievable for the surgery with the use of ground source heat pumps. It is noted, however, that the internal layout has not been established at this time. Nevertheless the development is anticipated to meet this target, which is welcomed.

The scheme still relies on a large proportion of internal bathrooms which was a concern in the previous application and formed a reason for refusing that scheme. However, this was not supported by the Planning Inspector who considered that the reliance on artificial light and mechanical ventilation would not be inconsistent with policy SU2 of the Local Plan. The number of rooflights has increased from the last proposal. A specific challenge for this site was the desire to provide natural light and ventilation where possible and also use the roof space for renewable energy technologies.

Overall, energy performance of the scheme has been much improved from the previous application, which the Inspector considered acceptable. Although the scheme falls slightly short of the recommended levels outlined in the Supplementary Planning Document, the scheme is considered to meet the broad objectives of policy SU2 of the Local Plan and meets some of the criteria as outlined in SPD08.

Traffic and travel demand and Car Parking

The development proposes 18 residents parking bays within the site but no car parking provision for visitors to the surgery. Parking for doctors would be provided through 6 spaces which would be created through modifications to the existing highway layout via a Traffic Regulation Order.

The demand for travel associated with this development has been a cause of concern for many local residents. School Road is congested during peak times associated with pick-up drop-off of children attending West Hove Infant School. This congestion can also be felt on Marmion Road as vehicles move around the vicinity.

It is important to note that the Sustainable Transport Team have not raised any objections to the proposal and when considering the previous scheme, the Planning Inspector agreed with officers, that subject to conditions and a contribution to highway improvements, the demand associated with the development was acceptable. It was therefore not refused for this reason.

Taking into account the 6 spaces proposed to be allocated to specifically to doctors, this proposal provides more car parking than the previous scheme. The application has also been accompanied by a parking survey and transport assessment. The methodology and findings of this survey are not disputed by the Sustainable Transport Team.

The spaces allocated on site are to be allocated to residents, rather than to the surgery, which was the case in the previous application. Whilst in principle, the car-free development previously proposed was acceptable, it would have resulted in demand placed on existing residents bays from occupiers of the flats. As now proposed, 18 residential spaces would be incorporated within the application site. The Councils adopted parking standard (SPG4) sets the required number of disabled parking facilities for residential developments at 1 space per 10 dwelling units. The scheme

includes 35 dwelling units and therefore it should provide 4 dedicated blue badge holder parking bays. This requirement has been met by the proposed on-site provision.

The provision of residential bays on the site is to detriment of car-parking facilities for the surgery which would be displaced on to the local roads. Nevertheless it must be acknowledged the increased demand from the surgery would only be experienced within the surgery opening hours.

It is anticipated that a doctor's surgery of this size would create a demand for 6 car parking spaces. This figure has been identified through surveys of other surgeries in the city. It is proposed that [these spaces are] incorporated within the Highway immediately adjacent to the site. The doctor's parking would not be required for outside surgery operating hours. The proposals would result in the loss of two controlled parking spaces during surgery opening hours but bring a net gain of three spaces during evenings and weekends when the demand for residential car parking is generally higher.

Such alterations lie outside the red-line of the application site and cannot be secured within the legal agreement. Nevertheless, the proposed improvements and alterations to the adopted highway adjacent to the site that will need to be designed and secured to ensure that the interests of the Council acting in its capacity as the Highway Authority are protected. This is usually achieved via the inclusion of a condition as noted above (4) to link the works directly to the application and ensure that a s278 agreement of the Highways Act 1980 is entered into. This would be secured by condition 18

It is evident that this development would increase the level of on-street car parking demand in the vicinity of the site. Residents maintain that the impact would be unacceptable. As a vacant site, there is no travel demand currently associated with the site however, the previous use of the site as a Bingo Hall and the fallback position have also to be taken into consideration. The submitted surveys present results which have been agreed with the by the Highway Authority. Based on these surveys, the total parking demand for the surgery would be for 47 car parking spaces with existing on-street provision. Furthermore, the site lies in a highly accessible location for the local bus network. The Sustainable Transport Team acknowledge that they are not in receipt of anticipated staffing levels for the GP surgery. This is because there is no end-user committed to the site to date. For this reason, should the proposal be considered acceptable, it is felt that a Travel Plan for the surgery would be required to encourage staff to reduce reliance on private car use for journeys to works. This would be secured by condition.

A contribution to Sustainable Transport Infrastructure is expected in accordance with adopted policies TR1 SU15 and QD28 of the Brighton & Hove Local Plan. A contribution of £73,750 is sought through a S106 agreement. The level of contribution will go towards enhancements to the public transport facilities along Portland Road. The provision of improved bus

stop and cycling facilities on Portland Road will directly contribute towards achieving several of the targets contained in Brighton & Hove's Second Local Transport Plan (LTP2).

Concerns have been raised about the increased use of blue badge holder parking facilities in the vicinity of the site if this application is approved. It should be noted that blue badge holder parking bays are not (and can never be) dedicated to the exclusive use of an individual by virtue of the fact that they are located on the publicly adopted highway. Blue Badge holders visiting the surgery may park on single or double yellow lines for up to three hours in England and Wales, except where there is a ban on loading or unloading. Badge holders may also park for free and for as long as they need to at on-street parking meters and pay-and-display machines, unless there is a traffic sign specifying a time limit for holders of Blue Badges.

Public Art

The Inspector did recognise and accept the appropriateness of a contribution for public art under the terms of policy QD6. However, since that time the additional evidence with respect to open space requirements has emerged and strengthened the case in that respect. This has resulted in a negotiated position with respect to both the open space contribution and the public art contribution. In discussion with the applicant it has been agreed that a contribution to secure the provision of public art would not be sought given the recognised needs in the local area for the upgrade of existing open space facilities and the fact that the Inspector had considered the overall financial level of contributions with respect to this site in detail. On that basis, whilst the overall contribution levels have not changed they have been prioritised.

Conclusion

The proposal represents a re-submission of a refused scheme which was subject to an appeal in July 2009. The scheme still proposes a significant amount of residential development thereby making a valuable contribution to needs within the city, and with changes to the design, massing and site layout, it is considered that this scheme adequately responds to Inspectors observations on the previous application.

The proposed scheme would re-develop this vacant site and represents an efficient use of land providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered acceptable and would also result in an acceptable frontage to Portland Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Car parking for the doctors surgery would be located on Portland Road and School Road through a rationalisation of existing on-street facilities.

Subject completion of a satisfactory legal agreement, the development would

not put undue pressure on local infrastructure.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed scheme would re-develop this vacant site providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered to be generally acceptable and would also result in an acceptable frontage to Portland Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Car parking for the doctor's surgery would be located on Portland Road and School Road through a rationalisation of existing on-street facilities. The proposal is thereby considered to be in accordance with relevant development plan policies.

9 EQUALITIES IMPLICATIONS

Lifetime Homes standards would be met for all the residential units and wheelchair accessible housing is also provided.

BH2009/03154 Gala Bingo Hall & adjacent car park, 193 Portland Road



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Appendix A BH2009/03154

Addresses of respondents to public consultation:

Letters of objection

313	Kingsway,
1a, 46, 54, 72 (x4) 74, 82	Marmion Road
248A	Portland Road,

Letters of objection received from standard letter

4, 6 (x2), 10, 14, 16 19, 20, 21(x2), 23, 26, 28, 31, 35 (x2) 38A (x2)	Alpine Road
2, 3, 6 (x2), 8 (x2), 9, 11,12, 14 (x2), 15, 20 (x2), 21,22, 23, 25, 34, 37, 39, 41, 46, 52 (x3) 53,54, 57 (x2), 59 (x2) 60, 63, 66, 67 (x2), 69 (x2) 71, 73 (x2), 77, 79 (x2), 81	Bolsover Road
56	Broomfield Drive
1	Connaught Road
11	Crowborough Road
F4 and F2 4, 4, 8(x2), 10, 12, 1 Avon Court, 15, 2 Derwent Court, 3 Derwent Court (x3) 4 Hadley Court (x2) 4 Hadley Court, Flat 5, 3, Flat 1, 4 (x2) Flat 3, 40, Flat 3 Dudley Court, Flat 2 Avon Court, 12 , Flat 1 18, Flat 4 18, 2 Derwent Court, 1	Dallington Road
262	Ditching Road
46	Elm Drive
2, 6, 12. 16, 18(x2) 21(x2), 24, 28 (x2), 36a, 38, 41(x2), 45 (x2), 47, 51, 55, 60, 62, 67, 86,	Grange Road
17, 20 (x2), 22 (x3), 24(x2), 28(x2) 29(x2)30(x2)31, 32 (x2), 33, 34, 35, 36(x2) 36a, 37 (x2), 38, 39 (x2), 40, 41, 42 (x2) 48 (x4), 50 (x2), 52(x2), 56(x2), 58(x2), 60	Hogarth Road
10	Holland Road
1, 7, 8, 11,12, 14, 15, 18, 20, 23, 28, 31, 33, 34	Kendal Road
1 The Forge, 4, 8, 10	Kingsthorpe Road
3, 5, 8, 9, 13(x2), 15(x2), 16, 18, 20, 22, 24, 25, 28, 30, 32, 35	Lennox Road
3, 12, 20, 21, 28, 31, 33, 38	Linton Road
5	Luther Street
4	Mainstone Road

