

BRIGHTON & HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2008/00106	<u>Ward:</u>	WISH
<u>App Type</u>	Full Planning		
<u>Address:</u>	Stretton Hall 353 Portland Road Hove		
<u>Proposal:</u>	Demolition of existing hall (D1) and construction of ground floor parking area, first floor hall (D1 use) and 3 floors of office space (B1 use) above (total 5 storeys).		
<u>Officer:</u>	Sue Dubberley, tel: 292097	<u>Received Date:</u>	09 January 2008
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	09 April 2008
<u>Agent:</u>	Alan Phillips Architects (OCA Ltd), Studio 7 Level 5, New England House, New England Street, Brighton		
<u>Applicant:</u>	Welshall Limited, c/o Mr Alan Phillips, Alan Phillips Architects (OCA Ltd), Studio 7 Level 5, New England House, New England Street, Brighton		

1 RECOMMENDATION

That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation and resolves it is **refuse** planning permission for the following reasons:

1. The building proposed for this prominent site by virtue of its height, scale and bulk would appear incongruous and unduly prominent, appear as an over dominant feature in the street scene, and thereby detrimental to the surrounding area and residential amenity. This would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan, which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.
2. The open frontage to the car park is unattractive and presents a bland and uninteresting street frontage. The proposal is therefore contrary to policy QD5 of the Brighton & Hove Local Plan which seek to ensure that all new developments should present an interesting and attractive frontage particularly at street level for pedestrians.
3. The applicant has failed to demonstrate that the proposed development would incorporate satisfactory measures to ensure its future sustainability and to achieve a high standard of efficiency in use of energy, water and materials and as such the proposal is contrary to policy SU2 of the Brighton & Hove Local Plan Second Deposit Draft and the Council's SPGBH21 - Brighton & Hove Sustainability Checklist.

Informatives:

1. This decision is based on drawing nos. A-01, D.01, 02, 03 submitted on 9 January 2008.

2 THE SITE

The application relates to a site located on the north side of Portland Road adjacent to the entrance to the EDF offices. The site is almost surrounded by the car park for the EDF offices. To the far north is a railway line and to the south residential detached and semi-detached two storey houses on the opposite side of Portland Road. The nearest residential properties to the west of the site, on the same side of Portland Road as the application site, are some 65m away from the site's western boundary.

The site currently contains a single storey building formerly in use as a church hall, which is now vacant.

3 RELEVANT HISTORY

M/11237/64: Pram room for Christian meeting hall. Allowed.

M/11605/65: Extension to store to existing Christian meeting hall. Granted

BH2005/01691/FP: Demolition of exiting D1 class hall, construction of 5 storey unit with new D1 community meeting facility, five 3-bedroom flats and four 2-bedroom flats above. Withdrawn.

BH2005/06665: Demolition of existing D1 class hall, construction of 5 storey building with new D1 Community Meeting facility at ground floor and four 3 bedroom flats and four 2 bedroom flats over. Current application.

BH2006/04300 Demolition of existing hall (D1 use) & construction of hall (D1 use) ground floor & 3 stories above of office space (B1 use). Approved 11 June 2007.

4 THE APPLICATION

The application is for the demolition of the existing hall (D1 use) and construction of hall (D1 use) at first floor and 3 stories of office space (B1 use) above. The building would have a shared entrance for the hall and offices. At ground floor there would be 8 parking spaces (including 2 disabled spaces).

5 CONSULTATIONS

External:

Neighbours: 386 Portland Road Object for following reasons:

- The proposed 5 storey building would tower over houses opposite and stand out like a sore thumb and cause overlooking and loss of privacy.
- Building is too tall and disproportionately narrow for its width.
- Similar to EDF building in style but EDF is set back 20 m from the road and not overpowering.
- Do not object to a building of 3 or 4 storeys in height but 5 are unacceptable for reasons given above.

Southern Water: Do not wish to comment on the application.

EDF: No objection providing rights regarding access and maintenance are maintained at all times.

Internal:

Traffic Manager: Following the receipt of a highways statement no objection subject to the inclusion of conditions relating to the access being constructed in accordance with the council approved Manual for Estate Roads and a contribution of £20850 towards improving sustainable modes of transport.

Economic Development: In general terms the application is supported and welcomed as it replaces an existing community hall building in a poor condition with a new mixed use development retaining the community hall use but increasing its capacity together with new B1 employment space over an additional 3 storeys.

The applicant states that the B1 employment space will provide employment space for 10 part time staff and 40 full time staff but gives no supporting justification for these figures. The offPAT employment densities for general office accommodation provide 5.25 jobs per 100m². This proposal provides 744m² of new office accommodation equating to 40 jobs.

Urban Designer: This application is on a particularly tight site, located within an existing industrial/ office development, and facing onto semi-detached residential properties across a busy thoroughfare. The proposal would provide 3 floors of office accommodation, whilst retaining community uses on the first floor. Parking is located on the ground floor.

The applicant has provided a possible future scenario for the area between existing low scale housing and the site, showing a transition to the dominant existing EDF office building. This demonstrates how the area to the west of the site could be developed, and that a comfortable relationship with the housing to the west of the site could be achieved. However as a stand alone development the building would be very prominent in the street scene with long views of the site from Portland Road.

This application apparently provides an efficient and effective use of the site, as required by local plan policy QD3.

There are concerns about the entrance to the car park, and the appearance of this entrance from the street. Local plan policy QD5 requires that 'all new developments should present an interesting and attractive frontage particularly at street level for pedestrians'. The open frontage into a car park is not considered to be attractive. The lack of any apparent door or gate to this area is further cause for concern, as if this area is apparently neither enclosed nor secure, and it could provide a covered place for anti-social behaviour. A wide vehicular entrance will negate the safety of pedestrians, and more details are expected of this area, including any mitigating measures.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR5 Sustainable transport corridors and bus priority routes
- TR7 Safe development

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- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU5 Surface water and foul sewerage disposal infrastructure
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- QD28 Planning Obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- EM1 Identified employment site (industry and business)

Supplementary Planning Guidance

- SPGBH4 Parking Standards
- SPGBH16 Renewable Energy and Energy Efficiency in New Developments
- SPGBH2 Sustainability Checklist

Supplementary Planning Documents:

- SPD03: Construction and Demolition Waste

7 CONSIDERATIONS

The main considerations are the principle of an office use in this location, the design of the proposed building, the effect on the character and appearance of the street scene, the effect on surrounding amenity and sustainability. The impact on street parking in the area and highway safety are also considerations.

There is no objection in principle to the redevelopment of the site.

Community Use

The existing use of the building is a D1 community use, as it was in use as a church hall prior to it becoming vacant. A letter has previously been submitted by the applicants from Flude Commercial who acted on behalf of the applicants when they purchased the site, which states that the site was sold by the Trustees of the Brighton & Hove Meeting Rooms Trust. The Trustees had owned the church for a number of years but sold it as it became surplus to requirements when the church relocated. The same trust has also recently disposed of another church in Lancing for the same reason. The former owners were a closed religious group who conducted private services within

the building and it was not open to the general public or local community.

The D1 use is being retained in the proposed scheme with a community hall at ground floor. It is therefore considered that there is no conflict with policy HO20 which seek to retain community facilities. The proposals will provide a modern hall with improved access, a kitchen area and toilets including a disabled person's toilet. While there is no end user at this stage the applicants have previously suggested 9am to 9pm as the proposed hours of use, which is considered acceptable.

Office (B1) Use

The principle of a B1 office use on the site has already been established by the earlier approval for the construction of hall (D1 use) at ground floor with 3 stories above of office space (B1 use), approved in June of last year. There is no policy objection to the proposed use on this site as the site forms part of an allocated industrial site under policy EM1.

Economic Development generally supports the application and welcomed the redevelopment of the site as the existing building is in a poor condition. The new mixed use development retains the community hall use but increases its capacity together with new B1 employment space over an additional 3 storeys that they calculate would provide 40 jobs.

Impact on character and appearance of the locality

There is an extant permission on the site for the construction of hall (D1 use) at ground floor with 3 stories above of office space (B1 use) approved in June of last year under ref: BH2006/04300. The approved scheme was recommended for approval following negotiations over the design of the scheme and concerns over the height of the building and its prominence in the street. As a result of negotiations the height of the building was reduced from 16m to 12.5m and the design amended to be more in keeping with the style of the nearby EDF building.

The current proposal is similar in design to the approved scheme; however it is 2.1m higher than the approved scheme with a height of 14.6m. It is considered that the increase in height would make the building now proposed very prominent in the street scene, particularly as there are long views available to the east and west of the site on Portland Road. The proposed building by virtue of its scale and bulk would therefore appear incongruous, unduly prominent and over dominant in the street scene. While the existing EDF building is taller and larger in scale overall this building is set approximately 20m from the front of the site.

The applicants have submitted a drawing showing a possible scenario if the EDF car park which surrounds the site is ever developed. The urban designer is satisfied that the drawing demonstrates how the area to the west of the site could be developed, and that a comfortable relationship with the housing to the west of the site could be achieved. However as a stand alone development the building would be very prominent in the street scene with long views of the site from Portland Road and in assessing the application the

existing situation has to be taken into account.

The entrance to the parking at ground floor is also of concern policy QD5 requires that 'all new developments should present an interesting and attractive frontage particularly at street level for pedestrians'. The open frontage into a car park is not considered to be attractive and presents a bland and uninteresting street frontage.

Affect on residential amenity

While there have been an objection regarding the impact on nearby residential properties, the site itself is in a relatively isolated position. The nearest residential properties lie to the south on the opposite side of Portland road some 30m away, the EDF offices are to the east, approximately 33m away from the proposed building and to the west there are terraced residential properties which are over 65m from the site. Given these distances it is considered that that there would be no significant issues of loss of privacy, overlooking or loss of light and overshadowing arising from the development.

Traffic Issues

The Traffic Engineer had initial concerns regarding the safe use of the access to the site and the availability of on-street car parking provision. The applicant's traffic consultant then submitted a report which stated that the 8 on-site car parking spaces would be allocated spaces and the entrance to the ground floor parking would be controlled by a barrier. The traffic engineer is satisfied with this arrangement because his initial concerns were that vehicles would be reversing on to the public highway if they were unable to park because the car park was full and would have been a hazard to users of the highway.

The report also makes reference to the number of available on-street parking spaces, as the traffic engineer's initial comments were based on the fact that the site cannot provide off-street parking to accord with the Council's maximum standards as set out in SPG4 and the proposed development would have a significant impact on parking pressure in the surrounding area. A survey has been submitted as part of the traffic consultants report indicating that there was 20% spare capacity, which equated to roughly 200 spaces available within 5 minutes walk from the site. The traffic engineer is therefore satisfied that the additional car parking burden associated with this proposal will not create a material transport impact that could be supported at an Appeal.

The traffic engineer is therefore no longer objecting to the development subject to conditions relating to the access being constructed in accordance with the council approved Manual for Estate Roads and a contribution of £20850 towards improving sustainable modes of transport. The applicant is willing to pay the contribution.

Sustainability

A statement regarding waste management has been submitted which

includes the intention to re-use materials on site wherever possible; the intention is to reclaim the bricks to be used as part of the hard landscaping. Any waste removed from the site will be recycled where possible using for instance the local 'wood recycling project'. The development will also source local materials. Timber used in the development will come from sustainable sources.

Dual flush toilets would be installed and A rated dishwashers installed.

Recycling facilities and refuse storage for each floor of the proposed offices is included within the scheme.

The applicant has however not submitted a completed sustainability checklist. The purpose of the checklist is to assist in assessing to what degree a scheme fully, partially or fails to meet expectations in terms of the meeting the requirements of policy SU2. The case officer has completed the checklist and the scheme appears to only fully meet 5 of the relevant 19 criteria on the list. Given the lack of any further information, it is considered that the applicant has failed to demonstrate that the proposed development would incorporate satisfactory measures to ensure the efficiency of the development and to achieve a high standard of efficiency in use of energy, water and materials

9 EQUALITIES IMPLICATIONS

Both the proposed offices and the new community hall would be accessed by a lift with level access at ground floor and disabled person's toilets.

<u>No:</u>	BH2008/00535	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Full Planning		
<u>Address:</u>	27-33 Ditchling Road Brighton		
<u>Proposal:</u>	Demolition of existing building. Proposed change of use to mixed use development comprising (D2) Gym, (A1) Retail and (C3) 28 apartments.		
<u>Officer:</u>	Gemma Barnes, tel: 292265	<u>Received Date:</u>	14 February 2008
<u>Con Area:</u>	Adjoining Valley Gardens	<u>Expiry Date:</u>	06 June 2008
<u>Agent:</u>	Alan Phillips Architects (OCA Ltd), Studio 7, Level 5, New England House, New England Street, Brighton		
<u>Applicant:</u>	Mr M Geary, c/o New England House, Brighton		

1 RECOMMENDATION

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

- (i) Amended plans to show access to the roof terrace and ballustrading for the roof terrace.
- (ii) A Section 106 obligation to secure the following:
 - Affordable housing, comprising 6 flats for rent and 5 flats for shared ownership (5x 1-bedroom, 5 x 2-bedroom and 1x 3-bedroom);
 - Public art works to the value of £29,000 the details of which to be submitted and approved in writing by the Council prior to commencement of development and to provide, on completion of development, a breakdown of expenditure of the said public art works;
 - A contribution of £47,135 towards open space provision;
 - A contribution of £14,000 towards sustainable transport improvements in the vicinity of the site;
 - A contribution of £33,900 towards education facilities;
 - 10% of the units shall be fully wheelchair accessible (Units 6 and 7) as identified on the plans submitted.

(iii) the following Conditions and Informatives:

Conditions

- 1 01.01AA Full planning permission
- 2 02.04A No cables, aerials, flues and meter boxes (BandH)
- 3 Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and improved in writing by, the Local Planning Authority.

Reason: To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with polices SU3, SU4 and SU5 of the Brighton & Hove Local Plan

- 4 02.06A Satisfactory refuse storage (BandH)
- 5 04.02 Lifetime homes

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- 6 05.01 BREEAM. **Amend** to refer to 'excellent' rating only.
- 8 06.03A Cycle parking facilities to be implemented (BandH)
- 9. 13.01A Samples of materials Cons-Area (BandH)
- 10 06.01A Retention of parking area (BandH).
- 11 Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed highway works, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.

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

- 12. If, during development, contamination not previously identified in the Sitesolutions Geologic Report is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy approved as part of this application, detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the groundwater quality in the area and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the groundwater quality in the area and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 14 25.01A Surface water drainage (BandH)
- 15 25.02A Use of clean uncontaminated material (BandH)
- 16 Prior to commencement of development large scale drawings (1:10 or 1:20) of each type of window and door to be inserted into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in accordance with policies QD1, QD2 and HE5 of the Brighton & Hove Local Plan.

- 17 03.02 Soundproofing of building. **Add...** To accord with policies SU10 and QD27 of the Brighton & Hove Local.
- 18 03.10 Soundproofing plant/machinery. **Add...** To accord with policies SU10 and QD27 of the Brighton & Hove Local.
- 19 No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting, finished floor levels and ridge heights of the proposed building and neighbouring development have been submitted to and approved in writing by the

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Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, and to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

20 Prior to first occupation of the development the sustainability measures set out in the Supporting Statement and Sustainability Checklist submitted with this application including the solar panels and sedum roof shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development is sustainable and makes efficient use of energy, water and materials and in accordance with policies SU2 and SU16 of the Brighton & Hove Local Plan.

21 The waste minimisation measures set out in the site waste management plan submitted with this application shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

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

22 The development hereby permitted shall not be occupied until the roof terrace hereby approved, is laid out and made available for use as a communal area for occupiers of all of the flats hereby approved. The external area shall be retained for use as a communal garden at all times.

Reason: To ensure that adequate external amenity space and to comply with policy HO5 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. D.01, D.03, D.04, D.09, D.13, D.14, D.15, D.16, the Gould Daylight Assessment and the BREEAM Multi Residential/Ecohomes Pre Assessment Estimator and the Sitesolutions Geologic Report, Sustainability Checklist, Waste Management Statement and the marketing details submitted on 14th February 2008, drawing no.D.12 submitted on 15th February 2008, drawing nos. A.02, A.03, A.04, D.10 submitted on 28th February 2008, the Design and Access Statement and Planning Support Statement submitted on 7th March 2008, drawing nos. D.05A, D.07A submitted on 4th April 2008, drawing nos. D-02B, D.08 and the computer generated images submitted on 24th April 2008.

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, and to all relevant material considerations,

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR2 Public transport accessibility and parking
TR4 Travel plans
TR5 Sustainable transport corridors and bus priority routes
TR7 Safe development

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- TR12 Helping the independent movement of children
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewerage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and reuse of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Street frontages
- QD6 Public art
- QD10 Shopfronts
- QD27 Protection of amenity
- QD28 Planning obligations
- HO2 Affordable housing – ‘windfall sites’
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential developments
- HO6 Provision of outdoor recreation space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- SR1 New retail development within or on the edge of existing defined shopping centres
- SR5 Town and district shopping centres
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD02: Shop Front Design
- SPD03: Construction and Demolition Waste

Supplementary Planning Guidance Notes:

- SPGBH4: Parking Standards
- SPGBH9: A guide for Residential Developers on the provision of recreational space
- SPGBH16: Renewable Energy & Energy Efficiency in New Developments
- SPGBH21: Sustainability Checklist

National Policy Guidance:

- PPS1 Delivering Sustainable Development
- PPS3 Housing

PPS6 Planning for Town Centres
PPG13 Transport
PPS23 Planning and Pollution Control; and

(ii) for the following reasons:

The proposed development will make an efficient and effective use of the site by providing the city with enhanced retail facilities, a gym and 28 residential flats. The proposal would have no adverse impact upon the character and appearance of this site, the wider street scene or the adjoining Valley Gardens Conservation Area. Furthermore, there would be no harm to nearby listed buildings. The proposal can be adequately accommodated on site without detriment to the amenity of future or neighbouring occupiers. Subject to conditions to control the development in detail the proposal accords with development plan policies.

