

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

<u>No:</u>	BH2009/03156	<u>Ward:</u>	EAST BRIGHTON
<u>App Type</u>	Council Development (Full Planning)		
<u>Address:</u>	Wellsbourne Centre, Whitehawk Road, Brighton		
<u>Proposal:</u>	Erection of part single part 2 storey building to accommodate library, café, offices and ancillary accommodation. Change of use of part of school from D1 to office B1. Creation of new disabled car park and diversion of existing public footpath and creation of new cycle/footway connecting to Whitehawk Way.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Valid Date:</u>	29/01/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30 April 2010
<u>Agent:</u>	Brighton & Hove City Council, Kings House, Grand Avenue, Hove		
<u>Applicant:</u>	Brighton & Hove City Council, Ms Gillian Churchill, Kings House, Grand Avenue, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and resolves to **Grant** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission.
2. BH02.07 Refuse and recycling storage (facilities).
3. BH03.01 Sample materials Non-Cons Area (new buildings).
4. BH05.05 BREEAM- Pre-commencement (new build non-residential).
5. BH05.05 BREEAM – Pre-commencement (new build non-residential).
6. BH05.07 Site Waste Management Plan.
7. BH06.01 Retention of parking area.
8. BH06.02 Cycle parking details to be submitted.
9. The development shall not be occupied until a scheme of pedestrian, cyclist and vehicle signage has been submitted to and approved in writing by the Local Planning Authority. The signage shall be implemented in accordance with the approved details prior to the occupation of the development.
Reason: In order that the development provides for the demand for travel that it creates and meets the objectives of accessible and sustainable development and quality of design in accordance with policies TR1, TR7, TR8, TR11, TR12, TR13, TR14, TR15 and QD28 of the Brighton & Hove Local Plan.
10. No development shall take place until a scheme detailing improvement works to the south and north bound St David's Hall bus stops to include visual and audio information, has been submitted to and approved in

writing by the Local Planning Authority. The improvements shall be carried out prior to the occupation of the development in accordance with the approved details.

Reason: In order that the development provides for the travel demands that it creates and meets the objectives of accessible and sustainable development and quality of design in accordance with Policies TR1 and QD28 of the Brighton & Hove Local Plan.

11. Prior to the occupation of the development hereby approved, a Travel Plan must be submitted to and agreed in writing by the Local Planning Authority. The use of the facilities shall be carried out in accordance with the agreed Travel Plan. The Travel Plan must be reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.

12. BH07.11 External lighting
13. BH11.01 Landscaping/planting scheme * Add after planting of the development, "replacement tree planting"
14. BH11.02 Landscaping/ planting (implementation/ maintenance)
15. BH11.03 Protection of trees

Informatives:

1. This decision is based on drawing nos.GEN210/001, 003, 006, 010, 017 and Outline Site Waste Management Plan, Design & Access Statement, Ecological & Aboricultural Report (the Ash Partnership) and Bio-diversity Checklist submitted on 24 December 2009, drawing no's DR03 Rev A, GEN210/002, 005, 014, 020, 021, 022, 023, 024, 025 and Supporting Planning Statement submitted on 14 January 2010, drawing no. GEN210/012A submitted on 15 January 2010, drawing no's GEN210/018 & 019 submitted on 18 January 2010 and Transport Assessment submitted on 29 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 and Supplementary Planning Documents:

Brighton & Hove Local Plan Policies

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance

SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
HO19	New community facilities
<u>Supplementary Planning Guidance</u>	
SPGBH4	Parking Standards
<u>Supplementary Planning Documents</u>	
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and

ii) for the following reasons:

The proposed development would significantly enhance community facilities provision in the locality. The proposed building would have a satisfactory appearance and would be in keeping with the character of the area. There would be no detrimental affects on the amenities of neighbouring occupiers or highways conditions in the locality. Pedestrian safety and accessibility would be improved. The sustainability measures are acceptable subject to condition.

3. IN05.06 BREEAM.

4. IN05.08 Site Waste Management Plans.

5. The Council's Aboricultural Officer has advised that approximately nine trees, three of which benefit from Tree Preservation Orders, are likely to be lost or compromised. The Applicant is advised that the Local Planning Authority will require any landscaping scheme submitted in connection with Condition 10 to include an appropriate level of compensatory tree planting.

3 THE SITE

Whitehawk Primary School is located on the eastern side of Whitehawk Road. It comprises a substantial circa 1930's two storey building of brick and tile construction and to the south, separated from the main school site by a public footpath which links Whitehawk Road and Crossbush Road, a single storey part flat, part pitched roofed school canteen. The application site itself straddles the public footpath and comprises a large rectangular parcel of land located on the south-eastern corner of the main school site fronting Whitehawk Road together with a 165m long tapering limb extending on a north-east to south-west axis terminating in a 20m wide frontage to Whitehawk Way. The site currently contains the school canteen, a two storey school extension and a car park and soft landscaped area.

The surrounding area is mixed in character comprising residential, health and educational uses. To the east of the site is a circa 1980's residential estate largely comprising two storey terraced and semi-detached houses. Opposite the site, the eastern side of Whitehawk Road comprises two storey semi-detached houses and to the south/ east, is a substantial parcel of Council owned land which contains a nursery school/ family centre, the Roundabout Children's Centre and the recently completed Wellesbourne Health Centre and GP surgery.

4 RELEVANT HISTORY

BH2009/03158: In April 2010 planning permission was granted for the demolition of existing dining hall, kitchen and site managers house. Construction of new dining hall and kitchen with site managers flat at first floor level. Construction of three reception classrooms with activity space, ancillary accommodation and new entrance foyer to existing school. Provision of new external play area with associated fencing and access ramps. Provision of two new pedestrian access points and one new vehicular access point. Provision of 2m high fence to provide recreation space for the school on land adjacent to Whitehawk Road.

BH2008/01569: In September 2008 planning permission was granted for the demolition of the derelict wing of the existing Wellsbourne Centre and the construction of a primary health care centre to accommodate two doctors surgeries (existing Whitehawk and Broadway) and ancillary pharmacy. Extension of existing car parking facilities (community car park), together with new pedestrian access.

BH2007/3210: In November 2007 planning permission was refused for the demolition of existing single storey building. Construction of primary medical centre to accommodate two doctors' surgeries and pharmacy. Extension to Wellesbourne Community Car Park to provide additional car parking spaces together with new pedestrian access ramps and pathways.

BH2006/03442: In December 2006 planning permission was granted for the construction of a primary medical centre to accommodate two doctor's surgeries and pharmacy and extensions to existing Wellsbourne community car park to provide additional spaces together with new pedestrian access ramps and pathways.

BH2005/05442: In October 2005 planning permission was granted for the part demolition of the existing Wellesbourne Centre building and the erection of a new two storey Children's Centre.

BH2001/02532/FP: In November 2001 planning permission was granted for the extension of the existing community centre to provide additional office space, reception, healthy living centre and construction of new workshop.