1A, 2 (x2), 3, 6, 8, 18(x2), 21,22, 23 (x2), 22A, 26(x2), 28 (x2), 31(x2), 27(x2), 29 (x3), 33 (x2) 34 (x2) 35(x2), 36 (x3) 37(x2) 41 (x2) 43, 45 (x2)	Marmion Road
3, 7, 8, (x2), 15, 16, 19, 21,	Milnthorpe Road
1, 3, 7, 9, 13, 18, 24, 34, 37, 25, 26 27(x3)	Modena Road
18, 20	Molesworth Street
127, 131	Montgomery Street
2 Mortimer Mews, 12, 14, 17, 18	Mortimer Road
14 1A, 2, 15, 16, 27, 34, 37A, 39, 42, 66, 75, 87	Payne Avenue
34	Portland Avenue
Flat 3 166, 207, 254a, 270, Westbourne Motors	Portland Road
3, 7, flat2 17, 17 (x2), TFF 20, 21, 22, 24 28, 31, 33, 34, 38,	Raphael Road
3, 6 (x2), 8, 10, 11, 12, 21 (x2), 25,	Reynolds Road
5	Ruskin Place
5, 9, 8, TFF10, FF10, 13, 14, 17, 19, 21, 23, 25, 26, 27, 29, 30, 32, TFF 41	Ruskin Road
31	Rutland Road
2 (x2), Unit 2 Cliffords, Cliffords, Tyre Express, A.J Autospray	School Road
2 (x) 5, 6, 9, 11, 12,	Scott Road
5, 7, 12, 19, 23, 26, 29, 30, 35, 41 (x2) 41a,	Shelley Road
3, 8, 11, 12, 16	St Heliers Avenue
16D	Station Road
20, 23, 25, 27 (x2), 29a, 29b, 31, 34, 40(x2), 60 (x2), 78, 1 The Old Sweet Factory (x2), house 3, 80, flat 3 80, 5 Maynard Sweet Factory, 80	Stoneham Road
13, 15, 20, 24(x2), 26, 30,	Suffolk Street
78	Tamworth Road
5, 9, 11,12, 13 (x2), 17, 21, 41, 48, 54, 55(x2), 56, 59, 60, 61, 66, 104, 33, 37, 67, 82, 84, (x2) 86, 92(x2), 100	Tamworth Road
5, 12, 14, 28, 29, FFF 34, 37, Flat 3, 40	Titan Road
11	Victoria Road
63	Westbourne Gardens

Letters of support

262	Ditchling Road,
61	Grange Road
104	Hallyburton Road
29	Landseer Road,
236	Portland Road,

Letters of comment

22	Aldrington Avenue,
15 (x2)	Bellingham Crescent
3	Hallyburton Road
29	Landseer Road
36	Marmion Road
7	Orchard Avenue
248	Portland Road
34	Portland Avenue



Brighton & Hove City Council

PLANS LIST – 7 APRIL 2010

COUNCILLOR REPRESENTATION

From: Ted Kemble [mailto:Ted.Kemble@brighton-hove.gov.uk]

Sent: 10 February 2010 13:39

To: Clare Simpson

Cc: Garry Peltzer Dunn;

Subject: BH2009/03154 Gala Bingo

Clare

I write to register to the above planning application on the following grounds.

- 1 The density, design height and scale form an over development of the site.
- 2 Inadequate and unusable casual play space.
- 3 Loss of community facilities.
- 4 Increase in traffic levels.

These are a number of other reasons I could use as objections but will bring these to the planning committee's attention when it goes before them.

Would you please note that I wish to address the planning committee when the application comes to committee

Regards
Cllr Ted Kemble

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2009/02741	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Householder Planning Consent		
<u>Address:</u>	7 Station Road, Brighton		
<u>Proposal:</u>	Erection of two storey outhouse, incorporating double garage and parking bay to ground floor and home office to first floor (roofspace) over.		
<u>Officer:</u>	Charlotte Hughes tel: 292321	<u>Valid Date:</u>	17/11/2009
<u>Con Area:</u>	Adjoining Preston Park	<u>Expiry Date:</u>	12 January 2010
<u>Agent:</u>	Arch-angels Architects, 128 Edward Street, Brighton, BN2 0JL		
<u>Applicant:</u>	Mr Marc Whiteside, The Denes, 7 Station Road, Brighton, BN1 6SF		

This application was deferred at the last meeting on 17/03/10 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 set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning permission.
2. BH03.02 Samples of materials.
3. The garage building hereby permitted shall not be used for any purpose other than as a private and domestic garage and home office, incidental to the enjoyment of the associated house.
Reason: To safeguard to amenities of neighbouring properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. No development shall take place until fences for the protection of trees to be retained have been erected in accordance with the details specified in Section 5 of the accompanying Arboricultural Report. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the area 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.
5. Any excavation work within the existing crown spread of the trees to be retained shall be carried out only by hand. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.

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.

6. The soil levels within the root protection area of the trees to be retained shall not be raised or lowered without the prior written approval of the Local Planning Authority.

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.

7. The driveway shall either be constructed of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the cartilage of the dwellinghouse, details of which are to be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To prevent the increased risk of localised flooding and to comply with policy SU4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 0911P01a and the Arboricultural Report received on 4 February 2010 and drawing no. 0911POZ and the Waste Minimisation Statement received on 12 November 2009.

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

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

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD16 Trees and hedgerows

QD27 Protection of amenity

SU4 Surface water run-off and flood-risk; and

- ii) for the following reasons:

The proposed development is considered to be acceptable in terms of its design and visual impact on the surrounding area. Furthermore it would not have a significant detrimental impact on neighbouring residential amenity and it is considered that the development can be implemented without causing harm to trees which are to be retained on the site. The proposal would therefore be in accordance with development plan policies.

2 THE SITE

The site comprises the dwelling and grounds of a large 2-storey detached house in the suburban area of Preston Park. The house is served by a drive from Station Road to the west. The site borders the Preston Park

Conservation Area on its north, east and southern sides. A pair of semi-detached modern houses lie to the west at a higher ground level and the rear gardens of these properties back onto the application site. A block of flats – Robin Lodge - is situated to the north west. There is also a detached house lying on the plot to the south of the access drive. The land slopes upward from east to west. Along the northern boundary is a line of Leylandii with one Sycamore tree in the line, which is covered by an Area Tree Preservation Order 1975 (16).

3 RELEVANT HISTORY

BH2008/03078: Demolition of existing dwelling and erection of 7 new houses. Refused 7th January 2009.

4 THE APPLICATION

The application seeks full planning permission for the construction of an outbuilding which incorporates a double garage and parking bay to the ground floor and a home office within the roof space over.

The outbuilding would be sited to the west of the main house and would be accessible via the drive which leads off Station Road. The building would measure some 5.2m in height, 8.3m in width and 5.2m in depth. It would be set away from the northern boundary by 7m and the western boundary by 1.1m. Furthermore the outbuilding would be sunk into the ground by 1m at its western end. Detailed drawings showing existing and proposed ground levels have been submitted.

The outbuilding would have a barn-end roof, three dormer windows facing south, a traditional timber frame clad with sweet chestnut and clay tiles to the roof.

5 CONSULTATIONS

EXTERNAL:

Neighbours:

3 letters of objection from **5 & 6 Station Road:**

- Our home and that of our neighbour at 6 is orientated so that the main living area is to the rear of the house, facing east, overlooking our modest garden and the proposed development at no.7.
- We believe that an outbuilding that is two stories high – 5.2m according to the plans – with the gable so close to our boundary will result in overshadowing of our living area and garden.
- We believe that if a two-storey outbuilding is required then this should and could be located within the extensive grounds in a way that would have little impact on the amenity of neighbouring properties.
- We believe that any building on the current proposed location should be restricted to single storey.
- The current application by virtue of proximity and being two stories high does dominate and overshadow with increased sense of enclosure, loss of light and outlook.

- No.6 would be directly impacted, causing us to lose privacy in various parts of our house and garden including the two back bedrooms that currently enjoy no direct line of sight from neighbours and stunning views over a natural landscape.

1 letter of objection from **8 Station Road:**

- We do not object to the erection in principle of new garages but the plans presented are for a building that is too large.
- A smaller proposal would be more acceptable.

1 letter of objection from **1 Robinia Lodge, Station Road:**

- The planned building is too large for the given space and compromises the neighbouring properties in terms of outlook and light.
- Two storeys is excessive for the situation making the land surrounding to the north, east and west of it overcrowded.

Following an amendment to the proposal an additional letter of objection has been received from the occupiers of **5 Station Road** reiterating their objection to the scheme on the basis that the proposed repositioning of the development further south would have an even more severe impact on their property in terms of outlook, loss of light and overshadowing.

Councillor Pat Drake: Objects (comments attached).

CAG: The group agreed with the comments from the Preston & Old Patcham Society and welcomed the retention of the house and agreed the affect the proposal would have on views along the road would be minimal. The group requested it be conditioned that the hard standing be permeable paving to avoid runoff adding to flood risks. Subject to this condition the group agreed to raise no objection to this application.

INTERNAL:

Conservation & Design: The site is just outside the conservation area boundary and the outhouse as proposed would have only very limited visibility from within the conservation area in Station Road. The footprint and scale of the building would be subservient to the main house and would preserve the suburban grain of the area. The form and materials of the building would ensure that the building sits comfortably in its context, preserving the setting of the conservation area.

The new area of block paving appears to be larger than necessary and the introduction of some soft landscaping would be desirable.

Sustainable Transport: No objection. There is no material concern in terms of highway safety. So acting as Highway Authority we would not wish to raise an objection.

Arboriculturist: Trees at this location are covered by an Area Order Tree

Preservation Order 1975. To the north of the proposed development, in the garden of no.7, is a line of Leylandii (old hedge not maintained) with one sycamore in the line. In the neighbouring garden (number 5) there are 2 mature trees that are not covered by the TPO and are not within a conservation area. All of the above trees may be affected by the proposed development.