3. The applicant is advised that a formal application for connection to the water supply is required in order to service this development. To initiate this, the applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester or www.southernwater.co.uk.
4. The applicant is advised that any demolition of the existing building will constitute commencement of development for the purposes of implementing this planning permission. Therefore all pre commencement conditions must be discharged prior to any demolition of the existing building.
5. The applicant is advised that this permission does not give consent for the erection of any advertisements which may require express consent in their own right.
6. The proposed development site is adjacent to the existing Brighton & Hove Air Quality Management Area, declared as a result of local traffic emissions. The area was declared in December 2004 based on estimated exceedences of the NO₂ annual average seen at this time. In recent years monitoring in the area of the proposed site has also shown exceedences of the NO₂ annual objective, however has shown a downward trend since 2004, with the most recent data showing an annual average of 41.1µg/m³ for 2006. Therefore given that the EU limit value is 40µg/m³ it is considered unreasonable/unnecessary to impose specific ventilation conditions for the residential units. However, the applicant should be aware of the recent NO₂ annual averages and exceedences for this area.

Grid Ref: 531459E 1050119N (Bias adjusted diffusion tubes)

<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
42.6	37.7	40.7	47.0	45.9	41.1

Concentrations given in µg/m³ (micrograms per meter squared).

2 THE SITE

This application relates to an end of terrace two storey property (large floor to ceiling heights) located on the corner of Oxford Place with Ditchling Road. The property is currently vacant but was formerly in use as a retail unit with ancillary storage. There is an inset hardstanding located adjacent to Oxford Place which can accommodate 8 parking spaces. A delivery and loading bay is located to the rear of the building from Oxford Court.

In a wider context this site lies in an area of mixed character, within the London Road Town Shopping Centre. In the immediate surroundings there are commercial properties at ground floor level with office and residential accommodation above. Somerfield supermarket and car park adjoins the site to the northwest. The buildings fronting Ditchling Road and the southern side of Oxford Place are of varying height ranging typically between 2 - 3 storeys. The buildings to the west of the site (London Road) are larger in scale (3 + storeys).

3 RELEVANT HISTORY

BH2007/00581/FP: Demolition of existing structure (former furniture store) with construction of mixed use development comprising leisure, retail and thirty flats. Refused 07/06/2007. *Reasons for refusal related to inaccurate plans, height, massing and detailing of the proposed building, adverse impact on neighbouring amenity, insufficient facilities to serve the retail unit, poor sustainability, lifetime homes and failure to address infrastructure requirements.*

BH2007/03476/FP: Demolition of existing structure (former furniture store) with construction of mixed use development comprising leisure, retail and thirty flats. Refused 02/01/2008. *Reasons for refusal related to poor height, scale and massing, inadequate shopfronts, pollution to control waters, lifetime homes and poor sustainability.*

4 THE APPLICATION

This application seeks permission for demolition of the existing building and erection of a new four storey plus basement level building comprising a gym in the basement, retail at ground floor level and residential above. The basement will accommodate 716sqm of floorspace for gym and services for the remainder of the building, the ground floor will accommodate 500sqm of retail floorspace. The upper floors will accommodate 28 residential units overall (14 x 1 bed units, 11 x 2 bed units and 3 x 3 bed units). A shared servicing and delivery bay for the retail unit will be located to the rear of the site as well as 1no. disabled parking space for the residential development. Both accessed via Oxford Court.

The building has been designed so that it appears as four storeys above ground at its frontage with Ditchling Road. The building is of contemporary design and will be constructed of white render and reclaimed brick on the southern elevation (Oxford Place frontage) and render on the eastern elevation (Ditchling Road frontage), part of the roof will be sedum.

5 CONSULTATIONS

External

Neighbours: Occupiers 37 Ditchling Road object to the application on the following grounds:-

- 28 flats is excessive for this site;
- Parking will be a problem;
- At least 20 of these flats will be occupied by car owners.

Occupiers 93 London Road, 35 Wilbury Avenue, 12a Fairways Dyke Road, Flat 5 Balonard Court Hove, 14 Rothbury Road Hove support the application on the following grounds:-

- This is a beautifully designed and highly sustainable new building;
- The development will complement the adjoining terrace and lift this forgotten part of Ditchling Road;
- The development will enhance views from the Valley Gardens Conservation Area;
- The new gym will help bring life to the area outside of normal trading hours and will help to attract pedestrians down this part of Oxford Place;
- The new retail units will increase the choice of premises available for businesses;
- The development will boost the economy of the area.

Environment Agency: No objection subject to recommended conditions and informative.

Southern Water: No objection subject to recommended conditions and informative.

CAG (initial comments): The group felt that they were not able to comment on the plans submitted without 3d images. *NB: the group have now been presented with 3d images, their comments will be reported on the late list.*

East Sussex Fire Service: The travel distance in the basement appears excessive for a single direction. The corridors on the first, second and third floor levels will need to be ventilated and there should be a vehicle access pump appliance within 45m of all points within each dwelling.

EDF Energy Networks: No objection.

Sussex Police: The location is a medium/high risk crime area. A number of crime prevention measures have been suggested to the Applicant prior to submission of this particular application.

Internal

Traffic Manager: We would not wish to restrict grant of consent of this Planning Application. Subject to the inclusion of the conditions to control cycle and vehicle parking, constructional details and a s106 contribution of £14,000 towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site and towards amending the TRO to ensure the 'car free' status of the flats.

CYPT Capital Strategy and Development Planning: The development proposed for the former Buxton's site will require a contribution of £33,900 in terms of primary and secondary education.

City Clean: The bin store position looks fine although according to their notes in the below diagram, the bin store refuse capacity is only 2000ltrs per week. Given that the development has 28 residential units they will need 4,200ltrs of refuse capacity at least.

The dimensions of the bin store look ok but they'll have to increase the size of the containers to provide the necessary capacity. Of course larger containers might not fit through the proposed door as shown in the diagram. If the bin store and associated access doors can accommodate 1100ltr containers then 4 of these would provide adequate capacity.

Housing Strategy: Support the scheme.

Parks & Green Spaces: A contribution of £47,135 should be sought towards children equipped playspace, casual informal recreation space and adult/youth outdoor sports facilities.

Access Officer: The revised scheme is much better. The balconies for the wheelchair flats do not look big enough for wheelchair use but there may be planning reasons why you would accept this. The non residential elements will need to comply with the DDA 1995.

Design & Conservation (initial comments): The existing buildings are not considered to be of any merit and the principle of their replacement is welcomed as it has the potential to enhance the appearance and character of the Valley Gardens conservation area. This revised proposal generally addresses the concerns in respect of the previous (refused) application about the height and roofscape of the proposed development; with particular regard to the impact on important views of the grade I listed St Bartholomew's Church. The revised elevation to Ditchling Road is considered much more appropriate in terms of its proportions and rhythm, while the inclusion of a shop fascia not only addresses the concerns about future signage but also gives the ground floor a stronger visual base. However, more information is needed to demonstrate that the three dimensional modelling of the elevations is satisfactory and to resolve some apparent conflicts between drawings.

Design & Conservation (final comments): The revised plans have addressed the discrepancies on the original plans and are now considered acceptable.

The computer generated images satisfactorily show the proposal from the key viewpoints on Ditchling Road. It is considered that they demonstrate that the massing, proportions and rhythm of this elevation are appropriate in the street scene and the conservation area. The proposal has therefore now overcome the earlier concerns.

Planning Policy (summary): Policy SR5 applies. It is noted that the principle of the loss of more than a third of the retail floorspace in the Town Centre has been accepted but now every effort should be made to make the proposed retail visible and attractive to footfall from London Road. In particular the opening hours of the gym should encourage footfall to support the retail uses to compensate for the overall loss of the larger retail unit. It is not clear that the mix of housing as proposed will best meet the housing needs of the city. SU2 re energy efficiency and sustainability should be fully addressed and all units designed to meet level 3, including assessments for the basement gym and shops. HO6 Private and sporting recreation needs should be met on site as far as possible, especially for young children and if off site, access to them should be facilitated – policy TR12 is key. A Site Waste Management data sheet is required to demonstrate compliance with RPG9, policy W5. This development would generate a public art contribution of £29,000 in accordance with policy QD6.

Environmental Health: No objection subject to conditions to control soundproofing of the building and an informative regarding air pollution.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Street frontages
QD6	Public art
QD10	Shopfronts
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’

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HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR1	New retail development within or on the edge of existing defined shopping centres
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD02:	Shop Front Design
SPD03:	Construction and Demolition Waste

Supplementary Planning Guidance Notes:

SPGBH4:	Parking Standards
SPGBH9:	A guide for Residential Developers on the provision of recreational space
SPGBH16:	Renewable Energy & Energy Efficiency in New Developments
SPGBH21:	Sustainability Checklist

National Policy Guidance:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres
PPG13	Transport
PPS23	Planning and Pollution Control

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the demolition of the existing building and the suitability of the site to accommodate the proposed residential, gym and retail elements of the scheme having regard to the impact of the development upon the character and appearance of this site, the wider locality and important strategic views of the adjoining conservation area and nearby listed St Bartholomew's Church; the amenity requirements for occupiers of the proposed residential units and the affect upon neighbouring residential amenity. Regard will also be given to the reduction in retail floorspace, sustainability and transport issues.

This application follows extensive pre-application discussions and two previous planning refusals for this site. The applicant has sought to address previous concerns by removing the penthouse storey, minor elevational alterations, reduction in the number of units from 30 flats to 28, alterations to the internal layout of the development and submission of additional documentation to prove that the development will achieve a high level of sustainability. For the reasons demonstrated in this report the current proposal is considered to be acceptable.

Principle

PPS3 on Housing advocates sustainable development and the effective use of land for housing development. There is a national target of developing 60% of housing on Brownfield sites. It states that *“the priority for development should be previously developed land, in particular vacant and derelict sites and buildings”*. As such the land on the application site where the development is proposed constitutes previously-developed land. Subject to the retention of the existing amount of retail floorspace at ground floor level it is considered in principle, that a residential and leisure development on this site would be acceptable in accordance with policy QD3 of the Brighton & Hove Local Plan and PPS3. The development proposes a mix in size of dwellings and therefore complies with policies HO3, HO4 and QD3 by making efficient and effective use of the site.

Loss of retail

This site is located within the non-prime frontage of the London Road Town Shopping Centre. Consequently this proposal should be judged against policy SR1, and the change of use of the upper floors from A1 to residential has implications in terms of SR5.

Policy SR1 is also relevant to this application. The applicant has stated that the ground floor retail area could either be occupied as one large unit or subdivided for up to 4 separate units. Plans have been submitted identifying both possible layouts with separate areas for retail floorspace, storage, staff facilities and delivery space identified for each of the retail units on the ground floor should the ground floor be subdivided into 4 units rather than operating as one large unit. It is considered that the proposal adequately complies with the criteria set out in policy SR1.

The proposal to retain retail floorspace at ground floor level only thus reducing the overall retail floorspace by approximately 364sqm. A loss of first floor retail accommodation at this location was a concern with the previous application (BH2007/03476). In order to address this issue the applicant provided details of the marketing carried out, copies of advertisements and confirmation of the level of interest in the property in order to demonstrate there is no requirement for first floor retail in this location. This information was considered to be sufficient.

Research undertaken by Planning Policy indicates that there is a lack of large retail floorspace units available for new retail entrants into Brighton. With this in mind the Local Planning Authority would seek to resist proposals which result in a net loss of retail floorspace. However, in this instance the ground floor retail provision will be retained. This, coupled with the fact that this site does not occupy a prominent position within designated prime retail frontage weakens the Council’s position in seeking to retain retail floorspace on the upper floors. On balance, it is not considered that a refusal on the grounds of loss of retail at first floor level could be justified or upheld on appeal.

The proposed gym at basement level is considered to be acceptable as this will attract daytime and evening activity. It is considered appropriate to attach

conditions to control soundproofing to prevent significant harm to the amenity of the proposed residential properties on this site.

Design

Policies QD1, QD2, QD3, QD4, QD5, QD10, HE3 and HE6 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage and protecting strategic views. Policy QD10 relates specifically to shopfronts. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context and complies with the aforementioned policies.

In order to address previous concerns with the height, scale and design of development on this site the penthouse has now been removed. The deletion of the penthouse storey is very welcome. The height of the development, whilst at the upper limit existing on Ditchling Road, would not be visually overbearing in its context and the impact of the proposal on views of St Bartholomew's Church is now considered to be acceptable.

The proposal successfully makes the transition between the Regency and Victorian context of the Ditchling Road frontage and the 20th century 'industrial' frontage of the Oxford Place frontage. Whilst the Ditchling Road frontage would clearly be a single building of contemporary design, the elevation has been broken down to respect the plot widths and rhythm of bays that exists on the buildings either side of the site, whilst the relationship of solid to void respects the prevailing proportion of the streetscape. The introduction of brick facing to the forward projecting section of the Ditchling Road elevation is welcome in breaking down the apparent massing of the building and relating it better to the mixed streetscape. The revised fenestration is more formal and regular than the previous scheme and better reflects the vertical proportions of the prevailing windows.

The introduction of a defined fascia to the shop units provides a dedicated area for commercial signage helps to give the shop units a firmer visual base and forms a clear distinction between commercial and residential uses. It also ensures that the shop units will be read as a continuation of the existing shops to the north of the site.

The contemporary design approach is considered to be acceptable in line with advice from the Council's Conservation and Design Team and on this basis the proposal is not considered to harm the Valley Gardens Conservation Area.

Amenity for residential occupiers

The proposed internal layout of the residential element of the scheme is considered to be acceptable.

Policy HO13 requires all of the residential units to be lifetime home compliant

and 2 of the dwellings to be fully wheelchair accessible. The applicant has stated in their supporting documentation that each of the residential units will be fully lifetime home compliant and units 6 and 7 will be fully wheelchair accessible. The Council's Access Officer has confirmed that the internal layout of all of the residential units does in fact meet lifetime home standards. The internal layout of units 6 and 7 are fully wheelchair accessible. However, the balconies are not of sufficient size to enable wheelchair access. On balance it is not considered appropriate to increase the size of the balconies for the wheelchair units as the balconies have been designed to match exactly the remainder of the development. Alterations to the size of these particular balconies would result in a significant change to the overall design of the south elevation which may be detrimental to the overall design of the building and views of the building from the street scene and adjacent conservation area.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. There is a communal garden (320sqm) available to all the units and 24 units will also have balconies. This is considered to be adequate provision given the fact that refuse, recycling and cycle storage facilities will be located separately at ground floor level.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. The plans submitted show cycle storage to be located at ground floor level.

Transport

Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. This site is located in an accessible location with good access to public transport links by way of existing bus routes. This development is intended to be 'car free' with a reliance upon sustainable modes of transport such as walking and cycling. 1no. disabled car parking space will be provided at the rear of the site and the applicant has offered to contribute to an existing car club.

This site is located within a CPZ and bearing in mind the location of the site there is no objection to a 'car free' development. However, in order to offset the lack of on site parking provision the Council would seek a financial contribution of £14,000, which will include for the costs of the car club. The remainder would be put towards the improvement of walking, cycling and public transport infrastructure in the area and for modifying the TRO to accommodate the car club vehicles and for establishing the car free status of the dwelling. It is noted that the proposal would result in an under provision of disabled car parking bays. However, as the proposal is located where disabled drivers will have access to pay and display parking facilities at no charge to 'blue badge holders' this is considered to be acceptable. Finally cycle parking facilities for 32 bikes has been identified at ground floor level. With this in mind the proposal is considered to comply with transport policies in line with advice from the Traffic Manager.

Sustainability

This application was accompanied by a BREEAM/Ecohomes Pre Assessment Estimator completed by an accredited BRE Assessor as well as a sustainability checklist. The proposed sustainability features include solar panels/solar heating system which is anticipated to provide 10% of the development's energy needs, the installation of energy efficient lighting and appliances, sunpipes, separate water and energy meters for each apartment, rain/grey water harvesting, dual flush toilets, communal laundries, external drying areas for most of the flats, high insulation standards, A-rated materials for construction and a green roof.

It has been stated that the development will achieve a BREEAM rating of 'excellent'. Based on the fact that the Pre Assessment has been completed by an Accredited Assessor it is considered that the proposal sufficiently addresses the principles of sustainable design. Subject to a condition to ensure that the development will achieve an 'excellent' rating under BREEAM/Ecohomes the proposal will comply with the principles of policy SU2, SPGBH16 and SPGBH21.

The Site Waste Management Plan is considered to be acceptable in accordance with policy SU13.

S106 issues/infrastructure requirements

As a windfall site, this proposal includes 40% affordable housing, in the form of 5 x one bed flats and 5 x two bed flats and 1 x 3 bed flats. This is considered to be acceptable in accordance with policy HO2.

Provision for public art will be required as part of a legal agreement for this development (QD6), to a sum of around 1% of construction costs (£29,000). The applicant has indicated that they would be willing to meet this requirement.

A development of this scale would generate a demand for recreation facilities/open space in accordance with policy HO6. There is insufficient recreation space on site and therefore it is considered appropriate to request a financial contribution of £47,135 towards off site recreation/open space facilities. The applicants have indicated that they would be willing to meet this requirement.

