

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

<u>No:</u>	BH2010/01454	<u>Ward:</u>	WOODINGDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Woodingdean Business Park, Bexhill Road Adjacent to Falmer Road, Woodingdean		
<u>Proposal:</u>	Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	28/05/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 August 2010
<u>Agent:</u>	Michael Cook Associates, 11 Goring Road, Worthing, West Sussex		
<u>Applicant:</u>	St Modwen Developments, 180 Great Portland Street, London		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission.
2. BH02.07 Refuse and recycling storage (facilities).
3. BH03.01 Samples of Materials Non-Cons Area (new buildings).
4. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to, and approved in writing by, the Local Planning Authority.
A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning

Document SPD08 Sustainable Building Design.

5. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
6. BH05.10 Hardsurfaces.
7. The car and motorcycle parking spaces and loading areas shall be permanently marked out as shown on the approved plans prior to the first occupation of any of the units hereby approved, including the designation of disabled spaces, and shall thereafter be retained and used for such purposes only.
Reason: To ensure adequate parking provision and the effective provision for the needs of those with mobility impairment, and to comply with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan.
8. BH06.02 Cycle Parking facilities to be submitted.
9. Notwithstanding the details shown on the approved drawings (specifically drawing no. 103 D), there shall be no bollards located on the outside corners of the vehicle parking bays and provision shall be made for a dropped kerb at the pedestrian entrance to the site.
Reason: To ensure a safe development and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.
10. BH07.03 Odour control equipment.
11. BH07.04 Odour control equipment (sound insulation).
12. BH07.05 No open storage.
13. BH07.06 Control of outside activity.
14. BH07.07 Soundproofing plant/machinery.
15. The openings to the B1(c), B2 and B8 parts of the development hereby approved must be kept shut when not in use.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
16. No deliveries nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 – 19.00 on Monday to Friday, 08.00 – 13.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. The noise from the site shall not exceed 5dB(A) below background when the premises is in full use with all machines being operated at capacity.

- Reason:** To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. Unless otherwise agreed in writing by the Local Planning Authority, the bottling plant hereby approved (Block 2) shall only use plastic bottles.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
19. BH07.10 No panel beating/paint spray.
20. BH07.11 External Lighting.
21. The premises shall only be used for B1(c), B2 and B8 uses and for no other purpose (including any other purposes in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) except ancillary facilities.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of protecting the Identified employment sites and to safeguard the amenities of the area and to comply with policies EM1 and QD27 of the Brighton & Hove Local Plan.
22. The Class B8 buildings (Blocks 3 and 4) hereby approved, may only be used for such use in connection with the main occupier of the site, as ancillary accommodation to B1(c) and B2 uses.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of protecting the Identified Employment Sites and to safeguard the amenities of the area and to comply with policies EM1 and QD27 of the Brighton & Hove Local Plan.
23. BH08.01 Contaminated Land.
24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
25. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: This site lies on the chalk a principal aquifer a valuable groundwater resource and it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of groundwater and to safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

26. BH11.01 Landscaping/planting scheme.
27. BH11.02 Landscaping/planting (implementation/maintenance).
28. BH11.03 Protection of existing trees.
29. BH15.01 Surface water drainage.
30. BH15.02 Use of clean uncontaminated material.
31. BH15.04A Method of piling.
32. BH15.05 Infill material.
33. BH15.06 Scheme for surface water drainage.
34. BH15.07 Storage of oils, fuels and chemicals.
35. Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing how public art can be incorporated into the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in strict accordance with the approved details and retained as such.
Reason: In order to provide adequate public art provision proportional to the works taking place and to comply with Policy QD6 of the Brighton & Hove Local Plan.
36. Prior to first occupation of the site, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame which shall have been agreed with the Local Planning Authority. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. The travel plan shall make reference to the travel plans produced for the earlier phases of development. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.
Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.
37. No development shall commence until full details including feasibility study, of the proposed wind turbine and windcatcher/passive ventilation system has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details.
Reason: To ensure adequate protection of the amenities of the adjoining occupiers, a sufficient level of sustainability and to comply with policies QD27, SU10 and SU2 of the Brighton & Hove Local Plan.
38. The development hereby approved shall not be occupied until the wind turbine and windcatcher/passive ventilation system have been installed within the development.
Reason: To ensure the scheme has an acceptable level of sustainability and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08: Sustainable Building Design.
39. No development shall commence until confirmation has been submitted

to and approved in writing by the Local Planning Authority that the scheme has been registered with the Considerate Constructors Scheme.
Reason: To protect the amenities of the neighbouring occupiers and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 100, 101A, 102C, 103D, 104D, 105C, 106D, 107C, 108C, 109C, 110A, 111A, 112A, 113, 07/709/01, 1, 200A, 03B, 04A, Planning Statement, Design and Access Statement, Natural Ventilation Proposals, Flood Risk Assessment, Contamination Assessment, Transport Statement, Preliminary Ecological Assessment, Site Waste Management Plan, Tree Retention and Protection Report, Tree Schedule and Schedule of Tree Works, Biodiversity Checklist and BREEAM Pre-Assessment submitted on 14.05.10.

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

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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD 20	Urban open space
QD25	External lighting
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
EM1	Identified employment sites (industry and business)

NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design; and

ii) for the following reasons:

The proposed development of this brownfield site would provide a valuable addition to the City's stock of employment floorspace and would help to consolidate the earlier phases of development on the wider site. The proposal is based on moderately scaled low buildings within a low density scheme that is reflective of the transitional site location between residential development and the South Downs, and would sit comfortably within the site and wider area. The design of the proposal has incorporated sustainability principles and particularly having regard to the previous use and development on this part of the site, it is not considered that the development would result in material detriment to neighbouring properties. It is considered that potential contamination issues can be adequately controlled by conditions. The proposal is considered to be in accordance with Development Plan policies.

3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.
4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273

294490 email: ehlpollution@brighton-hove.gov.uk website:
www.brighton-hove.gov.uk).

6. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
7. It is noted that the two car parking spaces closest to the entrance to the building (Block 1) are of standard width which could make manoeuvring into and out of these difficult to achieve, and consideration should be given to increasing their width including a run over strip of 1.2m (half the bay width) to address this issue.

3 THE SITE

The 0.82 hectare site is set along the western boundary of a larger 3.9 hectare commercial development site, located to the south east of the junction of Falmer Road and Bexhill Road. This is known as Phase 5 of the business park. The wider site is allocated under policy EM1 of the Brighton & Hove Local Plan for industrial/business uses and managed starter units and high technology uses.

This partly developed Business Park is located in a sensitive location on the periphery of the Woodingdean residential area, and neighbours the Sussex Downs Area of Outstanding Natural Beauty/South Downs National Park.

The overall site drops significantly down southwards, in a series of terraces previously created to accommodate an extensive bakery development, now fully demolished. The part of the estate to the immediate north has been developed to provide a two storey office building and associated parking, while to the east on the opposite side of the estate road is a vacant part of the business park (phase 6). To the south is also a vacant part of the site, Phase 4, which has consent for a terrace of smaller B1 b and c industrial units.

Further to the south, and to the west (across Falmer Road) is predominately residential comprising two storey dwellings.

4 RELEVANT HISTORY

Previous development

An extensive bakery complex was developed on former farmland on this 3.9 hectare property following planning permission in the early 1960's, with numerous applications having been made to extend and intensify, through to 1988.

Original Outline Proposals (Whole Site)

BH2002/00022/OA: Renewal of the 1998 outline permission on the site was approved 25/07/02. This allowed vehicular access only via Bexhill Road and required the provision of an 8m wide landscaped buffer around the perimeter.

BH1998/01731/OA: Outline permission was granted in 29/10/98 for the demolition of existing buildings on the site and the redevelopment of the site for B1 (b), B1 (c), B2 and ancillary B8 uses. All matters were reserved for later determination.

Phase 1

BH2004/02860/FP: Variation of condition of 2002/03151, to allow for occupation of greater than 220sqm floorspace by one entity. This condition had been attached to ensure that the units would be available as starter units. This variation of the condition was approved 16/11/04.

BH2002/03151/FP: Variation of condition of the previously approved application (1999/02960/RM) to allow B1 (a) use of the building was approved 19/03/03.

BH1999/02960/RM: Approval of Reserved Matters for the erection of an 'L' shaped two storey building with 1780 sqm of floorspace and 73 car parking spaces in the north west corner of the site. These details represented Phase 1 of the development and was approved 15/10/01.

Phase 2

BH2002/02611/RM: Approval of Reserved Matters for the erection of 8 industrial units with a total of 2544sqm floorspace and 73 car parking spaces in the south eastern corner of the site. Approved 20/04/04.

Church Proposals

BH2003/02979/RM: Reserved matters pursuant to 1999/02996 for the erection of a church centre was approved 22/12/2003. The approval for a church on the site was not implemented and has expired.

BH1999/02996/OA: Outline application for the erection of a 1500sqm church. This application was allowed at appeal in 05/00.

Phase 3

BH2007/01018: Similar application for 16 units in total comprising 4134 sq m floorspace, approved 25/06/07, following consideration at Committee on 06/06/07, the applicants having addressed the earlier reasons for refusal.

BH2006/03649: Full application for the erection of 8 x 2 storey office buildings was refused 08/02/07, for reasons of unrelieved layout, lack of pedestrian

route within the site, inadequate separation to the neighbouring property, provision for sustainable travel alternatives, wheelchair user car parking, cycle parking provision, sustainability measures, detail of contamination, refuse storage access, and security measures.

Phase 4

BH2010/01923: Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes). Not yet determined.

BH2008/00955: Continuation of masterplan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping. Approved 13/08/2008 following consideration at Committee on 30/07/08.

5 THE APPLICATION

This application seeks consent for the development of Phase 5 of the business park, comprising the erection of 4 no. industrial buildings together with associated refuse and cycle stores, a wind turbine, vehicular parking and landscaping.

The development is to be occupied by Reflex, a sports nutrition business who are a local business currently based across a number of location in Hove.

The proposal includes a main building which will be mixed use, containing a variety of uses including B1c, B8 and ancillary facilities such as B1a offices, meeting rooms and staff areas. This building is to be sited to the northern part of the application site and is to measure approximately 57m at its widest point x 33m at its deepest point x 7.8m to eaves level and 9.1m to its highest point, being a curved profile roofline. There is also a 'tower' element to the southwestern corner of the building which is a square feature and will have a maximum height of 9.7m.

There are three smaller buildings located to the southern boundary of the application site, where it adjoins the phase 4 consented development area.

Block 2 is to measure approximately 25m wide x 12m deep x 5.2m to eaves level and 6.5m to ridge height. This is to be utilised as a bottling unit (B2) with associated storage area (B8).

Block 3 is to measure approximately 14m wide x 28m deep x 5.2m to eaves level and 6.7m to ridge height. This is to be utilised as a warehouse (B8).

Block 4 is to measure approximately 36m wide x 13m deep x 5.2m to eaves level and 6.7m to ridge height. This is also to be utilised as a warehouse (B8).

There is also a 15m high wind turbine proposed, to the eastern boundary of the site, with 3 'sails' each measuring 4.5m, taking the overall potential height to 19m.

The proposal also includes 2 no. refuse stores, 10 no. cycle parking spaces, 4 no. motorcycle parking spaces and 64 no. vehicular parking spaces (including 4 no. disabled spaces).

There is also an extensive landscaping scheme proposed.

6 CONSULTATIONS

External:

Neighbours: **One (1)** letter has been received confirming no objection from the occupiers of **38 Downsway** and **one (1)** letter of objection has been received from the occupiers of **36 Downsway** on the following grounds:

- Would have preferred the site to be housing which is desperately needed for the young adults of Brighton who have no hope of getting on the property ladder.
- It is questioned whether the town really needs any more of these units.

South Downs National Park Authority: As you will be aware, the site is outside the National Park, but visible from within it to the north. The proposed buildings would also be visible, but due to the changes in ground level and the location behind the existing Castle House, only part of the very top of the buildings would be visible. I do not consider, therefore, that the proposed building would have an unacceptable impact on the park. Also, given the clear relationship of the site to the built up area, I do not consider that the proposed building would have an unacceptable impact on the setting of the park. The proposed turbine would be more visible, but given its relative lack of bulk and perceived low height due to the change in ground levels between the park and the site.

I do not consider that this would have an unacceptable impact either on the Park or views from it. I therefore have no objections to this application.

Environment Agency: We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition 1. Unsuspected contamination

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

Reason: This site lies on the Chalk a principal aquifer a valuable groundwater resource and it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the

protection of groundwater.

Condition 2. Surface water drainage system

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include as to how the details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect groundwater quality.

Condition 3. Use of soakaways

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: This site lies on the Chalk a principal aquifer a valuable groundwater resource and it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of groundwater.

Note: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods such as trapped gullies and or interceptors should be used for drainage from access roads and parking areas to prevent hydrocarbons from entering the surface water system.

Supporting Notes

Site Investigation Report

The analysis of risks and liabilities posed by this development and addressed in the report LW21099 April 2010 at the Woodingdean Business Park, Phase 5, Brighton East Sussex, are generally acceptable.

Natural England: No objection.

Sussex Police: The location falls within an average crime risk area when compared to the rest of Sussex and I do not have any concerns regarding the proposal.

East Sussex Fire and Rescue Service: Recommend the installation of

sprinkler systems.

Lewes District Council: No objections to this proposal.

EDF Energy: No objections to the proposed works.

Southern Water: There are no public service water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The details submitted in drawing no. 21859/200A showing the proposed means of foul and surface water disposal are satisfactory.

We request that an informative is placed on the consent relating to connection to the public sewerage system.

Internal:

Economic Development: The economic development team fully supports the application as it provides a purpose built unit to meet the needs of a local business that is expanding and wishing to remain in the city together with additional small business units to provide modern business accommodation to support business growth in the city.

The Planning Statement submitted as part of the application provides supporting information about the business relocating to the site which is welcomed.

The application states that the development will provide employment space for 47 full time jobs and 3 part time jobs for the business relocating to the site and is an increase of 14 jobs from their current location. The additional small business units will also provide additional employment space on the site and based on the offPAT employment densities for the mix of employment uses shown in the application the whole development has the opportunity to provide employment space of 93 jobs.

The development is the 5th phase of development to receive consent at Woodingdean Business Park, Phases 1 to 3 are complete and most of the units are occupied or under offer, Phase 4 has yet to be implemented and it is hoped this will be implemented in parallel with this application.

Planning Policy: Policy EM1 The site is identified for employment in particular intended for B2 manufacturing with warehousing being ancillary to the manufacturing. As set out this proposal complies with policy EM1. If possible, the B8 element should be tied by condition so that it could not be used or sold off separately as a B8 warehouse unrelated to the manufacturing..

Policy NC7 (and NC6) apply. The Woodingdean Industrial Estate is adjacent to and in full view from the SDNP and this needs to be reflected in the design as advised in policy NC7 - especially as regards the choice of materials – for example by avoiding light colours and reflective surfaces (as proposed), in order to minimise the impact and visibility from the SDNP. Clause ix of policy NC7 seeks the improvement of public access to the site and a direct pedestrian route (TR8) is proposed to the buses in Falmer Road however it is shown as steps. If possible a wheelchair accessible route should be provided and one that can be used by cycles to encourage sustainable transport. (TR1, TR8).

Policies TR1 and TR14 apply and undercover cycle parking is required for employees.

Policy QD15 – the landscaping policies are welcomed. Policy QD17 should be addressed – possibly by considering a green roof and /or e.g. on site planting of green walls to break up the extent of the buildings.

Policies WLP 11 and SU13 apply and the applicants need to demonstrate how waste will be diverted from landfill. For example the concrete base should be crushed and recycled / reused on site for the new ground works if technically suitable rather than taken off site.

Sustainable Transport: Woodingdean Business Park is being developed over a number of years and when the traffic impact was assessed at outline planning stage in 2002 the Phase 5 proposal was for 4 B1/B2 units and now the planning application is for 1 B1/B2 unit and 3 lower trip generating B8 units so consequently the planning application has a lower impact on the public highway and thus would be acceptable.

When the original outline planning application was granted consent in 2002 the necessary off-site works for the whole Woodingdean Business Park were agreed for a higher impact development and implemented through a Section 106 Agreement so no more off-site works are required as part of this development.

Regarding on-site works, that is within this applications' red line a condition is required to provide a dropped kerb pedestrian crossing facility with out tactile paving (because the dropped kerbs will not line up with another set of dropped kerbs) on the access road next to the site entrance to improve pedestrian movement particularly for the mobility impaired (for example people in wheel chairs and electric scooters, people with buggies, dismounted cyclists using the pedestrian gate to get to the cycle parking facility).

Regarding parking and vehicle movement on-site, there is concern regarding the proposed installation of bollards on the corners of parking areas and would respectfully advise that on safety grounds these are not installed. The vehicle tracking does not appear to show vehicles hitting anything though it

might be advisable for any maximum legal length articulated vehicles accessing and egressing Block 4 to park parallel to the building to avoid blocking the site entrance. There are concerns regarding the width of car parking spaces closest to Block 1 and would advise that an over-run area is constructed alongside the parking spaces to make the parking spaces accessible. Car, cycle and motorcycle parking is acceptable subject to conditions to retain these areas for the sole use of and that full cycle parking details are to be submitted.

An updated Travel Plan will be required if only because the application has changed and would advise that the applicant contacts the Council's Work Place Travel Plan Officer to efficiently progress this matter.

Arboriculturist: Some of the trees on the bank adjacent to Falmer Road are protected by Tree Preservation Order (No. 15) 2001.

Looking from the Falmer Road, there did not appear to be a definitive boundary within the site as to exactly where the current proposed development finished. It appeared that there would be more land left to the south of the site for another development in the future. The line of trees protected by the above Tree Preservation Order goes all the way down the bank and stops at no. 576 Falmer Road (thus within the "leftover" land). The tree protection plan does not take this into account and it may be that trees outside the current proposed protection zone may be at risk from builders etc using this land for their building site and storage of materials etc.

Please can assurances be sought that when the development commences, a firm immovable boundary of the development site itself will be in place, or other trees on the site be included in the current tree protection plans.

The Arboricultural Section have no objections to this proposal, but would like a condition attached to any planning consent granted that all trees are protected to BS 5837 (2005) Trees in Relation to Construction.

Public Art: The applicant does not acknowledge Local Plan policy QD6 (Public art) as relevant for this application. This is disappointing considering there seem to be a range of opportunities to incorporate public art into public realm.

The public art requirement for this application is to the value of 25k.

This level of contribution was reached after the internal gross area of the development (aprox. 3,479 sqm) was multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for this type of development in this location. This includes average construction values taking into account relative infrastructure costs.

As ever, the final contribution will be a matter for the case officer to test

against requirements for S106 contributions for the whole development in relation to other identified contributions which may be necessary.

Environmental Health: I note that the proposal seeks light industrial and storage uses in addition to a wind turbine and space for landscaping, parking and servicing of the site. The site is proposed for a drinks manufacturing company. I have concerns over noise and potential for contaminated land and these are as follows:

Noise

On reading the application documentation, I feel that noise in particular is missing from the data. Passing reference is made to noise and potential levels in the design and access statement reference 4702/CO1. References are made on pages 19 and predominantly 20 to the three sources of plant which are seeking to be introduced, including a 15 metre wind turbine, a heat pump condenser and air handling units. I consider that these rely heavily on manufacturers data and that the data is not applied in context to the situation. I am unable to find any acoustic report demonstrating the likely impact on residents or the existing noise climate and the data presented fails to show tonal or frequency breakdown which is critical in considering such an application. An acoustic report is necessary which demonstrates that the plant is capable of being run cumulatively and should be in accordance with the City Councils noise standard of 5dB(A) below background.

I would expect such a report to make appropriate references to the locations of the nearest receptors, to reference appropriate British Standards, i.e. BS4142:1997. I would also expect a thorough assessment of the wind turbine and the multi sourced noises that these are known to create including blade pass, air movements and the noise from the gearbox.

I feel also that the application fails to make reference to any sound that the proposed commercial/industrial site might make. I consider it fair that manufacture and bottling plants by their nature are likely to have an impact on the surrounding areas.

Additionally, the report fails to make any reference to servicing of the site or hours that this might be carried out. Without any data on how the building envelope is designed to contain the various source noises, I consider that at present, insufficient information is available to allow me to determine the application. I therefore consider insufficient information on which to comment.

Contaminated Land

I also have comments with regards to the contaminated land survey carried out by Ashdown Site Investigation Limited dated April 2010 and as such I do not consider the report robust at this stage. I am of course happy to reconsider my comments if the following areas are addressed:

1. Why were the sample locations chosen? Further detail on methodology and choice of site and number of window samples is necessary. Why and

how for example did the Civil Engineering Partnership dictate the sample locations.

2. The report does not have any desktop survey or preliminary works and as such the consultants appear to have been instructed to sample intrusively without being aware of the full picture of the site. A conceptual site model from a previous survey is critical in identifying how resources are best deployed to gain maximum benefit. One example might be that historic maps of the bakery and works show consistently an electrical sub station to the Eastern elevation which are known to contain hydrocarbons, mineral oils and PCB's Poly-chlorinated biphenyls. However these were not tested for due to this being overlooked.
3. I also noted an anomaly with regards to the samples. The field work was reported as being carried out on the 24th March 2010 with section 3.1 describing that 7 samples were taken, yet the ELAB report states that only six were received on 30th March 2010. This creates the question of chain of custody and the conditions in which those samples were maintained for the 7 days prior to presentation at the lab.
4. Also, the lab suggests that another five samples were then received on 1st April 2010. Again this raises the issue of chain of custody. However when the lab report goes on to discuss the results, if five were presented, there are now results shown for seven under job number LW21099.
5. With 13 potential sample results it is unclear as to which have been used in the main body of the report.
6. I was unable to find any references as to whether enquiries had been made of the petroleum officer to identify any potential submerged or above ground derelict storage tanks which also may have informed the sampling process.
7. The historic mapping data available shows an entry for unknown filled ground on the application site which is listed as being 1991, yet without a desktop survey this would not have been identified.

Unfortunately, I consider that at present there is insufficient information available to enable me to determine the application.

Sustainability Officer: The key sustainability policy issue with regard to this application is that SU2 and SPD08 policy requirements have not been fully met, but justification has been provided why this is the case.

The development aims to achieve BREEAM 'very good' rather than 'excellent' as recommended in SPD08 due to financial reasons.

The development demonstrates some positive sustainability features including a medium scale wind turbine and an innovative photovoltaic driven passive ventilation system.

The overarching standards expected to be met on this site include for SPD08:

BREEAM 'excellent' (with 60% score in energy and water sections) for non residential development; submit a feasibility study of rainwater

harvesting and greywater recycling; implement Considerate Constructors scheme; and minimise Heat Island Effect.

Through SU2 the development is expected to:

reduce fuel use and greenhouse gas emissions; incorporate renewable energy; reduce water consumption; implement grey water and/or rainwater reuse; use sustainable materials; implement a passive design approach; provide facilities for composting.

The justification provided for not reaching recommended BREEAM standards refers to financial viability. The evidence relates high initial costs for site preparation relative to land value, and a very low profit margin predicted after build costs making further spend on construction improvements to enable achievement of BREEAM 'excellent' unviable financially.

In order that the positive features of this development are not eroded, it is recommended that conditions be set to require a score of no lower than 50% in the energy section of the BREEAM assessment. It is also recommended that a condition be written to secure the proposed wind turbine as an essential element of the development demonstrating compliance with SU2.

Energy and carbon reduction

The proposals around energy strategy are at a fairly early stage, with no modelling to predict overall energy use and carbon dioxide emissions. There has not been a formal feasibility study undertaken for the proposed wind turbine, therefore potential efficiency is unknown.

A medium scale wind turbine was initially proposed for the scheme specified as a 15kW 'Proven' turbine with a mast height of 15m and a rotor diameter of 9m. There has since been indication that a shorter mast and smaller turbine is likely to be specified because of costs of deeper pilings required for a taller mast. Without a feasibility study and wind speed analysis the extent of energy contributed by this technology is currently unknown.

Whilst SPD08 and SU2 encourage development that delivers high levels of energy efficiency as a primary strategy towards sustainability in energy use, the installation of renewable technology is welcomed.

The development proposes a passive ventilation system driven by roof mounted wind cowls using the 'Monodraught Windcatcher' system. This system has a fan driven by electricity from a photovoltaic panel on the top of the chimney thereby effectively delivering zero carbon ventilation.

BREEAM

It is proposed that development reach a BREEAM Light Industrial standard of 'very good'. The predicted score is fairly high within the 'very good' at 63% within a range of 55%-69% for 'very good'. Scores over 70% achieve

‘Excellent’.

The current BREEAM assessment predicts 66% will be achieved in the water section of BREEAM, meeting SPD08 recommendation for this section. This reflects use of water efficient fittings throughout. In the energy section a potential score of 50% is possible if the wind turbine is capable of reducing the development carbon emissions by 10%, otherwise a score of 45% is predicted.

Water minimisation

Rainwater harvesting has been deemed not financially viable and no feasibility study has been carried out. However, water efficiency within the development is likely to deliver the 60% score in the BREEAM water section recommended by SPD08.

Sustainable materials

A low score of 36% is predicted to be achieved in the BREEAM materials section.

Minimising Urban Heat Island

Some solar shading is evident over windows but there appear to be no proposals for planting which might offer cooling effect to the development.

Composting

No information.

Considerate Constructors Scheme

This scheme will be implemented during construction.

7 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites

QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD 20	Urban open space
QD25	External lighting
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
EM1	Identified employment sites (industry and business)
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design

8 CONSIDERATIONS

The main issues in the determination of this application are the principle of the development, the impact on the street scene and wider area, amenity issues, highway issues, contamination, public art and sustainability.