The ideal would be for a tree survey to be carried out that calculates the root protection areas of all the trees, then puts the footprint of the garage outside this area, at least for the neighbouring trees if not for the sycamore and leylandii.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- SU4 Surface water run-off and flood-risk

7 CONSIDERATIONS

The main issues are considered to be whether the proposed development is acceptable in terms of its design, its visual impact on the host property and the surrounding conservation area, and whether it would have a detrimental impact on neighbouring residential amenity or the health of existing trees within close proximity to the site.

During the course of the application amended plans and a tree survey were submitted on 4th February 2010. The following alteration was made:

- The location of the garage has been moved 6.4m to the south, to take the footprint of the garage outside of the root protection zone of the nearest trees.

Design/Visual impact

Policy QD2 requires that development be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics. Policy HE6 states that those proposals within or affecting the setting of a conservation area should preserve or enhance the character and appearance of that area.

The proposed garage is traditional in appearance and would be constructed from good quality materials, subject to samples being submitted for approval which can be dealt with via a condition. The design, scale and form of the garage building are considered satisfactory and it would clearly be subservient to the main dwelling.

Concern has been expressed that the structure is too large, however the

ridge height of the garage would be no higher than the eaves height of the main house and furthermore the 1st floor accommodation would be contained with the roof structure and it would be dug into the ground at its western end.

It is considered that in its context, when viewed against 7 Station Road which is a large detached dwelling, the proposed garage would not appear oversized and visually dominant. Only glimpses of the proposed garage would be visible from along Station Road and while it is noted that the applicant intends to remove the Leylandii hedge along the northern boundary (which does not require consent to be removed) and consequently the proposal would have a greater visibility from views to the north, this could be softened by appropriate landscaping.

The 1st floor of the garage is proposed to be used as a home office and it is considered that an appropriately worded condition would ensure its use remains incidental to that of the main house. There is an existing garage on the site, which is integrated into the main house at its southern end, however it is understood that this would become part of the main house should this application be approved.

No objection has been raised by the Conservation Officer. In terms of its design and visual impact the proposed development is considered to be acceptable and it therefore would preserve the character and appearance of the adjoining conservation area in accordance with policies QD2 and HE6 of the Local Plan.

Amenity

Policies QD14 and QD27 require that developments must not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring occupiers.

Concern has been expressed by the residents of 5 and 6 Station Road, which back onto the site from the west, that the development would cause harm to their amenity in terms of loss of light/overshadowing and loss of outlook.

The revised position of the garage as now proposed would mean that the structure would sit relatively equally across both gardens now, rather than being sited across the bottom of No's 5 rear garden alone.

The garden area of No.7 is proposed to be excavated to accommodate the garage and it would therefore be sited 1m below existing ground level at its western end. Detailed plans and sections showing both existing and proposed ground levels have been submitted to illustrate this. The rear gardens of 5&6 Station Road are marked by a 1.8m high panel close board fence and the properties themselves are sited at a higher ground level than 7 Station Road due to the natural gradient of the land which slopes down

from west to east. The south elevation of the proposed garage would be approximately 2.2m higher than the height of the boundary fence; however the garage incorporates a barn hip meaning that at a height of 1.3m above the fence line the roof of the garage will slope away from the neighbouring property for the remaining 0.9m thereby lessening its impact.

The rear gardens of 5 & 6 are approximately 11m in length which means that the garage will be sited over 10m away from rear windows in the western elevation of these properties. This distance together with the changes in levels is considered to be sufficient to prevent any material overshadowing or loss of light to these houses. The development would also not result in material harm by reason of loss of outlook or creating an overbearing presence.

With regard to potential overlooking, the dormer windows would face south and due to the revised location of the garage it is considered that only oblique views into the garden of No 6 would be possible. Furthermore there is already a considerable amount of mutual overlooking possible between 7 Station Road and No's 5 & 6 Station Road and it is therefore considered that the proposed garage would not be considered unacceptable on these grounds.

Concern has also been expressed that the garage would overshadow the garden areas of 5 & 6 Station Road. Due to the orientation of the Sun, any shade from the garage is likely to be cast at the eastern end of the garden of No.5 during the morning period. However this end of the garden lies within the canopy of two fairly large trees and it is therefore considered that this area would already experience overshadowing from these trees, particularly in the summer months when the garden is more likely to be in use and when the trees would be in leaf.

For these reasons it is considered that the garage would not result in a significant detrimental impact on neighbouring residential amenity in terms of overshadowing and furthermore the removal of the Leylandii hedge is likely to improve the levels of light to the area in question.

Finally with regard to loss of outlook, now that the location of the garage has been revised, none of the properties would have a full side elevation at the bottom of their garden.

Trees

There are several trees within close proximity to the development and a Tree Survey was therefore requested. This has confirmed (paragraph 6.3) that the trees at no.5 would not be affected by the proposed development as the garage would be in excess of 10m away and the changes in levels between the largest tree and the location of the garage would render the construction area unavailable for associated root development.

As a result of the findings of the Tree Survey, the garage has been moved outside of the root protection zone of the Sycamore tree along the northern boundary of 7 Station Road. Nevertheless it would be prudent to impose suitable conditions to ensure that the health of this tree would not be jeopardised during the construction of the development.

Sustainability

The application is accompanied by a Waste Minimisation Statement which, having regard to the scale of the proposed development, is considered sufficient to demonstrate construction and demolition waste will be minimised in an effective manner.

Conclusion

The proposed garage is considered to be of an appropriate scale, traditional design and entirely acceptable in terms of its visual impact on the surrounding area. The impact of the development on neighbouring residential amenity has been carefully assessed, however it is considered that it would not result in an unacceptable impact in terms of loss of light, overshadowing, loss of privacy or outlook. Likewise the impact on trees within the site and those at the neighbouring property has also been considered; the location of the garage has been revised accordingly and it is considered that the development can be implemented without causing a detrimental impact to the health of these trees.

The proposal is therefore considered to be in accordance with the development plan and is recommended for approval.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is considered to be acceptable in terms of its design and visual impact on the surrounding area. Furthermore it would not have a significant detrimental impact on neighbouring residential amenity and it is considered that the development can be implemented without causing harm to trees which are to be retained on the site. The proposal would therefore be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/02741 7 Station Road



Date: 02/03/2010 02:08:34

Scale 1:1250

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**Brighton & Hove
City Council**

PLANS LIST – 7 APRIL 2010

COUNCILLOR REPRESENTATION

From: Pat Drake [Pat.Drake@brighton-hove.gov.uk]
Sent: 18 December 2009 12:18
To: Charlotte Hughes
Subject: Application Number BH2009/02741 The Denes, 7 Station Road, Preston

Dear Charlotte

This major extension will have a detrimental impact on the neighbouring properties at numbers 5 and 6 station Road and in these circumstance I support their objection to the height and overshadowing that this will occasion. It will clearly be detrimental to the enjoyment of the gardens of neighbouring property. A single storey development might be acceptable but two storeys have too great an impact so close to the boundaries. If such a major development is pursued it could be sited closer to the existing house at number 7 where it would not impact in the same manner on neighbours.

Kind regards
Pat Drake
Councillor Witdean ward

No:	BH2009/02158	Ward:	ROTTINGDEAN COASTAL
App Type	Full Planning		
Address:	Land to rear of 11 Longhill Road, Ovingdean		
Proposal:	Erection of detached 2 storey, 4 bed dwelling house.		
Officer:	Ray Hill, tel: 293990	Received Date:	09 September 2009
Con Area:	N/A	Expiry Date:	20 November 2009
Agent:	Bold Architecture Design, The Cottage, 104 Hallyburton Road, Hove		
Applicant:	Ms Helen Sywak, 11 Longhill Road, Hove		

This application was deferred at the last meeting on 17/03/10 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 to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity & character).
3. BH02.07 Refuse and recycling storage (facilities).
4. The two windows in the 'Proposed North Elevation' shown on drawing no. 05 Rev. B submitted on 1 March 2010, shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. BH03.01 Samples of materials Non-Cons Area (new buildings).
6. BH04.01 Lifetime Homes.
7. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Assessment Report showing that the development will achieve Level 3 of the Code for Sustainable Homes for the residential unit has been submitted to the Local Planning Authority; and
 - (b) a BRE issued Design Stage Certificate demonstrating that the development will achieve an Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve at least Code Level 3 for the residential unit has been submitted to, and approved in writing by the Local Planning Authority.

A completed pre-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.

8. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Building Research Establishment issued Post Construction Review Certificate or Final Code Certificate confirming that the residential unit built has achieved a Code for Sustainable Homes rating of level 3 has been submitted to, and approved in writing by the Local Planning Authority
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
9. Unless otherwise agreed in writing by the Local Planning Authority, the measures for the recovery and re-use of demolition and construction waste shall be implemented in strict accordance with the Waste Minimisation Statement submitted on 9 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 policy WLP11 of the East Sussex & Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction & Demolition Waste.
10. BH06.01 Retention of parking area.
11. BH06.04 Sustainable transport measures.
12. BH06.03 Cycle parking facilities to be implemented.
13. Unless otherwise agreed in writing, no development shall commence until details of the construction of the brown roofs 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 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 with the Local Planning Authority, the landscaping scheme shall be implemented fully in accordance with the landscaping details shown on plan numbered 02 Rev A submitted on 12 November 2010.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies Qd1 and Qd15 of the Brighton & Hove Local Plan.
15. BH11.02 Landscaping/ planting (implementation/ maintenance).