A development of this scale would generate a demand for education facilities in accordance with policy SU15. It is considered appropriate to request a financial contribution of £33,900 towards education facilities. The applicants have indicated that they would be willing to meet this requirement.

The applicants have indicated that they would be willing to meet the transport contribution requirement of £14,000.

Neighbouring amenity

It is not considered that there will be any adverse impact upon the amenity of neighbouring properties by way of overbearing impact, loss of light,

overlooking or loss of privacy.

There are no properties on the opposite side (eastern) of Ditchling Road to be affected by the proposal. The adjoining site to the west forms part of the Somerfield supermarket building and the properties located on the southern side of Oxford Place are in commercial use. Consequently it is not considered that significant harm will occur.

At the site inspection it was noted that the adjoining properties to the north of the site have a number of windows facing into the Somerfield car park, the adjoining property no. 35 Ditchling Road has windows in the rear elevation at first and second floor level which will be located in close proximity of the proposed development. In response to the concerns raised previously in this respect the applicant commissioned a daylight assessment. The assessment is based on the Building Research Establishment Guide to Good Practice “Site layout; Planning for Daylight and Sunlight”. The assessment was prepared to assess the impact of the previous scheme. The assessment identified 76 window positions within surrounding buildings, that may potentially, be affected by the proposal. However, the assessment concluded that the majority of the windows will only suffer a negligible impact. A number of the windows serve commercial premises and therefore it is not considered that any loss of light to the commercial properties would be significantly detrimental.

The assessment acknowledged that 3 of the 76 windows would lose a significant amount of daylight (approx 50%). Two of the windows which would lose significant amounts of daylight are located on the north elevation of 25 Ditchling Road and the third window is located on the east elevation of the rear projection on no.37 Ditchling Road. All windows serve residential properties. However, the assessment concluded that given the nature of the development, the surroundings areas, and the relatively low number of windows that will be affected, the proposal comes within the bounds of flexibility which could reasonably be contemplated for the purposes of the BRE Guide. With this in mind it was previously considered that although 3 residential windows would have been affected by the development, on balance, the harm likely to occur would not have been significantly detrimental so as to justify refusal of the previous application. Consequently the previous application was not refused on the grounds of harm to neighbouring amenity.

This application proposes a lower building, no other alterations to the footprint or form are proposed and therefore the previous assessment in terms of impact on neighbouring properties by way of loss of light and overshadowing still apply.

It is recognized that a level of overlooking between neighbouring properties and particularly as a result of the proposed rear balconies may occur. However, given the fact that this site is located with a built up area, in close proximity to the city centre, a certain level of overlooking is to be anticipated. It is not considered that the level of overlooking that will occur would warrant refusal of this application.

In conclusion, for the reasons stated approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development will make an efficient and effective use of the site by providing the city with enhanced retail facilities, a gym and 28 residential flats. The proposal would have no adverse impact upon the character and appearance of this site, the wider street scene or the adjoining Valley Gardens Conservation Area. Furthermore, there would be no harm to nearby listed buildings. The proposal can be adequately accommodated on site without detriment to the amenity of future or neighbouring occupiers. Subject to condition to control the development in detail the proposal accords with development plan policies.

9 EQUALITIES IMPLICATIONS

The development will be required to comply with Part M of the Building Regulations, Lifetime Home Standards and the DDA 1995.

MINOR ON NON-CONTROVERSIAL APPLICATIONS

<u>No:</u>	BH2008/00713	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning.		
<u>Address:</u>	Flat 26, 55 & 59-61 New Church Road.		
<u>Proposal:</u>	New roof terrace. (Amendment to Approval BH2005/002267).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	25 February 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 May 2008
<u>Agent:</u>	PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		
<u>Applicant:</u>	Belmont Homes, c/o PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		

- 1 That the Sub-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. 01.01AA Full Planning.
2. 03.01A Samples of materials – non conservation areas.

Informatives:

- 1) This decision is based on drawing no's 1354 FLAT26-01, 02 submitted on 25 February 2008.
- 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 Notes and Documents:

Brighton & Hove Local Plan:

- QD2 Design – key principles for neighbourhoods.
- QD14 Extensions and alterations.
- QD27 Protection of amenity.
- HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SSPGBH1: Roof Alterations and Extensions, and

- ii) for the following reasons:

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The creation of private amenity space is to be welcomed.

2 THE SITE

The application relates to a new development of 68 flats, both private and

affordable, nearing completion on the site of the former Nuffield Hospital site which is situated on the north side of New Church Road, opposite the junction with Carlisle Road. The block is in an “L” shape and is 3 to 6 storey in height. The site is not within a conservation area; however, the Sackville Gardens conservation area is to the south-east.

The surrounding area is residential in character primarily consisting of three storey Edwardian buildings. A post war block of flats known as Richardson Court adjoins the north-west corner of the site and several bungalows are situated to the north, between the site and Lawrence Road. This part of New Church Road consists primarily of 3 storey buildings although two seven storey blocks constructed in the 1960's, Derek and Edward House, and the pre-war Rutland Court are situated 30m to the east, separated from the site by two 3 storey Edwardian buildings converted into flats.

3 RELEVANT HISTORY

- **BH2005/002267/FP**, Demolition of all buildings & redevelopment of site for residential use comprising basement to 6th floor building to provide 68 flats including 28 affordable units, car parking, landscaping & access. Granted 13 April 2006.
- **BH2008/00723**, New roof terrace to flat 23. The application also appears on this agenda with a recommendation for approval.
- **BH2008/00765**, Installation of additional velux rooflights to flats 20 & 21. Retrospective amendment to BH2005/02267/FP. The application is yet to be determined.
- **BH2008/00941**, New roof terrace to flat 24. The application also appears on this agenda with a recommendation for approval.
- **BH2008/01117**, Formation of roof terrace to flat 25 (at 4th floor, west elevation). The application is yet to be determined.
- **BH2008/01141**, Installation of 2 additional velux rooflights to flat 39. The application is yet to be determined.
- **BH2008/01144**, Installation of one additional velux rooflight to flat 40. Amendment to BH2005/02267/FP. The application is yet to be determined.

4 THE APPLICATION

The proposal is for the construction of a roof terrace to flat 26, to the rear of the main building (facing north), at fourth floor level, consisting of:

- Terrace to measure 4.4m wide x 4.0m deep / floor area 17m².
- Handrail 1.4m high. Glazed panels, to be obscure glazed on east elevation.
- Window to be replaced with door to provide access.

5 CONSULTATIONS

External:

Neighbours: No comments.

Internal: None.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.
QD14 Extensions and alterations.
QD27 Protection of amenity.
HO5 Provision of private amenity space in residential development.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SPGBH1: Roof Alterations and Extensions.

7 **CONSIDERATIONS**

The main considerations in the determination of the application relate to the impact of the alterations on the appearance of the building and upon residential amenity.

The application is one of several seeking amendments to a block of 68 flats nearing completion by way formation of roof terraces and rooflights to the building. These additions were not proposed/considered when the original application was considered. The building forms an “L” shape and this application relates to part of the rear roof at fourth floor level facing north.

Planning policy QD14 states that alterations to buildings, including to the roof, should be well designed and detailed in relation to the building to be altered and should not result in significant disturbance or loss of privacy, outlook or daylight to neighbouring properties. Guidance within Supplementary Guidance Note 1: Roof Alterations and Extensions, state that alterations, including roof terraces, must respect the particular character of the building and carefully relate to it. Policy QD27 aims to protect residential amenity.

Design:

The site, not within a conservation area, is situated within a residential area with buildings of varied character and appearance. The building varies in height from 3 to 6 storey, and has sections of pitched and flat roofs.

The proposed terrace is to be located on a section of flat roof to the rear of the building, partly under the eaves. This section of the building is only visible from the rear of surrounding properties and not from the street. The proposed terrace would not alter the shape of the building or roof form and the replacement of the existing window with door to match the general style of fenestration respects the character of the building.

Impact on residential amenity:

The proposed terrace is 22m from the side elevation of the nearest property 53 New Church Road, a 2 storey building with rooms in the roof forming flats, and 40m from a bungalow 53a New Church Road, to the rear. Surrounding properties are already substantially overlooked by existing development and from windows within this development. Given the location of the terrace at high level and the distance from neighbouring properties, it is not considered that its creation would be detrimental to the residential amenities of the

occupiers of surrounding properties by way of loss of privacy or disturbance. The provision of private amenity space is to be welcomed and accords with policy HO5.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The creation of private amenity space is to be welcomed.

9 EQUALITIES IMPLICATIONS

The terrace would provide outside amenity space for occupiers with poor mobility.

<u>No:</u>	BH2008/00723	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning.		
<u>Address:</u>	Flat 23, 55 & 59-61 New Church Road.		
<u>Proposal:</u>	New roof terrace. (Amendment to Approval BH2005/002267).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	25 February 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 June 2008
<u>Agent:</u>	PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		
<u>Applicant:</u>	Belmont Homes, c/o PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		

- 1 That the Sub-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:

3. 01.01AA Full Planning.
4. 03.01A Samples of materials – non conservation areas.

Informatives:

- 3) This decision is based on drawing no's 1354 FLAT23-01, 02 submitted on 25 February 2008.

- 4) This decision to grant planning permission has been taken:-

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

Brighton & Hove Local Plan:

- QD2 Design – key principles for neighbourhoods.
- QD14 Extensions and alterations.
- QD27 Protection of amenity.
- HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

- SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

- SSPGBH1: Roof Alterations and Extensions, and

- iv) for the following reasons:-

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The creation of private amenity space is to be welcomed.

2 THE SITE

The application relates to a new development of 68 flats, both private and affordable, nearing completion on the site of the former Nuffield Hospital site

which is situated on the north side of New Church Road, opposite the junction with Carlisle Road. The block is in an “L” shape and is 3 to 6 storey in height. The site is not within a conservation area; however, the Sackville Gardens conservation area is to the south-east.

The surrounding area is residential in character primarily consisting of three storey Edwardian buildings. A post war block of flats known as Richardson Court adjoins the north-west corner of the site and several bungalows are situated to the north, between the site and Lawrence Road. This part of New Church Road consists primarily of 3 storey buildings although two seven storey blocks constructed in the 1960's, Derek and Edward House, and the pre-war Rutland Court are situated 30m to the east, separated from the site by two 3 storey Edwardian buildings converted into flats.

3 RELEVANT HISTORY

- **BH2005/002267/FP**, Demolition of all buildings & redevelopment of site for residential use comprising basement to 6th floor building to provide 68 flats including 28 affordable units, car parking, landscaping & access. Granted 13 April 2006.
- **BH2008/00713**, New roof terrace to flat 26. The application also appears on this agenda with a recommendation for approval.
- **BH2008/00765**, Installation of additional velux rooflights to flats 20 & 21. Retrospective amendment to BH2005/02267/FP. The application is yet to be determined.
- **BH2008/00941**, New roof terrace to flat 24. The application also appears on this agenda with a recommendation for approval.
- **BH2008/01117**, Formation of roof terrace to flat 25 (at 4th floor, west elevation). The application is yet to be determined.
- **BH2008/01141**, Installation of 2 additional velux rooflights to flat 39. The application is yet to be determined.
- **BH2008/01144**, Installation of one additional velux rooflight to flat 40. Amendment to BH2005/02267/FP. The application is yet to be determined.

4 THE APPLICATION

The proposal is for the construction of a roof terrace to flat 23, to the side of the building, facing east, at fourth floor level, consisting of:

- Terrace to measure 6.0m wide x 2.1m deep / floor area 12.6m².
- Handrail 1.4m high. Glazed panels.
- Window to be replaced with door to provide access.

5 CONSULTATIONS

External:

Neighbours: None.

Internal: None.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.

QD14 Extensions and alterations.

QD27 Protection of amenity.

HO5 Provision of private amenity space in residential development.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SPGBH1: Roof Alterations and Extensions.

7 **CONSIDERATIONS**

The main considerations in the determination of the application relate to the impact of the alterations on the appearance of the building and upon residential amenity.

The application is one of several seeking amendments to a block of 68 flats nearing completion by way formation of roof terraces and rooflights to the building. These additions were not proposed/considered when the original application was considered. The building forms an “L” shape and this application relates to part of the roof to the side of the building at fourth floor level.

Planning policy QD14 states that alterations to buildings, including to the roof, should be well designed and detailed in relation to the building to be altered and should not result in significant disturbance or loss of privacy, outlook or daylight to neighbouring properties. Guidance within Supplementary Guidance Note 1: Roof Alterations and Extensions, state that alterations, including roof terraces, must respect the particular character of the building and carefully relate to it. Policy QD27 aims to protect residential amenity.

Design:

The site, not within a conservation area, is situated within a residential area with buildings of varied character and appearance. The building varies in height from 3 to 6 storey, and has sections of pitched and flat roofs.

The proposed terrace is to be located on a section of flat roof to the side, east elevation of the building. The terrace is set back 5m from the front façade of the building and is unlikely to be visible from New Church Road. The proposed terrace would not significantly alter the appearance of the building or roof form. The replacement of the existing window with door to match the general style of fenestration respects the character of the building.

Impact on residential amenity:

The proposed terrace would have an outlook towards 53 New Church Road and is 17.5m from the property. No. 53 has two dormers on the side elevation facing the terrace and whilst the terrace would be clearly seen from the neighbouring windows, given the distance between the properties it is not considered that its creation would be detrimental to the residential amenities of the occupiers of surrounding properties by way of loss of privacy or disturbance. The provision of private amenity space is to be welcomed and accords with policy HO5.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The creation of private amenity space is to be welcomed.

9 EQUALITIES IMPLICATIONS

The terrace would provide outdoor amenity space for occupiers with poor mobility.

<u>No:</u>	BH2008/00941	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning.		
<u>Address:</u>	Flat 24, 55 & 59-61 New Church Road.		
<u>Proposal:</u>	New roof terrace. (Amendment to Approval BH2005/002267).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	14 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 June 2008
<u>Agent:</u>	PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		
<u>Applicant:</u>	Belmont Homes, c/o PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		

- 1 That the Sub-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:

5. 01.01AA Full Planning.
6. 03.01A Samples of materials – non conservation areas.

Informatives:

- 5) This decision is based on drawing no's 1354 FLAT24-01, 02 submitted on 14 March 2008.

- 6) This decision to grant planning permission has been taken:-

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

Brighton & Hove Local Plan:

- QD2 Design – key principles for neighbourhoods.
- QD14 Extensions and alterations.
- QD27 Protection of amenity.
- HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

- SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

- SSPGBH1: Roof Alterations and Extensions, and

- vi) for the following reasons:-

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The creation of private amenity space is to be welcomed.

2 THE SITE

The application relates to a new development of 68 flats, both private and affordable, nearing completion on the site of the former Nuffield Hospital site

which is situated on the north side of New Church Road, opposite the junction with Carlisle Road. The block is in an “L” shape and is 3 to 6 storey in height. The site is not within a conservation area; however, the Sackville Gardens conservation area is to the south-east.

The surrounding area is residential in character primarily consisting of three storey Edwardian buildings. A post war block of flats known as Richardson Court adjoins the north-west corner of the site and several bungalows are situated to the north, between the site and Lawrence Road. This part of New Church Road consists primarily of 3 storey buildings although two seven storey blocks constructed in the 1960's, Derek and Edward House, and the pre-war Rutland Court are situated 30m to the east, separated from the site by two 3 storey Edwardian buildings converted into flats.

3 RELEVANT HISTORY

- **BH2005/002267/FP**, Demolition of all buildings & redevelopment of site for residential use comprising basement to 6th floor building to provide 68 flats including 28 affordable units, car parking, landscaping & access. Granted 13 April 2006.
- **BH2008/00713**, New roof terrace to flat 26. The application also appears on this agenda with a recommendation for approval.
- **BH2008/00723**, New roof terrace to flat 23. The application also appears on this agenda with a recommendation for approval.
- **BH2008/00765**, Installation of additional velux rooflights to flats 20 & 21. Retrospective amendment to BH2005/02267/FP. The application is yet to be determined.
- **BH2008/01117**, Formation of roof terrace to flat 25 (at 4th floor, west elevation). The application is yet to be determined.
- **BH2008/01141**, Installation of 2 additional velux rooflights to flat 39. The application is yet to be determined.
- **BH2008/01144**, Installation of one additional velux rooflight to flat 40. Amendment to BH2005/02267/FP. The application is yet to be determined.

4 THE APPLICATION

The proposal is for the construction of a roof terrace to flat 24, to the side of the building, facing west, at fourth floor level, consisting of:

- Terrace to measure 7.1m wide x 2.1m deep / floor area 14.97m².
- Handrail 1.4m high. Glazed panels.
- Window to be replaced with door to provide access.

5 CONSULTATIONS

External:

Neighbours: 25 Richardson Road: Object to the formation of the roof terrace which will result in a loss of privacy to this and neighbouring properties and extra noise, especially in summer when windows will be open.

Internal: None.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.
QD14 Extensions and alterations.
QD27 Protection of amenity.
HO5 Provision of private amenity space in residential development.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SPGBH1: Roof Alterations and Extensions.

7 **CONSIDERATIONS**

The main considerations in the determination of the application relate to the impact of the alterations on the appearance of the building and upon residential amenity.

The application is one of several seeking amendments to a block of 68 flats nearing completion by way formation of roof terraces and rooflights to the building. These additions were not proposed/considered when the original application was considered. The building forms an “L” shape and this application relates to part of the roof to the side of the building at fourth floor level.