5 THE APPLICATION

The proposal seeks full planning permission for the erection of a part single storey, part two storey building to accommodate a library, café, offices and ancillary accommodation together with the change of use of part of the existing school from Use Class D1 to offices within Use Class B1 and the formation of a new disabled car park, diversion of the existing public footpath

and the creation of a new cycle/footway connecting to Whitehawk Way. The proposed building would abut the southern elevation of the main school building on the site of the existing canteen. It would be roughly rectangular in plan with a maximum width of 42m, a maximum depth of 26m and a gross floor area of 935 sqm. The building would be of a contemporary design comprising two flat roofed single storey sections (the larger of which would have a sedum roof) interspersed by a narrow two storey element surmounted by steep mono-pitched standing seam terracotta coloured roofs. It would be finished in a mixture of Multi-stock face brick, through coloured render and expansive areas of full height glazing set within grey powder coated aluminium frames.

The accommodation would comprise a new public library, community meeting rooms, community café, IT learning suite, youth information office, housing information office two conference and interview rooms, Children's Services offices, reception area and WC's on the ground floor with staff facilities, adult learning services office, library work room and youth office on the first floor. The proposal also involves the change of use of part of the ground floor of the existing school building to the north, from three classrooms to additional offices for the Children's Services Team.

Fifty-two parking spaces including one disabled space would be provided on the northern part of the site accessed from Whitehawk Road and small car park providing four disabled bays and delivery vehicle bay would be provided to the south of the proposed building accessed from Crossbush Road.

The proposal also involves the diversion of the existing public footpath which runs directly east to west through the site, around the new building and upgrading the footpath which links the site with Whitehawk Way to the south to provide a combined cycle/footway.

The Design and Access Statement states that the proposal forms a key element of a project jointly funded by the Council and central government to co-locate key public services onto one site adjacent to Whitehawk Primary School. The Roundabout Children's Centre, Wellesbourne Health Centre and Nursery School and Family Centre are currently in situ and operational and the project will fund the relocation of the existing library and youth services in Findon Road to the new library and offices on the application site.

Prior to the submission of the application a public consultation exercise was carried out by the Council involving a leaflet drop, two public exhibitions and three public meetings.

6 CONSULTATIONS

External:

Neighbours: Two letters have been received from the occupiers of **14 Crossbush Road** and **139 Whitehawk Road** objecting to the proposal on the following grounds:-

- inadequate parking provision will exacerbate existing on-street parking problems;
- noise/disturbance/vandalism from increased use of footpath; and
- noise/disturbance/dust during construction.

Internal:

Sustainable Transport: No objections in principle subject to conditions to secure cycle parking, further details of service vehicle parking, a Travel Plan and measures to improve signage, lighting and bus stop information in the locality.

Connections with other community uses

The concentration of community facilities on the application site and the adjoining site should in overall terms, result in a reduction in movements in the local Whitehawk area. It is acknowledged that this proposal may also result in an increased level of movement in the immediate vicinity using all forms of transport and therefore a number of improvements form part of the proposal and these are welcomed. However, in addition to these, it is considered appropriate to seek to secure some further improvements in the local area.

Access to sustainable transport

The site is near to the frequent No.1 Metro bus route serving Whitehawk, which operates along Whitehawk Way, and access to public transport is considered to be good at this point and is being improved by further contributions from other developments on Whitehawk Road. However, further improvements are needed between the development site and Whitehawk Way, including street lighting and signage for all modes of transport including the St David's and St Cuthman's bus stops.

As a local facility, it is also expected that a number of journeys will also be made to the site by walking and cycling and additional measures are proposed such a new combined cycle/footway connection to Whitehawk Way. It will be particularly necessary to ensure the design, layout and lighting of this new route is appropriate.

It will be necessary to ensure that all the statutory processes and requirements have been fulfilled to enable the diversion of the existing footway linking Whitehawk Road with Crossbush Road.

In addition, it will be necessary to ensure that lighting provision on all routes serving the site is adequate given the increased number of people that are expected to be in the area.

Vehicle access and car parking

An improved access from Whitehawk Road into the enlarged, existing car park, is proposed. It is proposed that this will be shared during the day by the different users of the site. It will be necessary that the design and layout is in

accordance with the appropriate standards.

The proposed levels of car parking on the site have been considered against the Council's current standards and the proposed number of spaces and estimates of its expected use are acceptable and in accordance with the parking standards.

Estimates of traffic generation

The applicant has used acceptable data and assumptions to estimate the peak levels of increased trips to and from the proposed development. It is not expected that the anticipated peak times of use of the separate elements of the development will create unacceptable problems or congestion although the applicant has not been able to fully assess this against current conditions as the most recently completed development has only just opened.

Other issues

Parking controls: The applicant has suggested that parking restrictions be introduced in Whitehawk Road. However, the Highway Authority considers that this matter should only be considered if there are any problems that cannot be resolved through the travel plan.

Service vehicle parking- Most libraries are served/ visited by mobile libraries and the proposed service vehicle parking bay design should be improved to reflect this.

Environmental Health: No objections. The development will be passively vented and the café will be for the sale of beverages and light snacks without cooking facilities and as such, there will be no need for any fixed plant and machinery.

Planning Policy: There are no objections in principle to the replacement of the Class D1 floorspace within Whitehawk Primary School with Class B1 offices. There are no objections to the new library/ community facility subject to its accessibility to users.

Arboricultural Officer: No objections in principle subject to appropriate tree protection measures and compensatory tree planting.

Sussex Fire Safety Officer: No comments at the planning application stage. Detailed comments will be provided on the Building Regulations application.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards

SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
HO19	New community facilities

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

8 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;
- highways and parking;
- security and access;
- sustainability; and
- trees.

The principle of the proposed development

Policy HO19 of the Brighton & Hove Local Plan recognizes the vital contribution that social and community facilities make to the well-being and the quality of life of neighbourhoods. Accordingly, there are no objections in principle to the redevelopment of the site to provide a new library, community café and ancillary facilities as part of the Council's overall programme, as landowner and service provider, to improve the range and standard of community facilities in the area.

The proposal does, however, involve the annexation and conversion of a small part of the ground floor of Whitehawk Primary School to offices within Use Class B1. In this respect, Policy HO20 of the Local Plan is pertinent as it seeks to retain existing community facilities such as schools except in instances where the community use is replaced within a new development. Although Class B1 offices would not normally be regarded as a community use, given that planning permission has recently been granted for the extension and enhancement of facilities at the school (i.e. new classrooms,

reception area, dining hall and secure external play areas) and that the offices would support other community uses on the site (i.e. the Council's Children's Services Team) and would help to provide a comprehensive service to visiting members of the public, there is no policy objection in principle.

Design and impact on the character and visual amenity of the area

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

The existing school dining hall building whose demolition has been recently approved (BH2009/03158) is of no visual merit to the character and appearance of the area.