Informatives:

1. This decision is based on drawing nos. 041/01 Design & Access Statement, Biodiversity Checklist, Waste Minimisation Statement and Ecohomes Pre-Assessment submitted on 9 September 2009, drawing no's

06 & 07 submitted on 25 September 2009, drawing no's 041/02A submitted on 12 November 2009 and drawing no's 041/03A, 04A & 05B submitted on 1 March 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 and Supplementary Planning Documents:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU9	Pollution and nuisance control
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. Parking and access arrangements are satisfactory and sustainability measures are acceptable subject to condition.

3. IN04.01 Lifetime Homes.

4. IN05.02 Code for Sustainable Homes.

5. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2,000 to fund improved sustainable transport infrastructure in the vicinity.
6. The Council's Sustainable Transport team advises that the crossover should be constructed in accordance with the Council's approved Manual for Estate Roads and under licence from the Highways Operations Manager prior to the commencement of the development.

2 THE SITE

The application site is located on the north-eastern side of Ainsworth Avenue 100 metres to the north-west of its junction with Longhill Road. It is roughly rectangular in shape with a frontage width of 19 metres to Ainsworth Avenue, a maximum depth of 23 metres and an area of 315 square metres (0.0315 ha). The site previously formed part of the rear garden of a two storey detached house fronting Longhill Road (No.11). Land levels within the site rise steeply from south-west to north-east following the prevalent topography of the area.

The surrounding area is wholly residential in character comprising detached two storey houses and bungalows of a variety of styles and designs, set within relatively spacious plots.

3 RELEVANT HISTORY

BH2006/01584: In August 2006, planning permission was granted for the erection of a three bedroom house fronting Ainsworth Avenue (Resubmission of withdrawn application BH2006/00082).

BH2006/00082: A planning application was submitted and subsequently withdrawn in March 2006 for the erection of a three bedroom house fronting Ainsworth Avenue.

BH2003/01877/FP: In August 2003, planning permission was granted for the erection of a double garage with handrail on roof to enclose patio, with access from Ainsworth Avenue.

BH2000/03049/FP: In September 2001, planning permission was refused for the erection of a dwelling with off-street parking.

BN/90/1461/F: In December 1990, planning permission was refused for the erection of a detached bungalow with basement garage. A subsequent appeal against the Council's decision to refuse planning permission was dismissed.

4 THE APPLICATION

The application seeks full planning permission for the erection of a detached part two storey/ part single storey four bed dwelling house.

The proposed dwelling would have a width of 12.3m and a maximum depth of 9.6m. The two storey element of the building, which would be set in 2m from

the north-western boundary of the site with No.53 Ainsworth Avenue, would have a maximum eaves height of 5.4m and a ridge height of 6.2m, whilst the single storey element would be set in 1.5m from the south-eastern boundary with no.9 Longhill Road and have a maximum height to ridge of 3.9m. The dwelling would have a staggered front building line set in from the back edge of the footway on Ainsworth Avenue by a maximum of 8.5m and a minimum of 2.8m.

The proposed house would be of contemporary design with white painted rendered elevations, front facing timber balustraded balconies and extensive areas of full height glazing surmounted by a shallow pitched green roof.

There would be a 5.5m deep rear garden comprising a patio with raised terrace laid to lawn. One parking space would be provided on the frontage accessed from Ainsworth Avenue.

The application has been amended during the course of its consideration, a blue profiled metal roof being replaced with a green/ sedum roof.

5 CONSULTATIONS

External:

Neighbours: Seventeen letters have been received from the occupiers of **42, 44, 50, 52, 54, 56 and 68 Ainsworth Avenue, 7, 9(x2), 13, 17 and 24(x2) Longhill Road, The Hames Ovingdean Road and Field End (x2 un-numbered)** objecting to the application on the following grounds:

- bulk/scale/design (particularly the blue corrugated roof) out of character;
- increased traffic;
- increased noise/ disturbance;
- overlooking/ loss of privacy;
- loss of light/ overshadowing;
- overbearing;
- would appear overly dominant/ incongruous in street scene;
- overdevelopment;
- plot size smaller than the original planning permission;
- planning permission for a smaller property on the site has been refused;
- approval would be inconsistent with recent planning decisions;
- garden too small;
- insufficient space for any meaningful landscaping/ planting;
- residential use would be intensified because originally approved scheme had 3 bedrooms and the current submission 4 bedrooms;
- bio-diversity statement inaccurate; and
- like 11 Longhill Road it could be used as a holiday let resulting in noise and disturbance.

One letter has been received from the **Ovingdean Residents and Preservation Society** objecting to the application on the following grounds:-

- design and plot size out of character with the area;

- plot size smaller than the original planning permission;
- inadequate landscaping provision;
- loss of boundary screening;
- building would be overbearing in the street scene.

Internal:

Sustainable Transport: No objections subject to conditions to secure the provision of parking facilities, appropriate crossover construction and a financial contribution of £2,000 towards the provision of sustainable transport improvements.

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
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Construction industry waste
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Supplementary Planning Guidance

SPGBH4	Parking Standards
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Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

7 CONSIDERATIONS

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

- The principle of the proposed development;
- Design and visual impact on the locality;
- The impact on the amenities of neighbouring occupiers;
- The amenities of future occupiers;

- Highways and parking; and
- Sustainability.

The principle of the proposed development

Planning permission was granted (BH2006/01584) in August 2006 for the erection of a dwelling house on the site. That permission has expired, but remains relevant. At that time the Local Plan was adopted and with respect to the principle of development the policy framework has not changed significantly. PPS 3: Housing encourages the re-use of previously developed land, (including residential gardens), for housing, on that basis there are no objections in principle to the proposed development. However, the proposal is subject to the considerations highlighted below.

Design and visual impact on the locality

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a new development to make efficient and effective use of the site, reflect the key principles of the neighbourhood in terms of height, scale and bulk, and exhibit a high standard of design that makes a positive contribution to the visual quality of the environment.

Although the depth of the application site has been reduced by between 1.5 and 3 metres, the siting, height, bulk and massing of the proposed building is comparable to that previously approved in August 2006 (BH2006/01584). The proposed house would occupy a central position within the site. It would be set well back from the front boundary with Ainsworth Avenue (i.e. between 2.8m and 8.5m compared to 2.3m and 7.9m as originally approved) with 2m and 1.5m separations to the north-western and south eastern site boundaries respectively (as originally approved). This arrangement would be in keeping with the staggered front building line established by the properties immediately to the north-west on Ainsworth Avenue and satisfactorily reflect the prevalent spacing characteristics of the street scene.

As with the previously approved scheme, the proposed house would have a comparable frontage width to the properties to the north-west and a height and massing which will take into account the changes in ground level, with the two storey part of the building being located on the lowest part of the site so that it would sit comfortably below the ridge level of No.53 Ainsworth Avenue by some 0.4m. Accordingly, it is considered that the proposed house, with the siting, height and form would compare satisfactorily to the previously approved scheme and would be in keeping with the character of the area.

Although the properties in the immediate locality are generally traditional in design, they are varied in terms of their sizes, external finishes and architectural detailing. In its consideration of the previously approved scheme, the Council acknowledged that the modern design and in particular the shallow pitched profiled metal roof, would differ from the local vernacular but considered that this would not detract from the character or visual amenity of the area. Relatively minor alterations to the elevations of the building have

been made, which include the re-positioning of fenestration, modified entrance arrangement, the formation of an additional front facing terrace at raised ground floor level and the replacement of the asymmetric profiled metal roof with a symmetrical green/sedum structure. It is considered that the contemporary design principles have been maintained and the external appearance of the building would significantly improve upon that which was previously approved. Therefore, the scheme is considered to be acceptable and in accordance with the design policies of the Local Plan.

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 properties.

Given that the properties to the rear of the site fronting Longhill Road are set at a significantly higher ground level than that of the proposed dwelling, the development would have no material impact in terms of overshadowing, and loss of light or outlook. One window serving a habitable room would be included at first floor level in the rear elevation of the property compared to two in the approved scheme. It is considered that any potential overlooking would be commensurate with a suburban area such as this, and would be satisfactorily ameliorated by the land level variations. In respect of the properties to the south-east of the site on the opposite side of Ainsworth Avenue, building to building separations of some 30 metres would be achieved, which is sufficient to preclude any overlooking/ loss of privacy from the proposed front facing balconies.

It was noted by the Council in its consideration of the previously approved scheme that the most likely property to be affected would be No.53 Ainsworth Avenue. However, it was concluded that due to the position of the proposed dwelling in relation to No.53 (i.e. 2m to the boundary and a building to building separation of 4m) and the fact that the only windows proposed for the north-west facing flank elevation would be obscure glazed, there would be no significant harm to the amenity of the occupiers in terms of overshadowing, loss of light or privacy. The only material difference between the current application and the previous approval is that the proposed house would project 4.7m beyond the rear elevation of No.53 rather than 4.3m. The applicant has satisfactorily demonstrated that this increased rearward projection of 0.4m would not prejudice light or outlook from the nearest rear facing window of No.53. It is also considered that this would not result in any significant increase in overshadowing or visual intrusion to an extent that would warrant refusal. An obscure glazing condition is recommended in relation to the two windows that would face No. 53.

The amenities of the future occupiers

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

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

Owing to a reduction in the plot size, the level of private amenity space provision has been reduced compared to the previously approved scheme. The rear garden would now have a maximum depth of 5.5m with an area of approximately 68 sqm rather than a depth of 8m and an area of 117 sqm. Although this would constitute a significant reduction in the size of the rear garden, it is considered that it would still be of sufficient size to serve the recreational needs of the future occupiers and to accord 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 proposal creates and to maximise the use of public transport, walking and cycling.

The parking arrangements are identical to that previously approved providing one forecourt space which is capable of use by disabled persons. In addition, two covered secure cycle parking spaces would be provided in the rear garden in accordance with policy TR14. It is recommended that a condition be imposed to secure the provision and retention of these arrangements.