Planning policy QD14 states that alterations to buildings, including to the roof, should be well designed and detailed in relation to the building to be altered and should not result in significant disturbance or loss of privacy, outlook or daylight to neighbouring properties. Guidance within Supplementary Guidance Note 1: Roof Alterations and Extensions, state that alterations, including roof terraces, must respect the particular character of the building and carefully relate to it. Policy QD27 aims to protect residential amenity.

Design:

The site, not within a conservation area, is situated within a residential area with buildings of varied character and appearance. The building varies in height from 3 to 6 storey, and has sections of pitched and flat roofs.

The proposed terrace is to be located on a section of flat roof to the side, west elevation of the building. The south side elevation of the terrace would be visible from New Church Road. The façade of the building with bays, balconies and varying roof heights is complex, and whilst the terrace would be partially visible from the street it is not considered given the form of the building that the proposed terrace would significantly alter the appearance of the building. The replacement of the existing window with door to match the general style of fenestration respects the character of the building.

Impact on residential amenity:

The proposed terrace would have an outlook over the roof of the adjacent property to the west, 63 New Church Road, a 2 storey single dwellinghouse with rooms in the roof. The proposed terrace does not directly look into any windows. An objection has been received from the occupier of 25 Richardson

Road, a detached property 68m to the north. This and other neighbouring properties are already overlooked by surrounding development and from windows within this new development. Given the location of the terrace at high level and the distance from surrounding properties, it is not considered that its creation would be detrimental to the residential amenities of the occupiers of surrounding properties by way of loss of privacy or disturbance. The provision of private amenity space is to be welcomed and accords with policy HO5.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The creation of private amenity space is to be welcomed.

9 EQUALITIES IMPLICATIONS

The terrace would provide outdoor amenity space for occupiers with poor mobility.

<u>No:</u>	BH2008/00196	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Elm Close Hove		
<u>Proposal:</u>	Erection of 2 new family homes on vacant plot.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	17 January 2008
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	13 March 2008
<u>Agent:</u>	Turner Associates, 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Tony Thomas, C/O Agent		

This application was deferred By the Committee on 7 May 2008 to allow members to undertake a site visit

1 RECOMMENDATION

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

Conditions:

1. 01.01 Full Planning
2. 02.01A No permitted development (extensions)
3. 02.02A No permitted development (windows)
4. 02.03A Obscured glass (first floor windows rear elevation)
5. 03.01A Samples of Materials Non-Conservation Area.
6. 02.05A Satisfactory refuse storage.
7. 04.02 Lifetime Homes.
8. 05.01 BREEAM/ Ecohomes.
9. 05.03 Waste Minimisation Statement
- 10.06.03A Cycle parking facilities to be implemented
11. Prior to commencement of development full details of land levels of the proposed development relative to surrounding properties shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and the development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

12. No works shall commence until full details of a landscaping scheme, which includes hard surfacing, means of enclosure, planting along the boundaries of the site, and at least 6 replacement trees, have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details 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 five 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 interests of the visual amenities of the area and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

13. Notwithstanding the submitted details, no development or other operations shall commence on site until a revised scheme which provides for the retention and protection of the mature trees identified to be retained on site, has been submitted and approved in writing by the Local Planning Authority. This revised scheme shall provide full details with respect to the tree preservation and protection measures in relation to the diversion of the water main. The agreed protection measures shall be in place prior to work commencing and remain in place throughout the duration of the works, until the works have been completed.

Reason: To ensure adequate preservation of these protected and mature trees and to comply with policy QD16 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA256/20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 submitted on 17th January 2008 and Arboriculture Report submitted on the 7th February 2008

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

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

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD16	Trees and Hedgerows
QD17	Protection and integration of nature conservation features
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
TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste

Supplementary Planning Document
Construction and Demolition Waste (SPD03)
Trees and Development sites (SPD06)

Planning Policy Statement
PPS1: Delivering Sustainable Development
PPS3: Housing, and;

(ii) for the following reasons:-

The proposed dwellings, subject to compliance with the above conditions, will not result in a loss of light, overshadowing and overlooking due to the existing and proposed screening positioned along the boundaries. The distance separating the new houses from neighbouring properties is considered adequate. The design of the proposed houses are considered acceptable and will make efficient use of the land without causing significant harm to the character of the surrounding area.

2 THE SITE

This application relates to a vacant plot the south-western corner of Elm Close which previously contained a detached property, centrally located in the site. The plots adjoin properties in Elm Close, The Green, Tongdean Avenue and Woodruff Avenue. Land levels slope down towards the rear of the site with properties in Tongdean Avenue and Woodruff Avenue built on lower levels.

The line of elms which cross the northern section of the site are protected by a Tree Preservation Order (G1 - TPO no 4/1993).

The area has strong a character being part of the Barrowfield estate where substantial properties sit on large plots with mature planting. Properties are set-back from the road by grass verges which contribute to the open character of the area.

3 RELEVANT HISTORY

BH2004/02573/FP Demolition of existing dwelling and erection of 3 new dwellings and associated garages – withdrawn 29/09/2004

BH2004/03622/FP Demolition of existing dwelling and erection of 3 new dwellings and associated garaging refused on the 28/4/2005 for the following reasons:

- The site lies within the Barrowfield Area of High Townscape Merit as identified in the Hove Borough Local Plan. Policy BE24 of this document requires development of high standard in such areas. Policy QD2 of the Brighton & Hove Local Plan requires that all new developments be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics including, amongst other criteria, the height, scale, bulk and design of existing buildings, and the natural and developed background or framework into which the development will be set against. The Local Planning Authority considers that the proposed development would, by reason of the form of buildings and layout, fail to respect the distinctive sense of place of this

- area, to the detriment of surrounding residential and general amenity
- Policies BE1 of the Hove Borough Local and QD14 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft seek to protect amenity. The proposed new dwellings would, by reason of their design and scale and proximity to neighbouring properties, constitute an overdevelopment of the site have an overbearing effect on the occupiers of those properties, contrary to the policies referred to above.
 - Policy QD16 of the Brighton & Hove Local Plan requires the retention of existing trees and hedgerows and new planting as far as practicable in order to (amongst other criteria) add to the maturity of schemes, provide essential wildlife habitat, integrate developments into the environment, and contribute to the character of the town. The proposed development would fail to adequately protect trees protected by a Tree Preservation Order. In particular, it would
 - (a) result in the loss of a row of 8 elms which have yet to reach full maturity and are of fine form.
 - (b) result in the likelihood of post-construction pressures on the group of trees adjacent to the eastern site boundary, as a result of the proximity to the house on plot 1.
 - (c) fail to indicate that adequate protection measures will be taken in respect of the sycamore proposed to be retained at the site entrance and
 - (d) fail, more generally, to make adequate protection measures for trees proposed to be retained, by reason of inadequate provisions within the submitted landscape scheme/tree protection report.
 - Notwithstanding reasons 1-3 above, insufficient information has been received in respect of the context of the scheme (with particular reference to the positioning of the dwellings relative to surrounding properties), and proposed site levels, for an adequate assessment to be made as to the effects of the proposal on the character and appearance of the area and neighbouring residential amenity.

BH2005/01533/FP Demolition of existing dwelling and erection of 3 new dwelling and associated garaging (Resubmission of Refused application BH2004/03622/FP) was refused 30/08/2005 for similar reasons to the previous application outlined above. This application was then the subject of an appeal to the Planning Inspectorate. The appeal was dismissed on the 12th April 2006. The Inspector did not dismiss the appeal on the impact on neighbouring properties in relation to visual impact, overlooking or loss of privacy, nor on the impact on protected trees, but found the proposal harmed the character and appearance of the surrounding area,

BH2005/02385/FP Demolish existing house and replace with new dwelling and ancillary registered disabled persons unit – under consideration.

BH2007/02558 Proposed erection of 2 no. 3 storey, 5 bedroom houses. This application was withdrawn by the applicant on 24/09/2007 after officers raised concerns over a modern design approach for this plot.

4 THE APPLICATION

The application seeks consent for the erection of two substantial family homes on a vacant plot. The plot had previously contained a single residential unit. It is proposed that the existing plot be divided into two, with a separate driveway to each property. Accommodation would be arranged over three

floors.

The proposed houses would be constructed from a combination of facing brick, clay tile hanging and rendered panels with timber windows.

The application is accompanied by an Arboriculture Report which proposes the felling of two Elms covered by a Tree Preservation Order and a Yew tree adjacent to the entrance of the site to facilitate access of the site.

5 CONSULTATIONS

External

Neighbours: **17 Woodruff Avenue, 1, 3, 5 (x3) Tongdean Avenue, 8, 9 The Green, (x), 2, 6 Elm Close**, object to the application for the following reasons:

- it is refreshing that some effort has been made to create buildings that are more in-keeping, however other concerns remain,
- design and appearance of the property would be detrimental to the Barrowfield Area of High Townscape Merit,
- it is not possible to ascertain what parts of the building would finished with what material, however white render should be eliminated to reduce the massing, and white render is no characteristic of the area,
- due to the height of the new houses, and topography of the area, the houses would be overly dominant, and fails to respect the prevailing character of the area,
- the size and bulk of the houses are greater than appropriate for the site,
- although the houses has been brought way from the boundaries they will impact on neighbours,
- the land levels fall down towards Tongdean Avenue, and the new houses would be imposing and tower over neighbouring properties,
- the garden plots are minute compared to the size of the houses,
- the development would cause a loss of privacy and overlooking,
- the access routes would cause noise and disturbance and cause a security risk,
- a change in the sewer could restrict the flow for other properties,
- the configuration of the vehicle access creates a traffic safety hazard as vehicles cannot turn – a single access point would be more appropriate,
- the ground excavation for the entry roads to plot 2 would seriously disturb the roots of the mature tree protected by Tree Preservation Orders,
- a tree planting plan should be part of the application,
- lopping the Elms will encourage growth and result in the trees being larger,
- concerns that the boundary to 7 Elm Close is not shown accurately and that the grass verge common to Barrowfield must be reinstated,

15 Woodruff Avenue comment they would not be happy if the buildings were unsympathetic with the area, if emergency vehicles found access difficult and if the houses resulted in a loss of privacy

Internal

- **Councillor Venessa Brown** objects to the application (letter attached to

this report).

Councillor Jayne Bennett comments on a concerns over the impact on the houses in Tongdean Avenue (letter attached to this report).

Arboricultural Team

The Arboricultural Report submitted with the application is comprehensive and the arboricultural section is in agreement with its proposals.

The Yew tree proposed for removal to facilitate the driveway to plot 1 is not covered by TPO and therefore the Arb Section do not object to its loss.

The two Elm trees proposed for removal on the grounds of health and safety (these are covered by TPO) may indeed be considered poor specimens and should be felled at this time. 2-for-1 replacements should be made a condition as part of a landscaping scheme should these 3 trees be lost (ie, 6 replacements).

As outlined on R W Green's Arb Report, the remaining trees should be protected and driveways constructed as stated. Of concern to the Arboricultural Section is the proposed line of diverted water main - this appears to run a metre away from mature trees that are covered TPO. Details of how this is to be achieved without undermining the trees is required, or the water main needs to be re-diverted away from the trees.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD16 Trees and Hedgerows
- QD17 Protection and integration of nature conservation features
- QD27 Protection of amenity
- QD28 Planning obligations
- HO1 Housing sites and mixed use sites with an element of housing
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- TR1 Development and the demand for travel
- TR7 Safe Development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste

Supplementary Planning Document

Construction and Demolition Waste (SPD03)

Trees and Development sites (SPD06)

Planning Policy Statements

PPS1: Delivering Sustainable Development

PPS3: Housing

7 CONSIDERATIONS

The determining issues raised by this proposal are firstly, the suitability of the principle of development, in particular with respect to the impact of the new dwellings on the character and appearance of the area, secondly whether the proposed works will have a detrimental impact on the amenity of neighbouring occupiers, thirdly the impact of the proposal on the protected trees and lastly the standard of accommodation proposed.

Policy Context

Current national policy advocates the better use of previously developed land for housing, which is largely reflected in policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in 'town cramming' or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings.

Three of the previous refusals (see planning history) were based on proposals for 3 houses on the plots, which due to the constraints of the site presented difficulties for neighbouring properties, impacts on the trees, and the character and appearance of the area. However this is a sizeable plot and there is no objection to the principle of two houses on the site. The application has been the subject to pre-application discussion and the suggestion from the Conservation and Design Team was to follow a more traditional plot layout in this instance to make efficient use of the site.

Design and impact on the character of the area

Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings. In this instance the development must respond to an area with particularly strong character created by the Barrowfield Estate. This estate was built in the late 1920's in the garden city tradition and designed by Harold Turner. Although the site is not in a Conservation Area, Barrowfield was previously defined as an area of High Townscape Merit in the Hove Local Plan 1995 and has a strong character worthy of preservation.

The layout and positioning of the properties within the new plots has taken a lead from the originally planned layout of the estate which is still evident from the positioning of 2 and 3 Elm Close. Whilst set back from the road, the new houses continue the general rhythm of this part of Elm Close by ensuring the principle elevations and access face the road. The space between the proposed buildings is comparable to the distances which were originally planned within this estate. The retention of the mature trees and grass verges at the entrance to the plot ensures that, when viewed from Elm Close, the

new buildings blend well with the existing properties and retain the open character of the area. This will ensure that the development of two houses on the plots does not appear crammed-in and respects the area's original character.

Turning to the detail of the houses, the design and appearance of the new properties is considered sympathetic to the character of the area. Previous applications sought consent for houses which would have contrasted with the existing properties. Whilst good modern design is encouraged by local plan policies, it is considered in this location a more traditional approach is welcome. The proposed houses would be constructed from a combination of facing brick, clay tile hanging and rendered panels with timber windows. The materials proposed are in keeping with prevailing character of the area, and samples would need to be submitted to ensure they are in keeping with the character of the area.

Concerns have still been raised by neighbours that the design of the houses is not in-keeping with the character and appearance of the area. However the both the scale of the houses and size of the plots are comparable to many in the surrounding area. Much of the concern appears to be in relation to the height of the new houses.

The houses would be approx. 10.6 metres above ground level and they will be prominent when viewed from lower ground levels to the rear of the site. 10.6 metres is approximately 1.2 metres higher than the properties in proposed application BH2005/01533/FP which was the subject of the appeal. However unlike this previous submission, the proposed properties are not aligned directly parallel to the boundaries and have relief added to the elevations to break up the massing, therefore the visual impact of the development is considered to be less than those previously submitted for the site. It is acknowledged that both of the new houses incorporate lower ground floors, which are not a common feature of properties in the area. Nevertheless, given the distances from neighbouring properties, it is considered on balance that the appearance of the new houses would not be unduly intrusive and are broadly acceptable.

The application is accompanied by an Arboriculture Report. The 8 Elm trees on northern boundary are considered particularly prominent and the mature trees on the site generally make a positive contribution to the character of the area both from within and outside Elm Close. It is suggested in the report that two of the eight trees protected trees are felled as they are poor specimens with signs of disease. The Council Arboriculture Team have visited the site on a number of occasions and have agreed with the report. The submitted plans indicate that additional planting would be used on the south-west of the site to reinforce the existing planting along this boundary. No details have been received regarding the species, size and maturity of the additional planting. Given that mature vegetation is characteristic of the surrounding area, and given that some trees, (albeit judged to be diseased) would be lost from the plot, additional planting must be required by condition. The Arboriculture Team suggest 6 trees should be planted to replace the 3 proposed to be

felled. This will be secured by condition.

Notwithstanding the concern of neighbours the Arboriculture Team are confident that the construction works can be carried out whilst ensuring adequate protection to the trees which are to be retained, although further details will be required for the diversion of the water main.

Impact on amenity

A material consideration to this application, are comments of the Planning Inspector when assessing the application for three houses on the site (ref: BH2005/01533/FP). Despite the close proximity of the proposed houses to the boundaries, the Inspector found that separation distances of 17 to 19 metres was acceptable, and if boundary treatment was reinforced and bathroom windows obscured glass no loss of privacy would result. Whilst acknowledging that the outlook from these properties would be affected, he found that loss of visual amenity and loss of privacy would not result. As previously discussed the properties proposed in this application are approximately 1.2 metres higher than those proposed in the appeal. However they have been located further from the boundaries.

Plot 1 would have the most impact on 5 and 7 Tongdean Avenue. A distance of 8 to 10 metres would separate the property from the boundary. The three properties proposed under BH2005/01533 were located 4.6 to 5.0 metres from the shared boundaries and the Inspector found this distance to be acceptable. At first floor level the principle window facing the properties in Tongdean Avenue would be a secondary bedroom window which would be obscured glass, a further window serving the landing area is also identified to be obscured glass. Although roof lights are proposed, they do not present any overlooking. In term of overshadowing, the new houses are located to the north of properties in Tongdean Avenue and due to this orientation, loss of light and overshadowing would not be significant impacts. It is considered that the existing boundary treatment adequately screens the ground and lower ground floors.

Due to the change in the land levels, any houses angled parallel to this boundary to Tongdean Road would be dominant when viewed from Tongdean Road. However given that the back to back separation distances are greater than those judged to be acceptable by the Planning Inspector and given the opportunity for increased vegetation to improve screening, the impact on these properties is considered acceptable.

The retention of most of the Elms along the boundary with 6 and 7 The Green and 9 Elm Close prevents the new house on Plot 1 having a detrimental impact on these properties. Two windows proposed for the ground floor of the property on the north west elevation facing relates to a guest room and this elevation is not glazed above ground level. No loss of privacy to these properties is envisaged. One of the neighbours has commented that the additional activity associated with two new houses would cause noise and disturbance to neighbouring properties, however, given the distance from the rear elevation of these properties, it is not considered that additional traffic or

pedestrian movements would have a significant impact.