Principle of Development

The site is allocated in the Brighton & Hove Local Plan under policy EM1. EM1 confirms that such sites are identified primarily for industrial and business use under Use Classes B1 (b) and (c) but not excluding B1a. Warehousing (Use Class B8) will not be permitted on these sites unless it is ancillary to the main use(s) or in accordance with the criteria in policy EM7. B8 uses would be acceptable in any small starter units on the identified industrial sites. Trade counters will not be acceptable in the B8 units.

There are a wide range of uses proposed as part of the development. This is broken down as follows:

1. Block 1 - Main Reflex Building – 2,211sqm of floorspace including manufacturing, storage and ancillary offices. It is considered that the main use of the building is a mixture of Class B1c and Class B8. The B1c relates to the manufacturing element which is taking place and the B8 the storage warehouse. On balance, it is considered that these uses could probably be supported, despite the large element of B8 floorspace.
2. Block 2 - Bottling Building – Reflex – 303 sqm of floorspace. This is Class B2 incorporating some storage Class B8 and as such the uses are considered to be acceptable.
3. Block 3 – Warehouse unit – 390sqm of floorspace. The use class of this would be B8 which could be supported due to its limited size, which Policy

EM1 exceptionally allows for within allocated employment sites. A condition is recommended to tie in this B8 floorspace to the wider Reflex development.

4. Block 4 - Warehouse unit – 482sqm of floorspace. The use class of this would be B8 which could be supported due to its limited size, which Policy EM1 exceptionally allows for within allocated employment sites. As above, a condition is recommended to ensure they cannot be sold off to a separate occupier.

Therefore, on balance and due to the condition proposed, it is considered that the scheme complies with policies EM1 and EM7.

Policy NC8 relates to development within the setting of the Sussex Downs AONB and confirms that development will not be permitted if it would be unduly prominent in, or detract from views into, or out of the AONB, or would otherwise threaten public enjoyment of the AONB.

This site is a brownfield site, which has recently been cleared of the previous commercial buildings, and is specifically allocated in the Local Plan for industrial redevelopment, pursuant to which overall outline permission and, subsequently, detailed phases have already been approved.

Notwithstanding this, it is considered in any event that the impact of the development upon the countryside would be limited. There is therefore not considered to be a conflict in principle between the proposal, policy NC8 and other restraint policies of the Local Plan.

It is also worth noting that the relocation of the business will facilitate additional job creation, from 33 full time and 3 part time positions to 47 full time and 3 part time.

Impact on street scene and wider area

Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;

- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

The main Reflex building is proposed on the western boundary of the site, adjacent to Falmer Road. It is a two storey building, although, due to the terracing of the site would appear single storey when viewed from the north. The building is orientated south, and incorporates a glazed feature entrance, with a brick base, panels above and a low curved roof profile. The building also incorporates a square column which projects slightly higher than the main roof and is situated adjacent to the Falmer Road boundary. This range of materials are considered to be acceptable in principle, subject to a condition requiring full samples to be submitted and approved.

The design of the building itself is considered to be acceptable and would integrate effectively with the remainder of the Business Park, including the existing, consented and proposed buildings.

The blocks 2-4 would have a more basic and industrial design and appearance. Again, a part brick base is proposed with clad upper parts and a low pitched roof is proposed. Whilst more basic than the main building, it is considered that the proposal would be acceptable having regard to its location on a business park.

The siting of the units is considered to be acceptable, as they retain a sufficient landscaping strip along Falmer Road and include a visual break in buildings along the Falmer Road frontage.

It is noted that a wind turbine is also proposed, which is to be located on the eastern boundary of the application site, within the centre of the business park. It is noted that there is a turbine which has been erected within phase 3 of the business park, situated to the north east of the application site. The turbine would be visible, particularly from the South Down National Park, and walkways to the north of the site. However, when taken against the backdrop of the built form of the city, and the lightweight appearance of the sails of the turbine itself, this is not considered to be overly intrusive in these longer views.

Policy QD15 relates to landscape design. It confirms that all proposals for development must submit details to show that:

- a. Adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
- b. The proposal includes suitable open space provision;

- c. High quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
- d. Effective use has been made of existing landscaping features;
- e. Where appropriate, existing nature conservation features have been retained and new suitable ones created; and
- f. If the location is appropriate, the site contributes to the Brighton & Hove Greenway Network.

Planning conditions may be imposed or a planning obligation sought in order to secure the provision of landscaping and future maintenance.

On major schemes, details of structural landscaping that contributes to the existing overall landscaping quality of an area will need to be agreed with the local planning authority prior to the determination of a planning application. It will be a requirement, in appropriate cases, that some landscaping is planted prior to development commencing.

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

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

It is noted that there are a number of existing trees within the site, some of which are protected by a Tree Preservation Order. The trees subject to the TPO's are located along the western boundary of the site, where it is proposed to increase the landscaping of the site and soften the transition between the business park and Falmer Road itself.

The proposal also includes landscaping within the site along the internal access road (Sea View Way) and some within the site also.

A Landscaping Strategy has also been submitted with the application, confirming the protection measures to the existing vegetation on the site, including the TPO trees, and identifying the species to be used within the new landscaping plan, which will all be native to ensure successful integration with the existing and wider area.

Conditions are recommended to ensure that full landscaping and maintenance plans are submitted prior to commencement of development and therefore it is considered that the landscaping proposals would be adequate.

Amenity Issues

For Neighbours

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The proposal is located centrally within the plot alongside the Falmer Road Boundary. Therefore the proposed units do not adjoin any residential properties, and are cushioned by both the landscaping strip and Falmer Road itself to the west and the consented Phase 4 development to the south.

In addition, as part of the determination of this application, a site visit was undertaken to their existing premises to understand the workings of the business. Whilst there were some machines in use which created noise inside the buildings, these were not so noisy that they could be heard outside the buildings.

In addition, whilst a bottling plant is provided in Block 2, it is noted that the bottles are plastic and thus the main noise from this element is from the machinery, which is not overly noise intensive in any event.

A number of conditions are recommended to ensure the amenities of nearby residents are protected, including hours of deliveries, control of outside activity and that doors are to be kept closed to ensure noise transmission is kept to a minimum.

In addition the proposed wind turbine has the potential to cause noise and disturbance to the surrounding occupiers, at the time of writing this report additional information has been requested regarding the noise of this. However, due to the separation distances involved (90m+ to the south and 100m+ to the west), it is not considered that the turbine would give rise to a level of noise that would be unacceptable to neighbouring amenity

In addition, there are a number of properties situated opposite the proposed development (on Falmer Road), depending on the orientation of the building, could cause a detrimental impact. However, the scheme has been designed with this in mind, and the buildings have been orientated to ensure that there are open spaces between the buildings to ensure the boundary of the site is not oppressive for the occupiers opposite.

As stated above sufficient landscaping is proposed to soften the appearance of the buildings and further reduce any potential impact.

Transport

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking

guidance.

The scheme provides 64 no. vehicular parking spaces, including 4 no. disabled. The proposed end user considers this sufficient and allows for the growth of the business. It is also noted that some of the site is laid to class B8 uses (ancillary to the main B1c and B2 uses) and thus would result in a lower parking requirement in any event.

The scheme provides for sufficient cycle and motorcycle parking and thus this element of the scheme is also acceptable.

Having regard to the comments from the Sustainable Transport Team, the requirements to improve the highway network have been met through the original outline application (BH2002/00022/OA), and were implemented in 2005 (bus stop provision, yellow line markings and a toucan crossing on Falmer Road). These were to mitigate against the complete development of the Business park and thus it is not considered necessary to require any further highway works as part of this application.

Conditions are recommended to ensure that the bollards within the scheme are removed (at the corners of the parking areas) at these would be vulnerable to damage, and to ensure provision of a dropped kerb at the entrance to the site to allow for enhanced accessibility.

However, the existing Green Travel Plan for the business park would require updating and extending, and thus a condition is recommended to this effect.

Public Art:

Policy QD6 relates to public art and confirms that provision will be sought in major development schemes, including refurbishment and changes of use, and/or a financial contribution towards the provision of public art, appropriate to the development proposal. Public Art includes permanent and temporary work, art facilities and arts training.

All development proposals will be expected to retain and/or enhance existing public art and wherever possible make provision for new public art. The provision of public art will be secured via a legal agreement and/or the use of conditions.

The supporting text of the policy confirms that for non residential development, major development comprises prominent sites with construction costs of 1 million pounds or more and non-prominent sites with construction costs in excess of 2 million pounds.

The public art officer has advised that the contribution in relation to this site should be £25,000. The applicants are confirming that if such a contribution were to be insisted, this would impact on the viability of the scheme.

The location of the site is also a key consideration, within the middle of an existing business park, which is not overly prominent. The applicants are willing to enter into a condition requiring, where feasible, that public art be incorporated into an element of the scheme which would already have an expenditure requirement, such as the access gates. Therefore, by way of a compromise and having regard to the viability constraints, a condition is required that a scheme to incorporate public art is recommended and we are seeking a draft scheme from the applicants at the current time.

Site contamination

Policy SU11 relates to polluted land and buildings. This confirms that proposals for the development of known or suspected polluted land and/or premises will help to ensure effective and productive use is made of brownfield sites and will be granted, in accordance with the other policies of the development plan, where the following can be met:

- a. The application is accompanied by a site/building assessment and detailed proposals for the treatment, containment and/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses, and to prevent leaching of pollutants;
- b. The proposal will not give rise to an increase in contamination and atmospheric pollution; and
- c. Conditions can be imposed and/or a planning obligation sought in order to ensure the fulfilment of any necessary remediation measures and/or future monitoring.

A site contamination report has been provided with the application. However, the comments from the Environmental Health Team have picked up on a number of inaccuracies within this and thus additional clarification is being sought from the developers to ensure that there would be no harmful impact.

Subject to the receipt of this additional information, conditions are likely to be required to ensure that there would be no unacceptable impact, and this will form part of the recommendation.

Sustainability

Any new residential building upon the site would need to conform to the requirements of SPD08.

In addition, the proposed building must meet the BREEAM standards set out within the SPD itself. These are as follows:

Buildings between 236-999sqm

- 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good'.

Buildings above 1000sqm

- 60% in energy and water sections of relevant BREEAM assessment within

overall 'Excellent'; and

- Feasibility study on rainwater harvesting and grey water recycling systems.

In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. This would be particularly prudent in relation to all bathroom/kitchen/lighting fittings.

A package of sustainability information has been submitted with the application which demonstrates that the scheme would meet 'Very Good' and not 'Excellent'.

Additional information has been requested regarding the sustainability measures what are to be incorporated, including the wind turbine to enable full consideration of the potential sustainability credentials of the scheme. In addition, a viability statement has been submitted, which seeks to confirm that meeting 'Excellent' across the development would not be commercially viable.

The viability information which has been submitted is considered to confirm that the 'Excellent' BREEAM rating is not achievable on this particular scheme. However, in order the scheme meets the sustainability standards as set out in the applicants information submitted with the application, conditions are recommended requiring a minimum of 50% in the energy section of BREEAM, a minimum of 60% in the water section of BREEAM, and that the turbine and windcatcher/passive ventilation system be implemented as part of this consent. Securing the combination of these measures (all put forward by the applicant) ensures that the scheme is will meet as high a sustainability level as possible despite not meeting the overall BREEAM 'Excellent' standard as set out in SPD08.

9 CONCLUSIONS

The proposed development is in accordance with the original masterplan/outline consent for this Identified Employment Site. In addition, the range of uses are considered to be in accordance with the Local Plan, as the B8 elements are in connection with the light industrial processes which are taking place at the site.

The scale, design and density of the proposed scheme is considered to be acceptable and would integrate with both the existing development on the business park, that which has been consented and not yet built, and the wider area. In addition, the scheme incorporates a high level of landscaping which will ensure the development is slightly screened in its surroundings. The wind turbine is not considered to be overly dominant in longer views from the South Downs national Park nor will it cause any overbearing impact to existing residential occupiers.

Subject to the range of conditions which form part of this recommendation, the scheme is considered to have an acceptable impact on the amenity of the neighbouring occupiers and achieve a satisfactory level of sustainability.

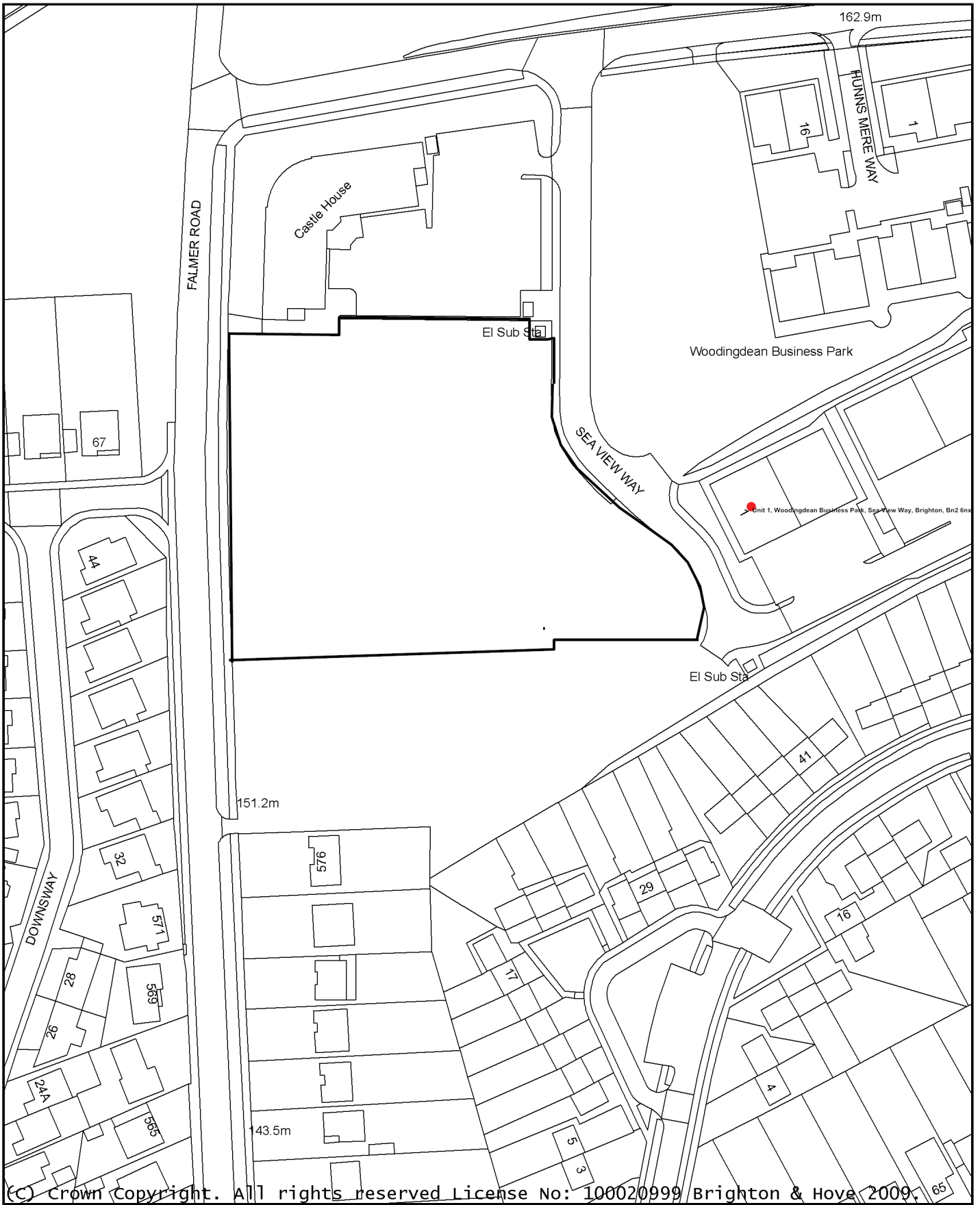
10 REASON FOR THE RECOMMENDATION TO GRANT PERMISSION

The proposed development of this brownfield site would provide a valuable addition to the City's stock of employment floorspace and would help to consolidate the earlier phases of development on the wider site. The proposal is based on moderately scaled low buildings within a low density scheme that is reflective of the transitional site location between residential development and the South Downs, and would sit comfortably within the site and wider area. The design of the proposal has incorporated sustainability principles and particularly having regard to the previous use and development on this part of the site, it is not considered that the development would result in material detriment to neighbouring properties. It is considered that potential contamination issues can be adequately controlled by conditions. The proposal is considered to be in accordance with Development Plan policies.

11 EQUALITIES IMPLICATIONS

The proposed buildings would be fully assessable by those with mobility difficulties, including level entrances and would be required to meet current building regulation standards.

BH2010/01454 Woodingdean Business Park, Bexhill Road adjacent to Falmer Road



Date: 27/07/2010 01:21:48

Scale 1:1250

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<u>No:</u>	BH2010/01382	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Westdene Primary School, Bankside, Brighton		
<u>Proposal:</u>	Extensions and alterations to school including 2 storey extension to East side to accommodate 12 new classrooms and school facilities and relocation of games court and reconfiguration of external play areas.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	28/05/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 August 2010
<u>Agent:</u>	Brighton & Hove City Council, Kings House, Grand Avenue, Hove		
<u>Applicant:</u>	Brighton & Hove City Council, Ms Gillian Churchill, Kings House, Grand Avenue, Hove		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. No development shall take place until samples of the materials (including colour of render, paintwork, cladding and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
3. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
4. All new hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

5. No development shall commence until a scheme to improve the provision for sustainable transport modes and improve road safety in the roads around the school has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in strict accordance with the approved measures and thereafter retained as such.

Reason: To ensure that the proposed development provides for the demand for travel it creates and does not increase the danger to pedestrians walking to and from the site and to comply with policies TR1, TR7, TR8 and SU15 of the Brighton & Hove Local Plan.

6. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with the scheme contained within the arboricultural report submitted with the application. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

7. No development shall commence until a construction management plan, including a scheme for the access and storage of construction vehicles, materials and waste within the site, has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the Plan and thereafter be retained until the completion of the development.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and the operation of the school, to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

8. Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of completion of the development the temporary classroom building, all-weather play area and associated pathways hereby permitted shall be removed from the site and the land returned to its former condition.

Reason: The temporary classroom hereby approved is not considered suitable as a permanent form of development to safeguard the appearance of the site and to comply with policies QD1 of the Brighton & Hove Local Plan.

9. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling following the expansion of the school facilities and

- to comply with policy QD27 of the Brighton & Hove Local Plan.
10. The development hereby permitted shall not be occupied until the parking and disabled parking bays detailed on drawing no. 013 have been fully implemented and made available for use, and these areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
 11. At least six months prior to the first occupation of the development hereby approved a 'School Travel Plan' (a document setting out a package of measures tailored to meet the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on private motor vehicles including students, visitors, staff, deliveries, servicing, parking management and other uses of the site) for the development shall be submitted to the Local Planning Authority. The school travel plan shall be approved in writing by the Local Planning Authority prior to the first occupation of the development and shall be implemented as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.
Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.
 12. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of works, a presence/absence amphibian survey to establish whether Great Crested Newt is present within the vicinity of the site shall be carried out in accordance with advice contained within the submitted Ecological assessment and the findings shall be submitted for approval by the Local Planning Authority. Should evidence be found that the Great Crested Newt is present within the vicinity of the site, details of mitigation works shall be submitted to and approved in writing by the Local Planning Authority and no works shall commence until approval is granted thereafter.
Reason: To safeguard the protection of the Great Crested Newt as a European protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.
 13. No development approved by this permission shall be commenced until a scheme for the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of foul sewerage disposal and to comply with policy SU5 of the Brighton & Hove Local Plan.
 14. Prior to the commencement of works six Schwegler 1WQ wall-mounted bat boxes, six Schwegler 1MR Avianex wall-mounted bird boxes and ten Schwegler Sparrow Terraces shall be erected within the grounds of the

school to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason: In order to provide a net gain in biodiversity following the development to comply with policy QD17 of the Brighton & Hove Local Plan.

15. Implementation and landscaping scheme.

Informatives:

1. This decision is based on the arboricultural report, outline site waste management plan and drawing nos. 002, 003, 004, 007, 008, 010, 011, 013, 014, 015, 019, 020, 021 & 022 submitted on the 11th May 2010; the waste minimisation statement, biodiversity checklist, ecological appraisal and photographs submitted on the 13th May 2010; drawing no. 006 rev A submitted on the 20th May 2010; the design and access statement submitted on the 27th May 2010; the planning statement submitted on the 28th May 2010; drawing nos. 005, 009, 012, 016, 017 & 018 submitted on the 18th June 2010; the sustainability appraisal and waste minimisation statement submitted on the 29th June 2010; and the energy and sustainability report and transport assessment submitted on the 22nd July 2010.

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR8	Pedestrian routes
TR10	Traffic calming
TR11	Safe routes to school and school safety zones
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD6	Public art
QD14	Extensions and Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features

QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities

Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design

National Planning Guidance:

PPS1	Sustainable development
PPS9	Biodiversity and geological conservation
PPG17	Planning for open space, sport and recreation; and

(ii) for the following reasons:-

The proposed extensions and alterations would compliment the appearance of the existing school without harm to the street scene, would not harm the amenities of adjoining occupiers, would, with implementation of a travel plan and proposed highway improvements, improve traffic and pedestrian safety in the vicinity of the site and, subject to conditions, would not harm ecology within the area. The proposal is considered to be in accordance with development plan policies.

3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. The applicant is advised that all British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act, 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to: Kill, injure or take a wild bird; Take, damage or destroy the nest of any wild bird while that nest is in use or being built; Disturb any wild bird listed in Schedule 1* while it is nest building, or at a nest containing eggs or young, or disturb the dependant young of such a bird. * For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended). If at any time nesting birds are observed during tree works, operations should cease. The bird nesting season usually covers the period from mid-February to the end of August, however, it is very dependent on the weather and certain species of birds may nest well outside this period.
5. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+

housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.

6. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01273 858688), or www.southernwater.co.uk.

2 THE SITE

The application relates to Westdene Primary School located on Bankside, Brighton. The school was formed in 1961 to serve the newly built Withdean Estate and has since grown from its original single form of entry to its current two form of entry capacity, including an associated Nursery facility. The current capacity of the school is for 464 pupils with 25 full-time staff (9 part-time) and 44 part-time support staff. The school has 82 pupils on the Special Education Needs Register.

The school consists of a cluster of single storey and two storey buildings to the western side of the site, with associated playing fields to the east side and hard play area to the north. It sits below street level within a natural bowl, with rear gardens to properties on Mill Rise closely bounding the site to the south and west sides, and Bankside bounding the site to the north. Semi-detached housing sits on rising land beyond Bankside whilst further open space sits adjacent to the site to the east beyond Dene Vale. A Public Library is integrated at first floor level into the school buildings to the north side, accessed via a separate walkway from Bankside. All parking to the site fronts the main north-western entrance.

3 RELEVANT HISTORY

BH2009/01917: 2no ground floor single storey extensions. Approved 07/10/2009.

BH2003/00135/FP: Construction of new entrance porch. Approved 13/02/2003.

BH1999/00485/FP: First floor classroom extension incorporating 3 no. store/study areas. Approved 26/05/1999.

BH1998/01333/FP: First floor extension to provide multi purpose space including music area, and conversion of existing ground floor music room to provide extra toilet accommodation. Approved 31/07/1998.

4 THE APPLICATION

The application seeks planning permission to enlarge the capacity of the school via extensions and alterations. The enlargement brief is to expand the

school by a single form of entry (30 pupils per year, a total of 210 additional pupils across the seven year groups accommodated by the school), including 8 new full-time staff and 2 new part-time staff. This would necessitate the addition of 6 classrooms to the 15 existing and additional associated works including the demolition of existing facilities. The development would be phased over seven years with one new class entering every year.

The demolition works include four detached buildings to the east side of the main school cluster which currently accommodate:

- 7 existing classrooms,
- 1 nursery classroom,
- 9 storerooms,
- 3 pupil cloakrooms,
- a study room,
- a resources room,
- a group room,
- 4 WC's, and
- a kitchen and plant room.

The proposed construction works include a large 1404sqm two storey extension on an existing hard play area adjacent to the Public Library to the north of the site. This building would contain:

- 12 new classrooms,
- 4 shared activity spaces,
- A new nursery,
- A new ICT suite,
- A new school Library
- An additional staffroom,
- New toilet facilities,
- A lift access and emergency stair.

Additionally, a 35sqm classroom extension is proposed to the front of the building, whilst a 14sqm extension is proposed to the main school hall.

Other extensions/refurbishments include:

- External works to provide a re-located games court and hard play areas for key stages 1 and 2, and for the nursery,
- The rationalisation of internal spaces,
- Negotiated off-site improvements to the surrounding road and pedestrian networks
- A two storey temporary classroom building and all-weather play area on the existing grassed playing field to the central south of the site.

The application is supported by an Arboricultural Report, an Ecological Appraisal Report, a Transport Assessment, a BREEAM pre-assessment and an Energy and Sustainability Report.