Although the Sustainable Transport Team have no objections to the development, a financial contribution of £2,000 towards the provision of improved sustainable transport infrastructure in the vicinity of the site has been requested. It is recognised that this was not a requirement of the previous permission which was approved in August 2006. However, the contributions methodology has been in use by the Council since February 2008, and therefore it is considered reasonable to now require improvements for sustainable transport infrastructure, and this condition is now recommended.

It is considered that the access and parking arrangements are acceptable and the proposal would not be of detriment to the local highway network nor would it jeopardise highway safety.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to small-scale new build residential development such as this, Supplementary Planning Document 08 Sustainable Building Design requires applicants to submit a completed Sustainability Checklist and recommends that the development achieves a minimum rating of Level 3 of the Code for Sustainable Homes.

The Applicant has submitted a satisfactory Sustainability Checklist and has indicated that the development would incorporate energy efficiency measures with regard to lighting, hot water heating, insulation and water consumption reduction measures by means of low flow sanitary ware, WCs and rainwater harvesting. The Applicant has confirmed that the original scheme was registered with the BRE and that an Ecohomes Pre-Assessment rating of 'Very Good' achieved. The condition relating to the submission of EcoHomes details in relation to the existing planning permission has been discharged.

It should be noted that the "Very Good" Ecohomes rating referred to above is equivalent to Level 3 of the Code for Sustainable Homes. However, given that Ecohomes is no longer applicable to new build development, it is recommended that a condition be imposed to secure compliance with the Code for Sustainable Homes as required by SPD08.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. Parking and access arrangements are satisfactory and sustainability measures are acceptable subject to condition.

9 EQUALITIES IMPLICATIONS

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

BH2009/02158 Land rear of 11 Longhill Road



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<u>No:</u>	BH2009/02955	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	45-46 North Street, Brighton		
<u>Proposal:</u>	Conversion of existing residential unit into 3 self-contained flats and 5 bedsit units together with extension to third floor. Minor alterations to existing shopfront to allow access to flats above. (Part Retrospective).		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	18/12/2009
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	12 February 2010
<u>Agent:</u>	Mr Malcolm Lewis, 25 St Nicholas Lodge, Church Street, Brighton		
<u>Applicant:</u>	Mr M Sanidad, c/o 25 St Nicholas Lodge		

1 RECOMMENDATION

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

Reasons:

1. The proposed flats by reason of their number, limited size, design, layout and absence of adequate private amenity space would represent an overdevelopment of the site and provide a cramped and unsatisfactory standard of residential accommodation, which would fail to meet the likely needs of future occupiers and 'Lifetime Home' standards. The proposal is thereby contrary to policies QD27, HO3, HO4, HO5 and HO13 of the Brighton & Hove Local Plan.
2. The scale and proportioning of the third floor extension to 46 North Street, together with the detailing and proportions of the fenestration treatment within the building, would result in the loss of the building's descending order of scale at upper floor levels. This would adversely impact on the existing architectural hierarchy of the building which, as a result, would appear top heavy and out of scale. The proposals would therefore be detrimental to the character and appearance of the host building and the wider street scene and fail to preserve or enhance the character or appearance of the Old Town Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and to advice contained within PPG15 'Planning and the Historic Environment.'

Informatives:

- 1) This decision is based on a Design & Access Statement and accompanying supporting information, and drawing nos. A863 01, 02, 03, 04, 06A, 07 & 08A submitted 1st December 2009; and drawing no. A836 40 and accompanying supporting information submitted 18th December 2009.
- 2) Notwithstanding this decision please be advised that there are strong

concerns regarding the structural stability of the front elevation of 46 North Street. Should the applicant be minded to submit a revised application for a similar development to that currently proposed it should be accompanied by a structural survey or statement to demonstrate the extent of the alterations / rebuilding on the fabric of the existing building, which is an important feature of the Old Town Conservation Area. If the applicant has concerns regarding the short-term structural stability of 46 North Street please contact the Council's Building Control Team (tel: 01273 292030).

- 3) 46 North Street makes a positive contribution to the character and appearance of the Old Town Conservation Area. There are significant concerns regarding the potential demolition and reconstruction of this building, and should the applicant be minded to submit a revised scheme for a similar development this issue should be fully addressed as part of the application.

2 THE SITE

The application site relates to the upper floors of a mid-terraced property, comprising two adjoining buildings, on the southern side of North Street within the Old Town Conservation Area. The ground floor of the property is in commercial use with upper floors seemingly vacant.

3 RELEVANT HISTORY

BH2009/01439: Conversion of existing residential unit into 3 self-contained flats and 6 bedsit units, together with extension to third floor. Minor alterations to existing shopfront to allow access to flats above. Refused in 2009 for the following reasons:-

1. *The proposed flats by reason of their size, design, layout and absence of adequate private amenity space would be an overdevelopment of the site and provide a cramped and unsatisfactory standard of residential accommodation, which would fail to meet the likely needs of future occupiers and 'Lifetime Home' standards. The proposal is thereby contrary to policies QD27, HO3, HO4, HO5 and HO13 of the Brighton & Hove Local Plan.*
2. *The form of the proposed development, and in particular the scale and proportioning of the third floor extension to 46 North Street - together with the detailing and proportions of the fenestration treatment within the building - would result in the loss of the building's descending order of scale at upper floor levels, thereby adversely impacting on its existing architectural hierarchy and making the building appear top heavy and out of scale. The proposals would be detrimental to the character and appearance of the host building and the wider street scene. The proposed development would fail to preserve or enhance the character or appearance of the Old Town Conservation Area and is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, the provisions of Supplementary Planning Guidance Note 1*

(Roof Alterations and Extensions), and to advice contained within PPG15 'Planning and the Historic Environment.'

This decision is subject of an appeal, a decision on which is expected shortly.

Planning permissions were granted in 2009 for a change of use at ground and basement levels from a building society office (A2) to a restaurant (A3) and a restaurant / take-away with new shopfront (ref: **BH2009/00908** & **BH2009/02209**).

4 THE APPLICATION

The application seeks consent for a third floor extension to no. 46 and conversion at first, second and third floor levels to form 8 self-contained residential units (3 no. one-bedroom flats and 5 no. studio flats). The existing shopfront would be altered to form a new access to the proposed flats.

The application is part retrospective as internal works to subdivide the units and install bathroom fittings have taken place. The applicant has, though, ceased works, on the advice of the Planning Department, whilst the application and appeal are considered.

5 CONSULTATIONS

External:

Neighbours: 5 (five) letters have been received from the following businesses, **Intensive School of English** (34 Duke Street); **Parsons, Son & Basley** (32 Queens Road); **Me Old China Restaurant & Personal Selection Recruitment** (46 West Street); and **Prominence** (property services) (124 Western Road); and 2 (two) letters have been received from the owner / occupiers of **9 Charis Court, Eaton Road; 20-24 (flat 54) Montpelier Road** supporting the application for the following reasons:-

- there is a shortage of single occupancy accommodation in the centre of Brighton;
- the prices of larger 2 and 3 bedroom flats in the centre of town makes smaller accommodation more attractive for those who prefer living centrally;
- properties in central Brighton attract people looking for short term tenancy rather than those looking for permanent accommodation.

Brighton Archaeological Society: Unaware of any archaeological implications regarding this planning application.

County Archaeologist: Although the site is situated in an Archaeologically Sensitive Area do not believe that any remains are likely to be affected by the proposals.

Internal:

Conservation and Design: The additional storey on No. 46 alters the proportions and scale of the building in a manner that radically alters its

character. The ceiling height of the second floor is raised and the new third floor would also have a high ceiling. The window heights would be the same on the second and third floors as the first. All of this results the loss of the existing building's descending order of scale of the upper storeys and loss of its hierarchy. This makes the building appear top-heavy and out of scale.

The raising of the height of this building results in a leveling up of the building heights in the street and a loss of its character of varying heights. The style of the new windows is late Victorian style plain sliding sash window without glazing bars, which is also out of character with the building's period and style and they should be small paned sashes without horns to match the originals.

In view of this, the proposal would neither preserve nor enhance the character of the conservation area but would detract from it and from the character of the building is contrary to Local Plan policies QD14 and HE6 and Supplementary Planning Guidance Note SPGBH01 – Roof Alterations and Extensions.

Moreover there are concerns about this fragile old building being able to take the weight of an additional storey. Before considering the acceptability of an additional storey, a structural survey and report should be prepared to demonstrate that the building can support the additional load and that the scheme would not result in its demolition and rebuilding, as so often happens in these circumstances.

Planning Policy: In principle there is support for empty properties above shops to be converted to housing but it should not be at the expense of the shopping use and it is not clear (from the information with this application) how the first and other floors were involved with the retail use, given the apparent need for storage and the provision of WCs on the first floor.

The proposal does not directly address the policy framework and in particular the need for housing suitable a range of needs including families, accommodation that is readily adaptable in the event of disablement nor the requirement for usable private open space per dwelling. Sustainability, including recycling and waste as well as energy and water efficiency; travel; and recreation needs generated by the proposal require to be addressed.

Sustainable Transport: Do not anticipate the potentially increased parking demand created by the development would have a material impact on the highway. Recommend conditions relating to the provision of cycle parking and details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development

TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
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
QD14 Extensions and alterations
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
SR4 Regional shopping centre
HE6 Development within or affecting the setting of conservation areas
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

BH1 Roof Alterations and Extensions

Supplementary Planning Documents

BH03 Construction and Demolition Waste

BH08 Sustainable Building Design

7 CONSIDERATIONS

The main issues of consideration in the determination of this application relate to the proposed standard of residential accommodation at upper floor levels and its resulting impact on the character and appearance on the conservation area, residential amenity, and transport issues.