Regarding Plot 2, this property is located 8 to 10.5 metres from the south (rear) boundary affecting 15 Woodruff Avenue. Given that the rear elevation of the new house is set at an angle from the boundary, the new dwelling would not be significantly overbearing on this property. At first floor level, the two windows facing the rear relate to a en-suite and landing area and could be obscured glazed by condition to ensure the privacy of neighbouring gardens.

The east elevation of the property on Plot 2 would be 4 metres from the boundary with 6 Elm Close, however once again the elevation is at an oblique angle from the boundary which prevents it being overbearing. At first floor level, a secondary bedroom window is proposed, this would provide additional views in garden on 6 Elm Close but no loss of privacy to habitable rooms in this building.

The new houses have been designed with a adequate separation between the side elevations towards the rear of the properties. This will ensure that those bedrooms with primary windows on the side elevations of the houses will not suffer mutual overlooking.

Overall, the proposed properties have been designed so first floor accommodation on the rear of each house can be obscured glazed and therefore the development is not considered to cause a loss of privacy to neighbouring occupiers. The properties are substantial in size and will be dominant, however having regard to the Inspectors findings in 2006 which was assessed on three houses, closer to the boundaries than this proposal, the development is not considered to be overbearing or cause a significant loss of amenity to neighbouring occupiers.

Sustainability

Policy SU2 seeks efficiency of development in the use of energy resources. Natural light and ventilation is achieved for all of the rooms in house with much of the accommodation having dual aspect. The applicant has stated that the proposed development would achieve an Ecohomes rating of very good or above. It does not appear that the site has been registered for pre-assessment and as a residential property, in accordance with current standards, the house should meet code for suitable homes level 3, which is equated to Ecohomes very good or above.

Refuse and recycling facilities and cycle storage have been identified on the submitted drawings.

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner through the preparation of Site Waste Minimisation Statement. Details have been submitted with the application and it is anticipated that much of the earth excavation material will not leave the site but will be used to level the

entrance. It had also been specified that new building material will be sourced for local suppliers. Space will be allocated to enable waste materials to be separated and stored with the possibility of future re-use. Notwithstanding the details submitted further details are required which specify likely volumes of waste to ensure that the maximum amount of waste possible is diverted away from landfill.

Accessible housing and Lifetime Homes Standards:

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards whereby they can be adapted to meet the needs of future occupiers without major structural alterations.

The properties have covered level street access and room sizes are generous with wide doors and corridors. Several bathrooms have bath with sufficient floor area to facilitate side transfer. Scope exists within the properties for the storage and recharging of an electric scooter or wheelchair. The open-plan design of the lower ground floor and ground floor ensures that the accommodation proposed is relatively flexible and could easily accommodate adaptations where necessary.

Traffic implication:

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

The Traffic Engineer has no objections to the proposal subject to conditions to ensure that the crossovers are constructed in accordance to approved standards, that the car and cycle parking facilities are provided before the properties are occupied. Whilst the Traffic Engineer has sought a contribution towards sustainable transport improvements, it is considered that as the site lies outside the Controlled Parking Zone and adequate car and cycle parking has been identified on the plans, this would not be justifiable in this instance. The Traffic Engineers does not concur with neighbours that the proposed access would be hazardous. The width of the proposed access is and parking provision is considered to be acceptable.

Other matters

Neighbours have raised concerns regarding the implications of the diverted water main. The flow of the water main is not a material planning consideration, although it is shown on the submitted plans and the impacts of this on the health and longevity of the protected trees on the site. Full details of this element of the works will be required before development commences and will need to be agreed by the Arboriculture Team.

Conclusion

It is not considered that, the proposed dwellings are not likely to result in overshadowing or loss of privacy given the distances separating the proposed property and the boundaries, together with the screening positioned along the boundaries. Furthermore, the proposed dwellings are deemed to make efficient use of land without causing significant harm to the character of the

surrounding area. The application is therefore recommended for approval.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed dwellings, subject to compliance with the above conditions, will not result in a loss of light, overshadowing and overlooking due to the existing and proposed screening positioned along the boundaries. The distance separating the new houses from neighbouring properties is considered adequate. The design of the proposed houses are considered acceptable and will make efficient use of the land without causing significant harm to the character of the surrounding area.

9 EQUALITIES IMPLICATIONS

The proposal dwellings would be built to Lifetime Homes standards and would have to comply with Part M of the Building Regulations.

<u>No:</u>	BH2008/00781	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	4 Barn Rise Brighton		
<u>Proposal:</u>	Remodelling of house including ground floor, first floor, and roof extensions, to front side and rear. Front, side, and rear rooflights. (Resubmission).		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Received Date:</u>	03 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 May 2008
<u>Agent:</u>	Mr M J Lewis, 25 St Nicholas Lodge Church Street Brighton		
<u>Applicant:</u>	Mr and Mrs M Johnston, 4 Barn Rise Brighton		

1 RECOMMENDATION

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

1. Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The dwelling is located in a prominent position therefore any extension must be carefully designed in compliance with the above policy. The proposed extensions would result in a significantly enlarged appearance to the dwelling which would be out of keeping with the surrounding area, and would result in an overly dominant appearance, to the detriment of the visual amenities of the surrounding area. The scheme is therefore contrary to the above policy and guidance.
2. Policies QD14 and QD27 of the Brighton & Hove Local Plan states that Planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The bulk of the proposed rear extension would represent an overbearing structure for residents of the neighbouring property no. 6 Barn Rise. The proposed extensions would create a sense of enclosure when viewed from the rear garden and ground floor rear windows, and would also block sunlight and daylight this area. The extension would also harm outlook from the rear bedroom window and garden areas of no. 2 Barn Rise, again resulting in an overbearing effect. The proposal is therefore contrary to the above policies.
3. 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. No information has been

submitted with the application to demonstrate how these requirements would be met. The scheme is therefore contrary to the above policy and supplementary planning document.

Informatives:

This decision is based on drawing nos. A236 08, 09, and 10 submitted on the 3rd of March 2008.

2 THE SITE

The application relates to a detached house on the northern side of Barn Rise, approximately 50 m metres west of the junction with Eldred Avenue.

3 RELEVANT HISTORY

Planning permission was granted for a garage and ground floor extensions in August 1972 (ref. 72-1598).

BH2007/04586 planning permission was refused in February 2008 for a scheme similar to that currently proposed. An appeal has been lodged against this decision.

4 THE APPLICATION

The current application seeks consent for the construction of substantial extensions and alterations to the existing dwelling house including ground floor, first floor, and roof extensions, to front side and rear. Front, side, and rear rooflights.

The rear extension has been reduced in depth by two metres in comparison to the previous scheme, the remainder of the design is identical to that refused planning permission under application BH2007/04586.

5 CONSULTATIONS

External

Neighbours: Letters have been received from the residents of **no. 6 Barn Rise, and nos. 51 and 53 Eldred Avenue**, objecting to the proposal on the following grounds:

- The revisions to the scheme have not addressed neighbouring residents objections which were raised at the time of the previous application.
- The proposed alterations are not in keeping with the existing house or the surrounding area. The extended building would appear extremely large, overdeveloped, and would be very prominent.
- The proposed extensions would overshadow the rear windows and garden of no. 6 Barn Rise; the structure would be oppressive / overbearing when viewed from this property and other neighbouring properties.
- The proposed extension will affect the privacy of neighbouring residents.

Councillor Drake objects to this application (letter attached to this report).

Councillor Ann Norman supports this application (letter attached to this report).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

SU13 Minimisation and re-use of construction industry waste

Supplementary Planning Document

Construction and demolition waste

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

7 CONSIDERATIONS

The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties.

Impact on the appearance of the property and the surrounding area

The existing detached dwelling is of a design which matches the dwelling to the north, and this design is repeated in some parts of the street scene. In general the street consists of dwellings of various designs. The dwelling in question has undergone significant extensions at ground floor level to the southern side and the rear of the property. It is acknowledged that these extensions were granted planning permission in 1972 and it is not considered that ground floor extensions necessarily provide a suitable footprint for first floor and roof extensions above.

The previous scheme was refused on grounds of design, the relevant reason from the decision stating: “The proposed extensions would result in a significantly enlarged appearance to the dwelling which would be out of keeping with the surrounding area, and would result in an overly dominant appearance, to the detriment of the visual amenities of the surrounding area.” The revisions which have been made to the scheme, which consist of the reduction in depth of the rear extension, do not represent a significant change in regard to the visual impact of the proposal on the dwelling and the street scene.

The applicant has submitted a ‘photo-montage’ to show that the visual impact of the scheme is acceptable. This photograph has been taken from an angle (to the north-west of the dwelling) which would shield the vast majority of the proposed extension behind the existing dwelling. A more realistic representation would be provided by photographs taken from in front of the dwelling or from a position nearer the junction of Barn Rise and Eldred avenue; the proposed extensions would be particularly prominent when viewed from these angles.

The proposed extensions would result in a significantly enlarged appearance to the property to the front, side and rear. The front and southern side

elevation are particularly prominent in the street scene and it is considered that the proposed scheme would result in an overly dominant bulky appearance to the dwelling, with a large blank side wall (which would be particularly visible from Eldred Avenue to the north). The size of the dwelling would not be in keeping with those in the surrounding street scene, and in particular would stand out alongside no. 6 Barn Rise to the north; at present these two dwellings form an attractive matching pair in the street. Overall, it is considered that the appearance of the building and the street scene would be harmed, to the detriment of the visual amenities of the area.

Impact on residential amenity

The rear extension proposed has been reduced in depth by 2 metres following refusal of the previous application in an attempt to reduce the impact of the scheme on neighbouring residents.

It is however still considered that the proposed first floor and roof extension to the rear of the dwelling would have a significant impact on the residents of no. 6 Barn Rise, located to the north of the application site. No. 6 has a small extension to the rear which has windows on three sides. The proposed rear extension, which is 3 metres deep, would block sunlight and daylight to the rear ground floor fenestration of no. 6 which serves a living room, and to the rear garden area. The bulk of the proposed extensions would also be overbearing and enclosing when viewed from the rear garden area in particular, and from the rear extension.

No. 2 Barn Rise to the rear is a bungalow set on a lower level to the application site with a small rear garden area, and a larger side / front garden area. The existing single storey side extensions are prominent and have an enclosing effect when viewed from these garden areas, they are also visible from the rear (bedroom) window of no. 2. The proposal to extend upwards above these existing extensions would have an increased effect of enclosure and would be overbearing for residents of no. 2. Overall the extensions are considered unacceptable due to the overshadowing they would cause, and the overbearing / enclosing effect which the increase in bulk would have.

It is not considered that the proposed rear windows and rooflights would cause significant harm to neighbouring privacy in comparison to the existing fenestration of no. 4.

Construction and demolition waste

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 proposal represents a substantial amount of building work, therefore such matters are considered of importance in this case. This issue was highlighted at the time of the previous application (and constituted a reason for refusal). Notwithstanding this fact, no information has been submitted with the revised application to demonstrate how these requirements would be met. The scheme is therefore contrary to

the above policy and supplementary planning document.

Conclusion

In conclusion, the proposed extensions are considered excessive in size, and would harm the appearance of the property and the surrounding area. The impact on neighbouring amenity in terms of overshadowing, and the overbearing / enclosing effect which the increase in bulk would have, is also considered unacceptable. Furthermore no information has been submitted in regard to the minimisation of construction and demolition waste. Refusal is therefore recommended.

9 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2007/04086	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Site at rear of 188 Surrenden Road Brighton		
<u>Proposal:</u>	Demolition of existing garage. Construction of part single, part two storey house with integral garage.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	06 November 2007
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	02 June 2008
<u>Agent:</u>	C J Planning, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Ms L Mackenzie, c/o Agent, C J Planning, 80 Rugby Road, Brighton		

1 RECOMMENDATION

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

- 1) The proposal incorporates an unsuitable vehicle access by reason of being too narrow, unmade and having no provision for passing space which would provide a poor standard of access and potential conflict between pedestrians and vehicles movements. The site arrangement is therefore considered inappropriate for a new property. The proposal is therefore contrary to policies TR7, and QD27 of the Brighton & Hove Local Plan.
- 2) The proposal represents a back-land development accessed from a pedestrian route from Surrenden Road. The length and form of this access route, running between two separate dwellings, with separate functions is considered to be unacceptable and potentially hazardous for users. The increased level of activity generated from an additional unit would be detrimental to the residential amenities of neighbouring dwellings. The development is therefore contract to policies QD2, QD3 and QD27 of the Brighton & Hove Local Plan

Informatives:

This decision is based on drawings (un-numbered elevation and floor plans) 01a and 02a and technical information received on the 6 November 2007 and an amended site location plan received 2 April 2008 and ownership certificates and documentation received on the 4 April 2007.

2 THE SITE

The application site relates to a detached chalet bungalow set within a long but relatively narrow plot on the southern side of Surrenden Road. At the rear of the plot is a single-storey double garage which is accessed via an unmade track linking Hollingbury Copse and Surrenden Road. Also accessed through this track are several other garages associated with neighbouring properties, it appears that no properties rely solely on this lane for access.

3 RELEVANT HISTORY

87/592F). The erection of a detached double garage at the rear was granted planning permission in 1987.

BH2004/02564/FP planning permission was refused in November 2004 for the conversion and extension of existing garage to form a new dwelling house. The reason for refusal was:-

- 'The track that is the primary means of access to the proposed development is unsuitable due to being narrow, unmade and having no provision for passing space. As such the proposal is contrary to policy TR Safe Development (new policy) of the Brighton & Hove Local Plan Second Deposit Draft.'

A subsequent appeal against this decision was dismissed in May 2005, where the Planning Inspector found 'the proposed entrance arrangement would be contrived, inconvenient and unsafe and not of a standard deemed to be appropriate as the sole means of access to a new dwelling in this location.'

BH2005/01866/FP Conversion and extension of existing domestic garage to form single residential unit refused 15/08/2005 for the following reason:

- The pedestrian pathway leading from Surrenden Road, by virtue of its positioning, would provide a poor standard of access and would be of detriment to the amenities of the occupiers of 188 and 186 Surrenden Road. The proposal is therefore contrary to policies SU10, QD2, QD3 and QD27 of the Brighton & Hove Local Plan.
- The applicant has failed to demonstrate how the proposed dwelling would meet the requirements of the Lifetime Homes Standards, contrary to policy HO13 of the Brighton & Hove Local Plan.

BH2006/00113 Conversion and extension of existing domestic garage to form single residential unit. (Resubmission of Refused application BH2005/01866/FP) The reason for refusal was:-

- The proposal incorporates an unsuitable vehicle access by reason of being too narrow, unmade and having no provision for passing space; and a pedestrian pathway leading from Surrenden Road which would provide a poor standard of access and cause significant harm to residential amenity for occupiers of neighbouring properties at 186 and 188 Surrenden Road. The site is therefore considered inappropriate for this form of development. The proposal is therefore contrary to policies SU10, TR7, QD3 and QD27 of the Brighton & Hove Local Plan.

4 THE APPLICATION

The application seeks consent to demolish the existing garage building within the rear curtilage of no. 188 Surrenden Road, and construct a part single storey, part two storey residential unit. The layout of the unit would be open plan with a lounge and kitchen at ground floor level and bedrooms at first floor level. Vehicle access will be provided through an unmade track accessed from Hollingbury Copse which gives access to existing garages. A pathway will be created from Surrenden Road between no's 190 and 188 which the applicant states will be the primary access for pedestrians.

The application has been amended during the course its consideration. An amended site location plan has been submitted which shows the vehicle access route to the rear of the property as part of the application. An

amended ownership certificate has also been submitted, as the applicant was subsequently required to serve notice on all of the properties with ownership rights over the rear lane. Neighbours were also re-consulted.

5 CONSULTATIONS

External:

Neighbours: 1 (x2), 5 (x2) Hollingbury Copse, 178, 192 199, 205 (x2), 207, Surrenden Road, 157a Ditchling Rise, 24 Wellintonia Court, support the application for the following reasons:

- the proposed house is unobtrusive and would not be detrimental to neighbouring properties,
- there have been previously approved applications to convert the garages to additional accommodation,
- the location of the proposed footpath is now acceptable,
- these additional houses are a necessity,
- this application would allow the present occupiers to retire locally and provide access for the disabled,
- the last appeal was only turned down due to impact of the pedestrian route and as proposed the new pathway would allow good access without impacting on safety,
- similar developments have been granted in Preston Park Avenue,

28, 174, 186, 190, (x2) Surrenden Road, 7 (x2) Hollingbury Copse, 4, 6, 10, 12, 14, 16, 18, 20, 22, 25, 28, 34,42, Surrenden Park, Surrenden Park Residents Association, object to the application for the following reasons:

- the access is contrived, ramped and stepped for approximately 65 metres from Surrenden Road, the rear access would be simpler and is likely to be used instead,
- the access route running adjacent to no.190 Surrenden Road would be detrimental to the residential amenity of this property,
- the pedestrian access is barely one metre wide again suggesting the lane would be used instead,
- the photographic evidence is misleading and the angles on which the photographs have been taken exaggerate the distance between the application site and the neighbouring property,
- the Traffic Engineer in previous applications has consistently found the use of the rear lane to be dangerous for pedestrians and cyclists and yet the access to the rear remains the most convenient route,
- concern over the access route and implications for the disabled,
- a building of this size is unsuitable for the area and fails to respect the character of the setting,
- the new dwelling would be overlooked by the existing balcony at the rear of 188,
- a new house would overlook the gardens of Surrenden Park and result in a loss of privacy for these occupiers,
- the positioning of new windows result in the gardens of no.186 and no.190 and no 7 Hollingbury Copse being overlooked,
- increased bulk would result in restricted outlook,

- the development would cause overshadowing,
- residents would suffer noise and disturbance from increased traffic movements,
- the new property would be not be accessed by emergency vehicles,
- the pathway poses a security risk,
- there are other properties who potentially have sufficient space for an additional dwelling, and if granted the safety issues raised by the Planning Inspector and Traffic Engineer would increase and pose an even greater risk,
- the development would not impact on the local wildlife environments,
- the reasons for refusing the last applications remain valid,
- the area contains well-established trees some with tree preservation orders protecting them, and digging of foundations would impact on the trees,
- the details of the application and the impact on parking is incorrect and the loss of the double garage results in a loss of car parking spaces, demand for on-street car parking will increase,

Internal:

Traffic Manager: On highway safety grounds (the unmade road is not an adopted highway) the increase in traffic generated by one house could not be considered as a material and there has never been a vehicular accident. There is concern over impact on amenity from movements associated with a new house.