5 CONSULTATIONS

External:

Neighbours: Twelve letters (12) of representation have been received from the residents of **Nos 14, 20, 22, 26, 28, 30, 32, 34, 40, 46 & 56 Bankside, and 1 Arundel Court 101 Mill Rise** objecting to the proposed development on the following grounds:

- The Transport Assessment is inadequate and unimaginative
- The development will result in the increase of traffic at school opening and closing times (estimated at 40%). There are already congestion problems associated with traffic to and from the school.
- The area is too built up residentially to propose an expansion to the school unless plans are put in place to create some sort of effective traffic control. Bankside is narrow and there have been many near accidents with vehicles and children.
- Extra parking is required for this development as parents currently park in the street in front of garages and grassed verges, ignoring double yellow lines etc. Traffic also occurs for longer periods owing to breakfast clubs and after school activities.
- There is insufficient parking for the extra staff. A space to the bottom of the school field should be set aside for staff parking.
- Dust, dirt and noise from construction works will cause disturbance to local residents.
- Noise from the additional children in the playgrounds would increase, harming the quality of life of nearby residents, several of whom are retired and at home all day.
- The school does not need to increase in size- a primary school of 700 pupils is too large for the site and area.
- Extra traffic results in increase in pollution.
- Speed bumps should be put on Bankside and the narrow road should be made formally a one-way system. The school entrance should be moved from Bankside to Dene Vale and Barn Rise where there is a space for a monitored no-waiting drop-off roundabout, thereby improving the flow of traffic. The side entrances could then be closed making the side roads less congested and safer for children
- The temporary access for contractors is from the narrow Bankside.
- A large two storey building would be unsightly and could afford overlooking into nearby residential properties. The building would interrupt views from these properties.
- The development will result in properties losing value
- The school should be split and part-relocated elsewhere
- The development does not contain sufficient sustainability measures such as electric car power points, solar panels ground source heat pumps etc.

Sport England Local Office: No Objection.

EDF Energy: No Objection.

Southern Water: No Objection.

East Sussex Fire and Rescue Service: Observations

The proposed development does not appear to show compliance with the necessary access requirements for Fire and Rescue Service vehicles, as will be required at the Building Regulations Approval stage of the project.

Internal:

Planning Policy: Policy HO19 supports new community facilities where it can be demonstrated that they meet four criteria. From the application – a will be met in that the building works will make the school accessible and provide internal wc facilities. Whether the proposal meets HO19b) will be a design consideration. Whether the proposal meets HO19 c) and d) is more problematic.

The supporting statement re encouraging cycling and walking is welcomed but the proposal to provide car parking adjacent to the building but cycling in the remote corner does not accord with policy TR14 which has to be secure (there appears to be no natural supervision, the cycle parking is not close to the main entrances of the premises. Its location is unlikely to provide an incentive for cycling.

QD20 seeks the retention of open space. No landscape plan appears to have been submitted. The final design builds over an area dotted with buildings and this more efficient reuse of space is welcomed. However there is concern that the 'temporary' play area (external works plan) could harm the green open space on a permanent basis. In the absence of a landscape plan (Policy QD15 requires details of the final landscaping), then the reinstatement of this area to downland grass should be conditioned.

Policy QD17: The statement refers to a green sedum roof for the nursery but it would be more appropriate for native species to be used and this could offset the loss of downland habitat.

Environmental Health: No objection.

Public Art: No objection.

In terms of the level of the contribution, it is suggested that the public art element for this application is to the value of £5,700.

Sustainability Officer: No objection.

The key sustainability policy issue with regard to this application is that SU2 policy requirements have been fully met. Whilst standards recommended in SPD08 have not been met, acceptable justification has been provided why this is the case. The development demonstrates excellent design features implementing passive solar design which maximises: natural ventilation; lighting and cooling; and hence also carbon reduction.

BREEAM excellent is not expected to be met and justification is provided explaining why this is the case. Ability to achieve this standard, including the expected 60% credits in the BREEAM energy section is compromised by the complex mixture of existing and new build areas where separation and assessment of the new build element is problematic. Whilst the proposals do not score well under BREEAM they reflect a considered and sensitive sustainable development.

Despite achieving BREEAM 'very good' rather than excellent, the development is intending to deliver an element of renewables in the form of solar thermal water heating or air source heat pumps, and a rainwater harvesting scheme is also being explored.

Sustainable Transport: No objection

Parking

The applicants propose to provide 13 general and 3 disabled parking spaces. This compares to SPG4 requirements of at most 45 general spaces and at least 4 disabled spaces. This is satisfactory as the school is positively committed to the promotion of sustainable modes as recommended by policy and continued engagement in the travel plan process will be required by condition. The availability of on street parking locally observed in site visits indicates that displaced parking is not currently causing problems for local residents. The recently provided sheltered cycle parking facility provides for 58 cyclists compared with the SPG4 requirement of at least 22.

Impact of change

The applicants have estimated the likely transport impact by assuming that the travel behaviour of new staff and pupils will on average be the same as that indicated by surveys of current use carried out for the travel plan work. This estimate is that 210 extra pupil trips would be expected (at the end of 7 years) of which 109 would be by car and 91 on foot. This is a worst case in that it assumes the modal split would be as existing whilst in practice it is expected, and suggested in this case by recent experience, that the travel plan measures would increase the share of sustainable modes. Any problems arising would be of a short duration at the start and end of the school day. The applicants have examined the accident records and confirmed that no accidents have been recorded in the last 3 years in the vicinity of the school and surrounding streets.

Highway works

The applicants propose to provide 3 uncontrolled pedestrian crossings with build-outs in Bankside close to the school pedestrian entrances. These will make crossing easier and safer at these points. Dropped kerbs and tactile paving will be provided to create a further 3 improved crossing points. Existing school warning signs will be made more prominent by the addition of yellow backing boards. More substantial measures have been considered, in particular the formalisation of the existing informal one way operation or closure of Bankside at school starting and finishing times. However these

measures would be difficult or impossible to enforce, inconvenience residents and involve disproportionate expense for a problem of short duration. It is proposed that the works suggested by the applicants should be secured by a condition requiring that detailed designs should be submitted for approval and the works implemented prior to occupation of the development.

Travel Plan

The school is actively engaged in the travel plan process and monitoring shows that some increase in the use of sustainable modes has been achieved. Between 2008 and 2010 car use fell by 18% which was mainly explained by a 14% increase in walking. Shorter journeys by pupils are expected to have contributed to this but travel plan initiatives such as a walk to school campaign and the Sustrans bike-it project would be a major factor. The continuation of this progress should be sought by the attachment of a condition

Construction traffic

The submission of a construction/ environmental management plan for approval prior to commencement should be required by condition. This should specify the construction traffic access routes and hours.

Arboriculturalist: The Arboricultural Section is in full agreement with the Arboricultural report submitted with the application. Should this application be granted consent, 3 trees will be lost, i.e., one apple and two cherries. They are of small stature or have structural defects and are not worthy of Tree Preservation Order.

Recommended conditions:

- Trees to be retained on site in the vicinity of the proposed development should be protected to BS 5837 (2005) Trees in Relation to Construction. The Arboricultural report submitted with the application gives full details on how this condition will be met.
- The Silver Maple should have a degree of ground protection as outlined in the Arboricultural report (BS 5837 refers).
- A landscaping condition should be attached to any consent granted asking for 3 replacement trees.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR8	Pedestrian routes
TR10	Traffic calming
TR11	Safe routes to school and school safety zones
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials

SU5	Surface water and foul sewage disposal infrastructure
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD6	Public art
QD14	Extensions and Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities

Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design

National Planning Guidance:

PPS1	Sustainable development
PPS9	Biodiversity and geological conservation
PPG17	Planning for open space, sport and recreation

7 CONSIDERATIONS

The main considerations material to this application are the impacts of the proposed extensions and alterations on the appearance of the school and the amenities of adjacent residences, sustainability issues, and the impact of the intensification of use of the site on transport and highway safety in the area.

Design and Appearance

The main bulk of the proposal involves the addition of a modern two storey extension to the northeast side of the main school building, extending in part from the Public Library across the majority of an existing hard play area. The extension would have a footprint of approximately 700sqm with staggered elevations to follow the boundary to the site at a minimum separation of 11m. The elevations would be finished in a combination of brick and cedar cladding at ground floor level, and a combination of render and coloured resin cladding panels at first floor level. Details and samples of these materials are to be secured by condition. The roof would consist of two pairs of shallow twin monopitches completed in a single-ply membrane and punctuated by thirteen matching ventilation funnels, none of which extend beyond the maximum height of the roof form. At the junction between the main body of the extension and the existing school buildings and Library, a lower profile link section will be completed in a light green cladding with a flat roof above. This will help demark the separation between the differing designs of the existing

and proposed school buildings. The light green cladding is replicated within the façade between the monopitches and at the eastern end of the building, thereby giving continuity to the overall design.

In terms of scale and impact, the maximum point of the extension will be of the same overall height as the existing school buildings (9.8m from ground level, 26.9m AOD), however the main monopitches will be visually lower owing to the lower ground level onto which they will be built. The north facing roof planes (facing the properties on Bankside) will be the lowest of the monopitches, set at a maximum 8m from ground level (25.2m AOD), lower than the roof form of the existing Library building. From Bankside, the extension will be constructed on land that is approximately 3m lower than the roadside, and approximately 6m lower than the ground floors of the facing properties. Given these differences in levels, the bulk of the extension will be largely disguised by existing tall boundary hedges to the site, with only the uppermost sections of the roof visible.

The scale and massing of the building would therefore be very much in sync with the existing buildings on the site, and would not be visually dominant as a result. The level of detailing incorporated into the design, including the visual separation afforded by the lower link section and the staggered elevations, is such that the extension will be visually interesting without being dominant or oppressive. On this basis it is considered that the extension is of a strong scale and design, and an asset to the site, thereby according fully with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

The other smaller extensions to the school hall and the front of the building will be single storey in nature with brick finishes to match the host building. No concern is raised over these modest elements of the proposal.

In order to accommodate the main extension, four non-descript and poor quality single storey teaching blocks within the centre of the site are to be demolished. The submitted external works/landscaping plan details that a new games court is to be installed in place of these buildings (to replace that lost beneath the extension), with new hard surfacing, planting and access paths in the spaces between the court and the school buildings. This will serve to better rationalise the external spaces around the school building. No harm is identified with this element of the proposal.

Impacts on Residential Amenity

The nearest residential properties are located to the north of the site, on land above Bankside. As previously stated, the extension will sit 3m below road level and 6m below the ground floor area of these properties. Although the roof level will be visible above the boundary hedging to the site, the separations (a minimum 27m) and the low profile of the building is such that the outlook to these properties would not be unduly disturbed, whilst overlooking potential from the building would be minimal. The nearest properties to the opposite side are situated at a separation of 70m resulting in

no due concern. Although the temporary classroom would be closer to this south eastern boundary, the existing vegetation is considered sufficient to screen this short-term element of the proposal. On this basis policy QD27 is not compromised by the development.

Residents along Bankside have raised concern over greater noise levels emanating from the site as a result of the uplift in pupil numbers, principally from outside play. The proposed main extension would replace an existing hard play area and act as an acoustic boundary between the new play area to the central of the site and these properties. Although the playing fields to the east of the site would remain in active use, any noise impact is not considered sufficiently harmful within the context of this site. Likewise further concerns over noise and disturbance during construction works are not considered sufficiently material or reasonable to warrant the refusal of permission, especially given their temporary nature.

Impacts on the Public Library

The main body of the extension will result in the loss of 4 of the 8 windows in the south east side elevation to the Public Library. Given the numerous remaining windows to the north east and north west elevations, the impact on light levels to the Library will be minimal. Although concerns over construction noise to the Library have been raised, these are not considered to be significant given the temporary nature of the works and the restricted opening hours of the Library itself (Tuesdays, Fridays and Saturdays).

Temporary Teaching Facilities and Construction Works Access

In order for the school to maintain its operational capacity throughout construction works, a two storey temporary classroom building is to be located on grassed land to the south of the site, beyond palisade fencing that demarks the separation between the built areas of the site and the associated playing fields. This building would contain four separate classrooms, associated storage and W.C facilities, and a linked stairwell building. Additionally, a temporary all-weather play surface is to be constructed adjacent to this building, along with associated temporary footpaths etc. The classroom building is a standard block construction that is considered an acceptable temporary measure in the short-term, but wholly inappropriate in design terms and location for longer term use. Similarly, the all-weather play area is considered an acceptable temporary measure. However, it sits on current playing fields thereby reducing the playing field capacity of the site. Although Sport England has not objected to this temporary loss in playing field capacity, it is considered expedient and necessary to ensure that this play area is indeed temporary. A condition is therefore attached requiring the temporary classroom, pathways and all-weather play area to be removed and the land restored to its former condition within three months of the date of completion of the development.

With regard the construction works, no details are provided as to how vehicles and materials are to be taken and stored onsite, or how they would impact on

the safety of pupils and teachers, or indeed highway safety. A full construction management plan, including the above details and the timescales for development, is therefore requested by condition prior to the commencement of works.

Transport Planning

Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered and secured cycle parking facilities for residents. A comprehensive transport assessment has been submitted with the application that includes a detailed travel survey for the school undertaken in March 2010 and a review of the existing School Travel Plan and issues therein.

The main concern is with regard to the impact of the uplift in pupil numbers on traffic levels, parking, access and pedestrian and highway safety in the immediate area. This is reflected in the letters of objection received. Access to the school car park and main entrance is via Bankside which is a narrow residential road with an informal one-way system that becomes congested at peak times. The car park as existing accommodates 14 general spaces and one disabled space to cater for 25 full-time staff (9 part-time), 44 part-time support staff and visitors. Staff and visitor parking consequently overflows onto Bankside. The proposed development would reconfigure the layout of the car park to provide 13 general parking spaces and three disabled parking spaces, a net gain of one parking space to cater for an uplift of 8 full-time staff and 2 part-time staff. By comparison, Supplementary Planning Guidance 04 'Parking Standards' requires a maximum of 45 general parking spaces and at least 4 disabled spaces for a site of this scale.

It is clear from the site visit that the existing car park cannot physically cater for more vehicles than proposed. Likewise, no new parking facilities can be catered for on the site owing to the steep banking to the north side and the playing fields to the east side (NB the conversion of part of the playing field to a car park would result in the net loss of playing field capacity at the site, contrary to PPG17 guidance and Sport England advice). On this basis, whilst parking levels are considered poor, there are no clear and reasonable opportunities for expansion that have not been considered. The Council's transport planners have examined the submitted assessments and conducted a site visit to understand the pressures experienced at the site. It is concluded that an extra 109 pupil trips would likely be made by car to the site (based on existing travel plan work and as a worst case scenario). Although problems associated with dropping off and picking up pupils at the site are short term, they will undoubtedly be exacerbated by the proposed increase in the school's capacity. Notwithstanding this, the Transport Planners have negotiated numerous off-site improvements to the highway, including three new pedestrian crossings, three new dropped kerb points with tactile paving, and upgraded school signs. These are secured by condition. Larger scale measures suggested by the objectors to improve flows around the site have

been considered however these were not considered expedient to pursue. In particular the option of formalising a one-way system was considered but dismissed due to its disproportionate expense, enforcement concerns, and its inconvenience to residents given that it would be a permanent measure to alleviate a problem which could occur over two short periods a day. In terms of highway safety, the narrow road and street parking present is such that speeding traffic is not a going concern. Accident data records show that there have been no recorded accidents in the last three years in the vicinity of the school and surrounding streets.

The school has an existing Travel Plan which is to be upgraded to take into consideration the uplift in pupil numbers and traffic to the site. The Transport Assessment submitted with the application states that the current Travel Plan has resulted in the reduction in car use of 18 percent between 2008 and 2010. This was due to a number of initiatives to encourage more sustainable transport measures, including a walk to school campaign, a park-and-stride campaign, and a Sustrans Bike-It project. This Bike-It project has resulted in the construction of a covered bicycle parking facility at the eastern end of the site to accommodate 58 cyclists (Nb SPG4 requires only 22 cycle parking bays at the site), accessed from Dene Vale. The existing Travel Plan has therefore proved to be beneficial and the requisite upgrades are therefore secured by condition. A measure that could be explored in the updated Travel Plan would be the formalisation of a secondary staffed drop-off and pick-up point from Dene Vale, thereby filtering cycle traffic levels away from the Bankside entrance where possible, whilst the staggering of hours of the school day should also be considered. This is though a matter for the Travel Plan which is secured by condition.

On this basis, although the parking provision at the school falls short of the required standards, the combination of the upgrading of the Travel Plan which has a proven record of reducing reliance on car use and proposed highway improvements is considered an acceptable mitigation in this instance, in accordance with policies TR1, TR2, TR4, TR7, TR11 and TR14 of the Brighton & Hove Local Plan.

Trees and Ecology

The development would result in the loss of three trees to accommodate the main extension and games court. A comprehensive arboricultural report has been submitted with the application and this identifies the three trees to be lost as an Apple tree and two Cherry trees. All three are not identified as having special amenity value and their loss is not considered harmful. The report also details the impact the construction works (including construction access from the eastern boundary) would have on four adjacent trees. A comprehensive tree protection plan for the development is detailed within the report and its compliance is secured by planning condition. The Council's Arboricultural officer accordingly raises no objection to this proposal.

An ecological appraisal has been submitted with the application. It concludes

that there are no ecologically valuable features within the impacted areas of the site, nor any evidence of protected species other than the potential for breeding amphibians and birds. An amphibian survey is recommended as 'there is potential' for Great Crested Newt (a European protected species) to be present within and around the pond to the south of the site. Given that the works are largely on existing built surfaces, and the nearby pond is a recent small construction, and the assessment does not raise an in principle objection, it is not considered reasonable to refuse permission on the absence of an amphibious survey. Instead it is considered appropriate to attached a condition requesting a presence/absence amphibian survey to establish whether Great Crested Newt is indeed present within the vicinity of the site be carried out in accordance with advice contained within the submitted Ecological assessment, and mitigation measures to be submitted to the LPA should it be found within the vicinity of the site. Additionally, the report recommends that bat boxes, bird boxes and sparrow terraces be incorporated into the scheme to create a net gain in biodiversity, in accordance with PPS9 guidance. These are secured by condition.

Percent for Art

Policy QD6 of the Local Plan requires the provision of, or a contribution towards, new public art in major development schemes, commensurate to the scale and prominence of the proposal.

From a construction point of view this scheme could attract a contribution. However, this is an extension to an existing school and the works in themselves do not amount to a scheme with significant visual prominence.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. The proposed development will add an additional 1404sqm of floorspace to the school in a largely stand-alone development. In order to comply fully with policy SU2 and the accompanying SPD, the development would need to demonstrate:

- Membership of the Considerate Constructors Scheme.
- 60% in energy and water sections of relevant BREEAM assessments within overall 'Excellent'.
- A feasibility study on rainwater harvesting and grey water recycling systems.

Following negotiations between the applicants and the Council's Sustainability Officer, it has been established that a BREEAM 'excellent' cannot be reasonably achieved at this site. This is because the development is compromised by the *'complex mixture of existing and new build areas where the separation and assessment of the new build element is problematic. Whilst the proposals do not score well under BREEAM they reflect a considered and sensitive sustainable development'*. The proposal would though meet BREEAM 'very good' and would deliver renewables in

the form of solar thermal water heating or air source heat pumps, whilst a rainwater harvesting scheme is being explored. This are secured via the standard pre-occupation condition. A BREEAM pre-assessment has already been submitted for the scheme. The design itself maximises natural light and ventilation through its orientation, use of glazing, and stepped building lines, thereby providing all classrooms with natural ventilation and temperature levels. A green roof to the east side canopy would help minimise surface water run-off whilst membership of the Considerate Constructors Scheme would be attained. On this basis the proposed development is considered to reach the high sustainability standards expected by Policy SU2 and SPD08.

The submitted plans do not detail any additional refuse and recycling facilities commensurate to the uplift in pupil and staff numbers at the site. For this reason an appropriate refuse and recycling scheme is requested by condition in order that the development fully complies with policy SU2.

Waste Minimisation

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require the submission of a Site Waste Management Plan for non-residential schemes over 200sqm demonstrating how waste from the development will be suitably managed in order to reduce the amount of waste being sent to landfill. An outline Plan has been submitted with the application that adequately addresses responsibilities etc but does not estimate waste tonnages or detail re-use/recycling contractors etc. The outline Plan acknowledges this failing and states that this will be achieved should planning permission be granted. Notwithstanding this, as the construction costs of the development is in excess of £500k the submission of a full SWMP for consideration with regard to planning policy is no longer required and is therefore not requested by condition. An informative is attached advising the applicants that SWMP's for this scale of development are now required under separate legislation.

The submitted plans do not detail how additional refuse and recycling facilities will be provided on site commensurate to the uplift in pupil and staff numbers following this development. For this reason an appropriate refuse and recycling scheme is requested by condition in order that the development fully complies with policy SU2.

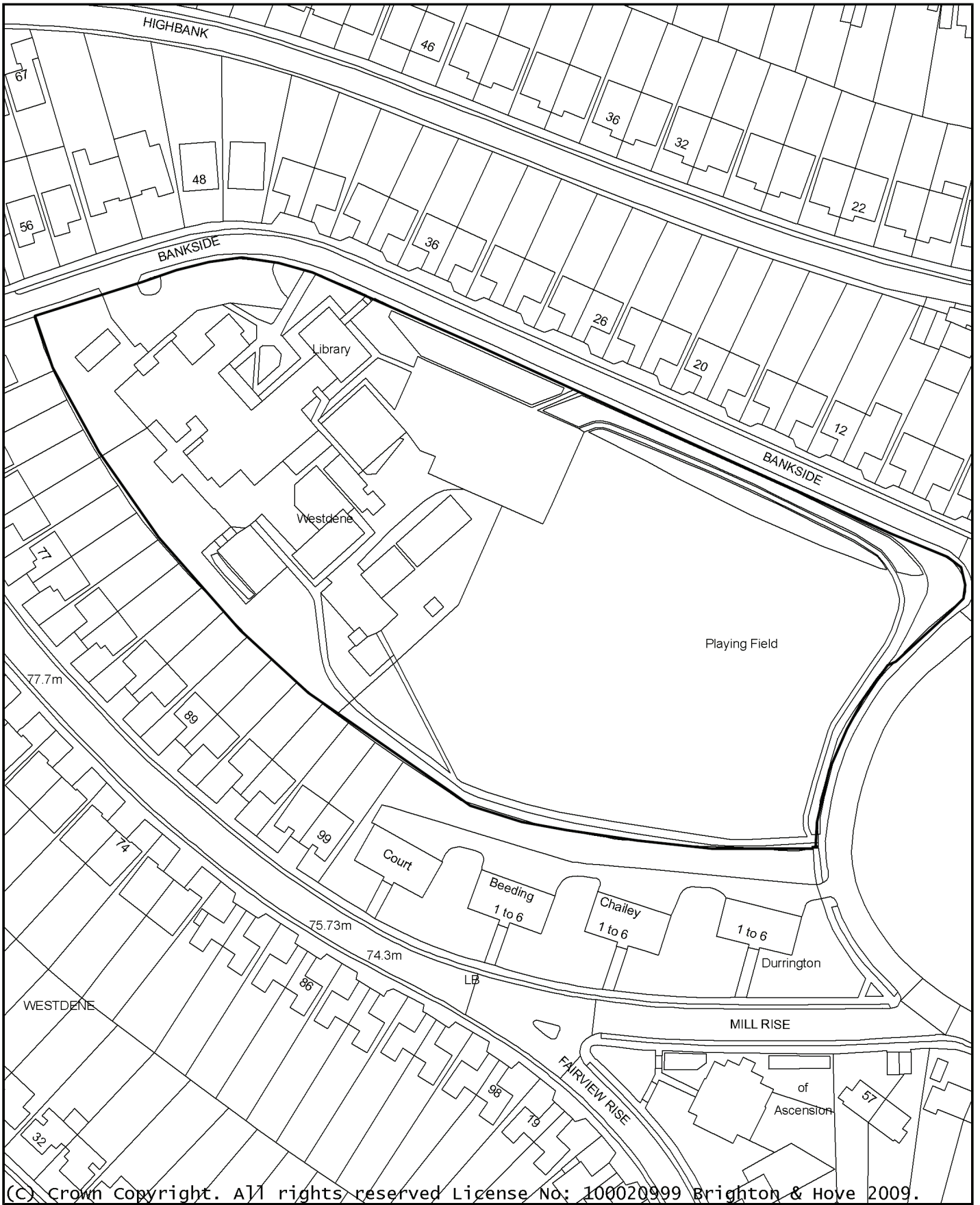
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extensions and alterations would compliment the appearance of the existing school without harm to the street scene, would not harm the amenities of adjoining occupiers, would, with implementation of a travel plan and proposed highway improvements, improve traffic and pedestrian safety in the vicinity of the site and, subject to conditions, would not harm ecology within the area. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

The development would include new level and sloping access pathways, lifts to the upper floors, and three disabled parking bays.

BH2010/01382 Westdene Primary School, Bankside



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Scale 1:1250



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LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/00736	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	8 Cliff Approach & 1 Cliff Road, Brighton		
<u>Proposal:</u>	Erection of 5no. 3 storey 4 bed dwelling houses and 1no. 3 storey 3 bed dwelling house with associated parking areas.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Valid Date:</u>	11/03/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 May 2010
<u>Agent:</u>	Roger Fagg Architect Ltd, 14C Fourth Avenue, Hove		
<u>Applicant:</u>	Mr R Alajmi, 69B Church Road, Hove		

This application was deferred at the last meeting on 21/07/10 for a Planning Committee site visit. An up-to-date photomontage has been submitted. Additional correspondence has been received which does not raise any new material planning considerations.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the completion of a s106 Planning Agreement and to the following Conditions and Informatives:

s106

- £6,000 sustainable transport infrastructure in the vicinity of the site.

Conditions

1. BH01.01 Full planning.
2. BH02.03 No permitted development (Extensions (amenity & character).
3. BH02.04 No permitted development (windows & doors).
4. BH02.06 No cables, aerials, flues & meter boxes.
5. BH02.08 Satisfactory refuse & recycling storage.
6. BH03.01 Samples of materials Non-Cons Area (new buildings).
7. BH04.01 Lifetime Homes.
8. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential)

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all

residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

9. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential)

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

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

10. BH05.10 Hardsurfaces.

11. The development shall not be occupied until the parking areas hereby approved have been provided and the areas shall thereafter be retained for that use and shall not be used other than for the parking of private motor vehicles.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

12. BH06.02 Cycle parking details to be submitted.

13. BH11.01 Landscaping/ planting scheme.

14. BH11.02 Landscaping/ planting (implementation/ maintenance).

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with the requirements within PPS5 'Planning for the Historic Environment' and policy HE12 of the Brighton & Hove Local Plan.