Existing use

The Design & Access Statement suggests the previous use of the upper floors of the building was residential which has more recently remained empty due to the commercial use at ground floor level. However, on the basis of previous planning applications at the site and Council Tax and Business Rate records it is instead considered that historically the upper floor levels have been used as ancillary accommodation to the main commercial use. There is no evidence to suggest that the upper floors have been used as residential or independently from the ground floor, which was last used as a Building Society.

The proposal would therefore result in the loss of accommodation ancillary to the ground floor commercial unit which, following the granting of planning application BH2009/00908, could be occupied within Use Class A2 or A3. It

is considered that the self-containment of the upper floors would not prejudice the future vitality or viability of the commercial unit, which lies within the regional shopping centre, and sufficient commercial floorspace would remain at ground and basement levels. The conversion would therefore not conflict directly with local plan policy SR4.

Additional storey

Design

The application site lies within the Old Town Conservation Area where development proposals should preserve or enhance the character or appearance of the area.

The southern side of North Street is characterised by a variety of building heights and styles and this diversity is an important element of the character of this part of the conservation area. This is reflected in supplementary planning guidance note 1, on roof alterations and extensions advises, which that *'where a street has developed with buildings of varying height and scale and where a varied roof-line is an important aspect of its character, this should be respected, and any tendency to level up buildings to a uniform height will be resisted.'*

The proposed additional storey (at third floor level) to no. 46 would result in some leveling up of the building heights in the street: and as such there would be some impact on the character of varying roof heights in this section of North Street. However, despite the additional storey there would still be some variation of building and parapet heights.

Whilst there is no objection in principle to the increased height there are concerns relating to the detailing and proportions of the additional storey, which result in the loss of the existing building's descending order of scale of the upper storeys and its architectural hierarchy; making the building appear top-heavy and out of scale, and detrimentally affect the appearance of the building. This detailing and resulting appearance is considered contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan, and would fail to preserve or enhance the character or appearance of the Old Town Conservation Area.

During a site visit it became apparent that the front wall of no. 46 comprises mainly timber and render which is in a poor state of repair and provides limited support for internal floors. It is possible that in order to accommodate the additional storey the front elevation would need to be rebuilt. This is not however referenced in the submitted plans or supporting information, and there is a concern that demolition and subsequent rebuilding of the existing building would harm the character and appearance of the conservation area. An informative is recommended to advise the applicant that as part of any revised application additional information would be expected in relation to the front façade of no. 46.

The shopfront alterations were approved as part of a preceding change of use application (see section 3) and no objection is therefore raised in this regard.

Impact on amenity

There are no window openings directly adjoining the proposed additional storey. Whilst Wenlock House, to the rear, has window openings fronting the application site these are considered a sufficient distance from the site to ensure any loss of light or outlook does not result in undue harm to occupants of this property.

Proposed use

Standard of accommodation

The proposed conversion at first, second and third floor levels (as extended) would create a total of 8 self-contained residential units; 3 no. one-bedroom flats and 5 no. studio flats.

The proposed units throughout the conversion are limited in size with the living space within the proposed studio flats measuring between approximately 12 and 16 sq metres. Throughout the development a feature of their limited size is kitchens integral to the main living space and internal bathrooms with no natural light or ventilation. The usable living space within these units is also restricted by circulation associated with the main entrance doorway and bathroom access.

The existing roof terrace area to no. 46 also features a number of air conditioning units, which were advised on the site visit as still operational and used in association with the ground floor. There is considerable potential for noise and disturbance from these units for the bedsit overlooking this space and this further brings into question the standard of accommodation that would be created by the proposal.

For the reasons outlined it is considered the conversion would create cramped accommodation which would fail to meet the likely needs of future occupants. It is appreciated that the existing staircase and the height difference between 45 & 46 have influenced the proposal and it is difficult to achieve linkages across the two properties and between the front and rear of no. 45. However, within this there is considered to be scope for amendments to the layout that would create a more preferable size and mix of unit.

There is an extant permission for a restaurant and take-away at ground and basement levels of the building which has potential to cause noise disturbance for occupants of the proposed flats. However, if necessary a suitable condition could require the submission and approval of soundproofing measures within the building, and particularly between ground and first floor levels. It is also noted that the consent for the restaurant use includes conditions relating to soundproofing, odour control equipment and the soundproofing of such equipment (conditions 2, 3 & 4 of approvals BH2009/00908 and BH2009/02209). This is considered sufficient to protect

future occupants from such disturbance and if necessary any future complaints could be handled under separate Environmental Health legislation.

Lifetime Homes

As a conversion of an existing building the proposal should incorporate lifetime home standards into the design wherever practicable. In this instance given the communal staircase to first floor level is proposed as part of the application it is considered reasonable that units at first floor level allow for adequate access and circulation to and within the units. However, the limited space of the units constrains their scope to achieve Lifetime Home standards in the proposed layout and it is apparent that bathrooms would not allow for ease of access to the bath, WC or wash basin; or turning circles and circulation space within habitable rooms.

There is no reason to expect that such small units would only be occupied by younger or more transient occupants and the limited size of the proposed units constrains their scope to achieve Lifetime Home standards. It has not been clearly demonstrated that a number of standards could be achieved and it is therefore considered this could not be overcome through condition.

Amenity Space

Local plan policy HO5 requires the provision of amenity space where appropriate to the scale and character of the development. The development proposes 8 self-contained flats, none of which have access to private amenity space. Whilst the provision of amenity space in conversions is difficult it remains desirable. In this instance the building incorporates two flat roofed areas at first floor level which could be readily adapted to form a roof terrace area for future occupants of the development. However, no plans or information relating to the precise use or enclosure of these areas have been provided and there is no indication that such a feature has been considered as part of the conversion strategy. The absence of any external space, however modest, further heightens the poor standard of accommodation that would be created by the proposal.

Transport

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

There is no opportunity for on-street residents parking in the vicinity of the application site: with the site located within a controlled parking zone where there is currently an 11 month waiting list for resident permits. The Sustainable Transport Team have commented that given the nature of the development the potentially increased parking demand would not have a material impact on the highway.

The absence of off-street parking means the demand for travel created by the development could only be met through the provision of sustainable transport

infrastructure in the vicinity of the site. Whilst no details of such provision have been submitted with the application there are no reasons why a suitable condition could not overcome this omission if the Council were minded to permit the development. The same condition (or a planning obligation) could ensure the development contributes to off-site cycle parking facilities, which cannot realistically be provided on-site, for future occupants.

Sustainability

Policy SU2 requires that development 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 involving conversion of existing buildings the application should achieve no net annual CO₂ emissions and EcoHomes for refurbishment and include a completed Sustainability Checklist.

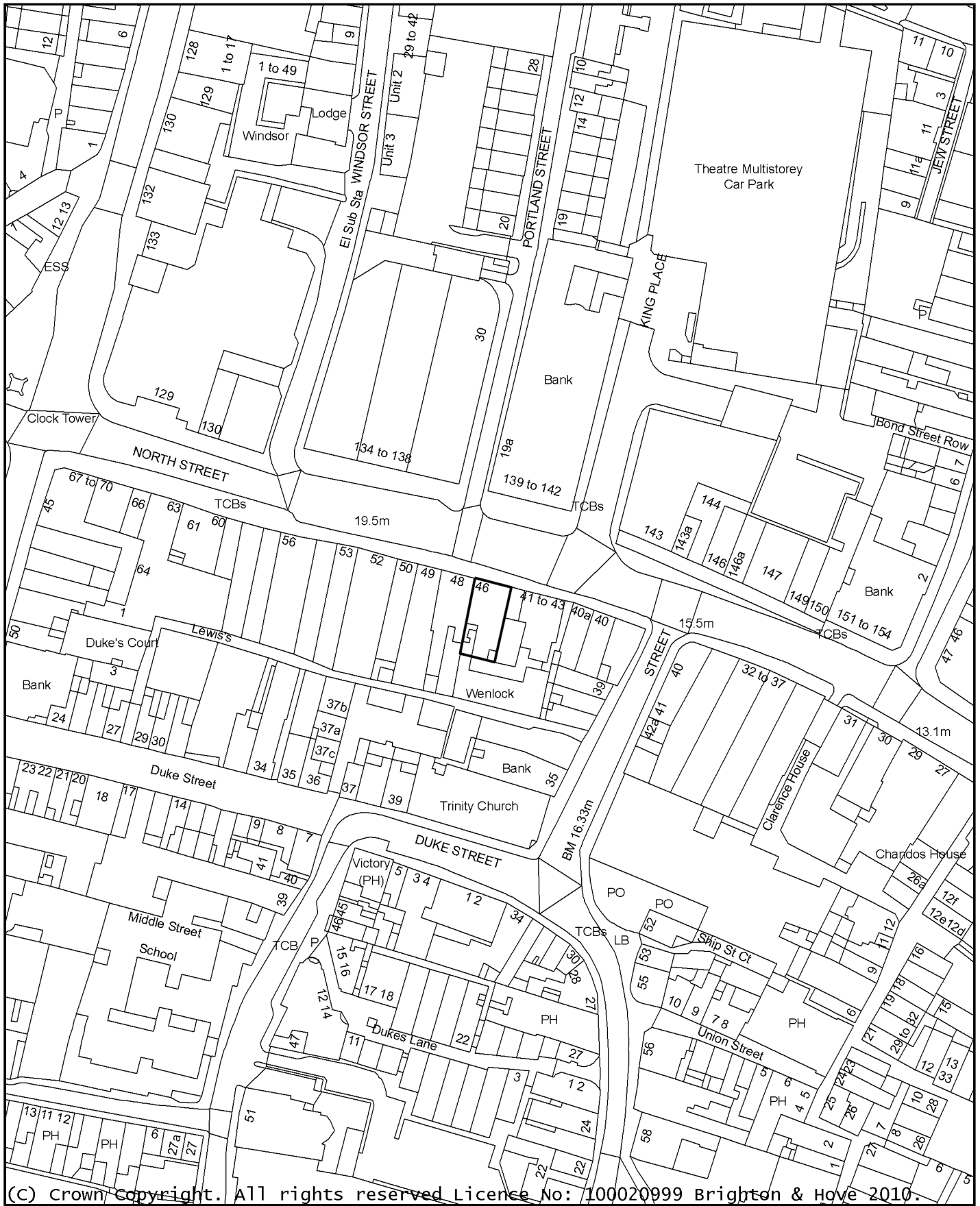
Whilst the application is accompanied by a Sustainability Checklist there is extremely limited information outlining how efficiency in the use of resources will be achieved by the development and this is a concern. However, on balance it is considered that if necessary, a suitable condition could require the submission and subsequent approval of further details in this regard.