Highways Team: comment that should construction and delivery vehicles use the unmade lane the wall separating the unmade lane from Surrenden Park would become more unstable.

Private Sector Housing: The layout of the house is not satisfactory. Bedrooms must not be entered via a kitchen or lounge. An alternative means of escape will be required for the bedrooms, or alternatively the layout of the house re-designed.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD16 Trees and Hedgerows
- QD17 Protection and integration of nature conservation features
- QD27 Protection of amenity
- QD28 Planning obligations
- HO1 Housing sites and mixed use sites with an element of housing
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- TR1 Development and the demand for travel
- TR7 Safe Development

TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU13 Minimisation and re-use of construction industry waste

Supplementary Planning Document

Construction and Demolition Waste (SPD03)
Trees and Development sites (SPD06)

Planning Policy Statements

PPS1: Delivering Sustainable Development
PPS3: Housing

7 CONSIDERATIONS

The determining issues raised by this proposal are firstly, the suitability of the principle of development, in particular with respect to the impact of the new dwelling on the character and appearance of the area and the access arrangements, secondly whether the proposed works will have a detrimental impact on the amenity of neighbouring occupiers, thirdly the standard of accommodation proposed.

Policy context and planning history

Current national policy PPS3 advocates the better use of previously developed land for housing, which is largely reflected in policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in 'town cramming' or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings.

The existing curtilage of 188 Surrenden Road would be divided through the erection of a 2m high fence to create two private garden areas of a size appropriate to the scale and character of development. In terms of the size of plots, in absolute terms, these are broadly acceptable.

The primary concern raised with previous applications was the access arrangements to the proposed dwelling. The planning history shows that the Local Planning Authority have been consistent regarding the view that the rear access road is not suitable as the primary access for a new dwelling. This was upheld by the Planning Inspector. The application in 2005 proposed a pathway extending from Surrenden Road to the proposed dwelling which, it was claimed, would serve as a primary access. This was considered a poor standard of access detrimental to the amenities of both adjoining properties.

In response to these previous concerns, the most recent application in 2006 proposed a pathway to the side of no. 188 and adjacent to the shared boundary with no. 186, which would be enclosed on either side by close boarded fencing up to approximately 2.4 metres in height. The applicant had stated this pathway will be the primary access to the property, and although access will remain from the rear lane this will only apply to vehicles. The

reasons for refusal on this application related solely to the potential safety hazard of this access arrangement

The design of the proposed dwelling has not been altered significantly from previous applications, although it does now occupy the width of the plot, with no visible pedestrian access from the lane at the rear. The only access would be through the garage. This has been proposed in an attempt to separate the pedestrian and vehicle movements associated with the new dwelling. By trying to encourage vehicles to use the lane, and all other movements to use the pedestrian access from Surrenden Road, the applicant contends to have responded to the Planning Inspector who found that to rely on the rear lane for sole access was 'contrived, inconvenient and unsafe.'

On the previous applications design did not feature as a reason for refusal, although the previous case officer did have reservations regarding the appearance of the dwelling. These concerns remain in the current application. It is considered however that although the design of the dwelling is not consistent with other buildings in the locality and that the elevations are relatively uninteresting, given the planning history a reason for refusal based on design could not be justified in this instance.

Access and transport demands

Policy TR1 requires development provides for the demand for travel likely to be created. The proposed dwelling includes an integral garage. This is sufficient for the parking requirements generated by the proposal. Whilst a car associated with no. 188 may be displaced by the loss of the garage, given Surrenden Road is not within a Controlled Parking Zone and given there appears to be a supply of on-street parking on Surrenden Road this is acceptable. Secure cycle parking is allocated sufficient space within the proposed dwelling.

This application differs from the last submission by moving the pedestrian access to the opposite side of the plot. The access would now run alongside the boundary between 188 and 190 Surrenden Road. As with the previous application, the rear lane now only serves as access for vehicles. On plan form this arrangement does not result in any increased traffic movements in the rear lane. The applicant contends that current occupiers and visitors use the Surrenden Road access and the garage which results in comings and goings up and down the garden. However, in practice it is considered unreasonable to expect that all servicing and pedestrian access would utilise the footpath proposed from Surrenden Road, which is extremely narrow at ~1 metre wide and over 45 metres long, especially when a more convenient access would be from Hollingbury Copse. Given the safety concerns highlighted in previous applications and the appeal decision the proposed arrangement has the potential to create a road safety hazard for future pedestrians and vehicles accessing the property

It is noted that the applicant would register the address of the new house as 188a and that access for visitors and pedestrian would be from Surrenden Road but if the development is permitted the council would have no future

control over access to the property from either Surrenden Road or Hollingbury Copse. The applicant has stated that the use of the access could be controlled by condition, however the conditions can only be applied where practical and where enforceable. In this instance, it is not considered that the imposition of a planning condition would not be appropriate. It is once again considered that in practice the rear access would experience increased level of activity, both from vehicle and pedestrians and therefore the problems arising from the use of this lane must be considered in this application.

Impact on amenity

The proposed pathway leading from Surrenden Road to the proposed dwelling has the potential to cause harm for existing and future occupiers of both the existing house at 188 Surrenden Road and the adjoining neighbour to the west no.190 Surrenden Road. Details have been submitted highlighting the relationship of the path with both adjoining properties. The path itself will be enclosed by close boarded fencing 1.8 metres in height to the rear of the 188 Surrenden Road.

The pathway would be located on the boundary and extend down the entire rear garden of 190 Surrenden Road and most of the rear boundary of 7 Hollingbury Copse. It is considered this close relationship would have an adverse impact on present and future occupiers of these properties by way of increased noise and disturbance. No.190 Surrenden Road is on slightly higher ground than the application site and therefore the 1.8 metre fencing is considered to cause an increased sense of enclosure to the occupiers of this property.

Furthermore the siting of a new dwelling in this location would introduce noise and disturbance from the activities normally associated with a dwelling into this generally quiet area of back gardens, contrary to Local Plan Policy QD27.

The new dwelling would not result in any loss of light for occupiers of adjoining properties, and given the screening surrounding the site and adjoining structures it is unlikely the new building itself would appear overbearing or create excessive overshadowing. Although the footprint would be greater than that of the existing garage, the extended area in front of the existing garage. At ground floor level full glazing is proposed for the north elevation, facing the existing dwelling at 188 Surrenden Road, although the boundary fencing dividing the plot should adequately screen this elevation. As the land levels slope up to the this house, and given the separation distances, it is not considered to cause significant loss of privacy to neighbouring properties in Surrenden Road or Hollingbury Copse.

On the south elevation, the balcony would provide additional views over the properties in Surrenden Park. These will face the small lane and across to the rear of properties facing Hollingbury Copse and Surrenden Park. Existing mature vegetation provides effective screening and there is a separation distance of approximately 25m between the proposed dwelling and the rear boundary of no. 10 Surrenden Park. It is therefore considered the proposed dwelling will not create significant overlooking or loss of privacy to properties

located on Surrenden Park.

The distances between this property and the neighbours is not considered so significant to warrant refusal of the application. On the west elevation a single window is proposed for the wet room which would be screened by the existing boundary treatment.

Trees and wildlife

Trees located within no. 6 Hollingbury Copse, adjacent to the site, are covered by a Tree Preservation Order and if the application was successful further information regarding how existing trees can be protected during construction would need to be submitted.

The proposal would involve the increase in the footprint of the building, although this would only result in a loss of some hardstand at the front of the existing garage. This is not considered to be of high ecological value. The loss of wildlife habitat is not considered to be a justifiable reason for refusing the application in this instance.

Sustainability issues.

The applicant has stated that the development would receive an Ecohomes rating of *very good* and has submitted a sustainability checklist with the application which shows that development performs relatively well. Amongst the features proposed are the inclusion of a green roof and solar panels for the new house, and the new house would use a *Whispergen* Combined Heat and Power system. Recycling and cycle parking facilities have been identified on site.

A lifetime homes checklist has been submitted with the application indicating that the layout allows sufficient space for wheelchair turning circles in most of the rooms. The bathroom on the first floor is not compliant however, and this element would have to be amended should the application be successful. A larger bathroom at the expense of some of the laundry room would be an option. The layout of the property does not however conform to private sector housing standards, and whilst this may be easily overcome by ensuring that the bedrooms are not accessed from the lounge, this could then in turn affect the ability to meet lifetime homes standards. Cumulatively, a more significant amendment to the layout of the property may then be required if the principle of the application was successful.

Other matters

The applicant has identified some previously approved applications with long pedestrian access arrangements comparable to the arrangement proposed in this application. These have been noted, and whilst the Local Planning Authority endeavour to make consistent decisions, every application must be assessed on its own merits. Surrenden Road is characterised by properties which are in single dwelling use and which benefit from good-sized gardens generally with a high level of privacy. Where the Local Planning Authority have found pedestrian access routes for new dwellings to be acceptable, this has generally been in more urban locations where activity levels around

dwellings, and in rear gardens are generally higher. The access arrangements proposed in this application are lengthy and narrow and in this location, this is considered to be particularly inappropriate.

Residents are concerned that the development could set a precedent for further the development of garages to houses to the rear of these properties in Surrenden Road. Every application is assessed on its own merits, but it is acknowledged 186, 184, and 182 have similar sized plots to 188 Surrenden Road and have access to the lane.

The observations from the Highways Team regarding the stability of the supporting wall along the rear lane has been noted and this is considered to further emphasise the unsuitability of the rear access road to serve additional dwellings.

Conclusion

The development may in principle make a more effective use of the site and does incorporate design features relating to sustainability. However, the proposal would create a property with potentially hazardous access through the rear lane, and a pedestrian access of poor standard causing significant harm to occupiers of adjoining properties.

For the above reasons it is considered that it has not been possible to satisfactorily overcome previous concerns and provide satisfactory access to the dwelling. As such it is considered the site is not suitable for development to create a new self-contained property. The proposal is therefore recommended for refusal.

9 EQUALITIES IMPLICATIONS

The new dwelling would be required to meet lifetime homes standards.

<u>No:</u>	BH2008/00232	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Windlesham School Dyke Road Brighton		
<u>Proposal:</u>	Demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and class rooms and internal alterations to existing building.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	23 January 2008
<u>Con Area:</u>	None	<u>Expiry Date:</u>	07 April 2008
<u>Agent:</u>	Clive Voller Associates, 15 Station Road, Burgess Hill		
<u>Applicant:</u>	Mrs S Evans, Windlesham School, Dyke Road, Brighton		

1 RECOMMENDATION

That the Sub-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. 01.01AA Full planning
2. 03.01A Samples of Materials Non-Cons Area (BandH)
3. 02.02A No permitted development (windows) (BandH) **amended to read**...no windows, other than those expressly authorised by this permission shall be constructed in the south east elevation of the building at first storey level without Planning Permission obtained from the Local Planning Authority. **Standard reason**
4. 02.05A Refuse and recycling storage (facilities) (BandH)
5. 03.03A Obscured glass (BandH) **amended to read**...the first storey window on the south east elevation of the building servicing classroom 4 shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such. **Standard reason**
6. 05.03 Waste Minimisation Statement
7. 05.01 BREEAM or equivalent
8. Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
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.
9. 06.02A Cycle parking details to be submitted (BandH)

Informatives:

7. This decision is based on drawing nos. 2402-01, 2402-02, 2402-10 Rev A, 2402-11 Rev A, Waste Management Plan and Design and Access

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Statement submitted on 23rd January 2008 and drawing no. 2402-12 submitted on 11th February 2008.

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

i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance and Supplementary Planning Documents (SPGs and SPDs) and the East Sussex and Brighton & Hove Local Plan:

Brighton & Hove Local Plan:

TR1	Development and demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Guidance and Supplementary Planning Documents

SPGBH4: Parking Standards.

SPD03 Construction and demolition waste

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste; and

ii) for the following reasons:

The application is considered to be of acceptable design and scale in relation to the context of the site and its surroundings. The proposal will provide more modern purpose built accommodation which will have a more coherent appearance than the existing structures. Further, it is considered that the scheme will not cause demonstrable harm to the residential amenities of any neighbouring dwelling by way of overlooking, loss of privacy, overshadowing or loss of light.

9. IN.08 SPD, 'Construction and Demolition Waste'.

10. In relation to condition 6 the lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for **zone E** or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details.

2 THE SITE

The site is located on the east side of Dyke Road, opposite Dyke Road Park

and covers a large, roughly square area to the rear of 182-188 Dyke Road; 190 Dyke Road forms part of the school complex. The site is bounded by residential properties on Port Hall Road to the south east with a private garden area abutting the southern boundary, Port Hall Street to the north east and Dyke Road to the south west. To the north of the site there is a complex of three blocks of flats known as Fairways, the closest block is approximately 5 metres from the site boundary. The site has two points of access from Dyke Road. There is a narrow pedestrian access to the front of 190 Dyke Road which is a large former residential dwelling. The second access is adjacent to 178 Dyke Road is a narrow vehicular access to the site.

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

3 RELEVANT HISTORY

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

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

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

4 THE APPLICATION

The proposal seeks planning permission for the demolition of the existing pre-fabricated buildings and extension to the existing building to the south of the site.

The scheme will involve the re-organisation of the internal layout of the existing building to provide improved boys changing facilities and toilets, an enlarged medical room on the ground floor and enlarged toilet facilities on the first floor.

The additional accommodation includes two classrooms, enlarged kitchen facilities, two stores and an enlarged gymnasium on the ground floor. On the first floor two additional classrooms, an office and a viewing gallery/landing are proposed.

The design of the proposal is intended to be sympathetic to that of the existing building with a mixture of fair-faced brickwork at low level, pebbledash panels within a timber frame in matching materials. The gymnasium is of a more contemporary design constructed using a timber frame.

5 CONSULTATIONS

External:

Neighbours: Numbers 7, 13, 15, 17, 19 and 21 Port Hall Street have **objected** to the scheme on the following grounds:

- The overall scale is inappropriate.
- The building will give rise to overshadowing particularly in the evening and loss of privacy.
- The development will result in intensification of the use which will give rise to noise and disturbance.
- The external alterations do not appear to maintain the character of the existing structure which has the appearance of a large house. The building will dominate the surrounding development.
- Out of scale with surrounding development, particularly in Port Hall Street and Port Hall Road.
- The reduction of the playground area will lead to a greater concentration of pupils leading to increased noise and disturbance, as with the construction of the 'Cooper House' building.
- The development includes additional classrooms suggesting a potential increase in the number of pupils.
- By providing the ground floor below the normal ground level would add the reduction of the impact of this scheme on neighbouring dwellings.

Internal:

Traffic Manager: The Design and Access Statement submitted with the application states that, 'it is not proposed to increase the number of pupils but to improve the facilities for the existing students'. It would therefore not be reasonable to raise a concern about the transport impact generated by the site because there will be no material impact.

Environmental Health:

The nearest residential properties are located approximately 30-35 metres East to North East. To protect residents from any potential light trespass, a condition is necessary for a lighting scheme.

Approval subject to conditions regarding lighting.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Guidance and Supplementary Planning Documents

SPGBH4: Parking Standards.

SPD03 Construction and demolition waste

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

7 CONSIDERATIONS

The main considerations of this application relate to the principle of the proposed development, the design of the proposed buildings, affect on the character of the area, affect on amenity for neighbouring dwellings, transport issues and consideration will also be given to sustainability.

Principle of the proposed development

The proposal seeks to demolish the existing prefabricated buildings and gymnasium to the south east side of the site and erect an extension to the existing two storey building to provide additional accommodation including classrooms, kitchen facilities and a new gymnasium. The school has expressed no intention to increase the number of pupils attending. The proposal would improve existing educational facilities and is considered acceptable in principle.

Design of the proposed buildings

Local Plan policies QD1 and QD2 set out design criteria to ensure that all proposals for new buildings demonstrate a high standard of design and make a positive contribution to the visual quality of the environment while taking account of the local characteristics.

The proposal incorporates two differing design styles. The extension to the main building to provide additional/improved accommodation is to be constructed in a similar design to the existing building with a timber frame, pebble dash finish, hipped roof and matching tiles. The gable end on the south west elevation will mirror that of the existing gable and the maximum height of the extension will not exceed that of the existing building. It is considered prudent to condition that the materials shall match those on the existing building to aid the proposal's visual integration. The gymnasium is distinctly more modern in design with a sloping roof Cedar wood cladding, powder coated aluminium windows and brick plinth with the main area of glazing on the north east elevation overlooking the play ground.

The school is surrounded by residential properties and elements of the school itself were previously residential dwellings (190 and 180 Dyke Road). As such the existing structures are of a more domestic character and scale than is perhaps usual for a school complex. The continuation of the domestic character through the extension of 180 in a similar design is considered to be in keeping with the character of the school while having regard for the residential character of the area. The gymnasium appears a more purpose built design.