In townscape terms the eastern side of Whitehawk Road, in the vicinity of the application site, is formed by the expansive front elevation of the two storey traditionally designed brick and tile primary school building to the north and the recently completed Wellesbourne Centre and Children's Centre to the south-west, a building of contemporary design comprising two brick and timber clad mono-pitched roofed wings radiating off a central core. In the submitted Design & Access Statement, the Applicant's have indicated that their design rationale has been to create a building with three distinct masses which echo the existing school whilst still retaining its own visual identity and does not dominate the adjoining health centre. It is considered that a part single storey part two storey building with the footprint, form, scale and height shown would satisfactorily achieve this aim, relate well to the neighbouring buildings and would be in keeping with the character of the area.

The external appearance of the proposed building would be satisfactory. It is considered that the contemporary design proposed incorporating flat and mono-pitched roofs, a mixture of facing materials (i.e. matching brickwork and render) and an expansive curved fully glazed façade to the main library element, would be of high quality; have a satisfactory external appearance and make a positive contribution to the visual amenity of the surrounding area in accordance with policies QD1 and QD2 of the Local Plan. The use of a green sedum roof on a substantial part of the building would also serve to integrate it into the landscape particularly when viewed from the residential area to the north on Crossbush Road. Notwithstanding this, in the event of planning permission being granted, it is recommended that a condition be imposed requiring the submission and approval of the external facing materials.

Although the proposal would involve the expansion of what is an existing car park on the frontage of Whitehawk Primary School, its visual impact would be satisfactorily ameliorated by boundary tree planting and areas of soft landscaping. The addition of tree planting and associated soft landscaping on the eastern boundary would enhance the appearance of the site and provide a satisfactory setting for the proposed building. However, it is recommended

that further information regarding the planting details should be sought and a condition imposed to ensure that the landscaping is implemented and retained.

The impact on the amenity of neighbouring occupiers

Policy QD27 of the Local Plan seeks to ensure that development proposals do not prejudice the amenities of adjoining and nearby occupiers.

The proposed library would be located a minimum of 6m and a maximum of 16m away from the rear garden boundaries of the nearest residential properties in Crossbush Road to the east. Given that the existing school dining hall directly abuts the boundary with these properties; the two storey element of the proposed building would be 16m away; the ground level of Crossbush Road properties would in excess of 2m above that of the proposed building; and there would be an intervening 2m high boundary wall and screen planting, the proposed development would not appear unduly prominent or adversely affect the sunlight/daylight or outlook of the occupiers.

The proposed development would include one office window at first floor level in the eastern elevation of the building. However, this would be some 16m away from the nearest residential property in Crossbush Road and as such there would be no adverse amenity implications for the occupiers in terms of overlooking/ loss of privacy.

It is considered that the level of potential noise and activity associated with the intensification of the use of the site would be unlikely to prejudice the amenities of neighbouring occupiers in Crossbush Road. The proposed new parking area accessed from Crossbush Road would be well screened and would have only a limited capacity (i.e. 4 disabled bays and a service bay) and as such would not generate a significant level of vehicle movements.

Highways and parking

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

As part of this application, a total of 56 car parking spaces (including 5 disabled spaces) will be provided to serve the proposed library and Children's Services offices and the existing school. The Traffic Manager has indicated that the proposed number of spaces and estimates of its expected levels of use are acceptable and in accordance with policy TR19 and SPGBH4-Parking Standards. In addition to the existing ten cycle spaces serving Whitehawk Primary School, a further twenty spaces would be provided to serve both sites in accordance with the policy TR14 of the Local Plan. Notwithstanding this, it is recommended that further details be secured by condition.

In terms of trip generation, it is anticipated that the proposed development

and the overall strategy of concentrating community facilities on this and the adjoining sites will result in a reduction in movements in the local Whitehawk area. It is acknowledged, however, that this proposal may result in an increased level of movement in the immediate vicinity of the site. Notwithstanding this, it is anticipated that the majority of visitors will arrive by foot and the additional measures proposed such as the re-routed public footpath and the new combined foot/ cycle path link to Whitehawk Way would be of significant benefit. Although the site is well served by existing bus routes, the Traffic Manager has indicated that in the context of this application it would be appropriate to secure by condition, improvements to the St David's Hall north and south bound bus stops in the form of new real-time bus information signs and REACT audio boxes. It is considered that the proposal would meet the demand for travel that it would create in accordance with policy TR1.

It is recognised that the immediate locality is quite busy, containing Whitehawk Primary School, nursery school and other community facilities. It is not considered, however, that the proposed use would lead to excessive traffic congestion or adversely impact on highway safety.

Security and Accessibility

Due to the excessive site slope from west to east of approximately 5m, it is impossible to make accessibility to the building fully DDA compliant from these directions. However, the building does allow level disabled access from the dedicated car park off Crossbush Road and the internal layout, with all public spaces on one level, is acceptable. These arrangements have been prepared in consultation with the Council's Access Officer and considered to be the optimum approach given the site constraints.

Policy QD7 of the Local Plan states that planning permission will only be granted for proposals where the applicant can demonstrate clearly how crime prevention measures have been incorporated into the layout and design and with regard to pedestrian routes, policy TR8 states that they should be short, safe, attractive and direct.

The Applicant has indicated that the proposal has been prepared in consultation with the Sussex Crime Prevention Officer and that Secure by Design principles have been incorporated into the scheme. The existing east/west footpath linking Whitehawk Road with Crossbush Road is not widely used because of its length, isolated nature and the sense of enclosure that is created by the 2m high fences that border it. The diversion of this footpath around the proposed building would open up public access and facilitate informal surveillance. The use of adopted highway lighting to the principal footpaths together with security lighting to the external walkways around the building and to the new footpath network linking the library to the new Health Centre and Children's Centre would significantly improve pedestrian safety. In addition, access to the new car park from Crossbush Road would be controlled by a barrier and CCTV intercom system and vandal

resistance materials have been selected for the development (e.g. standing seam roof for the building rather than concrete tiles). Therefore, the proposal accords with policies TR8 and QD7.

Sustainability

Policy SU2 of the Local Plan requires all developments to be efficient in the use of energy, water and materials and with regard to major non-residential developments such as this, SPD08 Sustainable Building Design requires applicants to achieve a BREEAM rating of 'Excellent'.

The Applicant's Design & Access Statement indicates that the development would achieve the required BREEAM rating of 'Excellent'. In terms of energy consumption, the scheme would deliver a highly efficient development which comfortably meets the relevant BREEAM requirements through the use of roof mounted solar thermal panels, a ground source heat pump to heat the entire building, high insulation levels, natural/ passive ventilation and energy efficient lighting. The required standard for the reduction of water consumption would be met through low water use fittings and a rainwater harvesting system (to flush WC's). A new refuse/recycling compound together with a sedum roof to the library would also be provided. Therefore, the proposal accords with policy SU2 and SPD08, although it is recommended that a condition be imposed to secure compliance.