A waste management statement has been submitted which sufficiently demonstrates that construction and demolition waste could be minimised in an effective manner.

8 EQUALITIES IMPLICATIONS

The development should incorporate 'Lifetime Home' standards in the design wherever practicable but fails to do so, as detailed in refusal reason 1.

BH2009/02955 45-46 North Street



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<u>No:</u>	BH2010/00258	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land adjacent 29 Surrenden Holt		
<u>Proposal:</u>	Construction of one and two storey residential dwelling.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	17/02/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 April 2010
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mrs Christine Ponsonby, 29 Surrenden Holt, Brighton		

1 RECOMMENDATION

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

Reasons:

1. The proposal by reason of its siting, bulk, design and detailing constitutes a cramped form of development that would appear incongruous in relation to surrounding development and result in a harmful loss of openness in this section of Surrenden Road. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood, contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposal would result in harmful overlooking to a bedroom window of 1 Whittingehame Gardens, to the detriment of amenity for occupants of this property. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on a Design & Access Statement, Waste Minimisation Statement, Sustainability Checklist and drawing nos. 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 submitted 1st February 2010; and additional supporting information submitted 17th February 2010.

2 THE SITE

The application site relates to the garden curtilage of a building on the eastern side of Surrenden Holt, a residential cul-de-sac comprising flatted buildings designed to appear as semi-detached dwellings. The site currently provides amenity space in connection with an adjoining ground floor flat, and is appreciably higher than street level to Surrenden Holt and Surrenden Road. There is an electricity sub-station located on the site.

3 RELEVANT HISTORY

None relevant to this application.

4 THE APPLICATION

The application seeks consent for the erection of a two-storey dwelling on the site. The ground floor would be excavated into the site with first floor level broadly corresponding to ground floor level of adjoining properties on Surrenden Holt. The main access to the dwelling, for pedestrians only, would be from Surrenden Road. The sub-station would be relocated within its existing compound.

5 CONSULTATIONS

External:

Neighbours: 24 letters have been received from **311 Ditchling Road; 1, 4, 5, 6, 9, 10, 11, 12, 16, 17, 18, 20, 21, 22, 25, 27, 28 & 30 Surrenden Holt; 80 Surrenden Road; 1, 2 & 4 Whittingehame Gardens** and **1 letter of no address** objecting to the proposal for the following reasons:-

- the proposed building is completely out of character with existing buildings;
- the loss of a garden area would ruin a green area and lead to further urbanisation;
- the development would set a precedent for other owners;
- the reinstatement of an entrance onto Surrenden Road would go against the unity of Surrenden Holt as a community and eliminate individual owner access;
- loss of privacy;
- loss of daylight;
- disruption during building works and upon occupation of the dwelling;
- concern over recent removal of trees on the application site;
- there are existing access and parking problems in Surrenden Holt which the proposal would worsen;
- the excavation and new access of Surrenden Road may lead to the relocation of the existing bus stop, which would be unacceptable;
- question the ownership of 29 & 30 Surrenden Holt and how the applications relates to this building (a ground floor flat and a first floor flat);
- the application should be determined on its own merits rather than in connection with existing occupation of the adjoining property;
- garden decking has already been built in preparation for the dwelling, and an associated shed restricts light to an adjoining property;
- question why a site notice was not displayed;
- restrictive covenants prevent further building;
- loss of property value.

Cllr Drake objects – letter attached.

10 letters have been received from **49a Bates Road (x2); 63 Braybon Avenue; 135 Ditchling Road; 28 Petworth Road; 51 Preston Drive; 81 St Leonards Road; 28 & 29 Surrenden Road; 78 Vale Avenue** and **Holly Trees, Underhill Lane, Ditchling** supporting the application for the following reasons:-

- the corner plot is not used by the present owners and the development would provide housing for a family;
- the contemporary design would enhance the area, where there is no particular style;;
- the development would not restrict views or harm the amenity of existing residents;
- the lowered height overcome noise issues from the road;
- the development is eco-friendly;
- the nearby bus stop would encourage the use of public transport.

The owner / occupier of **96 Carden Avenue** has no objections to the proposal.

A letter has been received from **5 Cornwall Gardens** commenting that the historic wall on the Surrenden Road side is a worthwhile feature and should be protected and repaired; it is crumbling in places and proposed to be altered to allow a new pedestrian access to the house. The grass verges in Surrenden Road are a valuable amenity and should be protected.

Internal:

Transport: No objection subject to the submission of further details of the development and retaining structures; the provision of cycle parking area; and a contribution towards sustainable transport infrastructure in the area of the site.

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
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

- 04 Parking Standards

Supplementary Planning Document:

03 Construction and Demolition Waste

08 Sustainable Building Design

7 CONSIDERATIONS

The key issues of consideration in the determination of this application relate to the visual impact of a dwelling in this location, and its impact on neighbouring amenity and transport; and sustainability issues.

Character and appearance

The eastern side of Surrenden Road is partly characterised by buildings set well back from the main road. This creates a substantial broad green corridor having the appearance of a pleasant mature landscape with significant trees. The Urban Characterisation Study recognises this tree-lined appearance as an important townscape feature of the Surrenden neighbourhood. The proposed dwelling would be sited between the first end- building fronting Surrenden Holt and Surrenden Road and appear a highly prominent addition to the area; particularly due to the first floor section which broadly corresponds to the raised ground floor level of adjoining properties.

The proposed dwelling by reason of this siting and visible bulk would appear discordant in relation to the prevailing pattern and layout of surrounding development; and in conjunction with the introduction of a compact building form into a garden setting would result in the significant reduction of visually important open space at the entrance to Surrenden Holt and fronting Surrenden Road. The proposed dwelling would therefore harm the existing character and appearance of the area.

There are also concerns relating to the design and detailing of the proposed dwelling, particularly in relation to the large areas of unrelieved render to the most visible elevations; and to the north-west and north-eastern elevations a disjointed window arrangement, which, fronting Surrenden Holt comprises conflicting horizontal and vertical elements. These features would exacerbate the contrast with the prevailing style and form of the surrounding area.

It is acknowledged that national (PPS3) and local planning policy favours providing additional housing on previously developed land in sustainable locations. However, such development must pay proper regards to its context and to local character, and for the reasons outlined it is considered that the proposed development would fail to make a positive contribution to the visual quality of the environment or retain existing open space in an effective way. The proposed development would therefore be harmful to the character and appearance of the area in conflict with policies QD1, QD2 and QD3.

The personal circumstances of the applicant and their desire for a dwelling on the site are noted but are not considered to outweigh the identified harm that would result from the proposal.

Standard of accommodation

Notwithstanding the design concerns outlined above the development would create a 4/5 bedroom dwelling suitable for family occupation with adequate room sizes, natural light and ventilation throughout. The dwelling allows for usable amenity space at lowered ground and existing ground floor levels, and this is considered to be appropriate. There are no reasons why the dwelling could not be built to lifetime home standards and if Members were minded to grant permission this could be required by condition.

The adjoining property, 29 Surrenden Road, would retain private amenity space comparable with that enjoyed by adjoining properties and appropriate to the scale and character of this dwelling.

Impact on amenity

The sound insulation of the development would be secured through Building Regulations; and there are no reasons to believe that the outdoor amenity areas, which adjoin similar outdoor areas to adjoining properties, would lead to undue levels of noise or disturbance for occupiers of adjoining properties.

Surrenden Holt

The ground floor element would have no impact on light for adjoining properties. The first floor section would affect a window to the ground floor flat of the adjoining building. However, the affected room (a bedroom) is double aspect and the larger north facing window would be unaffected by the proposal. The proposed building is below cill level of windows to the first floor flat which would therefore be unaffected. The dwelling would not cause loss of privacy to this property due to the nature of window openings to the eastern (side) elevation and boundary treatment separating the outdoor amenity areas.

Whittingehame Gardens

There is considered to be sufficient distance between the dwelling and properties on Whittingehame Gardens, which are in any case to the south of the application site, to ensure no harmful loss of light.

Folding doors to a study / bedroom within the proposed dwelling would front an existing first floor bedroom window to no. 1 Whittingehame Gardens at a distance of approximately 13.5 metres. The relative heights of these windows coupled with the limited separation would create mutual overlooking from each property. Whilst it is noted that properties elsewhere on Whittingehame Gardens and Surrenden Holt back onto each other at comparable, although slightly larger, distances this an established relationship which the occupants would have been aware of. The introduction of a new window opening fronting an existing property over a relatively short distance would create a new source of overlooking for occupiers of the existing property to the detriment of their amenity and contrary to local plan policy QD27.