16. The opaque glazed privacy screen to the ground floor rear patio of the western-most dwelling shall be implemented in accordance with the approved drawings and installed prior to the occupation of the dwelling and thereafter permanently retained as such.

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

Informatives:

1. This decision is based on drawing nos. RFA/09/143/01, Design & Access Statement, Sustainability Checklist, Site Waste Management Plan, & Bio-Diversity Checklist submitted on 11 March 2010, drawing No's RFA/09/142/02A, 03A, 04/A, 05A and 10A submitted on 19 May 2010 and RFA/09/143/11RevB received 2nd July 2010 and Archaeological Desk Based Assessment submitted on 27 May 2010.

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

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

Planning Policy Statements

PPS3:1 Housing

Brighton & Hove Local Plan Policies

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

SU2 Efficiency of development in the use of energy, water and materials

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

SU15 Infrastructure

QD1 Design-quality of development and design statements

QD2 Design-key principles for neighbourhoods

QD2 Design-efficient and effective use of sites

QD15 Landscape design

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

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impacts on the character or visual amenity of the area. There would be no detriment to the amenities of adjoining residential occupiers. There would be no adverse impact on

archaeological remains subject to condition. Sustainability measures are acceptable and transport generation will be off-set by a financial contribution.

3. IN.05.02 Informative: Code for Sustainable Homes.
4. IN04.01 Informative: Lifetime Homes.
5. IN05.10 Informative: Hardsurfaces.
6. The Sustainable Transport Manager has advised that the crossovers should be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highways Operations Manager prior to the commencement of any development on the site.

2 THE SITE

The application site is located on the southern side of Cliff Road at its junction with Cliff Approach. The site is square in shape with a frontage width to Cliff Road of 30m, a depth of 30m and an area of 0.09ha. The site which has now been cleared for re-development originally contained a two storey detached house and a detached chalet style bungalow. Land levels within the site follow the prevalent topography of the area, sloping downwards from the junction towards the south and west.

The surrounding area is wholly residential in character, largely comprising a mixture of two storey houses and bungalows of traditional design set within relatively spacious plots. Adjoining the site to the west is a detached bungalow whilst to the north of the site, the opposite side of Cliff Road comprises two storey detached and semi-detached houses. To the south of the site is a garage court and beyond this lies Marine Gate, a large and imposing white rendered block of flats. There is a large area of land to the east of Marine Gate which has the benefit of planning permission for sixteen dwellings.

The site is located within an Archaeologically Sensitive Area as designated in the Brighton & Hove Local Plan. Cliff Road and Cliff Approach are unclassified residential access roads and are not subject to any on-street waiting restrictions.

3 RELEVANT HISTORY

BH2007/03258: In January 2008 planning permission was granted for the demolition of the existing two detached dwellings. The erection of 9 dwelling units comprising 7x2 bedroom flats, 1x3 bedroom flat and 1x1 bed flat together with the provision 9 underground parking spaces.

BH2005/06267/FP: In March 2006 planning permission was granted for the demolition of the existing 2 detached dwellings. The erection of 9 new dwellings comprising 7x2 bed, 1x3 bed and 1x1 bed flats together with the

provision of 9 underground parking spaces.

BH2005/00402/FP: In June 2005 planning permission was refused for the demolition of the existing houses and the erection of 9 flats.

BH2004/02356/FP: Demolition of the existing houses and the provision of 14 new flats. The planning application was withdrawn in September 2004.

4 THE APPLICATION

The application seeks full planning permission for the erection of five, three-storey, four bedroom dwelling houses and one, three bedroom dwelling house with associated parking.

The proposed dwellings would form a 29.4m wide by 14.3m (maximum) deep terrace with individual unit widths of between 4.8m and 5m. The terrace would have an eaves height of 5.5m and a maximum ridge height of 9m stepping down from east to west. It would be set back 5.5m from the back edge of the footway on Cliff Road, directly abut the eastern boundary of the site and have a 0.5m separation to the western boundary of the site with the bungalow at No.3 cliff Road. The development would adopt a broadly traditional design approach with shallow flat roofed two storey bays to the front and glazed balconies and terraces to the rear. The elevations would be largely finished in off-white painted render with face brickwork and timber cladding to provide detailing. It would be surmounted by an asymmetrical pitched roof finished in tiles to the front and standing seam zinc/ aluminium to the rear.

The accommodation would comprise an open plan living/ dining room and kitchen and WC on the ground floor, with bedrooms and a family bathroom on the upper floors.

One parking space would be provided on the frontage for each unit together with a secure cycle store to the rear capable of accommodating four cycles. Each dwelling would have an 11.5m deep private rear garden.

The application has been amended during the course of its consideration involving the deletion of one bedroom and the formation of a small rear dormer to the westernmost end terrace as well as insertion and reduction of fenestration detailing relating to the east elevation. A revised photo-montage has also been submitted.

5 CONSULTATIONS

External:

Neighbours: Seventeen (17) letters of objection have been received from the occupiers of **No. 2, 3(x4), 4(first floor flat), 5(x2), 6(x2), 8, 13, 16, 18, 34 & 45 The Cliff & 5 Slinfold Close**. The following grounds of objection were raised:-

- overdevelopment;
- detrimental affect on suburban character;
- dominant and visually intrusive;

- too high in relation to No.3 Cliff Road;
- unsympathetic design;
- destroy views and natural beauty;
- overlooking;
- loss of privacy;
- loss of light;
- overshadowing;
- noise and disturbance from cars and additional households;
- inadequate parking provision;
- crossover would be hazardous;
- water/ sewage inadequate;
- no right of way over passage to the rear; and
- insufficient amenity space provision.

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

- overdevelopment;
- inadequate amenity space provision;
- inadequate parking provision would exacerbate existing on-street problems;
- four dwellings would be a more acceptable form of development.

The Brighton & Hove Archaeological Society: Advise that the site is located within an area of intense archaeological sensitivity and recommends that an archaeological watching brief should be secured by condition.

County Archaeologist: Requested desk top survey prior to the determination of the application. The submitted survey was acceptable and a condition was required to secure a watching brief.

Internal:

Conservation & Design: Concerns expressed with regard to the bulk and presence of the exposed eastern elevation of the terrace and the choice, quality and durability of the external facing materials, particularly in relation to the use of timber cladding.

Sustainable Transport: No objections in principle subject to conditions to secure car parking, cycle parking and appropriately designed crossovers and a financial contribution of £6,000 towards the provision of improved access to bus stops in the vicinity, pedestrian facilities and cycling infrastructure.

6 PLANNING POLICIES

Planning Policy Statements
PPS3 Housing

Brighton & Hove Local Plan
TR1 Development and the demand for travel

TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
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
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 **CONSIDERATIONS**

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

- The principle of the proposed development
- Design and visual impact on the area;
- The impact on the amenities of neighbouring occupiers;
- The amenities of the future occupiers;
- Highways and parking;
- Sustainability;
- Archaeology.

The principle of the proposed development

The site is vacant, but as recently as 2008 had two residential units on it. Recent changes to PPS3: Housing have limited weight in the consideration of this application as this site has an extant planning permission (BH2007/03258) which was granted in January 2008 for nine flats.

The existence of the permission outweighs any consideration at this moment in time of the weight to be given to the greenfield status of the site.

Design and visual impact on the locality

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

Although Cliff Road is suburban in character, its townscape is varied and lacks architectural cohesion, comprising a mixture of detached bungalows, two storey semi-detached houses and a terrace. In acknowledgement of this varied character, the previously approved scheme (BH2007/03258) involved a substantial part two, part three, part four storey flat roofed block of flats which took its contemporary design cues from Marine Gate to the south rather than the buildings in the immediate vicinity on Cliff Road. In comparison, the current submission is more traditional in design, with a size, density and form that relates to the broadly suburban character of Cliff Road. The proposed terrace like the previous approval would occupy virtually the whole width of the site, however, it would be two storeys in height on the Cliff Road frontage with a ridge line stepping downwards to the bungalow to the west; it would be set back 1.5m from the front building line of the properties to the west on Cliff Road rather than projecting a comparable distance beyond it as in the previous submission: and it would comprise a well defined arrangement of single family dwellings rather than a flatted more obviously urban development form. The comments of the Design Officer have been noted with regard to the bulk and massing of the exposed eastern flank elevation of the proposed terrace, however with a depth of only 12.5m, a maximum eaves height of 7.6m and a ridge height of 9.4m compared to a depth of 17m and an overall height of 9.5, this elevation would be significantly smaller and less prominent in the street scene than that of the building previously approved. Therefore it is considered that the size, siting and form of the development would compare satisfactorily to the previously approved scheme and would make a positive contribution to the townscape and character of the area in accordance with policies QD1, QD2, QD3 and HO4 of the Local Plan.

In terms of its external appearance and detailed design, it is considered that the front elevation of the terrace finished in off-white render with a tiled pitched roof, timber detailing to the front elevation and grey powder coated aluminium window frames would be acceptable and appropriate to its context. The more contemporary approach to the rear elevation incorporating glazed terraces and balconies with a zinc/aluminium standing seam roof would also have a satisfactory appearance and would form an appropriate backdrop to Marine Gate when viewed from the seafront road. The Design Officer's comments with regard to the appropriateness and durability of timber cladding is noted. However, given that only a limited amount would be used around and below the first floor windows on the front elevation to provide further visual interest and it would face to the north, away from the sea and the prevailing wind, issues of maintenance and durability are not of significant concern. Notwithstanding this, it is recommended that in the event of planning

permission being granted a condition be imposed requiring the approval of the external facing materials of the building.

Impact on the amenities of neighbouring residential occupiers

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

Given the reduction in storey height, bulk, massing and number of habitable rooms windows in the front elevation compared to the previously approved flatted development, there would be no adverse affects on the light, outlook or privacy of the occupiers of the residential properties to the north of the site on the opposite side of Cliff Road. The proposed terrace would be 0.2m closer to the flank boundary of the site with the bungalow to the west (i.e. No.3 Cliff Road) as compared to the approved scheme. However, given that the proposed terrace would project only 0.5m beyond the rear elevation of the bungalow rather than 3.8m and its eaves height at the salient south-western corner would be 6.4m rather than 7.2m, the impact on the light and outlook of the occupiers would be markedly less than that of the previously approved scheme. Like the previously approved flatted development, the proposed terrace would incorporate balconies/ terraces at first floor and roof level in its rear elevation as well as raised patios to the ground floors. However, the nearest balcony would be set back some 7m from the western site boundary and the nearest ground floor raised patio would be screened by 1.8m high obscure glazed panels, an arrangement which would satisfactorily preclude overlooking to the rear garden of No.3 Cliff Road.

Therefore it is considered that the proposed development would have no material detrimental affects on the amenities of neighbouring occupiers and on balance, would constitute an improvement to the light and outlook of the occupiers of No.3 Cliff Road in comparison to the previous approval.

The amenities of the future occupiers

Following the submission of amended drawings involving the deletion of one of the bedrooms in the roof space of the western-most terraced house and the formation of a rear facing dormer, it is now considered that the development would provide a satisfactory standard of residential accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.

Policy HO13 of the Local Plan requires new residential development to comply with lifetime homes standards. Although no specific reference to theses standards has been made in the design & access statement, the development would provide accessible off-street parking, level threshold access, a ground floor WC and appropriate entrance arrangements and doorway widths. Notwithstanding this, a condition should be imposed to secure compliance.

Given that each dwelling would have an 11.5m deep rear garden and access

to a small balcony and roof terrace, it is considered that the size and quality of the private amenity space provision would be commensurate with the character of the area and the recreational needs of a four bedroom family dwelling.

Highways and parking

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

A total of six parking spaces have been provided (i.e. 1 per unit) on the Cliff road frontage. The Council's Supplementary Planning Guidance Note on Parking (SPGBH4) states that a dwelling outside the City's Controlled Parking Zones (CPZ) such as this, should provide a maximum of one space per dwelling plus one visitor's space for two dwellings. On this basis the development could provide up to a maximum of 9 car parking spaces. However, the Traffic Manager has advised that based on census data the occupiers of the average house owns 1.5 private vehicles which results in the proposed development having a parking demand for nine vehicles and that the potential for three additional parked cars on the highway would not be of such significance as to warrant refusal. In addition, Members are advised that a parking ratio of one space per unit was acceptable in relation to the earlier approved scheme.

Four cycle parking spaces have been provided within a secure store in the rear garden of each house in accordance with policy TR14 of the Local Plan and SPGBH4. A condition should however, be imposed to secure further details of the store itself.

It is noted from the consultation responses that safety concerns have been expressed by local residents regarding the new crossovers onto cliff road. However, the Traffic Manager has no objections to the development on pedestrian and highway safety grounds and as such the proposal accords with policy TR7 of the Local Plan.

A s106 contribution of £6,000 is recommended in accordance with the comments of the Sustainable Transport Manager.

Sustainability

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

The Applicant has submitted a satisfactory Sustainability Checklist indicating that energy use would be reduced through the use of gas condensing boilers and roof mounted photovoltaic panels and that the development would meet

Level 3 of the Code for Sustainable Homes in accordance with policy SU2. In the event of planning permission being granted, it is recommended that a condition be imposed to secure compliance.

A satisfactory Waste Minimisation Plan has been submitted in accordance with policy SU13 of the Local Plan.

Archaeology

The site is located within an area of archaeological sensitivity and accordingly, the Applicant has submitted a desk based study which shows that although much of the site has been disturbed, there are small areas of undisturbed ground which may have archaeological potential. Therefore the County Archaeologist has recommended that a condition be imposed requiring a programme of archaeological works be implemented prior to the commencement of any works on site.

Land ownership

Issues relating to landownership and rights of way have been raised by local residents on this and previous applications on this site. The Applicant has submitted Certificate A under Article 7 of the Town & Country Planning (General Development Procedure) Order 1995 indicating that all land relating to the application is in his ownership and this has been further substantiated by Land Registry documentation. It has been confirmed that none of the site is in the ownership of Brighton & Hove City Council. In addition there are no rights of way affected by this development.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

The proposed dwellings would be required to comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes Standards.

BH2010/00736 8 Cliff Approach & 1 Cliff Road



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No:	BH2010/00977	Ward:	ROTTINGDEAN COASTAL
App Type	Householder Planning Consent		
Address:	6 Challoners Close, Rottingdean		
Proposal:	Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house.		
Officer:	Chris Swain, tel: 292178	Valid Date:	27/04/2010
Con Area:	N/A	Expiry Date:	22 June 2010
Agent:	Alan Ward Architects, Lion Boathouse, Eel Pie Island, Twickenham		
Applicant:	Mr L D Frewin, 53 Red Lane, Claygate, Surrey		

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full planning.
2. BH02.03 No permitted development (extensions) (amenity and character).
3. BH02.04 No permitted development (windows and doors).
4. BH03.03 Materials to match Non-Cons area.

Informatives:

1. This decision is based on drawing nos. 0714/L.01, 0714/TP.11-14 (inclusive), 0714/TP.22 and 0714/TP.24, a waste minimisation statement and a design and access statement submitted on 29 March 2010 and drawing nos. 0714/TP.20B, 0714/TP.21A 0714/TP.23A 0714/TP.26B and a land survey submitted on 26 July 2010.
2. This decision to grant planning permission has been taken:
 - i) having regard to the policies and proposals in Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
SU13	Minimisation and re-use of Construction Industry Waste

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions; and

ii) for the following reasons:-

The proposed development is not considered to detract significantly from the appearance or character of the property or the surrounding area. The proposal is not considered to impact significantly on the residential amenity of neighbouring properties.

2 THE SITE

The site relates to a detached, pitched roofed bungalow, situated to the eastern side of Challoners Close. The property has previously been extended in the roof with small flat-roofed box dormers to the front and rear elevations. There is an integral garage to the southern end of the front elevation. There is a small garden to the front and a much larger garden to the rear that backs onto Northfield Rise. There is a large flat roofed garage at the far end of the garden accessed from Northfield Rise. Challoners Close is characterised by a mix of detached bungalows (many of which have been developed within the roof space) and two storey detached houses. The gradient of the land slopes down the road from north to south.

3 RELEVANT HISTORY

BH2009/02305: Erection of ground floor front extension, first floor extension and associated works. Refused 16 December 2009.

BH2008/02201: Alterations to existing ground floor and extension of the first floor to form a four bedroom house. Refused 2 October 2008.

4 THE APPLICATION

Planning permission is sought for alterations to existing ground floor and extension of first floor and roof to form a four bedroom house.

5 CONSULTATIONS

External:

Neighbours: Nos. 3, 4, 5, 7, 8 (x2) Challoners Close, Nos. 6, 8(x2) Northfield Rise object to the scheme on the grounds of:

- overlooking and overshadowing towards Nos. 4 and 6 Challoners Close,
- excessive height and bulk and scale and,
- over dominant in views within the street scene,
- overbearing towards the two adjoining properties,
- out of character within the street scene.
- inaccurate information regarding height of proposed alterations in relation to properties on Northfield Rise.

No. 9 Challoners Close and Land Adjacent to No.9 Challoners Close support the application for the following reasons;

- a good design that would appear as a house, rather than a modified bungalow and would enhance the appearance of the Close,
- more attractive than many of the properties within the street,
- would make an ideal family home to help attract families into the area,
- the site has an ample garden and the proposal would not be overdevelopment of the site.

Rottingdean Parish Council: The Parish council objects to the scheme for the following reasons:

- the proposal would be excessively bulky, forming an over dominant and incongruous element within the street scene,
- would relate poorly to the existing building and the surrounding area,
- loss or privacy, overlooking and possibly loss of light to No.8 Challoners Close.

Internal:

Sustainable Transport: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
SU13	Minimisation and re-use of Construction Industry Waste

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

7 CONSIDERATIONS

The main considerations relate to the impact of the development upon the appearance of the property and the surrounding area and the effect upon the residential amenities of neighbouring occupiers.

Design and Visual Impact

Two previous schemes for roof alterations at the application property in 2008 and 2009 were both refused as they were considered contrary to the Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1). The proposed roof additions were considered to be poorly designed and excessive in scale, out of character with the existing building and would form overly dominant and incongruous elements with the Challoners Close street scene.

The proposed scheme attempts to overcome the earlier reasons for refusal by proposing an additional storey to create a conventional two storey house rather than the large-scale roof additions proposed on the two early schemes.

The proposed additional storey would extend from the southern end of the existing property (excluding the original garage) to within 1.7m of the northern side elevation of the property. There would be a hipped roof at the same pitch as the existing roofslope. The eaves of the proposed roofslope on the front elevation would be set back 0.5m from the existing eaves which currently protrude significantly from the front elevation and incorporate the existing bay windows. The proposal would be 3m higher than the existing property and also 3m higher than the scheme refused in 2009. It would be between 1 and

2.5m higher than the refused scheme from 2008. However, the increased height is more centred in the plot and more balanced in nature.

However, this increased height is more centred in the plot and balanced in nature. The fenestration on the newly created first floor would be aligned vertically with the existing fenestration at ground floor level and would match in regards to design and materials. The newly created first floor would be rendered brickwork while the roof would be finished in red tiles to match existing.

The existing garage would be extended by approximately 0.5m to the side elevation and also to the front so that it would be aligned with the existing front elevation of the property. The pitched roof would match existing while the garage door would be replaced with fenestration to match the existing property and sliding patio doors would be inserted to the rear.

The bay window on the northernmost end of the front elevation would be removed while the bay window to the southern end of the front elevation would be retained and finished with a pitched roof. A porch would be added to the front of the property. To the rear sliding patio doors are proposed to replace the northernmost windows on the rear elevation and these had been installed at the time of the site visit.

A paved patio area, cut into the rear garden at the same level as the existing ground floor had been completed by the time of the site visit.

While it is considered that the new extended property would have a slightly top heavy appearance, it would be an unassuming design with materials and fenestration to match the existing property and is not considered to detract significantly from the appearance or character of the property. The proposal would also result in the removal of the existing unsightly box dormers to the front and rear elevations of the existing property.

While the extended property would be approximately 2m higher than the two adjoining properties, No.4 and No.8 Challoners Close the street scene consists of a mix of building heights and design and the proposal is not considered to detract significantly from the appearance or character of the building or the street scene.

The gradient of the land rises up the road (to the north) and the proposal would result in a consistent step up in the ridge heights of Nos. 2, 4 and 6 until the ridge height drops again for the single storey No.8 Challoners Close respecting the existing rhythm of the street scene. While it is evident that the proposed property would be higher than the property to the north, No.8 Challoners Close, this property is orientated on a different axis and is not read alongside the application property in street scene views.

The extended section of the property does not include the existing garage and

is set in from the northernmost elevation of the property and allows a gap of over 6m to No.4 and almost 10m to the front elevation of No.8. The front roofslope is also set back 0.5m from the existing eaves level. While it is acknowledged that rear of No.8 is significantly closer to the application property than the front elevation, there is sufficient separation between the properties to ensure that the proposal would not have an over dominant impact on the adjoining properties or views of the immediate street scene. No.8 is set back from No.6 at a significantly different orientation and it is not considered that the property would be “dwarfed” by the proposed scheme as stated in the objection from No.8.

It is considered that the proposal would sit more comfortably within the street scene than the previously refused schemes which both had an awkward chalet style addition to the front roofslope and a two storey addition over the existing garage. Despite the additional height of the proposal this is better positioned in the centre of the site rather than the southern end of the site over the garage as was the case in the previous applications. While the awkward roof additions of the earlier schemes unbalanced the property, demanded attention and dominated the street scene the proposed scheme is a more conventional design and despite the additional height would sit more comfortably within the plot and the street scene.

It is noted that a new two storey house was approved (BH2009/01845) in February 2010 on land adjacent to No.9 Challoners Close. There is currently no uniformity to the street scene throughout Challoners Close, with a mix of bungalows, many converted in the roof and two storey dwellings and it is not considered that the proposal would result in any significantly harm to the visual amenity of the Challoners Close street scene.

Overall, the proposal would result in a modest two storey house, an improvement on the cluttered, ad hoc and unbalanced designs of the two previous schemes and is not considered to detract significantly from the property, the Challoners Close street scene or the surrounding area.

Impact on Residential Amenity

There is not considered to be any significant impact on the residential amenity of the adjoining properties.

Despite the increased height of the proposed additional storey on the northern end of the property there is not considered to be any significant loss of light or overshadowing towards No.8 Challoners Close. The additional storey would be approximately 2m from the shared boundary at the closest point (and 3m from the conservatory at No.8) and this combined with the pitched roof and the lower ground level at the application site ensures that there would be no significant loss of light or overshadowing to No.8. The northern elevation of the existing conservatory at No.8 is predominantly screened by the existing high boundary wall and boundary shrubbery and it is not considered that there will be any significant overshadowing towards the conservatory.

The conservatory at No.8 extends for approximately half of the width of the rear elevation and thus enjoys uninterrupted views to the east. Views to the south, south east are already compromised to a degree by the existing shared boundary fence and it is not considered that the proposal will result in any significant impact to the outlook from the conservatory.

While there would be a degree of increased overlooking towards No.8 from the closest first floor window, there would only be very oblique views to the rear elevation of No.8 and no significant increase in overlooking to the garden over and above current levels due to the existing rear dormer.

The paved patio area is set down at the same level as the existing ground floor (and below the natural ground level) and views to the garden of No.8 would be completely screened by the existing boundary fence. The patio would afford some views to the rear garden of No.4 due to the lower ground level and boundary fence though the residential amenity currently enjoyed by No.4 is not considered to be significantly adversely effected.

The proposal is not considered to impact significantly on the residential amenity of No.4 Challoners Close. Despite the increased width (0.5m) of the existing ground floor garage it would still be 2.5m from the side elevation of No.4 and is not considered to result in any significant overshadowing or loss of light to this property. The side elevation of the additional storey would be over 6m from No.8 and the creation of the additional storey would not result in any significant adverse impact to the residential amenity of No.4.

There would be a minimal increase in overlooking towards the garden of No.4 from the southernmost first floor window in the rear elevation though this would not be a significant increase over current levels due to the existing rear dormer window at first floor level.

The properties on the opposite side of the road are over 20m from No.6 and there is not considered to be any significantly overlooking towards these properties.

The rear elevation of the property would be over 40m from No.10 Northfield Rise (and over 50m and 60m respectively from No.8 and No.6) and the proposal is not considered to have any significant impact upon the residential amenity of these properties. Furthermore, the loss of view is not considered to be a planning consideration.