In accordance with policy SU13 an Outline Site Waste Management Plan has been provided. However, it would be appropriate to secure full details by condition.

Trees

The Council's Arboricultural Officer has indicated that up to nine trees, three of which are subject to Tree Preservation Orders will be likely to be lost as a result of the development. Although their loss is regrettable, the Arboricultural Officer does not object to the application subject to a condition to secure appropriate compensatory tree planting.

9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would significantly enhance community facilities in the locality. The proposed building would have a satisfactory appearance and would be in keeping with the character of the area. There would be no detrimental affects on the amenities of neighbouring occupiers or highways conditions in the locality. The sustainability measures are acceptable subject to condition.

10 EQUALITIES IMPLICATIONS

The proposed development would be required to comply with Part M of the Building Regulations. Five parking spaces suitable for use by disabled persons have been provided.

BH2009/03156 Wellesbourne Centre, Whitehawk Road



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LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/00097	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Mill House, Overhill Drive, Brighton		
<u>Proposal:</u>	Erection of 3 detached two storey dwellings and a single detached bungalow.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	28/01/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25 March 2010
<u>Agent:</u>	Town & Country Planning Solutions, Sandhills Farmhouse, Bodle Street Green, Hailsham		
<u>Applicant:</u>	Mr A Maysey, Mill House, Overhill Drive, Patcham, Brighton		

1 RECOMMENDATION

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

S106

- Highways contribution to the value of £8,000 to fund improved sustainable transport infrastructure in the vicinity.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling

storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

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

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

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

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

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

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

9. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

10. The development shall not be occupied until details of cycle parking have been submitted to 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 to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

11. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and crossover to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

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

12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the 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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway to comply with policies TR7 and TR19 of the Brighton & Hove Local Plan.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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.

14. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

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

16. No development shall commence until an Arboricultural Method Statement is submitted to and approved by the Local Planning Authority. The Statement shall include details relating to the levels of the site within the Root Protection Areas and details regarding service runs.

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.

17. The proposed first floor bathroom window of Unit 1 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 policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Planning Statement, Transport Statement, Sustainability Statement, Arboricultural, Landscape and Ecology Report, Site waste Management Plan, and drawing nos 0726/1.01, /2.03 Rev B, /2.12, submitted on 14 January 2010 and drawing nos. 0726/2.17, /2.19 submitted on 28 January 2010 and Design and Access Statement, drawing nos. 0726/2.01 Rev F, /2.02 Rev C, /2.04 Rev D, /2.05 Rev D, /2.06 Rev C, /2.14 Rev C, /2.15 Rev C, /2.18 Rev A submitted on 3 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 parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise pollution
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – Quality of development and design statements
QD2	Design – Key principles for neighbourhoods
QD3	Design – Efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling Densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4	Parking Standards
SPGBH 9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space (Draft)

Supplementary Planning Document

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

- ii) for the following reasons:
 The proposal is an effective and efficient re- use of residential land which will result in an additional 4 family dwellings, whilst maintaining the character and appearance of the area. Furthermore the development would not adversely affect the amenities of neighbouring properties, or the surrounding highways network. The loss of protected trees on the site would be mitigated by additional planting.
3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council

website (www.brighton-hove.gov.uk).

4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
7. The applicant is advised that the driveways and access road should be built in accordance with BS 5837 (2005).
8. The applicant is advised of their obligation to protect bats during construction work, if any bats are found during demolition/conversion, then works should be stopped immediately and advice sought from Natural England.

2 THE SITE

The site is an enclosed plot of land measuring 0.3 ha in total, which is accessed via a narrow driveway between nos. 61 and 61a Overhill Drive to the south of the junction with Overhill Way and Highview Avenue South.

The site currently comprises a main two storey dwelling, ancillary outbuildings and a single storey studio that are sited along the southern site boundary, and a swimming pool located in the north eastern corner of the site. A public footpath runs alongside the driveway to the east of the site and continues along the south of the site giving access through to Grangeways.

The site is bounded by the rear of residential properties in Overhill Drive to the east, woodland and the rear of Audrey Close properties to the west, 61a Overhill Drive to the north, and the residential development of Grange Walk, Grangeways to the south.

The site has a number of trees which are protected by a number of Tree Preservation Orders covering the site.

3 RELEVANT HISTORY

BH2008/02490: Erection of 3 detached two-storey dwellings and a single detached bungalow – Appealed for non-determination with a committee recommendation for refusal - Dismissed at Appeal. The committee resolved that it would have been minded to refuse planning permission had an appeal against non-determination not been lodged on the following grounds:

1. The proposed development would result in overlooking of 17 Audrey Close and 61A Overhill Drive to the detriment of the amenity of the occupiers of those properties contrary to Policy QD27 of the Brighton & Hove Local Plan.
2. The proposed development, by virtue of the width of the access and it being a shared pedestrian and vehicular access, together with the arrangement of the junction of the access with Overhill Drive and the proximity to a school, would be detrimental to highway safety, contrary to Policy TR7 of the Brighton & Hove Local Plan.
3. The proposed development would result in the loss of green space and existing trees on the site covered by Tree Preservation Order (No2) 2004, contrary to Policies QD2 and QD 16 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that the proposed development would not increase the risk of flooding, contrary to Policy SU4 of the Brighton & Hove Local Plan.

The Inspector dismissed the appeal for the sole reason of detrimental impact to the amenities of adjoining occupiers.

BH2005/05112: Outline application for 4 detached dwellings. Means of access to be determined for the development site. (Revised description). Refused 28/11/2006

BH2004/00366/OA: Outline application for six detached dwellings. Withdrawn.

BH2004/02778/OA: Outline application for the erection of 4 detached houses. Refused 04/02/2004.

4 THE APPLICATION

Planning permission is sought for the erection of three detached 2 storey houses and a single bungalow. The existing Mill House dwelling is to be retained. As originally submitted, the application sought permission for 4 no. 2 storey detached dwellings, however this was revised to the current proposal after concerns were raised by Council Officers.

The proposed layout splits the north half of the site into two to provide two plots and the southern half of the site into three plots, one for the existing Mill House and two additional housing plots. The proposed access road would run between the existing two halves of the site.

5 CONSULTATIONS

External:

Neighbours: A total of 12 letters of objection have been received from **2 (x2)**,

3 Grange Walk, 20 Old London Road, 15, 17 (x2), Audrey Close, 55, 59, 61, 61A (x2) Overhill Drive

A planning statement has been submitted on behalf of the occupiers of **55, 61a Overhill Drive** and **17 Audrey Close** in support of their objections.

The objections relate to the following aspects of the scheme:

- The issues raised by the planning inspector have not been sufficiently addressed.
- Loss of the dedicated existing public right of way, which is used by local people and particularly school children, and concern that the proposed shared surface (site access and public right of way) would be unsafe for pedestrians.
- Overbearing impact and overlooking of neighbouring properties, particularly those in Audrey Close, which are set lower than the application site level.
- Overdevelopment of the site with a poor layout.
- Noise and disturbance during construction work.
- Increased pressure on services such as drainage and sewer.