Transport

The development provides no off-street parking and the dwelling is likely to generate an additional parking demand for 1-2 vehicles. There have been a large number of representations from adjoining residents concerned that this additional demand would create problems for access into and along Surrenden Holt.

The existing properties on Surrenden Holt have garage accommodation at the eastern end of the cul-de-sac and at the time of a site visit on-street parking was available along the southern side of Surrenden Holt; with sufficient space for vehicle movement along the remaining roadway. The Sustainable Transport Team has advised that the predicted level of additional on-street parking would not be considered as having a material affect on the local highway that would support a reason for refusal and there are no reasons to dispute these conclusions. The absence of off-street parking would not therefore create a safety hazard or a harmful demand for on-street parking.

The recommendations of the Sustainable Transport Team relating to the provision of compensatory sustainable transport infrastructure and details of excavation in relation to the retained boundary wall (adjoining the highway) could, if necessary, be incorporated within conditions.

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 a development of this scale incorporates a sustainability checklist and meets Level 3 of the Code for Sustainable Homes (CSH).

The application is accompanied by a sustainability checklist which indicates an aim to achieve at least Level 4 of the CSH; and in excess of the Level 3 rating currently required by policy. Whilst no further details have been submitted to outline how this will be achieved it is considered that for a development of this scale if necessary further details could be required by condition(s).

A Waste Minimisation Statement (WMS) has been submitted demonstrating that there are no reasons why waste cannot be minimised during construction works and whilst only limited information has been submitted in relation to excavations works if necessary further details could be required by condition.

8 EQUALITIES IMPLICATIONS

The development should be built to lifetime home standards, whereby the units can be adapted to meet the needs of people with disabilities without major structural alterations.

BH2010/00258 Land adjacent 29 Surrenden Holt



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Brighton & Hove City Council

PLANS LIST – 7 APRIL 2010

COUNCILLOR REPRESENTATION

From: Pat Drake [Pat.Drake@brighton-hove.gov.uk]
Sent: 13 March 2010 16:41
To: Guy Everest
Subject: BH2010/00258

Dear Guy

I wish to object to this application.

The design of the proposed building appears to me to be totally out of character with the surrounding homes and will detract from the unity of the area, rather than enhance it.

The positioning of the proposed building will be significantly out of the existing building line in Surrenden Road and will have an undue influence on its surroundings for this reason.

Kind regards

Pat

Pat Drake
Councillor Withdean ward

No:	BH2010/00316	Ward:	ST. PETER'S & NORTH LAINE
App Type:	Removal or Variation of Condition		
Address:	36 Gloucester Road, Brighton		
Proposal:	Application for variation of condition 2 of application BH1999/00436/FP to allow opening hours 8am to 10pm Monday to Saturday.		
Officer:	Anthony Foster, tel: 294495	Valid Date:	19/02/2010
Con Area:	North Laine	Expiry Date:	16 April 2010
Agent:	N/A		
Applicant:	Seasons Cafe, Mr Ken Handley, 48B Ventnor Villas, Hove		

1 RECOMMENDATION

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

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The premises shall not be open or in use except between the hours of 08.00 to 22.00 Monday to Saturdays and between the hours of 10.00 to 18.00 on Sundays.
Reason: To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. The area of outside seating shall not be used except between the hours of 08.00 and 20.00 Monday to Saturdays and between 10.00 and 18.00 Sundays.
Reason: To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. Amplified music or other entertainment noise from within the premises shall not be audible from any adjacent residential property at anytime.
Reason: To safeguard the amenity of adjacent residents especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
5. The external door adjacent to 24 Queens Gardens is to be used as an emergency exit and for the collection of refuse only and kept shut at all other times. Deliveries shall take place via the main door only, and only between the hours of 8am and 6 pm Monday to Saturday only and at no time on Sundays.
Reason: To safeguard the amenity of adjacent residents and occupants

especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Site Location Plan and Supporting Documentation submitted on 8 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:
 - SU9 Pollution and nuisance control
 - SU10 Noise nuisance
 - QD27 Protection of amenity; and
 - ii) for the following reasons:

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

2 THE SITE

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

Queen's Gardens, which runs along the side of the application site, is predominantly residential. There are residential units located above a number of the commercial units fronting onto Gloucester Road.

3 RELEVANT HISTORY

BH2009/00898: Application for variation of Condition 2 of application (BH1999/00436/FP) to read; The premises shall not be open or in use except between the hours of 08.00 to 20.00 from Monday to Saturday, and between 10.00 to 18.00 on Sundays. Remove Condition 5 in order to allow the preparation and sale of hot food on the premises. Approved at Planning Committee 10/06/09.

BH2008/03950: Application for variation of condition 2 of application (BH1999/00436/FP) in order to allow opening hours between 8am to 8pm Monday to Saturday, and removal of condition 5 in order to allow the preparation and sale of hot food on the premises. Refused at Planning Committee 14/04/2009 on the following grounds:

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

BH2007/02900: Variation of condition 2 (BH1999/00436/FP) and subsequent

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

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

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

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

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

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

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

4 THE APPLICATION

The applicant seeks consent for the variation of condition 2 of planning permission reference BH1999/00436/FP. This condition has been amended under planning permission reference BH2009/00898 to read:

*“The premises shall not be open or in use except between the hours of 0800 and 2000 Monday to Saturday, 1000 and 1800 on Sunday.
Reason: To safeguard the amenities of the locality”*

The proposed variation of condition 2 will allow for the premises to open from 08.00 to 22.00 Monday to Saturday and from 10.00 to 18.00 on Sundays.

5 CONSULTATIONS

External:

Neighbours: Four objections have been received from different individuals at **36A Gloucester Road** (Three letters from three different individuals), **2 Tidy Street** (Two letters from one individual), on the grounds that the proposed development would result in an unacceptable increase in levels of noise and disturbance later into the night. Unacceptable disturbance to the flat above the café making it necessary to keep the windows closed. The premises already have consents for serving alcohol, extended hours and sale of hot food. Apart from two public houses, other premises close by 18.00. Pollution

caused by smoking. The proposal would undermine the community nature of this residential part of North Laine. The café blocks the pavement. If granted, can use of the pavement be restricted?

One letter of comment has been received from the occupants of **35 Gloucester Road**. This states that they have no objection in principle, but that if the noise is excessive they will complain.

Three letters of support have been received from Nos. **28 Queens Gardens, 37 Gloucester Road, 15a Millers Road, Flat F Ocean Building Frederick Street, 28 Foundry Street**. The letters state that Seasons Café is an asset to the area, is a quiet café/restaurant and that increased opening hours would contribute to the trading environment.

North Laine Community Association: Object to the scheme due to the potential noise and disturbance within the area, particularly as the variation would allow customers to be served food and alcohol until 9pm in the outside seating area. Would have a damaging effect on the conservation area. Concerns about more outlets serving alcohol outside, creating a 'drinking quarter.'

Cllr Ian Davey: Requests to address the Planning Committee and objects to the application (email attached to this report).

Sussex Police: No objection.

Internal:

Sustainable Transport: No objection.

Environmental Health: No objection to the proposed change of opening hours. No recent complaints about noise since the new owners took over. Mange Tout and Nia Café (nearby businesses that the applicant has identified as competitors) are licensed until 23.00.

Environmental Health have confirmed that the premises licence hours are:
Sunday 12.00 – 16.00
Monday – Saturday 12.30 – 16.30 and 17.30 – 21.30.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD27 Protection of amenity

7 **CONSIDERATIONS**

The proposal seeks to increase the opening hours of the café by an additional two hours in the evenings from Monday to Saturday. The principal consideration is whether the proposal would result in any adverse impact to

residential amenity to occupiers of adjacent properties.

There has been a long history of problems resulting from previous occupiers of the site. There have been a number of investigations by both the Planning Enforcement and Investigations team and Environmental Health. The present owner appears to have sought to ensure that use of the café does not cause further harm to the amenity of the neighbouring residents, particularly in terms of odours. Officers can confirm that condition 4 attached to the permission reference BH2009/00898 relating to the odour neutraliser has been adhered to.

Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. The Environmental Health Officer has raised no objection to the increase in opening hours.

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

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

The proposed extended hours from 18.00 to 22.00 Monday to Saturday and 10.00 to 18.00 on Sundays, would fall within the guidelines published within PPG24. It is therefore considered that the proposed extension in opening hours adheres to Local Plan Policies SU10 and QD27.

The applicant originally stated within the submitted design and access statement that last orders for outside seating will be at 9pm. The applicant has subsequently confirmed that the hours for outdoor seating will remain at 7.30pm as currently operated. The recommended conditions for the current application would therefore allow an increase in hours of operation within the building, but no change in hours for the external seating area.

8 REASONS FOR RECOMMENDATION TO APPROVE PERMISSION

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

9 EQUALITIES IMPLICATIONS

None identified.



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**Brighton & Hove
City Council**

PLANS LIST – 7 APRIL 2010

COUNCILLOR REPRESENTATION

From: Ian Davey [Ian.Davey@brighton-hove.gov.uk]
Sent: 15 March 2010 09:42
To: Anthony Foster
Subject: BH2010/00316

Dear Anthony

I would like to object to this application for extended hours at this premises as I am concerned about the impact upon residential amenity as I know are many local residents.

I would like to request that should you be minded to recommend that this application be granted that it be considered for decision by the planning application committee.

I would also like to register my wish to speak to the committee.

Regards

Ian Davey
Green Party Councillor for St Peters & North Laine Ward
Green Group Deputy Convenor
Green Spokesperson on Transport
Tel: 01273 296430