It was evident on the site visit that the properties on Northfield Rise are set significantly higher than the application property and the design and access statement provided is considered to be an accurate assessment of the site and surrounding area.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

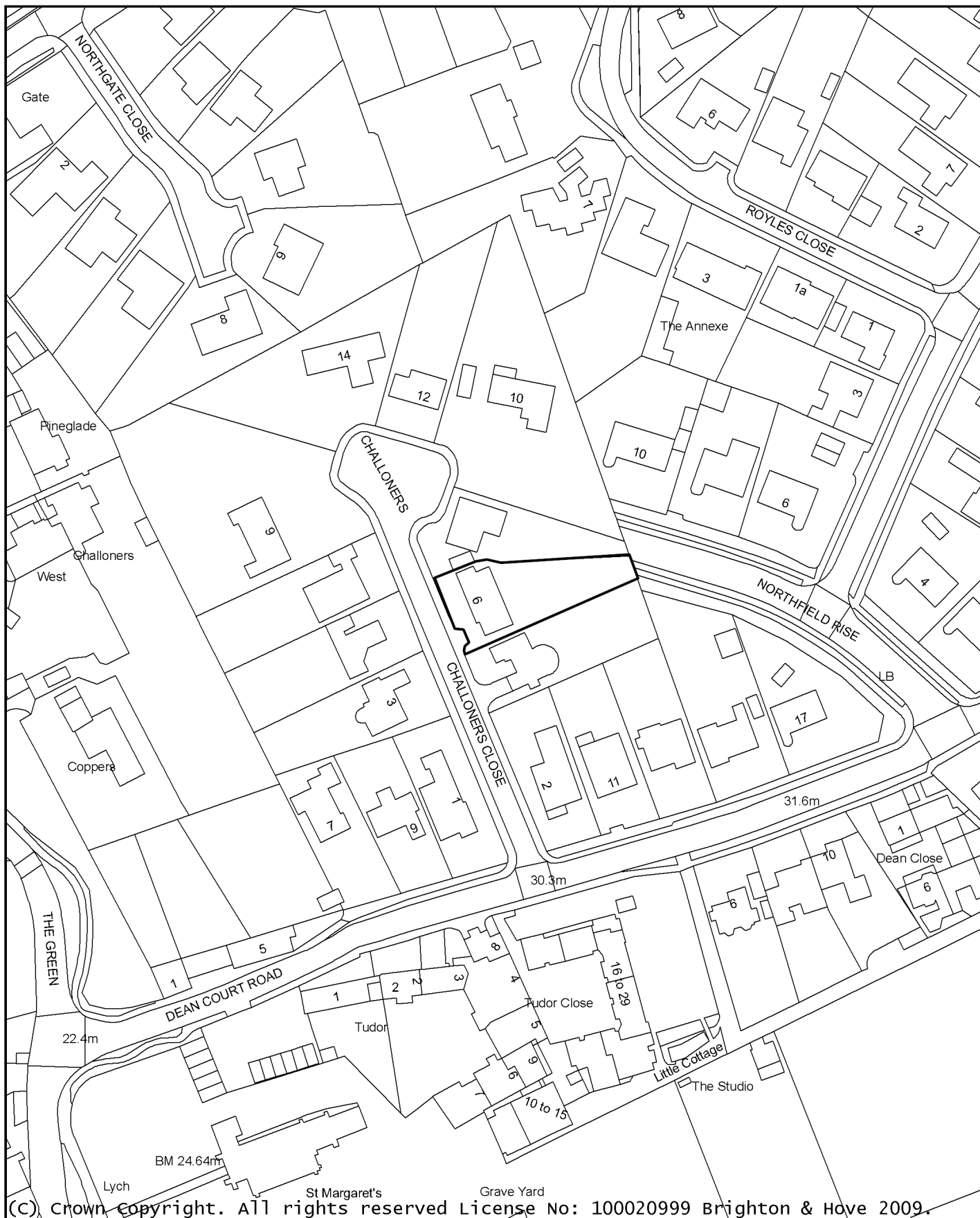
The proposed development is not considered to detract significantly from the

appearance or character of the property or the surrounding area. The proposal is not considered to impact significantly on the residential amenity of neighbouring properties.

9 EQUALITIES IMPLICATIONS

None.

BH2010/00977 6 Challoners Close



Date: 27/07/2010 11:24:24

Scale 1:1250



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<u>No:</u>	BH2010/00908	<u>Ward:</u>	HOVE PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	4 Tongdean Road, Hove		
<u>Proposal:</u>	Partial demolition and alterations to existing dwelling and erection of new detached 3 bedroom dwelling with separate garage, new access road and associated landscaping.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	31/03/2010
<u>Con Area:</u>	Tongdean Area	<u>Expiry Date:</u>	26 May 2010
<u>Agent:</u>	Lap Chan Riba, 177 Havelock Road, Brighton		
<u>Applicant:</u>	Mr & Mrs Liu, 4 Tongdean Road, Hove		

1 RECOMMENDATION

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

1. The proposal would, by reason of its height, massing, and footprint, result in an excessive development which would be detrimental to the character of the area. It would further be detrimental to the amenities enjoyed by neighbouring occupiers by reason of an increased sense of enclosure to neighbouring properties, particularly 2 and 6b Tongdean Road. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan which seek, amongst other requirements, to ensure all new developments make a positive contribution to the visual quality of the environment and protect neighbouring amenity.
2. The proposal by reason of its height, massing and footprint would constitute an overdevelopment of greenfield land within a Conservation Area. The house is considered to dominate its surroundings harming the garden character and visual amenities of the area and fails to preserve or enhance the character and appearance of the Tongdean Conservation Area. The new house would be contrary to QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.
3. The proposal represents development in the rear garden now classified as Greenfield land. Given the sensitive nature of the location, the highest level of resource-efficiency must be sought for the proposed building. The submitted information indicates that development would meet Code for Sustainable Homes Level 3 and the expected standards would be Code for Sustainable Homes Level 5. It is not considered that the development could meet the standards without material changes to the design. The proposal is considered to the contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD 08)

Informatives:

1. This decision is based on drawing nos. 2009/11-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and supporting statements received on the 29th March 2010.

2 THE SITE

The application relates to a detached property on the southside of Tongdean Road approximately 110 metres west of the junction with Dyke Road Avenue and is located within the Tongdean Area Conservation Area.

The Conservation Character Statement describes the area as characterised by large plots, individual designed houses set in large plots with mature vegetation. The area has been altered by infill development, however the area retains a largely open character.

3 RELEVANT HISTORY

There is a Conservation Area Consent which is registered for the demolition of part of the building to facilitate the access. This is under consideration (ref: **BH2010/00909**).

BH2008/00307: Partial demolition and alterations to existing dwelling and erection of new detached dwelling with separate garaging, new access road and associated landscaping at land to rear refused 07/04/2008 for the following reasons:

1. The proposal would, by reason of its height, massing, building bulk and footprint, result in an excessive development which would be detrimental to the character of the area. It would further be detrimental to the amenities enjoyed by neighbouring occupiers by reason of an increased sense of enclosure to neighbouring properties, particularly 6b Tongdean Road. The proposal would therefore be contrary to policies QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan which seek, amongst other requirements, to ensure all new developments make a positive contribution to the visual quality of the environment and protect neighbouring amenity.
2. The application involves the loss of a number of semi-mature trees on site. No information has been submitted regarding any replacement planting and therefore the applicant has failed to demonstrate that the development could adequately preserve the mature garden character of the surrounding area. There has been no information provided to demonstrate that the health and longevity of the retained trees can be secured. The application is contrary to policy QD16 and HE6 of the Brighton & Hove Local Plan and SPD06 Trees and Development Sites
3. The narrow access road over 55 metre in length presents an increased risk to users of the public highway by virtue of the additional stopping, turning and reversing of traffic that would be created. The application therefore fails to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

This application was the subject of an appeal to the Planning Inspectorate. The appeal was dismissed with the Inspector concurring with the council on the first two reasons for refusal. The third reason for refusal was not upheld by the Inspectorate

BH2005/01514/OA: Demolition of existing garage block and construction of a private dwelling using existing access. (Resubmission of Refused application BH2004/02147/OA) Refused for the following reasons: The proposal would not only fail to preserve and enhance the character and appearance of the Tongdean Area Conservation Area by reason of its excessive size, footprint and siting in close proximity to the boundary, which consequently restricts the opportunity for new planting along the boundary, but would also represent an un-neighbourly form of development, detrimental to amenity of adjoining occupiers in terms of building bulk and increased sense of enclosure. The proposal is therefore contrary to policies BE1 and BE8 of the Hove Borough Local Plan and QD1, QD2, QD3, QD27, HO3, HO4 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft

BH2004/02147/OA: Demolition of existing garage block and erection of a private dwelling using existing access – refused 07/10/2004 for the following reason: The proposal would not only fail to preserve and enhance the character and appearance of the Tongdean Area Conservation Area by reason of its excessive size, footprint and siting in close proximity to the boundary, which consequently restricts the opportunity for new planting along the boundary, but would also represent an unneighbourly form of development, detrimental to amenity of adjoining occupiers in terms of building bulk and increased sense of enclosure. The proposal is therefore contrary to policies BE1 and BE8 of the Hove Borough Local Plan and QD1, QD2, QD3, QD27, HO3, HO4 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

BH2002/00582/FP: Roof extension to existing garage to provide artists studio accommodation, approved 01/05/2002

4 THE APPLICATION

Full planning permission is sought for the erection of a two storey dwelling in the rear garden of 4 Tongdean Road. The building would have three bedrooms and a double garage.

5 CONSULTATIONS

External:

Neighbours: A joint letter has been received from the occupiers of **2 Tongdean Place, 2a Tongdean Road, 2 Tongdean Road, 6b Tongdean Road, 41 Dyke Road Avenue, 1 Tongdean Place** objecting to the application for the following reasons:

- The house remains too large for the plot,
- The building is too close to neighbouring boundaries,
- To proposed house is the same height and distance to 2 Tongdean Road

as previously refused,

- The building fails to address the concerns of the previous application,
- There would be significant increased sense of enclosure,
- The development does to enhance the conservation area,
- It would dominate the existing houses.

Sixteen (16) letters have been received from 6 Tongdean Road, 34 Dyke Road Avenue, 20 Ridgeside Avenue, 2 The Galleries, 44 Rose Hill Close, 16 Lincoln Road, 29 Trafalgar Gate, 2 Dyke Road Place, 8 Fairlawns 159 Kingsway, 19 Ainsworth Road, 25 Orchard Gardens, 4 Ash Grove, Lorton St, Cockermouth, 82 Stanley Avenue Romford, 13 Willow Way London, 82 Stanley Avenue Romford, The Old Rectory, Coombes, Lancing, supporting the application for the following reasons:

- The application would not harm neighbouring properties,
- There would be no loss of privacy,
- There would be no noise and disturbance,
- The principle of the development has been considered acceptable by the council,
- The access has been considered acceptable,
- The applicant needs extra accommodation for this family and friends,
- It is essential so the applicant can stay in this property,
- The scheme is green and modest,
- The building will blend with the surroundings,
- It would not be visible from the street,
- No trees would be affected,
- It is surrounding by existing back land development,
- The green credentials are good,
- It would contribute additional family
- This is more appropriate than other development which has been given permission.

Four (4) letters have been received from 92 Milner Road, 87 Swanborough Drive, 5 Hellingly Close, 68 Pelch Lane, Seend Cleeve, Melksham, Wiltshire, commenting:

- No objection,
- The applicant needs this facility to continue to operate from this location,
- No trees would be lost,
- It would not affect neighbours,
- It is in line with guidance for the area.

Mike Weatherley MP objects for the following reasons:

- The house would intrude on neighbours with respect to light, privacy and openness,
- The scheme would contradict Tongdean Conservation Area Character Statement,
- Sub-division would harm the character of the area,
- This objection is in line with recent government measures to curb backland

development,

- It is time to take a stand against this development.

CAG: No objection. This proposal would not be seen from the public domain and would therefore not have an adverse impact on the street scene. The group raised no objection to this application.

Internal:

Sustainable Transport Team: No objection subject to conditions.

Conservation & Design: The existence of 6b Tongdean Road and 1 and 2 Tongdean Place in close proximity, without their own street frontages, means that this area to the rear of the main properties no longer has the feel of open back gardens, and therefore the principle of developing this rear area also is considered acceptable.

As with the previous proposal the impact of this development on the public parts of the conservation area would be extremely limited as no new access is proposed for Tongdean Road, and the building itself will not be readily visible from the street. It is noted that the replacement of the existing garage, which will be visible from the street, will be the subject of a separate application. However although the scale of the proposal is significantly reduced from the previous scheme, with only part of the building being 2 storey, the proposed house is still a substantial property with a footprint almost identical to the previous (refused) scheme and its size in relation to the plot means that an overly dominant impact on the immediate area would result.

The existing new 'backland' developments are set within their own substantial grounds, in keeping with the conservation area which is characterized by buildings set within generous plots, however the proposed site is significantly smaller than the other neighbouring 'new' plots and due to the size of the proposed building the relationship between dwelling and surrounding grounds would be more confined in comparison.

In addition to this it is considered that any development of this site should be with a less substantial property than the frontage building, whereas the footprint as proposed amounts to over 90% of that of the existing building (both garages excluded).

For these reasons it is considered that the proposed site coverage is too great for the established grain of the area, and does not reflect the character of the conservation area. This site would be more suitable for a more modest dwelling.

Arboriculture Team: The Arboriculture report submitted with the planning application is comprehensive and the Arboricultural Section is in full agreement with it.

Should planning consent be granted, several trees of insignificant arboricultural value will be lost (Leylandii, laurel hedge, old apple trees, laburnum). The Arboricultural Section would not object to this.

The Arboricultural Section would like to ask that the following conditions be attached to any planning consent granted: All trees to remain on site are surveyed to BS 5837 (2005) Trees on Development Sites, and are protected as recommended in that survey.

The root plates of the Limes etc may be affected by the proposed new driveway. An Arboricultural Method Statement should be submitted to show how this will be constructed in close proximity to the trees.

A landscaping condition should be attached showing the silver birches that are proposed to replace trees that will be removed.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Development design
- QD2 Neighbourhood design
- QD3 Efficient and effective use of space
- QD5 Design – Street Frontages
- QD14 Extensions and alterations
- QD16 Trees and development sites
- QD27 Protection of amenity
- HE6 Development within Conservation Areas
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Lifetime homes
- SU2 Efficiency of development in the use of energy, water and minerals
- SU13 Minimisation and re-use of construction industry waste
- TR1 Safe development
- TR12 Cycle access and parking
- TR17 Parking Standards

Supplementary Planning Guidance

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

7 CONSIDERATIONS

The determining issues raised by this proposal are firstly, the suitability of the principle of development and impact on the Conservation Area, secondly whether the proposed works will have a detrimental impact on the amenity of neighbouring occupiers and thirdly the standard of accommodation being provided.

The principle of a new dwelling on the site and impact on character of the area

The proposal seeks permission to build a house in the rear garden of 4 Tongdean Road. The recent amendment to Planning Policy Statement 3 on Housing (PPS3) now excludes gardens from the definition of previously developed land. This was effective from the 9th June 2010. One of the revisions redefined gardens as greenfield land.

The change in national policy means that the Local Planning Authority can consider the specific qualities of the garden area which is proposed to be developed. Notwithstanding the change in national policy, the adopted local approach has not changed in that proposals for 'backland' development will always need to be rigorously examined in respect of the impact of the surrounding area and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings. Local plan policies remain applicable; policies QD3 and HO4 can support planning permission for backland development, including development on previously un-developed gardens providing that the proposed building responds well to the character or the area, does not harm neighbouring occupiers, and is acceptable in all other respects.

With regard to the ability of the plot to accommodate a new dwelling, in this instance the rear of the garden is not open in character. As the Conservation Officer has noted, the existence of 6b Tongdean Road and 1 and 2 Tongdean Place in close proximity, without their own street frontages, means that this area to the rear of the main properties no longer has the feel of open back gardens, and therefore the principle of developing this rear area also is considered acceptable. A similar conclusion was drawn by the Planning Inspector in respect of the previous application. It is acknowledged, however, that previous decisions on the site were made before the revision of PPS3. However, as noted above the revision to PPS 3 should necessarily not rule out the principle of garden development without full assessment of scheme.

4 Tongdean Road is a substantial plot. The existing house benefits from over 55 metres of rear garden and it is proposed that the new house takes advantage space and utilise the southern part of the garden. The proposed plot would have vehicle access from Tongdean Road and would be 18 metres in length. Given the size of the plot, and the presence of other buildings in the gardens of neighbouring properties, it is considered that the principle of a new house to the rear of 4 Tongdean Road should not be ruled out.

Notwithstanding this, Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. In addition policy HE6 requires development within conservation areas to preserve or enhance those areas. These policies require that the scale of development is appropriate to the layout of the scheme and the relationship to the surrounding area, that the design emphasises and enhances the positive aspects of the neighbourhood

with attention paid to the creation of spaces between development, and that overdevelopment and town cramming are avoided.

With this development, the impact of this proposal on the public parts of the Conservation Area would be extremely limited as the building itself will not be readily visible from the street. There is no objection in principle to adopting a modern approach in this location, even though it would be visible from a number of adjacent properties. The design of the building is considered to be acceptable in terms of the materials proposed. It is also considered to be a more modest proposal than the previous application.

The existing 'backland' developments adjacent to the site are set within their own substantial grounds, and generally in keeping with the Conservation Area which is characterised by buildings set within generous plots. The proposed site is significantly smaller than the other neighbouring new plots. The infill dwelling at 6b with approximately double the width of this proposed plot is an example of these larger plots. It is for these reasons the scale of the proposed house appears excessive. The size of the proposed building and the width of the plot would result in this proposal appearing more confined in comparison to other development in the area.

A comparison between the footprint of the existing house and the proposed house illustrates the excessive size of the proposal. It is usual for backland development to appear subservient to the principle dwelling which would usually be dominant with road frontage. The footprint of the proposed house fails to achieve this.

Although much of the footprint would be single storey, the size of the dwelling in relation to the plot is considered unduly large. The comparison drawing which has been submitted with the application should be viewed with caution as this under-represents the true scale of the proposed building as the roof overhang is omitted. As noted by the Conservation Officer, the footprint of the new building remains significant. This is particularly evident looking at the proximity to neighbouring boundaries. When the building would be viewed from neighbouring houses, the extent of the roof overhang would contribute to the visual prominence of the house.

Given the size of the proposed dwelling, and the positioning so close to the boundaries of neighbouring properties, the proposed dwelling would fail to respect the spaces around buildings which are part of the character of the area. The garden area would have an overdeveloped appearance, which would fail to preserve or enhance the character of the Tongdean Conservation Area.

In regard to the alterations to the existing house, the existing double garage would be demolished and necessary to facilitate adequate access to the rear of the property, they should be considered. The alterations will reduce the size of the property and result in no.4 having a reduced frontage. The

alterations would not necessarily harm the appearance of the property or the street scene should full details of the replacement buildings and boundary treatments be submitted.

The demolition of the garage shall be considered under the Conservation Area Consent.

Impact on amenity

The access road should not cause a significant impact on the property to the west. Whilst it is acknowledged that the provision of an access route along the boundary would increase levels of activity, they should not be so significant to cause noise and disturbance. Whilst aspects of the safety of this arrangement are discussed below, there could be some opportunity to use landscaping to improve these arrangements and contribute to the character of the area.

No contextual elevations were received with this application to demonstrate the relationship between the proposed property and neighbouring dwellings. A significant change in ground levels was observed on site which means the new property is likely to have the most impact to no.6b Tongdean Road. Although in absolute terms the separation between these properties appear acceptable at 19 metres, when viewed on site it is apparent that the new property would have significant impact on this property. As a result the new property would be overbearing, and unduly prominent. The property would be glazed on this elevation and a loss of privacy and general overlooking would be marked.

The proposed building would be positioned approximately 4 metres from the boundary with 6b Tongdean Road. The 2 storey building which was previous proposed was 5 metres form the boundary. The two storey element would be located approximately 13 metres form this property. Whilst this appears to be a significant distance, the change in land levels to this property are substantial. Despite the distance separating the two-storey element from this boundary given the change in levels it is considered that the proposed building would have a significant increase sense of enclosure on the occupiers of this property. The first floor terrace would also contribute to an un-neighbourly form of development. This is despite the presence of the pool building an proposed extension to the pool building

To the east, the building would be closer to 2 Tongdean Road than the previous proposal, within 1 metre of the boundary. The two storey building rises within 2.5 metres of the boundary which is 1 metre closer than in the previous application. The two-storey element would be 9 metres deep which is a reduction from the 15.5 metres previously proposed and land levels in 2 Tongdean Road are higher than those within the application site. However this does not satisfactorily mitigate for a two storey building in this location so close to the boundary. The development would significantly enclose the garden of this property to the detriment of the occupiers of this property.

In terms of the impact on the existing property at no.4 Tongdean Road, a distance of 27 metres would separate the properties. This is considered broadly acceptable given that the levels here are similar and that no.4 itself is an imposing property.

Representations received from neighbouring properties also make reference to the impact on the proposed development on no.2 Tongdean Place. There would be no impact on the residential amenity by way of loss privacy to habitable rooms. The Inspector when considering the potential impact on this building did not accept that there would be significant impact on this property. The building would be readily visible from this house, but there is some screening on the boundary. Having regard to the Inspectors findings, it is not considered that this scheme would have a significantly harmful impact on the occupiers of the neighbouring properties.

Whilst there has been a marked decrease in the scale of the proposed building when compared to the previous schemes, the development would still have a substantial footprint which would rise close to both the east and west boundaries. For this reason the development would cause an increased sense of enclosure to neighbouring occupiers contrary to policy QD27 of the Brighton & Hove Local Plan.

Trees and Ecology

The application has been accompanied by an Arboriculture Report and the development would involve the loss of some trees to the rear of the site. The only mature tree which is proposed to be felled is a Cedar in the rear garden which would have to be removed to facilitate the development. Replacement trees have been suggested close to the location of the Cedar.

The Arboriculture Team have not objected to the proposal and are in agreement with the submitted Arboriculture Report. Conditions would be necessary to secure the preservation of trees which are to be retained on site. Some additional planting has been identified on the Arboriculture report including new birch trees in the vicinity of the new house.

In regard to ecology, a biodiversity checklist has been submitted with the application. None of the biodiversity indicators have been triggered in the submitted checklist although it is not considered that this has been accurately completed. As stated above, a mature tree is to be removed and some hedges on site. For this reason it is considered that indicators 11 and 12 relating to potential habitats in hedges and mature trees have not been answered correctly. Should the proposal be considered acceptable, further information would have to be submitted to address this issue.

Highway Implications

Vehicle access is included as part of the proposal, and a detached garage is also proposed. With regard to safety, the Sustainable Transport Team have not raised an objection to the proposal due to the length and width of the

proposed access route. This has been noted, clearly if it is recognised that this site is a plot for an additional house, a long access route would be inevitable, but further details on this element of the application would be required.

In the previous application the Sustainable Transport Team objected to the proposal. This was not upheld by the Planning Inspectorate who noted the access was lengthy but did not identify any harm arising from the vehicle movements.

Standard of accommodation

Policy HO13 requires development to meet lifetime homes standards, where the property can be altered without major structural changes to meet to the needs of disabled occupants. The layout and room sizes proposed are considered of an adequate size to meet the requirements of this policy. The proposal would provide a good standard of accommodation in general with good levels of natural light and ventilation. Refuse and recycling facilities and cycle parking would be provided. The property would benefit from a good level of private amenity space in accordance with policy HO5.

Sustainability

A Sustainability Checklist has been submitted with the application. The checklist indicates that in terms of building performance, the proposed house is expected to meet Code for Sustainable Homes (CSH) Level 3. In the design and access statement it is claimed that Code Level 4 could be met. The details relating to this have not been supplied and it is not clear whether the application site has been registered for pre-assessment. Nevertheless the new building would benefit from natural light and ventilation and solar panels are proposed for the west and south roof slopes.

The application must be assessed with regard to the Supplementary Planning Document on Sustainable Building Design (SPD08). The recommended standards for Greenfield development are higher than the standards for previously developed land. The standard sought is Level 5 of the Code for Sustainable Homes.

The reason why a higher level is sought for Greenfield development is that some of the potential negative effects of Greenfield site development involve a reduction loss of amenity space and may involve the destruction of natural habitats. For these reasons the adopted SPD states that should the loss of Greenfield sites take place, then the highest level of resource efficiency must be sought to minimise the impact of development.

The applicant has been informed of the Code for Sustainable Homes standards which this development would be expected to achieve and given the opportunity to submit further information on this issue. Despite this request, no further information was submitted. Notwithstanding the claim in the Design and Access Statement, the supporting information in Sustainability

Checklist indicates that the new development would meet Code for Sustainable Homes Level 3. This is below the standard expected for development on Greenfield land. With no justification given on why the development fails the standards, and no alternative mitigation measures offered, the proposal is considered contrary to SU2 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Sustainable Building Design (SPD 08)

Other considerations

A number of letters have been received from members of the public expressing support for the development and siting the specific needs of the applicant for more space. The existing house is a large residence and it is understood that the applicant does work from the site and on occasion clients visit the site.

Whilst the letters of support are recognised, this is a residential location and protecting the residential amenity of neighbouring properties and character of the area is important. It is not considered that the needs of the applicant for additional space outweighs the harm presented to neighbouring occupiers and the harm to the surrounding area from the scale of the house proposed.