Internal:

Arboricultural Team: Comments received on previous application BH2008/02490.

The Arboricultural Section have visited this site on several occasions, and having reviewed the current application, would like to make the following comments.

Canopy's Arboricultural, Landscape and Ecology Report of June 2008 is comprehensive and the Arboricultural Section are mostly in agreement with it.

17 trees on this site are currently covered by Tree Preservation Order (No. 7) 2008. Canopy objected to the placement of most trees on the Preservation Order for various reasons, all of which the Arboricultural Section disagreed with, and therefore the current TPO stands.

Canopy's Arb report states that 6 trees covered by the TPO will be lost. As most of the trees on the site covered by the TPO are to be retained, the Arboricultural Section will not object to the loss of these trees and are pleased to note that 23 replacement trees are mentioned on the landscaping plan attached. This should be made a condition of any planning consent granted.

The trees to be retained on site should be protected to BS 5837 (2005) as per the Arb report submitted. This too should be made a condition of any planning consent granted.

Finally, as also submitted in the Arb report, it should be made a condition of any planning consent granted that the driveways and access road are built in

accordance with BS 5837 (2005), ie, no mechanical digging, porous top surface etc.

As requested in previous correspondence regarding applications on this site, the arboricultural section would like assurances that soil levels around the trees within the Root Protection Areas are not altered in any way, and also we need to see service runs to ensure that, if they are in the vicinity of any trees' roots, they are built in accordance with the current guidelines to ensure the trees are retained post-development. An Arboricultural Method Statement would need to be provided regarding service runs as recommended in Brighton & Hove's Supplementary Planning Document (Appendix 4) and BS 5837 (2005).

Sustainable Transport:

No objections on Traffic Grounds subject to the following conditions:

- Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority
- The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to 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
- The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the 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 Applicant enters into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site

Sustainable Transport suggest a contribution of £8,000 would be an appropriate sum. This amount is based upon a calculation of the number of residential units created, number of anticipated trips and a reduction factor. This figure is based upon a shortfall in Local Transport funding and PPG13.

The proposed access road seeks to offer a shared space between pedestrians and vehicles with the proposed design considered to be an improvement over the existing facility. The design accords with relevant design standards and as such the above recommended condition no 1 is required to ensure that the interests of the Highway Authority and public safety are maintained, given the affects to a public right of way. It is considered that the proposed access will not increase hazards to highway users and is therefore in accordance with Policy TR7.

The Planning Inspectors response to the previous application BH2008/02490 appeal decision APP/Q1445/A/09/2102015 concluded that the proposal which is comparable to the current proposal “would not harm highway safety or conflict” with Local Plan Policy TR7 which seeks to ensure that development does not increase highway danger.

Ecologist: Comments received on previous application BH2008/02490. Having reviewed the evidence and from my own knowledge of the site I agree with the conclusions of the ecological reports submitted in support of the application, which found no evidence of protected species resident on site. However in order to ensure conformity with PPS 9 paragraph 14 and Local Plan Policy QD 17, the landscape mitigation and enhancement measures detailed on the Soft Landscaping Drawing CMHOD.1007.LP01 and the bat protection measures detailed in Section 6 of Appendix 11 to the ecology report should be secured via suitably worded conditions.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise pollution
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – Quality of development and design statements
QD2	Design – Key principles for neighbourhoods
QD3	Design – Efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling Densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4	Parking Standards
SPGBH 9	A Guide for Residential Developers on the Provision of Outdoor

Recreation Space (Draft)

Supplementary Planning Document

SPD03 Construction & Demolition Waste

SPD06 Trees and Development Sites

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main issues for consideration are the principle of the proposed intensification of residential use on the site, the impact of the development on the living amenities of neighbouring properties, the impact on the existing TPO protected trees on the site, the adequacy of the access into the site and sustainability matters. These need assessed against the appeal decision for the previously undetermined application reference BH2008/02490.

Principle of Use

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. PPS3 identifies residential gardens as previously developed land, however a recent letter from the Chief Planning Officer at the DCLG, states that PPS3 should now include the following caveat *“there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed”*.

In this instance, given the size and location of the application site and the prevailing suburban character of the surrounding area it is considered that the proposed development, would make good use of an existing brownfield site and is considered to be an acceptable form of development, in accordance with both national planning guidance and local plan policies.

Design and Character

The design principle of the development has not change significantly in comparison to the previous application reference BH2008/02940. This section of Overhill Drive contains a variety of dwelling type/design and the proposed dwellings will be barely visible within the existing street scene. The proposed dwellings are to be brick built and tile hung at first floor level similar to the appearance of properties which are located on Old London Road, Audrey Close and Patcham Grange.

It is therefore considered that the design of the proposed properties reflects the design of properties within this immediate area of Patcham and would not appear as an incongruous addition to this part of Overhill Drive, in accordance with Policies QD1, QD2, QD3 and QD5.

Reason for refusal 3 of the previous application related to the loss of green space. In relation to this the Inspector noted that there would be the loss of some green space however this was not accessible to the public and neither is it prominent in public views. The part of the site which would be occupied by

Plots 1 and 4 is part of a used garden, and is not of high scenic value. It is therefore considered that refusal on these grounds could not be sustained.

Amenity for residential occupiers

The proposed internal layout of the new dwellings would be acceptable. Given the internal layout and window arrangement there would be no harm to future occupiers by way of overshadowing, loss of light or overlooking.

Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the proposed dwellings would be capable of complying with lifetime home standards.

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. Whilst it is recognised that the garden would be smaller than those serving the dwellings in Overhill Drive they would be of sufficient size to serve the future occupiers. It is therefore considered that the development adheres to policy HO5.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. Insufficient information has been provided regarding the full details of cycling provision, however it is considered that the properties are capable of providing a suitable level of provision and as such a condition is recommended for additional details.

Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. Insufficient information has been provided regarding the full details of the provision of refuse and recycling facilities, however it is considered that the properties are capable of providing a suitable level of provision and as such a condition is recommended for additional details.

Neighbouring amenity

Reason for refusal 1 of the previous application related to the impact of the development upon the amenity of adjoining neighbours. Within the appeal decision the Inspector raised concern over the potential impact of unit 1 upon the existing residential amenity of the occupiers of 61a Overhill Drive to the north of the site, and also the impact of plots 2 and 3 upon the privacy of the occupiers of 2 and 3 Grange Walk to the south of the site.

As originally submitted, the proposed Unit 1, a two storey 5 bedroom dwelling with a hipped roof which followed the existing main rear building line of No.61a Overhill Drive was revised further to discussions. The revised drawing has been submitted resulting in a 4 bedroom 2 storey property with a catslide roof along the northern elevation of the property, a reduction in the overall roof height by 1 metre, the re positioning of the proposed garden room towards the southern end of the property, and the slight reorientation of the property to reduce the possibility of overlooking into 61a Overhill Drive.