The design of both elements are considered to be acceptable within the context of the existing structures on the site. Although the structure is of a larger scale than those it is replacing, it is not considered to be overly dominant and maintains visual subservience to the existing building. Further, the existing structures are prefabricated and are not considered to be of a

high standard of design. Their replacement would provide a more coherent form of development. As such the scheme is considered to adequately accord to policies QD1 and QD2 of the local plan.

Affect on the character of the area

The site is surrounded on all sides by existing development, the scale of the proposal is such that it is not considered likely that the scheme will have a negative impact on the character of the surrounding area.

Affect on neighbouring amenity

Local Plan policy QD27 relates to the protection of amenity. With respect to this the closest neighbouring residential dwelling within Port Hall Mews, to the proposed development abuts the south east boundary of the site and is approximately 5.5m away from the south west corner of the extension. The property has two windows at first storey level overlooking the site and two rear dormers. The scheme includes the insertion of two windows on the south east elevation at first storey level and one in the south west elevation in the gable end at first storey level. To preclude any adverse overlooking to the neighbouring dwelling in Port Hall Mews it is considered prudent to condition that no additional windows are inserted in the south east elevation at first storey level and the window servicing classroom 4 shall be obscured glazed.

It should also be noted that given the nature of school operations, the use of the buildings is likely to be restricted to daytime hours, during term times. Further, the maximum height of the extension is approximately 8.4m and due to the orientation of the proposed extension in relation to the neighbouring dwelling to the south east of the site, it is not considered that it will give rise to adverse overshadowing or overbearing affect or cause significant loss of light.

The remaining neighbouring properties to the south east and north east of the site are a minimum of 25 metres away. It is therefore not considered that the development will give rise to adverse overlooking, loss of privacy or overshadowing. As such it is considered that the proposed development will not cause demonstrable harm to the residential amenity of any neighbouring dwelling in accordance with policy QD27 of the Local Plan.

Transport issues

The Council's Traffic Manager has raised no objection to the proposal on the basis that the Design and Access Statement submitted with the application states that, 'it is not proposed to increase the number of pupils but to improve the facilities for the existing students'. It would therefore not be reasonable to raise a concern about the transport impact generated by the site because there will be no material impact.

Sustainability

Local Plan policy SU13 relates to minimisation and re-use of construction industry waste. The Local Planning Authority request the submission of a detailed waste management statement detailing how the scheme will incorporate measures to reduce the amount of construction waste and re-use and recycle those materials which can be. This development requires a

Waste Minimisation Statement to address the reuse and minimisation of construction waste that will be generated as a result of the proposed demolition and physical alterations. A 'Waste Management Plan' has been submitted with the application, however it contains limited information with respect to specific measures on limiting the amount of waste which is sent to landfill sites. As such an appropriately worded condition requiring the submission of a Waste Minimisation Statement is recommended.

Local Plan policy SU2 seeks to ensure proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. Part of this consideration is the use of natural light and ventilation. It is considered that this development demonstrates adequate layout by way of natural light and ventilation to the majority of the rooms. Those rooms which are being provided as part of the proposed extension have the benefit of both natural light and ventilation except the two proposed store rooms on the ground floor.

A row of rooflights are to be installed to the roof slope above the boys changing rooms and the girls toilets to replace those being blocked up in the north east elevation of the building. The agent has confirmed that some natural ventilation will be provided by way of trickle vents to each of these rooflights and no division is proposed between the toilets and the changing rooms as such some light will be provided to the adjoining rooms. On balance and giving consideration to the fact that part of the scheme incorporates the use of the existing building, the scheme is considered to provide an energy efficient layout by way of natural light and ventilation.

However, the applicant has not submitted information to demonstrate what measures would be in place to seek to reduce water consumption, use of materials and methods to minimise overall energy and/or raw material inputs, have been integrated into the scheme. Given the scale of the development the use of the Sustainability checklist is not appropriate and therefore a condition is recommended.

Conclusion

On balance, for the reasons stated, this application is considered to be acceptable and therefore approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The application is considered to be of acceptable design and scale in relation to the context of the site and its surroundings. The proposal will provide more modern purpose built accommodation which will have a more coherent appearance than the existing structures. Further, it is considered that the scheme will not cause demonstrable harm to the residential amenities of any neighbouring dwelling by way of overlooking, loss of privacy, overshadowing or loss of light.

9 EQUALITIES IMPLICATIONS

The school is required to be constructed in full compliance with Disability Discrimination Act (DDA) 1995 standards.

<u>No:</u>	BH2007/04388	<u>Ward:</u>	REGENCY
<u>App Type</u>	Full Planning		
<u>Address:</u>	24 Castle Street Brighton		
<u>Proposal:</u>	Refurbishment and extensions to existing buildings on the site to provide 6 x B1 office units, 2 x one-bedroom flats and 3 x two-bedroom maisonettes.		
<u>Officer:</u>	Sue Dubberley, tel: 292097	<u>Received Date:</u>	28 November 2007
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	20 March 2008
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove.		
<u>Applicant:</u>	The Olivia Group Ltd, c/o Turner Associates, 19a Wilbury Avenue, Hove.		

1 RECOMMENDATION

That the Sub-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 :

1. 01.01AA Full planning

2. Plans, elevations and sections at 1:50 scale, shaded or hatched to show clearly the extent of demolition of the existing fabric of the building and the extent of new work, and a structural survey and method statement and plan setting out how the building's original fabric and structural integrity are to be protected, maintained and stabilised during demolition and construction works, shall be submitted to and approved by the local planning authority before works commence. The demolition and construction works shall be carried out and completed full in accordance with the approved method statement and plan and the front elevation shall be repaired and made good to match exactly its original appearance and condition, with the exception of the front entrance door which shall be replaced with one of a more suitable design.

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

3. No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:
 - i) the treatment of the eaves,
 - ii) the treatment of the entrance threshold and steps, including any tiling,
 - iv the treatment of the transom infill panel and soffit above the Castle Street central entrance including a 1:10 scale section and details of materials,
 - iii) the conservation rooflights,
 - iv) samples and details of materials,
 - v) 1:20 sample elevations and sections and 1:1 scale sectional profiles of the new windows and doors, timber and glazed screens and their cills, reveals, thresholds and steps,
 - vi) 1:20 scale sample elevations and sections of the balcony and stair

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balustrading,
and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

4. The renderwork shall be smooth finished to match exactly the original renderwork.
5. The existing large central timber doors on the Castle Street elevation shall be retained fixed open as a feature in the entrance foyer.
6. The new and replacement windows on the Castle Street and Regency Mews frontages shall be single glazed painted timber vertical sliding sashes with no trickle vents and with concealed sash boxes recessed within the reveals and masonry cills to match exactly the original sash windows, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, cill and reveal details.
7. All roof ventilation and extract outlets shall use flush, concealed slate or tile vents, to match the roof covering, and concealed ridge and eaves ventilators.
8. All new flintwork shall match the original flint walls in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing.

Reason: To ensure the preservation of the building in accordance with policy HE8 of the Brighton and Hove Local Plan.

9. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and painted to match the colour of the background walls.
10. 05.01 EcoHomes / Code of Sustainable Homes.
11. 04.02 Lifetime Homes.
12. 06.03A Cycle parking facilities to be implemented.
13. 02.05A Refuse and recycling storage (facilities).
14. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies HO7 and SU15 of the Brighton & Hove Local Plan.

Informatives:

11. This decision is based on drawing nos.TA293/01, 02, 03 and 04 submitted

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on 24 January 2008 and drawing nos. TA 293/05a, 06a, 07b, 08b, 09b, 10a, 11a and 12a submitted on 31 March 2008.

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

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

- HO3 Dwelling type and sizes
- HO4 Dwelling densities
- HO5 provision of private amenity space in residential development
- HO6 Car free development
- HO13 Accessible housing and lifetime homes
- HE6 Proposals in Conservation Areas
- EM3 Retaining the best sites for industry
- QD1 Design – quality of development
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design Strategic impact.
- QD5 Design street frontage
- QD27 Protection of amenity
- TR1 Development and the demand for travel
- TR7 Safe development
- TR12 Cycle access and parking
- SU2 Efficiency in development in the use of energy, water and materials
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste

Supplementary Planning Guidance

- SPGBH4 Parking Standards
- SPGBH16 Renewable Energy and Energy Efficiency in New Developments
- SPGBH21 Sustainability Checklist

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste; and

iii) for the following reasons:

The development will bring a derelict building back into use without causing detriment to the character and appearance of the site or Regency Square conservation area. The development will not have a significant impact on amenity for occupiers of adjoining properties.

iii) A Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £3470 to fund improved sustainable transport infrastructure in the vicinity and to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development for being eligible for on-street residential parking permits, could satisfy the requirements of condition 14. The applicant is requested to contact the Local Planning Authority to discuss.

2 THE SITE

This application relates to a site located on the south side of Castle Street and runs through to Regency Mews at the rear, with frontages and access to the site from both sides, and is located in the Regency Square Conservation Area. The site is currently vacant having last been used as a glass workshop, glass manufacturing and sales.

3 RELEVANT HISTORY

BH2007/04387 Partial demolition of existing building to form internal courtyard. Current application also reported on the agenda.

4 THE APPLICATION

The application is for a mixed use development of office space and residential flats. The proposal is for the refurbishment and extensions to the existing buildings on the site to provide 6 x B1 office units, 2 x one-bedroom flats and 3 x two-bedroom maisonettes. The scheme retains the facades on both frontages and proposes partial demolition in the centre of the site to create a central courtyard and allow light into the buildings.

The existing building is two storey with a basement level and the proposal is to extend the building by increasing the height on the Castle Street frontage by a approximately 3m to create two additional floors. Although the roof would slope away from the Castle Street frontage giving an increase in height of 1.9m immediately on Castle Street.

Three of the office units would be located at ground floor, one at lower ground floor and two at first floor. The flats would be arranged with the 2 x 1 bed units at first floor and the 3 x2 bed units set over two floors at second and third floors. Each of the residential units would have a private terrace facing into the central courtyard.

5 CONSULTATIONS

External:

Neighbours: 8b Stone Street, 15,16, 18, 38, Castle Street and 4 Hendon Street, object for following:

- Overdevelopment in an area of existing high density.
- Great pity to change workshop, manufacturing into office space and residential units. Original mixed usage is integral to the character of the conservation area.
- The opening up of the centre of the site to allow light in is a device to compensate for the over massing of the development at a cost of loss of light to properties in Stone Street and Castle Street who will be deprived of southerly light.
- Overlooking from the north facing windows of the offices and flats proposed.
- Proposals will maintain none of the original charm of the site and Castle Street will feel darker and hemmed in.
- Increase in traffic in an already congested area.

Regency Square Area Society – object for following reasons:

- Consider it to be over-development in this area of existing high density.
- The development will adversely impact on neighbouring properties.
- Regency Mews and Castle Street will be deprived of their original character.

Internal:

Conservation & Design: Original comments: These two industrial buildings add interest to both street scenes. The Castle Street building is a low one and a half storey building large laylights over the ridge. It has an attractive arched entrance with large boarded doors and a traditional shopfront, which are an important feature that should be retained. The Regency Mews building has been altered unsympathetically.

The refurbishment and restoration of the Regency Mews building and the reinstatement of sash windows at first floor level is welcomed. The design of the ground floor partly glazed doors is sympathetic to the industrial mews character of the building. The insertion of a central additional window opening at first floor level is acceptable. The widening of the upper level of factory laylights on the front roof slope is also acceptable. The treatment of the rear elevation of this building is also acceptable.

The increased height and massing of the Castle Street frontage building is acceptable in terms of its effect on the street scene in Castle Street. However there are concerns about the effect of the height and massing of its rear, which has a full height second and third floors on views from Regency Mews. There are concerns about the design of the front elevation. The increase in height of the Castle Street frontage building is achieved partly by raising the eaves level by a storey, and partly by having a steeper pitch and higher roof ridge. Although this approach is acceptable in principle, the second storey is half height at the front, with half dormers. Half dormers are not typical architectural form for industrial buildings of this type and period in Brighton and have a negative effect on the character of this building. The dormers should be set back from the eaves and not have window cills below eaves level. Alternatively, large factory style laylights could be used instead of dormers.

On the front elevation, the new short window above the arch and the narrow slot windows either side of it do not relate well to the original architectural design of the building and should be omitted. Whilst it would be acceptable for the ground and first floor windows on the right (west) side to be enlarged by raising their heads or lowering their cills. However, the window enlargements shown are excessive as they are too wide. The insertion of an additional first floor window on the left hand (east) side is acceptable.

The rear elevation of the Castle Street building is modern in design and has full height storeys, a flat roof and recessed balconies. If the building can be seen from Regency Mews, it would be harmful to the historic roofscape of the conservation area, and the rear would also have to have a pitched roof, which would reduce the building's bulk and would eliminate the third floor accommodation.

However, if it can be seen above the mews building, this approach would be

acceptable, given that it would only be visible from within the central lightwell.

Amended plans: Now acceptable subject to conditions.

Traffic Manager: No objection providing the cycle parking shown is provided prior to occupation and that the applicant enters into a legal agreement to amend the Traffic Regulation Order preventing future residents from applying for residents parking permits and makes a financial contribution of £3470 towards the Sustainable Transport fund, towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area.

Economic Development: The economic development team fully supports the application on the following grounds;

The site is currently vacant after previously housing a glass works and associated business. The proposal will bring the site back into operational use providing a mixed use scheme with uses more appropriate to the location.

With regards to the commercial element of the proposal, it is proposed to replace the existing vacant commercial space with 6 No. B1 office units with a range of sizes from 47m² up to 89m² totalling some 425m² of new B1 office accommodation in comparison to the previous total floorspace of 458m² which included 87m² of storage space.

In economic development terms although slightly smaller in overall provision, when the storage space is excluded there will in fact be more 'employment space' generated from the proposal.

With regards to employment generation from the proposal, the applicant states that the proposal will create space for 35 employees but no information is provided to justify this figure. The offPAT employment densities for general office use are 5.25 jobs per 100m² and when related to the employment space proposed of 425m² this equates to 22 jobs which is considered a more appropriate level for the proposal taking into account the layout and design.

Notwithstanding this difference the proposal is welcomed in economic development terms as it provides modern business accommodation in a range of sizes to meet business needs in the city.

Planning policy:

Policy EM5 applies. B1 on its own should be the first option unless the applicant is making a case that he market housing is enabling development to achieve refurbishment. It is not clear from the evidence on file that this site has been marketed to determine redundancy and the applicant should be asked to submit evidence of redundancy.

Environmental Health: No adverse comments.

6 PLANNING POLICIES

HO3 Dwelling type and sizes

HO4 Dwelling densities
HO5 provision of private amenity space in residential development
HO6 Car free development
HO13 Accessible housing and lifetime homes
HE6 Proposals in Conservation Areas
EM3 Retaining the best sites for industry
QD1 Design – quality of development
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD4 Design Strategic impact.
QD5 Design street frontage
QD27 Protection of amenity
TR1 Development and the demand for travel
TR7 Safe development
TR12 Cycle access and parking
SU2 Efficiency in development in the use of energy, water and materials
SU10 Noise nuisance
SU13 Minimisation and re-use of construction industry waste
Supplementary Planning Guidance
SPGBH4 Parking Standards
SPGBH16 Renewable Energy and Energy Efficiency in New Developments
SPGBH21 Sustainability Checklist

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

7 CONSIDERATIONS

The main issues in the consideration of this application are the principle of the partial loss of industrial floorspace, the appropriateness of the proposed redevelopment for housing and the impact the proposal would have on the character and appearance of the locality. The effects on neighbouring amenity and highway safety and on street parking are also important considerations.

Partial loss of industrial floorspace

The site was formerly used for glass manufacturing. However the change of use to B1 is considered more appropriate for the locality since the B1 floor space with residential uses in close proximity is considered to be more compatible with neighbouring uses in terms of impact on amenity than B2.

The existing floor space totals 458sqm while the proposed 6 B1 units would have a total floor space of 425sqm. However the economic development team fully supports the application on the following grounds: The site is currently vacant after previously housing a glass works and associated business. The proposal will bring the site back into operational use providing a mixed use scheme with uses more appropriate to the location. In economic development terms although slightly smaller in overall provision, the existing floor space includes 87sqm of storage space and when the storage space is excluded there will in fact be more 'employment space' generated from the proposal.

With regards to employment generation from the proposal, the applicant

states that the proposal will create space for 35 employees but no information is provided to justify this figure. The offPAT employment densities for general office use are 5.25 jobs per 100m² and when related to the employment space proposed of 425m² this equates to 22 jobs which is considered a more appropriate level for the proposal taking into account the layout and design. Notwithstanding this difference the proposal is welcomed in economic development terms as it provides modern business accommodation in a range of sizes to meet business needs in the city.

Planning policy have some concerns over the loss of floorspace and the lack of any marketing of the site or evidence to show that an enabling development in the form of housing is required to allow the refurbishment of the office. In this case the loss of floorspace is fairly minor amounting to 33sq m. The loss of floorspace has to be weighed up against the fact that the development will bring a derelict building back into use, which will benefit the Regency Square Conservation area, and will increase the housing stock. Furthermore economic development considers that the refurbishment will result in a net gain in jobs on the site given that a proportion of the previous employment floorspace included 87sq m of storage space. It is therefore considered that the benefits outweigh the concerns over the loss in floorspace in this case.

Impact on Street scene and the Regency Square conservation area.