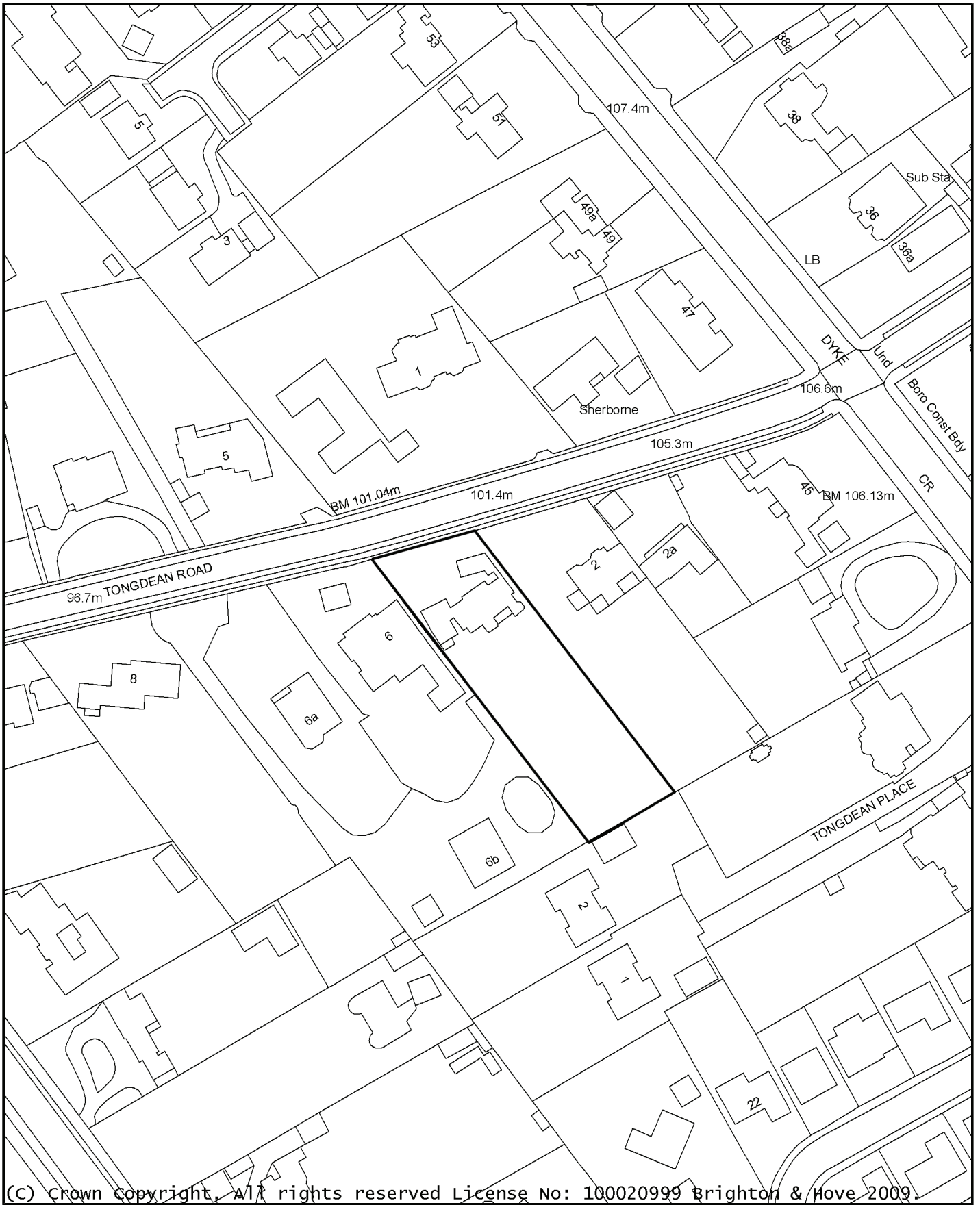
Conclusion

The site is of a sufficient size to accommodate a residential unit, however the height, massing, building bulk and footprint, result in an excessive development which would feel confined in the plot. Given the proximity to neighbouring properties and change in levels, the new property would be overbearing and unduly prominent and detrimental to the residential amenity of neighbouring properties. Refusal is recommended.

8 EQUALITIES IMPLICATIONS

The new house would need to meet lifetime homes standards in accordance with policy HO13.

BH2010/00908 4 Tongdean Road



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<u>No:</u>	BH2010/00909	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	4 Tongdean Road, Hove		
<u>Proposal:</u>	Partial demolition and alterations to existing dwelling.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	29/03/2010
<u>Con Area:</u>	Tongdean Area	<u>Expiry Date:</u>	24 May 2010
<u>Agent:</u>	Lap Chan Riba, 177 Havelock Road, Brighton		
<u>Applicant:</u>	Mr & Mrs Liu, 4 Tongdean Road, Hove		

1 RECOMMENDATION

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

1. Policy HE8 of the Brighton & Hove Local Plan states that where demolition of buildings within a Conservation Area are proposed, the redevelopment of the site should preserve the character of the Conservation Area. The existing garage building is not of merit, however to allow demolition where no acceptable replacement building or boundary treatments have been identified would have a negative impact on the character and appearance of the Tongdean Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 2009/11-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and supporting statements received on the 29th March 2010.

2 THE SITE

The application relates to a detached property on the south side of Tongdean Road approximately 110 metres west of the junction with Dyke Road Avenue and is located within the Tongdean Area Conservation Area.

The Conservation Character Statement describes the area as characterised by large plots, individual designed houses set in large plots with mature vegetation. The area has been altered by infill development, however the area retains a largely open character.

3 RELEVANT HISTORY

There is a Full Planning application for the partial demolition and alterations to existing dwelling and erection of new detached 3 bedroom dwelling with separate garage, new access road and associated landscaping. This is registered and under consideration (ref: **BH2010/00908**).

BH2008/00307: Partial demolition and alterations to existing dwelling and erection of new detached dwelling with separate garaging, new access road and associated landscaping at land to rear refused 07/04/2008 for the following reasons:

1. The proposal would, by reason of its height, massing, building bulk and footprint, result in an excessive development which would be detrimental to the character of the area. It would further be detrimental to the amenities enjoyed by neighbouring occupiers by reason of an increased sense of enclosure to neighbouring properties, particularly 6b Tongdean Road. The proposal would therefore be contrary to policies QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan which seek, amongst other requirements, to ensure all new developments make a positive contribution to the visual quality of the environment and protect neighbouring amenity.
2. The application involves the loss of a number of semi-mature trees on site. No information has been submitted regarding any replacement planting and therefore the applicant has failed to demonstrate that the development could adequately preserve the mature garden character of the surrounding area. There has been no information provided to demonstrate that the health and longevity of the retained trees can be secured. The application is contrary to policy QD16 and HE6 of the Brighton & Hove Local Plan and SPD06 Trees and Development Sites
3. The narrow access road over 55 metre in length presents an increased risk to users of the public highway by virtue of the additional stopping, turning and reversing of traffic that would be created. The application therefore fails to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

This application was the subject of an appeal to the Planning Inspectorate. The appeal was dismissed with the Inspector concurring with the council on the first two reasons for refusal. The third reason for refusal was not upheld by the Inspectorate

BH2005/01514/OA: Demolition of existing garage block and construction of a private dwelling using existing access. (Resubmission of Refused application BH2004/02147/OA) Refused for the following reasons: The proposal would not only fail to preserve and enhance the character and appearance of the Tongdean Area Conservation Area by reason of its excessive size, footprint and siting in close proximity to the boundary, which consequently restricts the opportunity for new planting along the boundary, but would also represent an un-neighbourly form of development, detrimental to amenity of adjoining occupiers in terms of building bulk and increased sense of enclosure. The proposal is therefore contrary to policies BE1 and BE8 of the Hove Borough Local Plan and QD1, QD2, QD3, QD27, HO3, HO4 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft

BH2004/02147/OA: Demolition of existing garage block and erection of a private dwelling using existing access – refused 07/10/2004 for the following reason: The proposal would not only fail to preserve and enhance the

character and appearance of the Tongdean Area Conservation Area by reason of its excessive size, footprint and siting in close proximity to the boundary, which consequently restricts the opportunity for new planting along the boundary, but would also represent an unneighbourly form of development, detrimental to amenity of adjoining occupiers in terms of building bulk and increased sense of enclosure. The proposal is therefore contrary to policies BE1 and BE8 of the Hove Borough Local Plan and QD1, QD2, QD3, QD27, HO3, HO4 and HE6 of the Brighton & Hove Local Plan Second Deposit Draft.

BH2002/00582/FP: Roof extension to existing garage to provide artists studio accommodation, approved 01/05/2002

4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the existing double garage to facilitate a vehicle access from Tongdean Road to the rear site. This is sought in connection with a full planning application for a proposed new dwelling at the rear of the site.

5 CONSULTATIONS

External:

Neighbours: A joint letter has been received from the occupiers of **2 Tongdean Place, 2a Tongdean Road, 2 Tongdean Road, 6b Tongdean Road, 41 Dyke Road Avenue, 1 Tongdean Place** objecting to the application for the following reasons:

- The house remains too large for the plot,
- The building is too close to neighbouring boundaries,
- To proposed house is the same height and distance to 2 Tongdean Road as previously refused,
- The building fails to address the concerns of the previous application,
- There would be significant increased sense of enclosure,
- The development does to enhance the conservation area,
- It would dominate the existing houses.

8 letters have been received from the occupiers of **34 Dyke Road Avenue, 20 Ridgeside Avenue, 2 The Galleries, 44 Rose Hill Close, 4 Ash Grove, Lorton St, Cockermouth, 82 Stanley Avenue Romford, 13 Willow Way London, 82 Stanley Avenue Romford,** supporting the application for the following reasons:

- The application would not harm neighbouring properties,
- There would be no loss of privacy,
- There would be no noise and disturbance,
- The principle of the development has been considered acceptable by the council,
- The access has been considered acceptable,
- The applicant needs extra accommodation for this family and friends,
- It is essential so the applicant can stay in this property,

- The scheme is green and modest,
- The building will blend with the surroundings,
- It would not be visible from the street,
- No trees would be affected,
- It is surrounding by existing back land development,
- The green credentials are good,
- It would contribute additional family
- This is more appropriate than other development which has been given permission.

1 letter has been received from **92 Milner Road** comment

- No objection.

Mike Weatherley MP objects for the following reasons:

- The house would intrude on neighbours with respect to light, privacy and openness.
- The scheme would contradict Tongdean Conservation Area Character Statement.
- Sub-division would harm the character of the area.
- This objection is in line with recent government measures to curb backland development.
- It is time to take a stand against this development.

Internal

Conservation and Design: (verbal comment). The demolition of the garage should be resisted until such a time when details of the landscaping and boundary treatments around this part of the building, and the replacement garage have been assessed as acceptable under a full planning application

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- HE6 Development within or affecting the setting of Conservation Area
- HE8 Demolition in Conservation Areas

Planning Policy Statement

- PPS5 Planning in the Historic Environment

7 CONSIDERATIONS

The sole consideration with this application is the impact of the demolition of the existing double garage which is on the south-west boundary of site.

The demolition of the existing double garage requires Conservation Area Consent due to the sites location within the Tongdean Conservation Area. The footprint would of the garage is approximately 60m². National planning policy concerning the historic environment (PPS5), states that where demolition within a conservation area is proposed, the prime consideration is the preservation or enhancement of the character or appearance of the area.

It also advises that the wider effects of demolition on the building's surroundings and on the conservation area as a whole should be taken into consideration and that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of the area.

Policy HE8 of the Brighton & Hove Local Plan also states that buildings which make a positive contribution to the character or appearance of a conservation area should be retained. It further advises that any redevelopment should both preserve the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development.

An application seeking full planning permission (ref: **BH2010/00908**) accompanied the current Conservation Area Consent. The full planning permission proposes the demolition of the garage and the formation of an access to a new house in the rear garden of 4 Tongdean Road. As currently proposed, this development is not considered acceptable. The proposed development for an additional house represents an unacceptable scale, which would harm the character and appearance of the area and the residential amenity of neighbouring properties. This application is recommended for refusal.

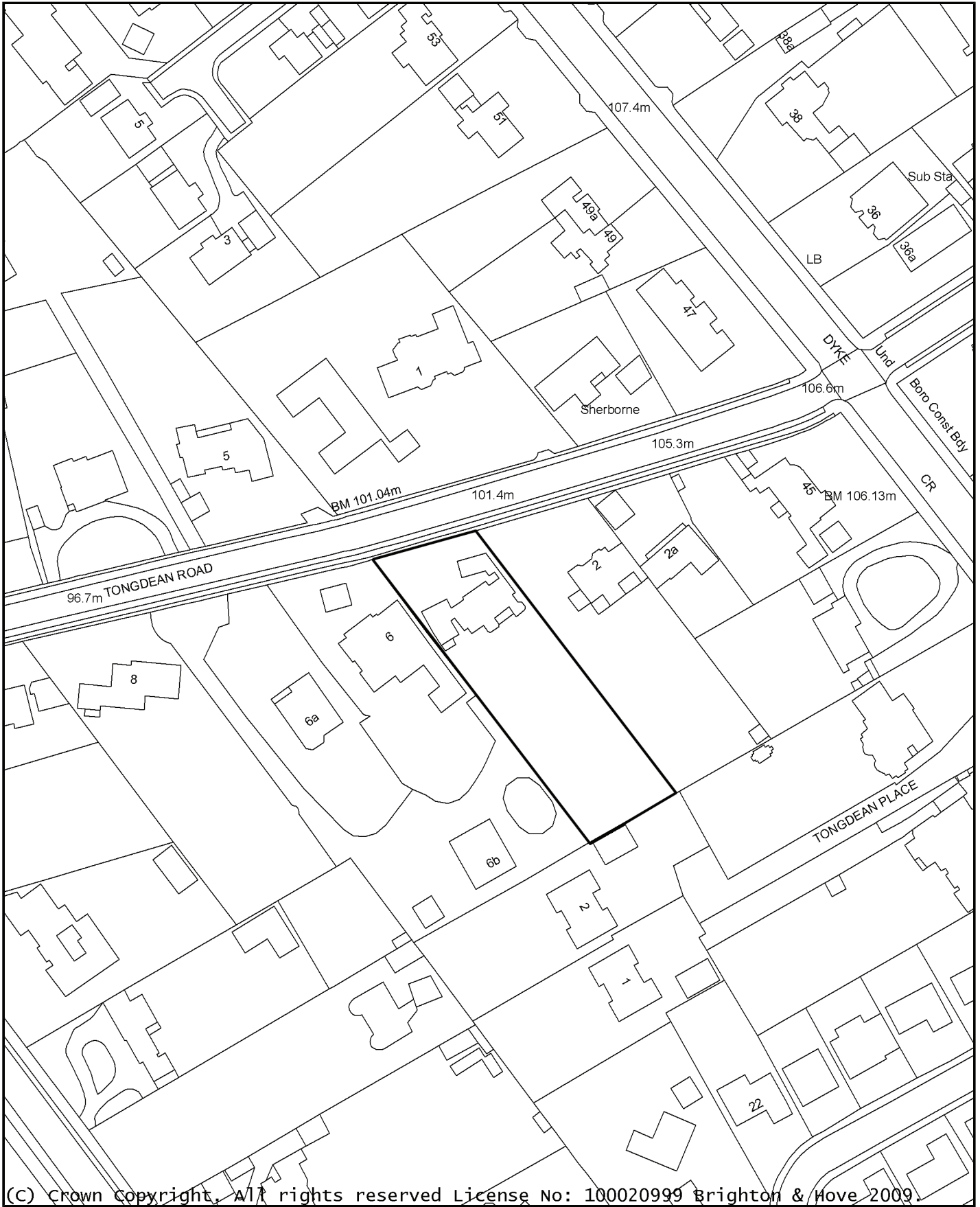
The Conservation Officer has advised that there is no objection in principle to the proposed demolition of the garage, but this is subject to the approval of a satisfactory replacement development for the site. There are no acceptable details for the development of the rear garden, a replacement garage or associated boundary treatments.

Furthermore, should consent to demolish the garage be granted it is considered inappropriate to leave this area undeveloped. This would result in a vehicle opening and access to the rear garden of over 7 metres in width. Such an opening would appear out of character for the area with the Tongdean Conservation Area. Given that this would affect the appearance of the site when viewed from public view points it would also harm the appearance of the street scene.

For these reasons it is not considered appropriate to grant the demolition of the existing double garage as the demolition would harm the character and appearance of the Tongdean Conservation Area. The application is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS
N/A.

BH2010/00909 4 Tongdean Road



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<u>No:</u>	BH2010/00875	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Removal or Variation of Condition		
<u>Address:</u>	18 Whitethorn Drive, Brighton		
<u>Proposal:</u>	Application for variation of condition 7 of BH2005/02321/FP in order to increase the number of children in attendance to 33 (part-retrospective).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	26/03/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 May 2010
<u>Agent:</u>	Mr Malcolm Lewis, 25 St Nicholas Lodge, Church Street, Brighton		
<u>Applicant:</u>	Mr H Toussi, 19 Whitethorn Drive, Brighton		

1 RECOMMENDATION

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

Conditions

1. BH 01.01 Full planning.
2. The premises shall not be open or in use except between the hours of 0800 and 1800 hours Mondays to Fridays only.
Reason: To safeguard the residential amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The number of children attending the nursery shall not exceed 33 at any time.
Reason: To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan
4. Within 6 months of date of permission a revised Management /Action Plan for the rear garden shall be submitted to the Local Planning Authority for approval. The plan shall be reviewed by the Local Planning Authority in consultation with the Early Years development and Childcare partnership and the Environmental Health Department and shall be updated annually. Any amendments to the Management Plan shall be carried out and the operation of the outdoor space shall be in accordance with the approved plan at all times.
Reason: To protect the amenity of adjoining residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. Within 6 months of the date of permission a revised Travel Plan shall be submitted to and approved by the Local Planning Authority in writing. The plan shall include measures to encourage staff and customers to reduced travel by car and shall be updated annually and submitted for approval.
Reason: To protect the amenity of adjoining residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 441 10 b and site location plans received on the 26th March 2010 and management and travel plans submitted on 29th March 2010.
2. The applicant is advised that changes to front elevation of the building on at ground floor level require consideration under separate planning application.
3. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU15	Infrastructure
QD27	Protection of amenity
HO8	Retention of housing
HO26	Day nurseries and child care facilities; and
 - ii) for the following reasons:

The increase in the numbers of children numbers is not considered to cause demonstrable harm to neighbouring properties by way of increased activity, increased transport movements and increased noise and disturbance. The outdoor space is considered to be well-managed at present, and subject to compliance with conditions it is felt that the rise in numbers can continue to be adequately managed.

2 THE SITE

18 Whitethorn Drive has been operating a Little Angels Day nursery since 2005. The property is detached and located in a residential area characterised by family housing. There is a substantial parking area to the front of the property with two access points from the highway. There is an enclosed garden to the rear of the site.

The nursery operates from 8am to 6pm and provides full time sessions and morning and afternoon sessions from 8am to 1pm and from 1pm to 6pm for part time. In addition, arrivals in the morning vary from 8am to 9.30pm and likewise pick up times vary.

Currently no more than 30 children are present at the nursery at any one time.

3 RELEVANT HISTORY

BH2009/01435: Variation of condition 7 of BH2005/02321/FP in order to increase the number of children in attendance to a maximum of 36. (Part retrospective) Withdrawn 20/08/2009.

This application was withdrawn by the applicant as the information submitted with the application was incomplete.

BH2007/03576: Change of use of first floor residential accommodation to nursery school use and variation of condition 7 to increase the number of children to a maximum of 20. (BH2005/02371/FP allowed on appeal).

Condition 2 stated - The increase in the use of the nursery shall not commence until there has been submitted to and approved in writing a Management/Action plan for the rear garden as prescribed by Early Years Child-care (CEYC). The plan to be approved by the local planning authority and to be annually reviewed by the nursery with a copy of this review sent to the Local Planning Authority. Any amendments to the original Plan as a result of this review need to be approved by the local planning authority and made as necessary. Reason: To protect the amenity of adjoining residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

BH2005/02321/FP: Change of use of ground floor and part first floor to a nursery school for 12 children. Refused 14/10/2005. This application was the subject of an appeal to the Planning Inspectorate. The appeal was allowed and consent was granted on 07/03/2006 subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
2. The travel plan accompanying the application shall be reviewed and submitted annually to the local authority for written approval. Reason: To comply with policy TR4 of the Brighton & Hove Local Plan and encourage the use of alternative means of travel other than by private car.
3. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
4. The development hereby permitted shall not commence until details of secure, covered buggy and pushchair parking facilities have been submitted to and approved by the Local Planning Authority. These facilities shall be fully implemented and made available prior to the commencement of the use. Reason: To comply with policy HO26 of the Brighton & Hove Local Plan, this requires adequate storage space to be provided for buggies and pushchairs.
5. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and the refuse and recycling storage facilities shall

thereafter be retained for use at all times.

6. The premises shall not be open or in use except between the hours of 0800 and 1800 hours Mondays to Fridays only. Reason: To safeguard the residential amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
7. The residential accommodation shall only be occupied by the owner or an employee of the nursery and shall remain ancillary to the operation of the nursery. Reason: In order to safeguard the privacy and security of the children attending the nursery and to comply with policies QD27 and HO25 of the Brighton & Hove Local Plan.
8. The number of children attending the nursery shall not exceed 12 and the use shall be restricted to the ground and part first floors only. Reason: To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.

4 THE APPLICATION

Consent is sought to increase the numbers attending the nursery to permit 33 children at anytime. The application is 'part –retrospective' as the nursery has been operating with a maximum of 30 children for about a year. Planning conditions imposed on the site currently restrict the number of children in attendance to 20. The OFSTED limit for the numbers of children in the nursery is currently 31. This does not preclude the need for planning permission for additional numbers.

The applicant originally applied to the increase the numbers of children at the nursery from 20 to 35. The application has been amended through consultation with Early Years Development and Care Partnership Team and the application seeks now approval for a maximum of 33 children to attend the nursery at any time. This is due to the size and facilities currently offered at the nursery.

5 CONSULTATIONS

External

Neighbours:

8 Whitethorn Drive object for the following reasons:

- the travel plan is incorrect and the Council should adopt there own transport survey and video evidence can be used to support this,
- the numbers of people picking up and dropping off increases rapidly when it rains,
- the nursery has been operating with unauthorised numbers for over 2 years,
- the traffic and travel results are intolerable,
- allowed numbers are 20 children and should be enforced immediately.

19 Whitethorn Drive do not object to the planning application.

Councillor Pat Drake and Councillor Ken Norman object to the planning application (copies of emails attached)

Internal:

Sustainable Transport Team: No objection.

The retrospective proposal seeks for a variation of condition 7 of BH2005/02321/FP in order to increase the number of children in attendance from 20 to 35. Based on information provided within the travel survey results a large proportion of children currently walk to the site with the travel survey claiming that the majority of future children joining the site as being likely to walk. Based on this information the variation in condition will not result in a material change in transport characteristics to the site.

There have been no reported collisions within the vicinity of the site that could be directly related to the site.

Environmental Health: No objection

The applicant should be made aware that when they carry out the next annual review of the management plan in order to comply with condition 2 of the original permission, the issues relating to the additional numbers of children described above should be addressed.

While this department has received no complaints with regards to noise and disturbance caused by the increased number of children in attendance at the nursery, there are areas of the current Garden Management Plan that need to be reviewed. Condition 2 attached to the original permission states that the plan needs to be annually reviewed by the nursery with a copy of this review sent to the Local Planning Authority.

Early Year Development and Childcare Partnership: No objection.

The City Early Years and Childcare (CEYC) supports the application to increase the number of childcare places at 18 Whitethorn Drive. The floor area available on the ground and first floor is suitable for up to **33 children**, with facilities on the first floor, 9 babies upstairs and up to 24 children from 2-5 years on the ground floor.

The nursery is situated in a residential area and it is important that the needs of the neighbouring properties are taken into account. With this in mind, CEYC, in conjunction with Environmental Health Services have supported the applicant to develop a management plan for the outside area and this has been very successful.

The plan addresses issues such as staffing, training, the resources in the garden, and the layout of the garden itself in detail. In effect a good quality management plan, in conjunction with experienced staff should create a calm but stimulating environment for the children, with a variety of opportunities and not just physical opportunities. By giving children unrestricted access to the garden the noise level should be much less than children playing outside for short periods as this tends to create a playground type environment. The garden has been redesigned and gives even better opportunities for the children to play in a meaningful way.

This development can very easily be adapted to give less mobile children access to the nursery and the outside area. The nursery meets DDA and Early Years Foundation Stage requirements. A condition is required to ensure the management plan that is in place is continues to be implemented.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU15	Infrastructure
QD27	Protection of amenity
HO8	Retention of housing
HO26	Day nurseries and child care facilities

7 CONSIDERATIONS

The determining issues relate to the principle of the increase in numbers for children attending the nursery and the impact of these numbers on the residential amenity of neighbouring occupiers. The implications for traffic and travel movements in the locality must be assessed.

The principle of the increase in numbers

The nursery has planning permission for 20 children to attend the childcare facilities. It has been operating with a maximum of 30 children which is unauthorised and is a breach of condition 2 of the 2007 consent. The increase in numbers would be partly facilitated by using the first floor of the building which was formally residential accommodation.

The previous application in 2007 granted consent for loss of some residential floorspace on the site. The increase in the numbers of children allowed in the 2007 consent has been implemented, although the first floor flat has not been used for childcare, this could be utilised at any time under the extant permission.

The potential impact of the increase in children on the locality is discussed below.

Impact on Residential Amenity:

The property is located on a residential estate characterised by good sized-residential dwellings. This property appears to be the only commercial operation on the road.

The use of the nursery invariably has some degree of impact on locality as the activity associated with the property is greater than with the usual

residential use. Generally the greatest impact on residents is felt by the use of the outdoor spaces and the pick and drop off times for the children.

In regard to the use of the outdoor space, this is something which is encouraged for all child care facilities. The Early Years Development and Childcare Partnership promote the idea of free flow play, whereby children choose whether they wish to play indoors or outdoors. Providing the outside area is well-planned, noise levels are often reduced by giving children the opportunity to either undertake outdoor or indoor activities. In contrast, it is considered that concentrated use tends to be noisier and therefore more likely to cause noise disturbance to neighbouring occupiers. No complaints have been received by Environmental Health regarding the noise and disturbance to neighbouring properties. There has been no objection to the increase in numbers from this property. The garden management plan was last reviewed by the Environmental Health Team and the Early Years Team in February 2010 and the details were accepted.

The Early Years Development and Childcare Partnership have commented on the application and support the increase in the number of children attending the nursery. With such an arrangement for the outside space, they have no objection in principle to an increase in the number of children attending the nursery.

An additional management plan shall be required to update the existing information with the new numbers of children. This will be required by condition and would be subject to a formal consultation with the Early Years and Environmental Health Departments to ensure best practice is maintained.

As originally submitted the scheme proposed an increase to 35 children. The Early Years team have, however, suggested that the number of children attending the nursery should be limited to 33 children in reflection of the type of facilities and the space available.

Traffic and vehicle activity

In regard to the impact of the increase in numbers and increased traffic and travel this does impact on the neighbouring properties especially at peak times. This is considered to be greatest during morning and evening pick up. The neighbour opposite the site has strongly objected to the increase in numbers for reasons relating to congestion and travel impacts. Clearly the use of the building as a nursery would result in considerably more movements to and from the property than movements associated with residential accommodation.