At its closest point the property would measure a minimum of 4 metres from

the existing flank elevation of No.61a and a maximum of 6 metres from the existing flank elevation of the conservatory. The reorientation of the property results in the slight possibility of some oblique overlooking into the conservatory at 61a Overhill Drive. However two windows are proposed at first floor level. The one which is located closest to the boundary with 61a Overhill Drive serves a bathroom window and it is considered acceptable with a condition that this is obscurely glazed. It is therefore considered that in relation to 61a Overhill Drive the scheme overcomes the Inspector's concerns and that any potential impact would now not be significant and sufficient to recommend refusal.

In relation to the Inspector's comments regarding the relationship of the previously proposed units 2 and 3 and no 2 and 3 Grange Walk, the applicant has repositioned the two units and submitted a plan providing a minimum distance between the facing rear windows of 21.7 metres for no. 2 Grange Walk and 21 metres for no. 3 Grange Walk. There are a number of mature trees along the southern boundary of the site and Grange Walk. Given the increased distance of 21 metres from 18 metres between facing windows and the existing screening between the properties, it is considered that the scheme overcomes the Inspector's concerns and that any potential impact would now not be significant and sufficient to recommend refusal.

The Inspector considered the impact of the development upon no 17 Audrey Close. The Inspector concluded that plot 4 of the proposed development would not result in the outlook from no 17 Audrey Close or its garden being materially harmed because there is a difference in ground level between the two sites of approximately 2 metres. The applicants have submitted the exact same layout for unit 4 as was submitted as part of the appealed application. It is considered that a suitable boundary treatment along the western boundary of the site would not result in the demonstrable harm of the amenity of the occupiers of No.17 Audrey Close.

Traffic Matters

Reason for refusal 3 of the previous application related to the access road and the subsequent impact on highways safety within the local area. The existing access into the site serves the Mill House dwelling and attached studio on the site. An adopted walkway currently extends alongside the site access down the eastern boundary of the site.

The proposal would provide a shared access with the public footpath, demarcated by metal studs. The Inspector recognised there is some element of risk in cars and vulnerable pedestrians using the same space, but he considered that the length of the shared surface would be relatively short and that there would be sufficient room for cars and pedestrians to pass.

The Councils Sustainable Transport Officers had no concern over the previously submitted application and the Inspector has agreed with this view. The Manual for Street indicates that shared surfaces work well where they are

in short lengths, where motor traffic is below 100 vehicles per hour, where parking is controlled and subject to making adequate provision for people with disabilities. The Inspector felt that these criteria were met with the added benefits of providing a lit, well surface and defined footpath through the site outweighed any residual concerns over pedestrian safety.

The Inspector concluded that “whilst I attach a high priority to highways safety, especially where vulnerable school children are likely to be present, I see no reason to disagree with the views of the highways authority as to the acceptability of the proposal on highways safety grounds, and conclude that the proposal would not harm highways safety or conflict with Local Plan policy TR7”. It is therefore considered that refusal of the scheme on highways safety grounds could not be sustained.

Trees on Site

Reason for refusal 2 of the previous application related to the impact of the proposed development on the existing trees at the site. A total of 17 trees on the site are covered by a Tree Protection Order (TPO). Given the extent of existing tree cover of the site, it is almost inevitable that intensification of development to provide an additional four properties on the site would result in detriment to some of the trees on the site. Given the submitted arboricultural report the Council could accept the loss of some of the trees on the site on the basis that they are either poor specimens or in declining health.

The Inspector agreed with this approach stating “*that the scope for additional planting would adequately mitigate the losses. I therefore find that the proposal would not harm the character and appearance of the surrounding area or conflict with Local Plan Policies QD2 or QD12*” It is therefore considered that a reason for refusal which relates to the current scheme given its similarities with the previous scheme could not be supported at appeal.

Drainage

Reason for refusal 4 of the previous application related to the potential for increased flooding. The scheme proposes to deal with surface water drainage by way of soakaways and underground storage tanks, the access roads and driveways are to be of porous construction. There is in addition, no evidence to suggest that these measures would not provide an adequate means of dealing with drainage.

The Inspector also considered the previous appeal decisions on the site whereby flooding and drainage was not of issue and he considered that there had been no material change in circumstance since these decisions. It is therefore considered that the application adheres with policy SU4 of the Local Plan and refusal on these grounds could not be sustained.

Sustainability

Policy SU2 requires new development to be efficient in the use of energy,

water and materials. All new dwellings should meet an EcoHome/Code for Sustainable Homes rating of minimum 'very good'. The requirement for a completed Brighton & Hove Sustainability Checklist was introduced after this application was validated. However the applicant has submitted a completed pre-assessment estimator which suggests that the development would achieve a Code for Sustainable Homes rating of Code Level 3. A condition is attached to ensure that the estimated level is met.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal is an effective and efficient re- use of residential land which will result in an additional 4 family dwellings, whilst maintaining the character and appearance of the area. Furthermore the development would not adversely affect the amenities of neighbouring properties, or the surrounding highways network. The loss of protected trees on the site would be mitigated by additional planting.

9 EQUALITIES IMPLICATIONS

The proposed dwellings would need to comply with Lifetime Home Standards and Part M of the Building Regulations.

BH2008/02490 Mill House, Overhill Drive



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Scale 1:1250



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<u>No:</u>	BH2010/00394	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Brunswick Street West, Hove		
<u>Proposal:</u>	Change of Use of ground floor store into 1no self contained studio flat.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	04/03/2010
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	29 April 2010
<u>Agent:</u>	Tim Cording, 140 High Street, Steyning		
<u>Applicant:</u>	RSVP Properties Ltd, Mr R Rigg, 7 Brunswick Street West, Hove		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. The proposed residential unit shall be constructed to 'Lifetime Homes' standards in accordance with details that shall have first been agreed in writing by the Local Planning Authority prior to commencement of development, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

3. BH02.08 Satisfactory refuse and recycling storage.
4. No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation fronting a highway.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the design and access statement, waste minimisation statement, biodiversity checklist, site plan and 2 no. existing and proposed plan drawings submitted on the 15th February 2010; and the sustainability checklist and heritage statement submitted on the 4th 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:
Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
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
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetimes homes
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD03 Construction and demolition waste

SPD08 Sustainable building design

Planning Advice Notes:

PAN03 Accessible housing and Lifetimes Homes; and

- (ii) for the following reasons:-
- The proposed development would involve internal alterations only, would cause no loss of amenity to adjacent occupiers and would not detrimentally impact on the character or setting of the listed building or Brunswick Town conservation area. The proposal is considered to be in accordance with development plan policies.
3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
 4. The applicant is advised that Council records indicate that the application site has a former use as a motor car garage which has potentially caused localised contamination. The applicant is responsible for the safe development of the site.
 5. The applicant is advised that any external alterations to the building will require the submission of applications for both planning permission and listed building consent.