These two industrial buildings add interest to both street scenes. The Castle Street building is a low one and a half storey building. It has an attractive arched entrance with large boarded doors and a traditional shopfront, which are considered to be important features that the conservation officer wished to see retained. The increased height and massing of the Castle Street frontage building is acceptable in terms of its effect on the street scene in Castle Street, particularly as the roof slopes away from the street and the visual impact at street level is therefore reduced.

The Regency Mews building has been altered unsympathetically in the past. Therefore the refurbishment and restoration of the Regency Mews building and the reinstatement of sash windows at first floor level is welcomed. The design of the ground floor partly glazed doors is sympathetic to the industrial mews character of the building. The insertion of a central additional window opening at first floor level is acceptable.

The conservation officer had some concerns with the detailing of the scheme and amended plans have been submitted which show on the Castle Street elevation; a dormer window omitted and replaced with a roof light, the central window over the arched entrance to the first floor office omitted and the first floor office window reduced in height. On the Regency Mews elevation, the balcony balustrade to the top storey is to be constructed of painted rendered masonry and the flat roof has been omitted and replaced with a pitched section and covered with natural slate. It is considered that the amendments have now addressed the previous concerns and subject to the conditions set out under the recommendations section above the conservation officer is now satisfied with the scheme.

Impact on neighbouring residential amenity

In terms of the impact on neighbouring residential amenity the nearest residential properties in Castle Street lie immediately opposite the site with approximately 9.2m between the houses and the application site. It is considered that properties to the rear of the site would not be significantly affected by the proposals as the increase in height is set back from 15.5 m the front of the site. There would be a distance of some 26m between the section of the site where the height is being increased and properties in Stone Street.

While the objections regarding loss of light are noted, the applicants have submitted a daylight and sunlight impact assessment. The report assesses the impact of the development on the ground and first floor windows of no.14 Castle Street a two storey terraced house which lies directly opposite the site and the ground floor window of no.15. adjacent. However no.14 is a three storey commercial building which is actually the rear of no.7 Stone Street. The next nearest residential properties are the terraced houses at nos. 8-13 to the east of the site and it is considered that the development would not have a significant impact on these properties in terms of daylight and sunlight.

The results of the assessment considers the percentage of available daylight reaching the windows as existing and with the proposed development, over an annual period and during winter (between the autumn and spring equinoxes). The results showed that although there would be some loss of sunlight and daylight the percentages would not exceed the 20% reduction in daylight recommended as the maximum permissible by the guidelines and would not reduce the winter sunlight reaching the ground floor windows at nos. 14 and 15 to below the 5% recommended by the guidelines.

Objection have also been received regarding overlooking of properties in Castle Street and Stone Street from the new north facing windows, however the amended plans included the removal of the three dormer windows proposed and replacement with three roof lights, so that there is now only one additional window proposed on the front elevation which is considered acceptable in this high density location.

Traffic / highway issues

The traffic engineer has no objection providing the cycle parking shown is provided prior to occupation and that the applicant enters into a legal agreement to amend the Traffic Regulation Order preventing future residents from applying for residents parking permits and makes a financial contribution of £3470 towards the Sustainable Transport fund, towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area.

Other Issues

As a new residential building it is expected the dwelling be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with disabilities without major structural alterations. The design already incorporates a number of lifetime homes criteria, particularly as the first floor

has an open plan design. The only outstanding concern is the accessibility of bathrooms where there is no side transfer shown. There is no apparent reason why these could not be redesigned and condition 5 of the recommendation therefore requires the house be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

A waste minimisation statement has been submitted which states amongst others that glass timber and metals will be separated and collected by specialist contactors, for instance any timber which cannot be reused will be collected by the Brighton and Hove Wood Recycling Project; materials will be sourced from local brickworks and timber sourced from local suppliers from managed Sussex forests

In terms of sustainability the building would have features such as rainwater recycling providing cleaning water to offices and throughout, high levels of insulation and A rated appliances installed along with A rated high efficiency boilers. It is noted that some of the flats have internal bathrooms which is not ideal however it is not considered sufficient reason alone to justify refusal of the scheme. The applicants have completed the sustainability check list and of the 21 relevant criteria they meet 8 fully and 8 partially which is considered acceptable.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development will bring a derelict building back into use without causing detriment to the character and appearance of the site or Regency Square conservation area. The development will not have a significant impact on amenity for occupiers of adjoining properties.

9 EQUALITIES IMPLICATIONS

The flats would be built to Lifetime Homes standards.

<u>No:</u>	BH2007/04387	<u>Ward:</u>	REGENCY
<u>App Type</u>	Conservation Area Consent		
<u>Address:</u>	24 Castle Street Brighton		
<u>Proposal:</u>	Partial demolition of existing building to form internal courtyard.		
<u>Officer:</u>	Sue Dubberley, tel: 292097	<u>Received Date:</u>	28 November 2007
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	23 January 2008
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Mr J Turner, c/o Turner Associates Wilbury Avenue Hove BN3 6HS		

1 RECOMMENDATION

That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **grant** conservation area consent subject to the following Conditions and Informatives :

Conditions:

01.04AA Conservation Area Consent

13.07A No demolition until contract signed

Informatives:

1. This decision is based on drawing nos.TA293/01, 02, 03 and 04 submitted on 24 January 2008 and drawing nos. TA 293/05a, 06a, 07b, 08b, 09b, 10a, 11a and 12a submitted on 31 March 2008.

13. This decision to grant Conservation Area Consent has been taken:

- i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
and HE8 – Demolition in Conservation Areas
- ii) for the following reasons:
Subject to satisfactory redevelopment proposals the demolition would not have any adverse impact on the character and appearance of the Regency Square Conservation Area.

2 THE SITE

This application relates to a site located on the south side of Castle Street and runs through to Regency Mews at the rear, with frontages and access to the site from both sides. The site is currently vacant having last been used as a glass workshop, glass manufacturing and sales.

3 RELEVANT HISTORY

BH2007/04388 Refurbishment and extensions to existing buildings on the site

to provide 6 x B1 office units, 2 x one-bedroom flats and 3 x two-bedroom maisonettes. Current application also reported on this agenda..

4 THE APPLICATION

The application is for partial demolition of the existing building in the centre of the site to create a central courtyard and allow light into the buildings.

5 CONSULTATIONS

External:

Neighbours: 8b Stone Street, 15,16, 18, 38, Castle Street and 4 Hendon Street, Object for following:

- Overdevelopment in an area of existing high density
- Great pity to change workshop, manufacturing into office space and residential units. Original mixed usage is integral to the character of the conservation area.
- The opening up of the centre of the site to allow light in is a device to compensate for the over massing of the development at a cost of loss of light to properties in Stone Street and Castle Street who will be deprived of southerly light.
- Overlooking from the north facing windows of the offices and flats proposed.
- Proposals will maintain none of the original charm of the site and Castle Street will feel darker and hemmed in.
- Increase in traffic in an already congested area.

Regency Square Area Society – Object for following reasons:

- Consider it to be over-development in this area of existing high density.
- The development will adversely impact on neighbouring properties
- Regency Mews and Castle Street will be deprived of their original character

Internal:

Conservation & Design Original Comments: These two industrial buildings add interest to both street scenes. The Castle Street building is a low one and a half storey building large laylights over the ridge. It has an attractive arched entrance with large boarded doors and a traditional shopfront, which are an important feature that should be retained. The Regency Mews building has been altered unsympathetically.

The refurbishment and restoration of the Regency Mews building and the reinstatement of sash windows at first floor level is welcomed. The design of the ground floor partly glazed doors is sympathetic to the industrial mews character of the building. The insertion of a central additional window opening at first floor level is acceptable. The widening of the upper level of factory laylights on the front roof slope is also acceptable. The treatment of the rear elevation of this building is also acceptable.

The increased height and massing of the Castle Street frontage building is acceptable in terms of its effect on the street scene in Castle Street. However there are concerns about the effect of the height and massing of its rear,

which has a full height second and third floors on views from Regency Mews. There are concerns about the design of the front elevation. The increase in height of the Castle Street frontage building is achieved partly by raising the eaves level by a storey, and partly by having a steeper pitch and higher roof ridge. Although this approach is acceptable in principle, the second storey is half height at the front, with half dormers. Half dormers are not typical architectural form for industrial buildings of this type and period in Brighton and have a negative effect on the character of this building. The dormers should be set back from the eaves and not have window cills below eaves level. Alternatively, large factory style laylights could be used instead of dormers.

On the front elevation, the new short window above the arch and the narrow slot windows either side of it do not relate well to the original architectural design of the building and should be omitted. Whilst it would be acceptable for the ground and first floor windows on the right (west) side to be enlarged by raising their heads or lowering their cills. However, the window enlargements shown are excessive as they are too wide. The insertion of an additional first floor window on the left hand (east) side is acceptable.

The rear elevation of the Castle Street building is modern in design and has full height storeys, a flat roof and recessed balconies. If the building can be seen from Regency Mews, it would be harmful to the historic roofscape of the conservation area, and the rear would also have to have a pitched roof, which would reduce the building's bulk and would eliminate the third floor accommodation.

However, if it can be seen above the mews building, this approach would be acceptable, given that it would only be visible from within the central lightwell.

Amended plans: Now acceptable subject to conditions.

Environmental Health: No adverse comments.

6 PLANNING POLICIES

Brighton and Hove Local Plan:

HE8 – Demolition in conservation areas.

7 CONSIDERATIONS

The only issue for consideration is whether the partial loss of the existing building on the site would adversely affect the character and appearance of the Regency Square Conservation Area.

The demolition proposed involves the demolition of part of the internal central section of the existing building in the centre of the site, in order to create a central courtyard and allow light into the site, to enable the redevelopment of the site as proposed by application BH2007/04388 for a mixed use office and residential development, which appears elsewhere on the agenda.

The demolition would not have any adverse impact on the character and appearance of the Regency Square Conservation Area as the demolition would not be visible from outside the site. The conservation officer has raised no objection to the demolition. The recommendation is therefore for approval.

8 REASONS FOR RECOMMENDATION TO GRANT CONSERVATION AREA CONSENT.

Subject to satisfactory redevelopment proposals the demolition would not have any adverse impact on the Regency Square Conservation Area.

9 EQUALITIES IMPLICATIONS

None identified.

No:	BH2008/00082	Ward:	WITHDEAN
App Type	Full Planning		
Address:	40 Varndean Gardens Brighton		
Proposal:	Single storey rear extension, first floor front extension, replacement porch, and associated external alterations.		
Officer:	Jonathan Puplett, tel: 292525	Received Date:	07 January 2008
Con Area:	N/A	Expiry Date:	12 March 2008
Agent:	BBM Sustainable Design Ltd, Star Gallery, Castle Ditch Lane, Lewes		
Applicant:	Mr & Mrs Nigel Robinson, 36 Victory Mews, Brighton		

1 RECOMMENDATION

That the Sub-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 :

GRANT planning permission, subject to the following:

Conditions:

1. 01.01AA Full Planning.
2. 03.01A Samples of materials Non-Cons Area
3. Access to the flat roof hereby approved to the rear of the dwelling shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. No development shall take place until further details of the proposed solar thermal panel to the rear roofslope of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, to protect the amenity of occupiers of surrounding properties, and to comply with policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.

5. 05.03 Waste minimisation statement

Informatives:

1. This decision is based on drawing nos. 1234 A-201, 202 rev. A, and 203 rev A submitted on the 9th of April 2008.

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

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

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD14 Extensions and alterations
QD27 Protection of Amenity
SU13 Minimisation and re-use of construction industry waste
Supplementary Planning Document
Construction and demolition waste; and

(ii) for the following reasons:-

The proposed extensions and alterations will not cause significant harm the residential amenity of neighbouring, and will not detract from the character and appearance of the property or the wider street scene.

2 THE SITE

The application relates to a two storey detached house located on the south side of Varndean Gardens, immediately to the east no. 38 is a detached bungalow, to the west no. 42 is a detached two storey dwelling.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The application seeks consent for a single storey rear extension, first floor front extension, replacement porch, and associated external alterations which would modernise the appearance of the dwelling.

The original application submitted included a first floor terrace / balcony area to the rear of the property. Following discussions with the applicant, revised drawings have been submitted and this element has been removed from the scheme.

5 CONSULTATIONS

Letters have been received from the residents of no. **42 Varndean Gardens**, and **nos. 3, 4, 6, 8, 10 Fairlie Gardens** objecting to the originally submitted scheme on the following grounds:

- Users of the proposed rear terrace area [N.B. This element has been removed from the scheme] would overlook neighbouring properties, and create a noise disturbance.
- The first floor front extension would obstruct light to bedroom windows of no. 42 Varndean Gardens.
- The proposed timber cladding would be out of keeping with the surrounding area.
- The proposed development would cause overshadowing, overlooking, and noise disturbance.

Following the submission of revised drawings showing the first floor rear terrace removed from the scheme, neighbouring residents were consulted again to provide the opportunity to comment on the revised scheme.

One further letter was received, from the residents of no. **37 Varndean Gardens**, who welcome the removal of the terrace, and raise concerns regarding the disturbance which would be caused by the building works

required to carry out the proposed development.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of Amenity
SU13	Minimisation and re-use of construction industry waste

Supplementary Planning Document

Construction and demolition waste

7 CONSIDERATIONS

The main issues of consideration relate to the impact of the proposed extensions and alterations on the appearance of the property, their impact on the wider street scene, and on the residential amenity of neighbouring properties.

Visual impact of the proposal

The existing two storey detached dwelling is of a unique design in the street; the surrounding section of the south side of Varndean Gardens is not defined by a uniform building design, however most dwellings are of a traditional style. Dwellings in the surrounding street scene feature a mix of brick, render, and tile finishes. This section of Varndean Gardens slopes downwards towards the west; no. 42 Varndean Gardens to the east of the application site is a two storey dwelling, no. 38 to the west is a bungalow. Given, the lack of uniformity of design, it is considered appropriate in principle to propose a scheme to remodel/modernise the appearance of the dwelling in question.

The proposed alterations which would be most visible in the street scene consist of a first floor extension above the garage, a new porch, and alterations / additions to the window layout. The new finishes proposed to the dwelling consist of a render finish to the garage and extension above, sweet chestnut cladding to the elevations of the main building and clay roof tiles to match the existing tiles. The proposed new windows are dark grey powder coated aluminium framed units. The proposed first floor extension is of a considerable size; this type of extension would not always be appropriate to the front of a dwelling. In this case however, given the relationship between the existing dwelling and the dwelling to the east, no. 42, which is located on higher ground, and set forward from no. 40, the extension would be located alongside the dwelling of no. 40. As such, it is considered that the extension would not appear as an incongruous feature.

Alterations to the rear consist of the addition of a single storey rear extension with a sedum roof above which runs across the full width of the dwelling, a solar thermal panel to the main roofslope, and a general modernisation following the same theme as the alterations to the front of the building.

Overall, it is considered that the proposed remodelling of the dwelling represents a well conceived scheme, and would result in the property having a more contemporary appearance which would not have an adverse impact

on the street scene.

Impact on neighbouring residential amenity

The majority of neighbour objections received refer to the rear terrace area originally proposed. Revised drawings have been submitted showing this terrace removed, such concerns have therefore been addressed. Some of the objections refer to the appearance of the proposed alterations, however as discussed above, the development is considered to be acceptable in this regard; the visual amenity of the surrounding amenity would not be harmed.

The proposed extensions are of a significant scale, and as such harm to neighbouring amenity should be considered. The first floor front extension would have most impact on the residents of no. 42 Varndean Gardens to the east. Given the distance between the extension and the bungalow of no. 38 to the west, it is not considered that the extension would result in significant overshadowing of this property. The extension would be located alongside a single storey section of no. 42, and the roof of the extension would affect the outlook from the west facing first floor bedroom window of no. 42 Varndean Gardens. This bedroom is also served by dormer windows to the front and rear of the building, it is therefore considered that the impact on the outlook from this secondary side window, and any overshadowing which would be caused, would not represent significant harm to the amenity of residents of no. 42.

The proposed single storey rear extension is located to the eastern side of the dwelling alongside the boundary with no. 42 Varndean Gardens. This boundary is screened by hedging approximately 3 metres in height and as such no significant overshadowing would result.

In regard to neighbouring privacy, the revised window layout to the front and rear elevation of the main building will provide similar views to the existing, and the window to the front of the first floor extension will provide views out over the street. Of greater concern are the west facing window to this extension, and side windows at first floor level. In regard to the west facing window of the extension, due to the difference in levels between no. 40 and no. 38 Varndean Gardens, views available would be primarily over the roof of the bungalow; the privacy of neighbouring residents would not be harmed.

To the side elevations of the main dwelling, there are three existing first floor windows which do provide some views of neighbouring properties. Whilst this relationship is not ideal, it is existing and established. The proposal alterations include the replacement of these windows and the addition of a small bathroom window to the west elevation; this addition would not cause significant harm to neighbouring privacy in comparison to the existing situation. New windows and a door are proposed to the west elevation at ground floor level; these would face onto existing boundary fencing and would not harm neighbouring privacy.

Sustainability

The supporting information submitted as part of the application includes substantial information regarding sustainability and materials. Furthermore a

solar thermal panel and sedum roof are proposed to the rear of the dwelling; having regard to the scale of development it is considered that a high standard of sustainability measures have been incorporated throughout. Further information would be required regarding the minimisation of construction and demolition waste; this could be requested via planning condition.

Conclusion

The proposed development is acceptable in regard to its visual impact, and no significant harm to neighbouring amenity would result. Approval of the application is therefore recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extensions and alterations will not cause significant harm the residential amenity of neighbouring properties, and will not detract from the character and appearance of the property or the wider street scene.

9 EQUALITIES IMPLICATIONS

None identified.