For neighbouring residents the increased vehicle activity is likely to inconvenience neighbouring residents by causing congestion and access problems. There is little practical mitigation measures which could reduce the trips apart from on-going travels plans which the applicant has submitted. Travel Plans would need to continue to be updated.

The Sustainable Transport Team has not objected to the proposal. They are encouraged by the traffic and transport survey which the applicant has submitted with the application which indicates that the majority of the children access the facility by walking. The increase in the numbers of children proposed is not considered to justify a reason for refusal on highway safety grounds.

In terms of alternative means of transport, the site is not in a central city location and therefore alternative modes of transport are limited although the no.27 and no.27a bus services run close by.

The travel survey for April 2010 found that the following modes were usually utilised Car: 40%, Walk: 55%, Train: 0%, Bus: 5%. The travel survey also asked those on the waiting list, all who live within 2 miles of the site, their likely method of transport and 90% stated that they were likely to walk. The Sustainable Transport Team have suggested that the number of parents who usually drive to nurseries is around 40% (which corresponds to with the travel survey submitted with the application)

Taking this 40% figure into account, which is considered robust, supportable figure in relation to likely trip generation, it is possible to estimate the additional transport movements which would result from additional children attending. The difference in vehicle trips in the am peak, 8am to 9am – the most important time of the day from a highway capacity/safety perspective, would be 10 vehicle movements (existing approved numbers 20 x 40% x 2trips arrival & depart = 16 and proposed 33 x 40% x 2trips = 28trips).

This can be doubled to give an overall figure for the day of around 20, although exact numbers would vary with some children attending part time only. Clearly when cars drive in to Whitethorn Drive there will be localised highways congestion arising.

There is a large hardstand in front of the property and this is used to accommodate some off-street car parking. The parking within Whitethorn Drive is not controlled at present. There appears to be a good amount of off-street car parking available and all properties in Whitethorn Drive have access to off street car parking.

It is acknowledged that the proposal would result in additional vehicle movements in the locality which may give rise to localised congestion at peak time, nevertheless the numbers are not considered unduly excessive and this is not considered to cause significant harm to neighbouring occupiers.

Conclusion:

The proposed increase in numbers is not considered to cause demonstrable harm to neighbouring properties by way of increased activity, increased transport movements and increased noise and disturbance. The outdoor space is considered to be well-managed at present, and subject to

compliance with conditions it is felt that the rise in numbers can continue to be adequately managed. Approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The increase in the numbers of children is not considered to cause demonstrable harm to neighbouring properties by way of increased activity, increased transport movements and increased noise and disturbance. The outdoor space is considered to be well-managed at present, and subject to compliance with conditions it is felt that the rise in numbers can continue to be adequately managed.

9 EQUALITIES IMPLICATIONS

The nursery meets DDA and Early Years Foundation Stage requirements.

BH2010/00875 18 Whitethorn Drive



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**Brighton & Hove
City Council**

PLANS LIST – 11 AUGUST 2010

COUNCILLOR REPRESENTATION

From: Pat Drake [mailto:Pat.Drake@brighton-hove.gov.uk]
Sent: 12 May 2010 17:10
To: Clare Simpson
Cc: Ken Norman
Subject: Application number BH2010/00875

Dear Clare

Re 18 Whitethorn Drive

When this business commenced it was on the basis of a small enterprise with residence within the property by the young lady running the nursery and it was accepted on this condition. This business is no longer an adjunct to a residence but a full blown commercial enterprise in a wholly residential road. It is creating a disturbance to neighbours and a serious traffic problem at the beginning and end of sessions.

I wholly support neighbours in their request that numbers should be limited to the approved level of 20 and not be endorsed at the level of 35. This is changing a much needed family home into a commercial premises and I believe should be resisted and the previously approved number enforced immediately.

Kind regards

Pat Drake
Councillor Withdean ward



**Brighton & Hove
City Council**

PLANS LIST – 11 AUGUST 2010

COUNCILLOR REPRESENTATION

-----Original Message-----

From: Ken Norman [<mailto:Ken.Norman@brighton-hove.gov.uk>]

Sent: 15 May 2010 07:36

To: Clare Simpson

Cc: Pat Drake; Ann Norman

Subject: Re: Planning Application No. BH2010/00875

Dear Clare

Re: Application number BH2010/00875

18 Whitethorn Drive, Brighton.

This business was originally approved as a small enterprise using part of a residential property set in a purely residential area with a condition limiting the nursery to 20 places. This business is now a full blown commercial enterprise set within a totally residential road that now creates a serious disturbance to neighbours and an and even more serious traffic problem at the beginning and end of each daily session. I support the residents who live in neighbouring properties in their request that the numbers of children should be limited to the originally approved 20 places and not be approved at the new level of 35. This has changed a much needed family home into a totally commercial premises and I do not approve of the proposal to increase the previously approved 20 places.

Best wishes

Ken

Cllr. Ken Norman.

Conservative Member for Withdean Ward.

Consort to the Deputy Mayor.

Cabinet Member for Adult Social Care and Health.

Chairman of the Joint Commissioning Board.

Brighton and Hove In Bloom.

Tel/Fax: 01273 291182

Email: ken.norman@brighton-hove.gov.uk

<u>No:</u>	BH2010/00336	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	24 Castle Street, Brighton		
<u>Proposal:</u>	Partial demolition and conversion/extension of existing premises to form 4no office units and 7no residential dwellings incorporating 4no one bed & 3no two bed duplex flats.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Valid Date:</u>	19/03/2010
<u>Con Area:</u>	Regency	<u>Expiry Date:</u>	14 May 2010
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Olivia Group, c/o Turner Associates		

1 RECOMMENDATION

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

S106

- £9,800 towards Sustainable Transport Strategy to contribute towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area.
- Ensure the development remains car free.

Conditions:

1. BH01.01 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 fully 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: So as to ensure the preservation of the building in accordance with policy HE6 of the Brighton & 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 balustrading,

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

Reason: So as to ensure the preservation of the building in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 4. The renderwork shall be smooth finished to match exactly the original renderwork.

Reason: So as to ensure the preservation of the building in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 5. The existing large central timber doors on the Castle Street elevation shall be retained fixed open as a feature in the entrance foyer.

Reason: So as to ensure the preservation of the building in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 6. 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.

Reason: So as to ensure the preservation of the building in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 7. 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: So as to ensure the preservation of the building in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 8. 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.

Reason: So as to ensure the preservation of the building in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 9. BH08.01 Contaminated land.

- 10. BH05.01 Code for Sustainable Homes – Pre-Commencement (code level 3).

- 11. BH05.02 Code for Sustainable Homes – Pre-Occupation (code level 3).

- 12. Notwithstanding the approved floor plans, no development shall take place until revised floor plans which demonstrate how the proposal complies with Lifetime Home Standards have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

Reason: To ensure a satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy H013 of the Brighton & Hove Local Plan.

13. BH06.03 Cycle parking facilities to be implemented.
14. BH02.07 Refuse and recycling storage (facilities).
15. BH05.01 Hardsurfaces.
16. BH06.08A Waste Minimisation Statement.

Informatives:

1. This decision is based on the Design & Access Statement, Heritage Statement, Site Waste Management Statement, Biodiveristy Indicators, Sustainability Checklist Detailed Report and drawing nos.TA293/01A, 02A, 03A, 04A, 05C, 06C, 07B, 08B, 09C, 10B, 11C & 12B received on the 10th February and 1st June 2010.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 - TR1 Development and the demand for travel
 - TR7 Safe development
 - TR14 Cycle access and parking
 - TR19 Parking standards
 - SU2 Efficiency of development in the use of energy, water and materials
 - SU10 Noise nuisance
 - SU13 Minimisation and re-use of construction industry waste
 - SU15 Infrastructure
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD3 Design – efficient and effective use of sites
 - QD4 Design – strategic impact
 - QD5 Design – street frontages
 - QD15 Landscape design
 - QD27 Protection of amenity
 - QD28 Planning obligations
 - HO3 Dwelling type and size
 - HO4 Dwelling densities
 - HO5 Provision of private amenity space in residential development
 - HO7 Car free housing
 - HO13 Accessible housing and lifetime homes
 - EM3 Retaining the best sites for industry
 - EM5 Release of redundant office floorspace and conversions to other uses
 - HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG4: Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design; and

- i) 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 loss of employment floorspace accords with Local Plan policies. The scheme also provides suitable accommodation, does not significantly harm the amenity of any neighbouring properties and is appropriate in terms of its impact on local parking and the demand for travel it creates.
3. The applicant is advised that details of Lifetime Homes standards can be found in viewed on the Lifetime Homes web site at www.lifetimehomes.org.uk.
 4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
 5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
 6. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
 7. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum

standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

8. IN05.08A Informative – Waste Minimisation Statement.

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. The site is within the Regency Conservation Area.

3 RELEVANT HISTORY

Recently conservation consent was also granted for a resubmitted scheme for the partial demolition of the existing building to form internal courtyard (**BH2010/00337**). This consent includes a condition stating that the works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Planning permission was granted in June 2008 (**BH2007/04388**) for a mixed use development of office space and residential flats. The proposal was 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 retained 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. This permission has not been implemented and expires on the 13th June 2011.

Conservation consent was granted at the same time in June 2008 for the partial demolition of existing building to form internal courtyard (**BH2007/04387**). This consent also expires on the 13th June 2011.

4 THE APPLICATION

The application is a revised scheme following the permission for a mixed use development in 2008. This is again a proposal 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 4 one bed & 3 two bed duplex flats. The scheme partly retains the facade on Castle Street 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.

5 CONSULTATIONS

External:

Neighbours: Two (2) objections have been received from the **Castle Snooker Club, 22-23 Castle Street** and **38 Castle Street** on the following grounds:

- The snooker club adjacent the site is noise sensitive and excessive noise will have a detrimental effect on their trade. They ask that noise is kept to a minimum and working hours be strictly monitored and be restricted to normal weekday working hours.
- The change in the scheme to include more residential units will not be advantageous to the area. This scheme along with other developments is changing the demographic of the area.
- The number of flats in the street has increased dramatically over the years with a number of properties in Stone Street and Castle Street being converted into 1 and 2 bedroom flats. This encourages a transient community with regard for the community as a whole.
- Allowing smaller flats will generate a trouble spot in this area.
- Planning applications should be viewed cumulatively in relation to the overall impact on Stone Street and Castle Street. This scheme results in overdevelopment of the area. A proposal with 3 larger flats would be more appropriate.

Ward Councillor Jason Kitcat has objected to the scheme. A copy of the email is attached.

Conservation Advisory Group: The group support the application. The retention of the existing features is welcomed and there are no objections to the Regency Mews elevation. The group were in general, content with the proposal and felt that such a visually varied street would not be damaged by this application. The group agreed to support the application subject to detailing being agreed with conservation officer.

Internal:

Conservation & Design: The Conservation Officer commented that the existing buildings on the site are interesting industrial / commercial buildings and former stables. The rear flint building fronting onto Regency Mews has been spoiled slightly, but is restorable. The previous planning permission proposed an acceptable scheme which retained the Stone street façade but raised the roof level and restored the rear building in a sympathetic manner.

The Conservation Officer has stated no objection to the same design as previously approved and has requested that the same conditions as per the previous permission be attached to the current scheme, apart from condition 6 where the reference to single glazing may be deleted as there are now slimlite sealed double glazing units available that can be used in existing window frames and new ones that match exactly the originals.

Private Sector Housing: There are concerns over the fire safety of the proposed residential units in this application. However, Building Control will comment on these issues once the building regulation application has been received. Therefore, no objections are raised under the Housing Act.

Environmental Health: The application site is listed as potentially contaminated land. Therefore, a condition is recommended that no works shall commence until details have been submitted to the Local Planning Authority for approval including desk top study, a site investigation report and a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed.

Sustainable Transport: No objection subject to the following conditions:

- The development shall not be occupied until the cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use.
- The applicant enters into a legal agreement with the Council to contribute £9,800 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area.

Policy Section: The section commented on the scheme as originally submitted that more information was required to be submitted in support of the application to demonstrate that the proposal complies with the requirements of EM5/EM6 as no current marketing had been undertaken to demonstrate that the office accommodation at this location is unviable.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages

QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG4: Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

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.

The previous permission is also a material consideration in the determination of this application. Planning permission was granted in June 2008 (**BH2007/04388**) to provide 6 x B1 office units and 5 flats. This scheme has not been implemented to date but does not expire until 13 June 2011. The applicant is now seeking permission for a scheme to provide 4 office units and 7 dwellings. The current scheme is externally (except for one window) the same appearance and dimensions as the approved scheme. The changes to the current scheme relate to the uses of the internally spaces.

Partial loss of industrial floorspace

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. The site was formerly used for glass manufacturing (a B2 use). 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 site provides the following:

- Office space - 189 sqm

- Work space areas - 182 sqm
- Storage - 87 sqm
- Total - 458 sqm

The unimplemented approved scheme (**BH2007/04388**) provided the following:

- 6 office units - 425 sqm
- 5 flats - 316 sqm

The current proposal is for the following:

- 4 office units - 294 sqm
- 7 flats - 427 sqm

The previous scheme was granted on the basis that, whilst the scheme resulted in a small loss of commercial floor space on site, the scheme brought back the site into an employment use. Furthermore, it was considered that a B1 use was more appropriate given the locality. This together with the refurbishment of the building and net gain of jobs on site, the benefits outweighed the concerns over the loss in overall floorspace, which amounted to 33sqm.

The current scheme proposes the loss of additional office floor space in order to accommodate 2 additional flats. The existing building has a total floorspace of 458sqm in employment use. Excluding the storage area this is reduced to 371sqm of office and work space areas. The current scheme reduces this to 4 office units with a total floor space of 294 sqm. The applicant has stated that the amended proposal is in light of the current economic climate and the approved scheme for 6 office units and 4 flats is unviable. It is stated that the current proposal for 7 flats is a much more viable scheme.

As the scheme results in an overall net loss of commercial / office space, policy EM5 is applicable. Policy EM5 states that planning permission will not be granted for the change of use of offices premises or office sites to other purposes, unless they are genuinely redundant. Redundancy is determined by a number of factors including the length of time the premises has been vacant, the marketing strategy adopted and the quality of the building.

In accordance with the policy, the scheme includes a marketing report. The report indicates that between July 2007 and June 2009 a thorough and comprehensive marketing campaign was undertaken to try and sell or let the existing property. This coincided with the drop in property values following the recession when the demand for commercial property decreased which was reflected in a reduction in the price and rental value of the premises. The marketing activity included a marketing board outside the property, mailing of a database of investors and developers, website advertising onto Flude's commercial website and other commercial websites, advertising in several publications including the Estate's Gazette. Evidence of the advertising campaign has been submitted with the application.

The Policy Section commented that whilst the marketing information submitted was acceptable, the marketing was only for the period up to the date of the previous permission (June 2008) and that no evidence had been submitted indicating that marketing had taken place after this date. To address these concerns the applicant has submitted a further marketing report in respect of the marketing of the premises post June 2008. The additional report indicates that the premises has been marketed as a development opportunity with the previous permission in place for 5 flats and 6 office units. The report again indicates a through marketing campaign by 3 agents and during a period of 22 months of marketing the agents were unable to secure a purchaser to implement the consented scheme. Whilst the site was purchased towards the end of 2009, the applicant did not purchase the site with the intention of implementing the scheme.

Whilst the current proposal results in a significant net loss of office space, when compared to the approved scheme, it is felt that the applicant has sufficiently demonstrated that the existing vacant premises, both with and without the approved scheme, is genuinely unviable. The current scheme retains 294 sqm of office space in 4 office units which will provide employment opportunities. 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. It is therefore considered that the benefits outweigh the concerns over the loss in floorspace in this case. Having regard to the viability of the existing premises and the approved scheme, it is felt that the loss of the office floor space is acceptable and in accordance with policy EM6.

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 with 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 the Conservation Officer sought retention. 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 scheme proposes the same external alterations approved under the previous scheme, with the exception of one additional front window. The design of the previous scheme was reached following amendments specified

by the Conservation Officer. In relation to the current proposal, the Conservation Officer has stated no objection to the same design as previously approved and has requested that the same conditions as per the previous permission be attached to the current scheme.

The addition of the small front window does not significantly affect the appearance of the building. As the current scheme proposes an almost exact same design as previously approved, the current proposal is also deemed acceptable in terms of its appearance and its impact on the appearance of the host building and surrounding Conservation Area.

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 affect by the proposals as the increase in height is set back from 15.5 m the front of the site. There would be distance of some 26m between the section of the site where the height is being increased and properties in Stone Street.

As part of the previous application, the applicants submitted a daylight and sunlight impact assessment carried out by Environmental Assessment Services Ltd. The report assessed 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 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. 15 and 14 to below the 5% recommended by the guidelines.

It is also considered that the scheme will not result in unacceptable overlooking of adjacent properties. High level windows are proposed on the front elevation but this is considered acceptable in this high density location.

As in the previously approved scheme of the same massing and design, the proposal is deemed appropriate in terms of its impact on the amenity of adjacent properties.

Traffic / highway issues

The scheme does not include any car parking for the office or residential units but does include cycling parking areas in the courtyard area for the flats and cycling parking is also indicated for some of the office units. 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 for a financial contribution of £9870 towards the Sustainable Transport fund, towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area.

It is considered that the impact of the scheme on local parking and the demand for travel it creates is comparable to the previous scheme. Along with the cycle parking and contribution towards sustainable transport, it is also considered appropriate to ensure the development is car free. This will ensure the development does not put undue pressure on existing Controlled Parking Zone and to ensure that the mains genuinely car-free to comply with policy HO7 of the Brighton & Hove local Plan. As this is a central location with excellent access to public transport links, it is felt appropriate to ensure the development is car free in accordance with policy HO7.

Standard of accommodation

Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. In this limited site, it is felt that the residential units provide adequate light and outlook and will provide a suitable standard of accommodation.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. Out of the 7 flats, 6 are provided with a terrace area although the terraces provided at first floor level are limited in size. Due to the constraints of the site, it is felt that the provision of the 6 terraced areas is appropriate and a refusal would not be warranted for the lack of private amenity space for the remaining flat.

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. There are concerns that the scheme does not indicate full compliance with Lifetime Homes. However, there is no apparent reason why these could not be redesigned and condition 12 of the recommendation therefore requires the flats be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

Objections have been raised to the introduction of further small flats in this area as they are deemed to cumulatively result in a detrimental impact on the

area and a transient community. It is felt that the proposal results in a suitable mix of residential and commercial uses. There is no evidence that the addition small flats results in a detrimental impact on an area and it is felt that the scheme provides suitable accommodation. It is therefore felt that a refusal would be unwarranted on these grounds.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Checklist submitted with the application. This is in accordance with SPD08 on Sustainable Building Design. The checklist is considered acceptable and states that the scheme meet Code Level 3 of the Code for Sustainable Homes, as required by the SPD. The applicant has also submitted a further sustainability statement outlining sustainability measures. The scheme is therefore considered to be in accordance with above policy and supplementary guidance.

Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted an acceptable Waste Minimisation Statement which outlines waste minimisation measures and is in accordance with the above policy and supplementary document. An informative is also recommended stating the applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build) to have a SWMP.

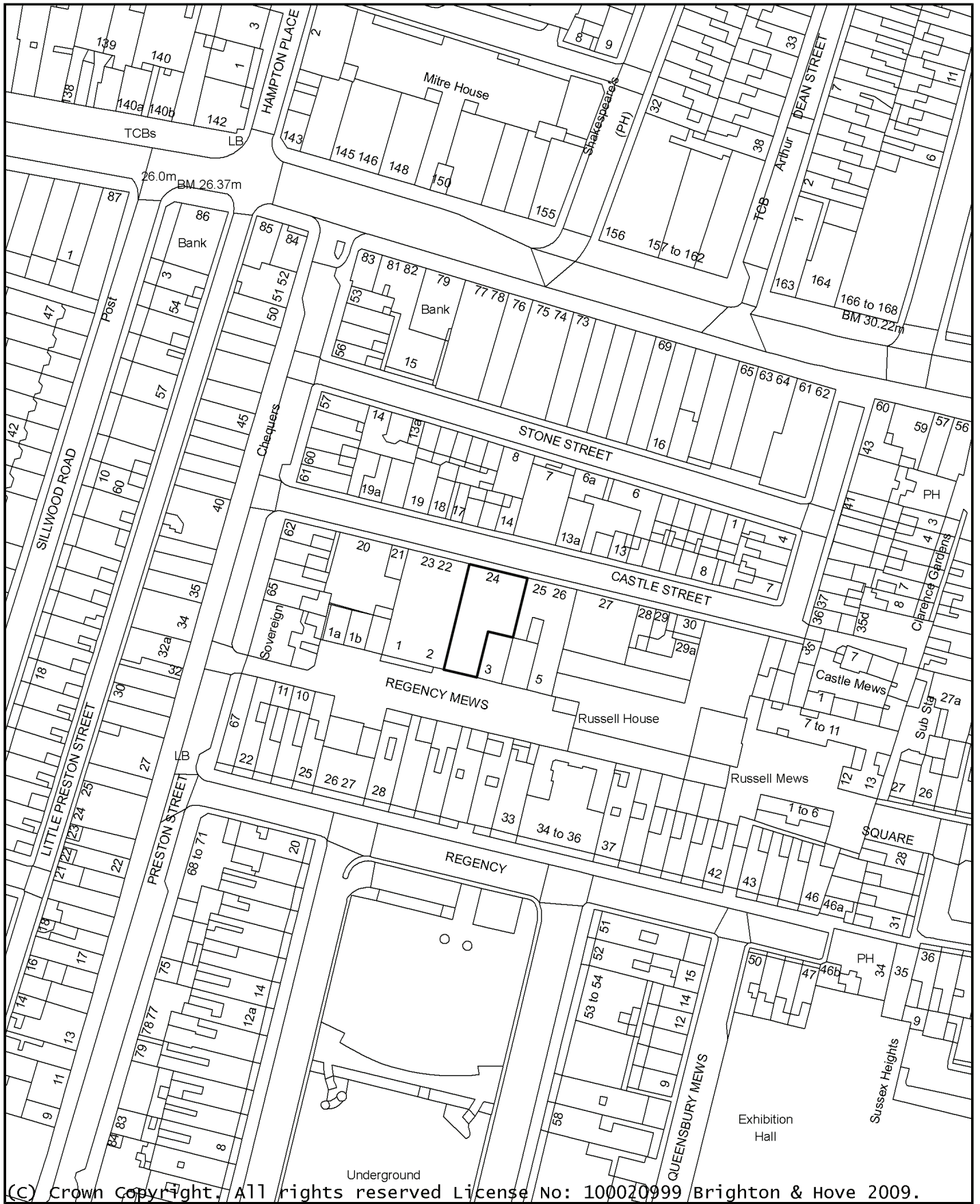
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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 loss of employment floorspace accords with Local Plan policies. The scheme also provides suitable accommodation, does not significantly harm the amenity of any neighbouring properties and is appropriate in terms of its impact on local parking and the demand for travel it creates.

9 EQUALITIES IMPLICATIONS

The new flats are required to comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

BH2010/00336 24 Castle Street



Date: 27/07/2010 11:33:21

Scale 1:1250



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PLANS LIST – 11 AUGUST 2010

COUNCILLOR REPRESENTATION

From: Jason Kitcat [<mailto:jason.kitcat@brighton-hove.gov.uk>]
Sent: 27 April 2010 11:25
To: Jason Hawkes
Cc: Sven Rufus
Subject: Objection to application BH2010/00336

Dear Jason

I am writing as a ward councillor to object to application BH2010/00336 for 24 Castle Street, Brighton.

While I welcome the bringing of empty properties into use, I am concerned about the impact of the application as currently proposed.

The Stone Street and Castle Street one way route is very narrow and already suffers from significant congestion. There are numerous letters and petitions on file with the Council's Environment Directorate highlighting the problems of HGVs damaging the pavement and getting stuck. Courier vans often stop blocking the flow of movement and unloading is regularly noisy.

Residents have worked hard with the businesses and council officers to reduce the impact of all these deliveries in the area. The deliveries are to service the rear of commercial premises on Western Road as well as offices on the streets themselves, including Bupa International.

The creation of 4 more office units threatens to tip the balance and make the streets unworkable. Residents are also very concerned that the residential dwellings could be misappropriated for commercial use, further adding to the burden on the street.

Additionally there is a sense that there are already too many small flats that have recently been added to the area. The lack of larger homes is affecting the mix of residents and the social cohesion of the area.

Finally residents question whether the proposed design is appropriate for the area and for the proposed uses.

If this item comes before the committee I request the opportunity to speak to it.

Sincerely,
Cllr Jason Kitcat
Green City Councillor, Regency Ward
Brighton & Hove City Council

<u>No:</u>	BH2010/00630	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	City Park, Orchard Road, Hove		
<u>Proposal:</u>	Erection of part one storey, part two storey building to form 7no one and two bedroom residential units with associated landscaping, car parking and cycle spaces.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Valid Date:</u>	17/03/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 May 2010
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mountgrange (Hove) Ltd (In Administration), c/o Deloitte LLP, PO Box 810, 66 Shoe Lane, London		

1 RECOMMENDATION

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

S106

- A Section 106 Obligation to secure £5,250 towards Sustainable Transport Strategy for improvements to accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of materials.
3. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential - Code level 5).
4. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential – Code level 5).
5. BH02.07 Refuse and recycling storage.
6. BH06.03 Cycle parking facilities to be implemented.
7. BH02.03 No permitted development (extensions) (amenity and character).
8. BH02.04 No permitted development (windows and doors).
9. BH02.06 No cables, aerials, flues and meter boxes.
10. BH04.01 Lifetime Homes.
11. BH15.04 Method of piling.
12. BH05.01 Hardsurfaces.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).
15. No works shall take place until full details of proposed photovoltaic panels, including 1:50 elevations, have been submitted to and approved by the Local Planning Authority in writing. The panels as agreed will

installed prior to the occupation of the units.