2 THE SITE

The application relates to a two storey mid-terrace house located on the south side of Brunswick Street West, within the Brunswick Town conservation area. The site is located within the curtilage of the Grade I listed Brunswick Terrace to the south and is itself listed by association. The house appears to have operated for a number of years as a first floor flat with two associated garage/storage units at ground floor level below. The western garage/store has been converted into a playroom to the house with the doors altered to windows (BH2007/04452). The eastern garage is under separate ownership. The surrounding buildings within the street all have similar alterations and currently operate as single residential units.

3 RELEVANT HISTORY

BH2009/02388: Change of use of ground floor store to 1 No. One bedroom self-contained flat. Refused 21/12/2009 for the following reason:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted for development that would cause material nuisance and loss of amenity to proposed, existing or adjacent users or where it is liable to be detrimental to human health. The proposed residential unit, by reason of its limited floor area, restrictive layout, and poor quality outlook with minimal access to natural light and ventilation, falls below the standards reasonably expected by the local planning authority. It will result in a cramped and substandard form of accommodation for future residents which would be of detriment to their living conditions and therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2007/04452: insertion of new windows to front and rear ground floor (part retrospective). Amended scheme. Approved 18/02/2009.

BH2007/04446: Listed Building Consent for the insertion of new windows to front and rear ground floor (part retrospective). Amended scheme. Approved 26/02/2009.

4 THE APPLICATION

The application is a re-submission of refused application BH2009/02388. The revised proposal now incorporates a studio flat instead of a one-bedroom flat within the ground floor store, with the main open-plan studio room to the front. The bathroom would be located to the rear and would be served by the window granted planning consent and installed under BH2007/04452. No external alterations are proposed to the building.

5 CONSULTATIONS

External:

Neighbours: Five letters of representation have been received from the residents of **No. 6 Brunswick Street West, Flat 2 15 Brunswick Street West, Flat 8 29 Brunswick Terrace, Flat 2 29 Brunswick Terrace, and an additional neighbour, objecting** to the proposed development on the following grounds:

- The mews already has enough residents, more will make parking a worse problem than is currently.

- The application contravenes the grade II listing criteria for this conservation area and the original construction did not/does not meet the planners stipulations.
- The bathroom at the rear of the property would result in further unsightly flues and venting. No such additions to the rear party wall would be acceptable.
- The bathroom window needs to be fixed shut and made of obscured glass.
- Existing illegal flues have not been removed and the window in the rear elevation has not been completed. No application should be approved until the developer has remedied these incomplete works and unauthorised flues.
- The site forms part of the Grade I listed 28 Brunswick Terrace, contrary to reports in the earlier refusal of planning permission.
- There is insufficient space for a whole ground floor flat within the space
- A full check of the dimensions of the proposal needs to be made as they appear marginally above the permitted threshold for such a change of use.

Internal:

Design and Conservation: The Design and Conservation team consider that the above property does fall within the curtilage of 28 Brunswick Terrace, a grade I listed building, by virtue of its physical layout, past ownership, and past use and function. It should be treated as an ancillary part of the listed building.

Conditional listed building consent was given for new windows front and back at ground level in Feb 2009 (ref BH2007/04446/LBC).

It is noted that no further works are proposed to the exterior of the above building and that the internal works are restricted to a partition and the installation of bathroom and kitchen. In as much as the previously consented windows give the building a domestic feel, and that the interior has no features of architectural or historic interest, the internal works do not affect the listed building's character as a building of special architectural or historic interest. Listed building consent is not required for the internal works proposed.

Comments received under BH2009/02388

No objection to the internal work, as this is not considered to affect the conservation area or surrounding listed buildings, however details of artificial ventilation and waste pipes are not included in the application, and it is important that they do not emerge on the front of the building, therefore please seek clarification on this point.

Conservation Advisory Group: Awaiting comments.

Sustainable Transport: We would not wish to restrict grant of consent of this Planning Application, subject to the applicant contributing towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the

area of the site.

For this proposal the contribution should be £500. TR14 has been included in the above narrative supporting the contribution justification because the proposed design of the facilities does not accord with best practice.

This site is within the city's controlled car parking zone M. This zone currently has a waiting list for residents parking permits of 9-12 months minimum. Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves with, unless in exceptional circumstances, which might include significant implications for highway safety. There are no significant circumstances in the surrounding area that would be exacerbated by this proposal.

Environmental Health: Concerns are raised relating to potentially contaminated land and the possibility of submerged fuel tanks at the site, however the agent for this application has confirmed that there will be no breaking of ground or intrusive works. The following informative is therefore recommended:

Council records indicate that the application site has a former use as a motor car garages, this former use has the potential to cause localised contamination. Please make the applicant aware that they are responsible for the safe development of the site.

Private Sector Housing: No objections.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
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
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetimes homes
HE1	Listed buildings
HE3	Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD03 Construction and demolition waste

SPD08 Sustainable building design

Planning Advice Notes:

PAN03 Accessible housing and Lifetimes Homes

7 CONSIDERATIONS

The main considerations material to this application are the principle of conversion, the impact of the conversion on the Grade I listed building, the standard of accommodation to be provided, the impact on neighbouring residential amenity, traffic issues and sustainability issues.

Principle of Development

The application seeks the sub-division of a unit of residential accommodation therefore policy HO9 applies. This policy states that planning permission for the conversion of dwellings into smaller units of self-contained accommodation will be permitted in instances where (amongst others) the original floor area is greater than 115sqm or the dwelling has more than 3 bedrooms. Such conversions must retain at least one unit of accommodation suitable for family occupation and with a minimum of two bedrooms.

Planning records indicate that the building as originally built consisted of two ground floor garages/stores beneath associated first floor residential accommodation, all acting as a single planning unit with a gross internal floor area of 151sqm. In the intervening years one of the ground floor garages/stores has been sold on and is now considered a separate planning unit. The remaining part of the building accommodates a two bedroom flat at first floor level that provides for a small unit of accommodation. It has an internal floor area of 78.8sqm (including the ground floor access stair and entranceway) and provides the main area of accommodation. The remaining garage/store at ground floor level forms disused secondary accommodation to the unit and covers an area of 37.1sqm, a total of 115.9sqm. Although the ground floor store is not explicitly in residential use, and is currently undergoing construction works to implement BH2007/04452, it is considered to form part of the above residential unit as there is no evidence on record to demonstrate that it is a separate planning unit independent of the flat above. For this reason the existing residential unit is considered to have a floor area above the 115sqm threshold contained within policy HO9, with the proposal retaining a two bedroom flat suitable for family accommodation entirely as existing. The proposed sub-division of the dwelling thus accords with the core requirements of policy HO9 and the principle of development is consequently accepted.

Other requirements contained within policy HO9 are for conversions to be non-detrimental to neighbouring properties, provide adequate cycle and

refuse storage, and preserve or enhance the character of the conservation area. No external cycle or refuse storage facilities are detailed on the plans however owing to the constraints of the site these are not considered reasonably achievable in this instance. As the proposed works are internal only there will be no detriment to the character of the Brunswick Town conservation area.

Impact on Listed Buildings

The site sits within the curtilage of the Grade I Brunswick Terrace, a grouping of buildings which were listed in 1950. Representations have been received that argue that the application site is also Grade I listed by virtue of having been originally constructed as part of No.28 Brunswick Terrace and also being attached to rear annexes to the other properties in the Terrace (NB: No.28 Brunswick Terrace is separated from the site by a basement courtyard). Although there has been a certain degree of recent uncertainty as to whether this building is indeed listed, the Council's Design and Conservation Officers have now agreed that it should fall under the listing of Brunswick Terrace by virtue of its physical layout, past ownership, and past use and function. It should be treated as an ancillary part of the listed building.

Notwithstanding this judgement, the proposed works are internal only to a building that contains no internal architectural elements of interest. The proposed development would therefore not impact on the character or setting of the adjacent listed buildings and is considered acceptable in this context as a result. The Design and Conservation officers are of the opinion that the internal works do not affect the listed building's character as a building of special architectural or historic interest, and therefore do not require a listed building consent application to be submitted.

Design and Appearance

No external works are proposed. Although the existing plans indicate that a different window is in place, it is clear from the site visit that this is not the case and that the window shown on the proposed plans is correct. Objectors are concerned that external pipework/flues etc may be required to service the unit. It is likely that such additions to the exterior of the building would be harmful therefore an informative is attached to advise the applicants that any external works will require the submission of a fresh planning application and separate listed building consent.

Standard of Accommodation

In terms of living accommodation, the proposal seeks permission for a 37.1sqm studio flat within the ground floor store. Following the previous refusal of planning permission, the layout of the proposed flat has been altered in order to overcome concerns over the appropriateness of the floor area relative to the unit of accommodation being proposed. The proposal is now for a studio room instead of a one-bedroom flat with the main room to the front and a separate bathroom to the rear serviced by the new window

installed under BH2007/04452.

Although the local plan does not contain specific guidance on internal floor spaces, the appropriateness of proposed floor space and resultant standard of accommodation/amenity for future occupiers is a material consideration having regard to policy QD27. In this instance it is considered that the 37.1sqm usable floor area is acceptable for a studio flat. Despite being arguably below the standard the Council would reasonably expect (NB: by comparison the Council's standards for affordable housing recommends a floor area of 51sqm for one bedroom flats), the size and layout of the room is such that a satisfactory standard of accommodation can be provided in this instance, in accordance with policy QD27 of the Brighton & Hove local plan.

The objectors have noted that there are several unauthorised flues on the building whilst no provision for bathroom extracts for the proposed flat are detailed in the application. Should such flues be required then they would require a separate planning application. An informative is attached to remind the applicants of this. The Council's Planning Investigations team have investigated the unauthorised flues and the unfinished window and determined that it would not be expedient to take further action (NB: the three unauthorised flues at the rear of the applicant's property have now been removed). The issue of the incomplete window is essentially a civil matter between the residents and not a material planning consideration in this instance. It is not considered that these issues will prejudice the determination of this application however this decision is clearly made on the basis that the rear window remains in situ and as approved under BH2007/04452.

Residential Amenity

The rear bathroom window will overlook a courtyard area to the basement flat at 28 Brunswick Terrace. The existing store is not in use and consequently does not impact on the rear yard by way of overlooking. Notwithstanding this arrangement, it is not considered that the bathroom to the rear will significantly raise overlooking potential, particularly as the courtyard is already overlooked by over 15 separate windows and the window is at first floor level when viewed from the courtyard. Objectors have requested that the bathroom window be obscurely glazed however in this instance it is not considered necessary to enforce this via a planning condition as the amenity harm afforded by the bathroom within the context of the site is considered negligible. In any case it would be expected that the occupiers of the proposed flat would wish to restrict views into/out of this window for obvious modesty reasons. On balance the proposed use of this site as a residential flat will not result in a significant increase in loss of amenity for adjacent occupiers.

Lifetime Homes

Local plan policy HO13, including PAN03 'Accessible Housing and Lifetimes Homes', states that proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that wherever it is

practicable, Lifetimes Homes criteria have been incorporated into the design. The submitted plans provide limited detail of the lifetimes homes criteria that have been considered or incorporated in the design, including an illuminated front door, 800mm wide doorways, 1550mm turning circles for wheelchairs, side transfer provision within the bathroom, and sockets etc at a serviceable height above 450mm. Although it is not reasonable to expect all lifetime homes criteria to be incorporated into a conversion within the fabric of an existing building, as many as is reasonably possible should be incorporated into the design. An analysis of the layout indicates confirms that many of the key requirements can be met. However, more details are required. This can be achieved by way of a suitably worded condition.

Transport Issues

Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents.

The site is located within a Controlled Parking Zone (zone M). No on-site parking or cycle spaces are to be provided. The Sustainable Transport Officer has raised no objection in principle. Owing to the site constraints it is not considered reasonable to require cycle parking. A contribution towards sustainable transport improvements was not considered necessary for the previous refused application. Taking this, and the scale of the amount proposed, it is not considered appropriate to seek a contribution.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Supplementary Planning Document 08 on Sustainable Building Design also requires applications for small scale residential conversions to demonstrate the following:

- A completed Sustainability Checklist
- An EST home energy report
- The reduction in water consumption, and
- The minimisation of surface water runoff

A completed sustainability checklist has been submitted stating that the proposed development would reach a rating of 60% (good). The checklist states that the conversion will have energy efficient heating, a high efficiency gas condensing boiler and would meet Building Regulations standards for CO2 emissions. On balance, given the limited scale of the proposal, it is considered that sufficient information has been submitted to meet the above policy in this instance.

Policy SU2 also requires proposals to provide space within each planning unit for refuse, waste recycling and composting. The plans provide no details of existing or proposed refuse and recycling storage facilities. A suitably worded condition is considered appropriate to secure further details.

Contaminated Land

The Council's Environmental Health officers have identified the site as being potentially contaminated with the possibility of submerged fuel tanks in the area. The proposal would not likely result in the breaking of the ground to install plumbing etc as this can be easily adapted into the existing services for the flat above. Notwithstanding this judgement, an informative is attached to advise the applicants of the potential contamination and their duties with regard to it.

Waste Minimisation

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. The submitted statement is brief and does not detail all the necessary specifics however given the relatively small nature of the internal works it is not considered necessary to request further information in this instance.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would involve internal alterations only, would cause no loss of amenity to adjacent occupiers and would not detrimentally impact on the character or setting of the listed building or Brunswick Town conservation area. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

Subject to condition, the proposed development would meet relevant lifetimes homes standards.

BH2010/00394 7 Brunswick Street West



Date: 13/04/2010 04:02:03

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