Reason: To protect residential amenity and the appearance of the building in accordance with policies QD1 and QD27 of the Brighton & Hove Local Plan.

16. No works shall take place until full details of all the fencing for the site, including 1:50 sample elevations, have been submitted to and approved by the Local Planning Authority in writing. The fencing as agreed will be installed prior to the occupation of the units.

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

17. During construction of the approved scheme, the Norway Maple trees on site shall be protected to standard BS 5837 (2005), in accordance with the Arboricultural Report and retained as such thereafter.

Reason: In order to protect and retain the substantial trees on site in accordance with policy QD16 of the Brighton & Hove Local Plan.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of the protection of controlled waters (groundwater) as the site is within a Source Protection Zone 1 area for a public water supply abstraction point and in comply with policies SU9 and SU11 of the Brighton & Hove Local Plan.

19. Access to the green roof hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

20. No works shall take place until full details of the green walls and roof have been submitted to and approved by the Local Planning Authority. The scheme shall include full specification of plants including densities, distribution and arrangements for future maintenance. All planting comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the works, whichever is the sooner. Any plants which within a 5 year period 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.

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 QD15 of the Brighton & Hove Local Plan.

21. The development hereby permitted shall not commence until full details of site and finished floor levels and height of the development in relation to

surrounding buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the Design and Access Statement, Biodiversity Indicator List, Site Waste Management Plan, Site Waste Management Statement, Sustainability Checklist Detailed Report, Sustainability Report, Arboricultural Report and drawing nos. TA468/10A, 11A, 12C, 13B, 14A, 15A, 16A, 17, 18A and 19 received on the 5th & 17th March, 23rd April and 3rd June 2010.

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

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

Planning Policy Guidance

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD20	Urban open space
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

Supplementary Planning Guidance:

SPG4: Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design; and

ii) for the following reasons:

The proposed development is appropriate in terms of its design and appearance and results in the sustainable development of a vacant piece of brownfield land to the benefit of the character and appearance of the surrounding area. The scheme also provides suitable accommodation, does not significantly harm the amenity of any neighbouring properties and is appropriate in terms of its impact on local parking and the demand for travel it creates.

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of Lifetime Homes standards can be found in viewed on the Lifetime Homes web site at www.lifetimehomes.org.uk.
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
7. The site lies within a very sensitive groundwater location, a Source Protection Zone 1 area for Southern Water's Goldstone Public Water Supply. The Environment Agency is aware that previous contamination studies have been completed for the original 2001 application and the conditions recommended will ensure that the development could proceed safely. All appropriate pollution controls measures should be used during construction. Further guidance is available here: <http://www.environment->

agency.gov.uk/business/topics/pollution/39083.aspx.

2 THE SITE

The application site relates to a vacant piece of land which is currently enclosed by fencing. The site is situated between two three-storey blocks (Orchard House and March House on the north side of Orchard Road. To the north of the site is a large office block. These blocks are modern in design and were built as part of the City Park development. The site includes two Norway Maples trees near to Orchard Road which are included in Tree Preservation Order no.20. The southern side of Orchard Road is predominantly comprised of two-storey semi-detached dwellinghouses.

3 RELEVANT HISTORY

Planning permission was granted for the redevelopment of the City Park site under **BH2001/01019/FP** in October 2002. This permission was for the demolition of existing building (the former Alliance & Leicester House) and erection of a mixed development comprising 20,717 sq.m (gross) B1 office floorspace set out within 3 no 3 storey blocks with 665 parking spaces, 65 two and three bed flats (21 affordable) with 66 parking spaces, a crèche facility with 6 parking spaces, access roads and improvements and associated landscaping.

This application relates to the area allocated as a crèche in the previous scheme.

An application was submitted for the erection of a day nursery for 64 children in 2006 (**BH2006/00450**). This application was withdrawn by the applicant.

4 THE APPLICATION

Planning permission is sought for the construction of a block comprising 7 residential units. The scheme includes 5 two bed units and 2 one bed units with the rear flat including a basement level for accommodation. The block has a curved elongated shape with a curved roof and walls. This results in the two storey element to the front curving down to a single storey element at the rear. The front of the building includes a ground and first floor terrace for the dwellings and greens walls and roof are proposed surrounding all of the building. The scheme includes 7 dedicated parking spaces for the flats which are existing parking spaces accessed from Orchard Road.

5 CONSULTATIONS

External:

Neighbours: 12 emails and letters have been received from **1, 2, 10, 14, 15 Orchard House, 5 Orchard Gardens, 5 (2 emails), 11 Orchard Road, 3 March House and 23 King George Square, Richmond (owner of 7 Orchard House) objecting** to the scheme on the following grounds:

- Whilst the design of the flats is pleasing and more appealing than a crèche, there are concerns that the residents of the ground floor of Orchard House will be significantly affected by the proposal.

- On the east side of the scheme are gardens. If these are private garden, there are likely to be washing lines and clothes dryers which are unsightly.
- The drawings are unclear as to where the boundaries of the site are and what provisions are being made for the boundary treatments.
- The two-storey element is in close proximity to Orchard House resulting in an overbearing impact, loss of light, outlook and generally creating a feeling of being hemmed in. The development should be completely single-storey.
- The site was originally intended for a social use as part of the City Park development to provide community facilities for a crèche. The use for residential does not conform to the original approval. The use as residential will result in a noise impact on adjacent properties.
- The scheme is being used to increase the value of the company which owns the land and is administration.
- This area has no facilities and the area should be used a crèche for the local community or as an alternative community facility.
- The increase in traffic caused by the scheme will have a significant impact on the local community.
- The scheme requires more off-street parking.
- The development should not go beyond the line of the south west corner of the adjacent property. The development will be too near to the houses across the road and the trees on site.
- The land should be used for additional car parking for March House.
- The scheme will aesthetically detract from the flats at Orchard House and the scheme is too dense for this plot. It will reduce the value of adjacent buildings.

Ward Councillor Jayne Bennett has objected to the scheme. A copy of the email is attached.

Environment Agency: No objection.

The site lies within a very sensitive groundwater location, a Source Protection Zone 1 area for Southern Water's Goldstone Public Water Supply. The agency is aware that previous contamination studies have been completed for the original 2001 application and, subject to conditions, the development could proceed safely. All appropriate pollution controls measures should be used during construction. No objection is raised subject to conditions relating to appropriate piling or any other foundations and remediation measures if contamination, not previously identified, is found to be present during construction works.

Internal:

Sustainable Transport: No objection subject to the following conditions:

- The development shall not be occupied until the cycle and parking areas have been provided in accordance with the approved plans.
- The applicant enters in to a legal agreement with the Council to contribute £5,250 towards improving accessibility to bus stops, pedestrian facilities

and cycling infrastructure in the area of the site.

Arboricultural Section: The Arboricultural officer is in full agreement with the Arboricultural report submitted and therefore has no objections. No objection subject to a condition is recommended that the Norway Maple trees on site shall be protected to standard BS 5837 (2005) and retained as such thereafter.

Environmental Health: No comment.

Sustainability: No objection.

The scheme incorporates commitment to achieving Code for Sustainable Homes Level 5 for all residential units according to the submitted Sustainability Report. This commitment is welcomed as it goes beyond the recommended code standards for the type of development contained in SPD08.

Housing: No objection.

6 PLANNING POLICIES

Planning Policy Guidance

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD20	Urban open space
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

Supplementary Planning Guidance:

SPG4: Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of a residential use on this site, the affect upon the appearance of the area and wider street views, neighbouring residential amenity, transport issues and sustainability.

Principle of residential use:

The site is part of the larger City Park site which allowed the development of the site for a mixed use comprising B1 office floorspace set out within 3 storey blocks and 65 two and three bed flats. Two of the approved residential blocks are positioned either side of the vacant land which is the subject of this application (Orchard House and March House) and the new office blocks are located to the north of the application site. This vacant plot was originally designated for a crèche facility for 40 children under BH2001/01019/FP. The crèche was proposed as a two storey building with an outside play and 6 dedicated parking bays.

The crèche has not been implement as it was not considered financially viable. However, it is important to note that the building to accommodate the crèche could still be implemented as the remaining elements of the scheme was implement. The supporting statement indicates that in the interim period a crèche facility has been opened in the adjoining Coral Sports Centre in 2008. The supporting statement goes on to state that this facility expected demand from the staff at Legal and General offices but the crèche only has 2 children whose parents work at City Park. There also 3 other day nurseries in the immediate vicinity, Footsteps at Old Shoreham Road, Early Years at Wilbury Villas and Hopscotch in Portland Road.

If constructed, the crèche would have provided a community facility for the area. This would have been advantageous to the area. Whilst the loss of the crèche facility is regrettable, there is unfortunately no recourse to require the developer to build the nursery since the implementation of the crèche was neither conditioned or secured by a S106 legal agreement. There are phasing conditions relating to the office accommodation on site but there is no reference to the nursery. As the Local Planning Authority has no recourse to require the applicant to construct the nursery, the City Park scheme is seen as part implemented and the applicants have the option of building the nursery in the future, if they so wish. As the nursery was never constructed, this piece of land is not classed an existing community use and is a vacant piece of brownfield land which is suitable for development for housing, therefore policy H020 which seeks to retain community facilities does not apply.

As outlined in Planning Policy Statement 3 (PPS3), when assessing potential

housing sites, local authorities must look to 're-use of vacant and derelict sites or industrial and commercial sites for providing housing as part of mixed-use town centre development.' PPS3 states that the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure. A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

PPS3 states that the national annual target is that at least 60 per cent of new housing should be provided on previously developed land. This includes land and buildings that are vacant or derelict as well as land that is currently in use but which has potential for re-development. This site is deemed suitable for redevelopment for housing as it is already positioned between two blocks of residential units and, as outlined below, provides an innovatively designed scheme with high sustainability credentials. Whilst the loss of the nursery is regrettable, the alternative use of the site for residential development is deemed appropriate and in accordance with local and national policies for the re-use of brownfield sites.

Design and impact on wider street scene:

Policies QD1 & QD2 of the Brighton & Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding area. Policy QD1 states that it does not seek to restrict creative design provided that new development can still be integrated successfully into its context.

The appearance for the 7 residential units is a contemporary approach and not immediately recognisable as a residential building. It has been designed with this site specifically in mind taking into the constraints and characteristics of this site and its relationship with the two adjacent blocks of flats. The site is primarily flanked by two blocks of three storey flats with overlooking from the accommodation particularly from Orchard House to the east. The adjacent blocks of flats are modern in design. March House to the west is run by a registered social landlord and is set back further into its site behind a car parking area. This block has a more utilitarian appearance than Orchard House to the east of the site which is a larger block of privately owned flats. To the immediate south of the site are traditional two-storey detached dwellinghouses. Due to the separation of the site from these houses by the road and the retention of the two trees at the front of the site, the proposal will be viewed largely in the context of the two adjacent blocks of flats and the large office block to the rear.

In recognition of the two adjacent blocks and to minimise the impact of the scheme on adjacent properties, the proposed building is two storeys to the front and then curves down to a single-storey aspect to the rear. The two-storey element is set further forward of the Orchard House and is separated

from Orchard Road by two Norway Maple trees, which are to be retained on site. The building includes a curved roof form with green walls and a green flat curved roof to the building. To the front, two sets of balconies are proposed at ground floor and first floor level. The windows to the front follow the curved walls of the building. The windows to the side are narrower with a more vertical emphasis. The shape of the building to the east elevation has been designed to include sections which make the windows face at an angle in order to reduce overlooking of the adjacent property. The walls of the property are indicated as render on a timber frame which will have the green wall system installed upon them to all elevations. The windows are proposed in aluminium frames.

The proposed site is set at a higher ground level than Orchard House. This means that the overall height of the building to front elevation is a similar height of Orchard House to the east. The building has an elongated appearance to accommodate the narrowness of the site and is also set an appropriate distance from the boundaries to the east and west.

Policy QD1 encourages creative design stating that 'modern design using contemporary and sustainable materials will be welcomed', subject to the modern design being acceptable in the context of the area. Whilst the design of the building is unusual for a residential development, it is felt that the building has been thoughtfully designed to fit into this brownfield site and will appear as an appropriate addition in the context of the two adjacent modern blocks of flats and the overall character of the City Park development.

Impact on Neighbouring Properties

Brighton & Hove Local Plan policy QD27 requires that new development respects the existing amenity of neighbouring properties. The residential properties most affected by this proposal are the flats located in the two blocks to the immediate east and west of the site at March House and Orchard House. The building to the rear is occupied by offices and is set a significant distance from the proposed building. Additionally, the dwellings to the south of the site are separated from the development by Orchard Road and the two maple trees which are to be retained. Consequently, the offices to the north and the dwellings to the south would not be significantly affected by the proposed building.

March House, the block of flats to the west of the site, is a three block of affordable housing units and is set to the rear of the site with a car parking area to the front. March House includes side windows which overlook the rear of the site and is separated from the proposed building by a retained access path to the side of the site and a distance of 7.8m. The rear of the proposed building is single-storey and due to the distance between the proposed building and the side elevation of March House, the scheme will not result in a significant impact on the amenity of this building.

In relation to Orchard House to the east of the site, the apartments in this

block will be more affected by the proposal. The proposed building is approximately 7m away from the west facing elevation of Orchard House. Again, the side elevation of Orchard House includes side facing windows serving habitable rooms. Orchard House is set at a lower ground level of the proposed site which results in the scheme having more of an impact on the ground floor windows of Orchard House. The proposed building has been designed to minimise its impact on Orchard House with the two-storey part of the building set mostly in front of the building line of Orchard House which then curves down to single-storey to the rear.

Due to the distance between the Orchard House and the proposed building, the single-storey element will not result in a significant impact on the amenity of the side facing windows of Orchard House. There is concern that the two-storey element and the curve down to the single-storey part of the scheme may result in a loss of light to the ground floor windows in the south west corner of Orchard House. However, the scale of the approved nursery is a material consideration in the determination of this application.

The proposed nursery could still be constructed as it is part of the permission for the City Park development which has been part implemented and was commenced within the set implementation time in the original application. The nursery building is a two-storey structure set in a similar position to the proposed two-storey part of the current scheme. Drawing TA468/22 indicates the position of the approved nursery in relation to the current proposal. The drawing indicates that the current building for flats is smaller in scale when compared to the approved building. The proposed nursery building is a squarer building whereas the current scheme has a curved appearance. The squarer nursery building would have more bulk than the current proposal and would result in more of an impact on Orchard House if constructed. Having regard to the approved scheme and the fact that the current scheme would have less of an impact on the adjacent property than the approved nursery building, it is felt a refusal on the grounds of loss of amenity to Orchard House in terms of loss of light and outlook cannot be justified.

To protect the amenity of Orchard House, the side windows in the proposed building have been angled to avoid direct overlooking to the east. The balconies proposed have also been set to the front and partly to the side and are beyond the front building line of Orchard House so that would not allow any overlooking of the Orchard House flats. To ensure the amenity of Orchard House conditions are recommended removing permitted development rights for extensions and windows for the proposed residential units.

Currently the site is mostly surrounded by hoarding and the scheme would require fencing, especially along the eastern boundary where there are currently railings. It is important that appropriate fencing is secured in order to protect the flats of Orchard House from being overlooked from the proposed gardens. Therefore a condition is recommended that full details of the fencing shall be submitted to the Local Planning Authority and installed, as approved,

prior to the occupation of the proposed residential units.

Overall it is considered that the scheme is appropriate in terms of its impact on adjacent residential properties in accordance with policy QD27. It is also felt that the use of the site for residential units will not result in a significant impact in terms of noise disturbance, especially when compared to the potential use of the site as nursery.

Living Conditions for Future Occupiers

Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The scheme is for 7 residential units, six 2-bed units and one 1-bed unit. Four of the units are sited in the front two-storey part of the building and the rear units include a basement level and lightwell area to serve a maisonette. The units are all accessed from the existing side access along the west elevation. It is considered that each unit will provide suitable accommodation with adequate light and outlook.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. The scheme includes three private gardens for the three units and balconies are proposed for the four front units. As the gardens will be overlooked to some extent from the side windows at upper level of Orchard House, the scheme includes green wall trellises in the gardens to allow private areas.

New residential buildings are expected to 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 including turning circles as indicated on the proposed plans. There are concerns that the scheme does not indicate full compliance with Lifetime Homes. However, there is no apparent reason why these could not be redesigned and condition 10 of the recommendation therefore requires the units be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

Traffic Matters

The scheme includes 7 dedicated car parking spaces on site which are accessed from Orchard Road. These spaces are existing however, the spaces are not currently used. The scheme also includes covered and secure cycle storage facilities for the units. 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 for a financial contribution of £5250 towards the Sustainable Transport fund, towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area.

Subject to the contribution towards sustainable infrastructure in the area and provision of cycle storage, it is considered that the impact of the scheme on local parking and the demand for travel it creates is acceptable.

Trees

As outlined above, there are two mature Norway Maple trees on site. The scheme includes an Arboricultural Report outlining the retention of the trees. The Arboricultural Section has commented that they are in full agreement with the Arboricultural report subject to a condition that the Norway Maple trees on site shall be protected to standard BS 5837 (2005), in accordance with the Arboricultural Report and retained as such thereafter.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Checklist submitted with the application. This is in accordance with SPD08 on Sustainable Building Design. The checklist is considered acceptable and states that the scheme will meet Code Level 5 of the Code for Sustainable Homes. This is above the requirement of Code Level 3 for a brownfield site as outlined in the SPD. The scheme is therefore considered to be in accordance with above policy and guidance.

Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted an acceptable Waste Minimisation Statement which outlines waste minimisation measures and is in accordance with the above policy and supplementary document. An informative is also recommended stating the applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build) to have a SWMP.

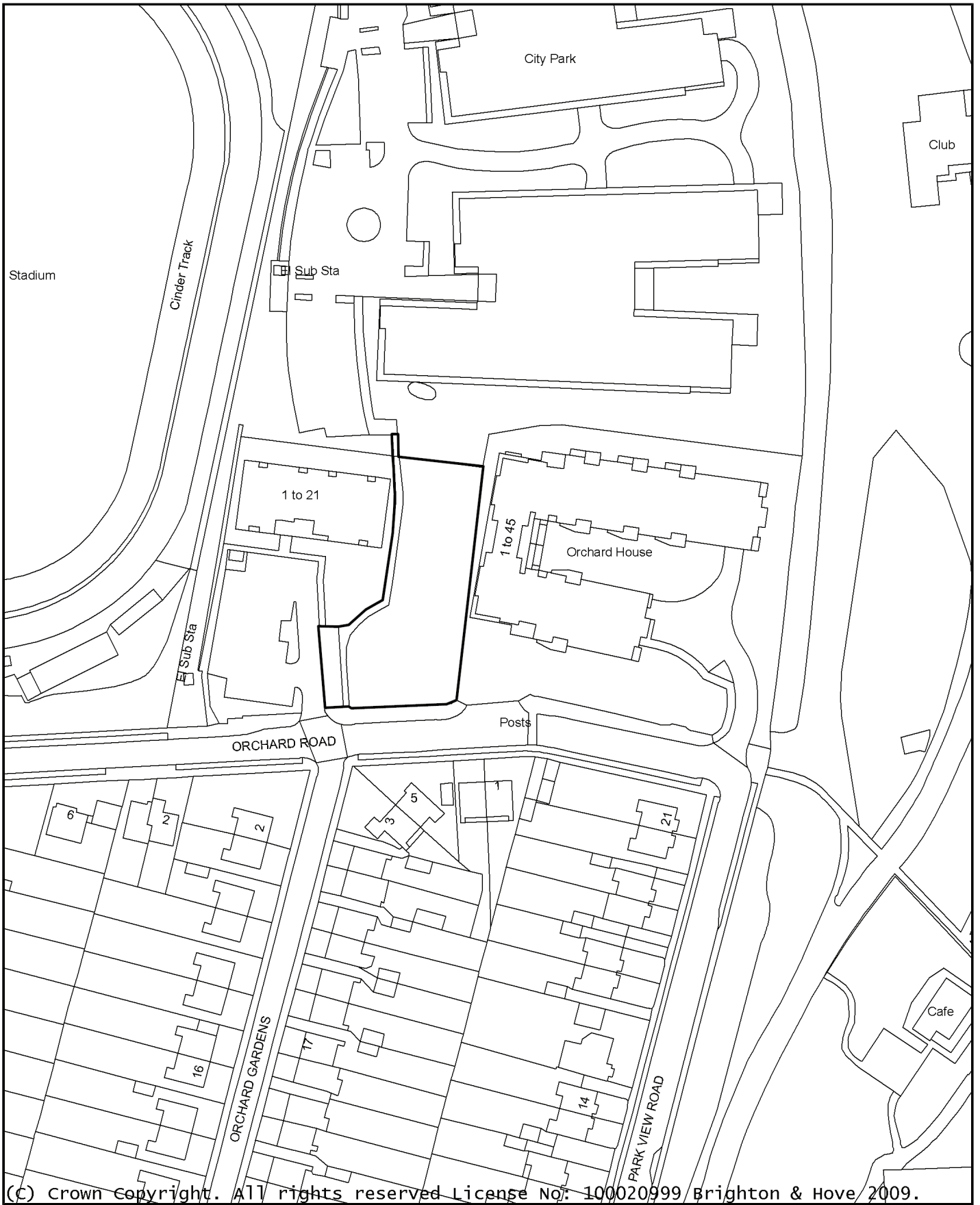
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is appropriate in terms of its design and appearance and results in the development of a vacant piece of brownfield land to the benefit of the character and appearance of the surrounding area. The scheme also provides suitable accommodation, does not significantly harm the amenity of any neighbouring properties and is appropriate in terms of its impact on local parking and the demand for travel it creates.

9 EQUALITIES IMPLICATIONS

The new units are required to comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

BH2010/00630 City Park, Orchard Road



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Date: 10/06/2010 04:18:02

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**Brighton & Hove
City Council**

PLANS LIST – 11 AUGUST 2010

COUNCILLOR REPRESENTATION

From: Jayne Bennett [mailto:Jayne.Bennett@brighton-hove.gov.uk]

Sent: 15 June 2010 12:22

To: Jason Hawkes

Subject: BH2010/00630 Land between Orchard House and Marche House, Orchard Road

Dear Mr Hawkes,

As a councillor for Hove Park ward I know that permission was granted during the original City Park development application for a crèche on this site. However now all the offices and apartments are built you can see how small the space is for development and how carefully a new build should be designed to lessen the impact on existing residents in the apartment blocks. This proposal would affect the ground floor flats on the western corner of Orchard House and would make them feel hemmed in and I also believe there would be some loss of light. Because of the slope of the land it would have far less impact and be acceptable if it was one storey throughout. I feel that less weight should be applied to the history of this application site and more consideration given to the adjacent residents concerns.

Yours sincerely,

Jayne Bennett

<u>No:</u>	BH2010/01059	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	51 Westbourne Villas, Hove		
<u>Proposal:</u>	Re-conversion of 3no existing flats back into 1no 5 bed dwelling house and conversion of garages to rear into a detached 3 bed house.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	26/05/2010
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	21 July 2010
<u>Agent:</u>	Chalk Architecture Ltd, 219b Preston Road, Brighton		
<u>Applicant:</u>	Baron Homes Corporation Ltd, Mr Michael Blencowe, 22a East Street, Brighton		

1 RECOMMENDATION

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

Reasons:

1. Policy HO5 of the Brighton & Hove Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The proposed conversion and extension of the main building would result in a five-bedroom family home with private rear amenity space that would be unsuitably small in comparison to the original layout of the site and the scale and character of the development. Additionally, the proposed annex house to the rear would be a three bedroom family home with no useable private amenity space. The proposed development therefore fails to provide a suitable standard of useable private amenity space for each dwelling and is contrary to the above policy.
2. The proposed annex house, by virtue of the limited amount of light and outlook to the basement and ground floor living spaces, and the perception of overlooking afforded by the close proximity of the main dwelling, fails to provide a suitable form of accommodation for future residents which would be of detriment to their living conditions. The proposal is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.
3. Policy HO8 of the Brighton & Hove Local Plan states that planning permission will not be granted for proposals involving the net loss of residential accommodation. Owing to the unacceptability of the proposed annex house having regard to policies QD27 and HO5 of the Brighton & Hove Local Plan, the suitability of converting the existing building from three residential flats into one dwellinghouse is unacceptable as it would result in the net loss of two residential units, thereby conflicting with the above policy.

Informative:

1. This decision is based on the design and access statement, heritage statement, waste minimisation statement, site plan and drawing no.A.01 submitted on the 13th April 2010; the sustainability checklist submitted on the 26th May 2010; the arboricultural report submitted on the 1st July 2010; drawing nos A.02 rev A and A.04 submitted on the 13th July 2010; and drawing nos. D.11 rev A, D.12 rev B & D.13 rev A and the photograph submitted on the 16th July 2010.

2 THE SITE

The application relates to a large villa house located on the east side of Westbourne Villas, Hove, close to the junction with Westbourne Place and within the Sackville Gardens Conservation Area. The property has been vacant for a number of years and is in a derelict condition. It formally consisted of three flats spread across the basement, ground floor, first floor and roof levels. At the rear of the garden is a block of five garages fronting Westbourne Place.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The application seeks planning permission to return the building to residential use by converting the three flats into a single five bedroom house, adding a lower ground and ground floor extension to the rear. Additionally, the block of garages to the rear is to be converting into a second annex house fronting Westbourne Place, with the excavation of a basement level and the addition of a flat roof. This annex house would be a separate planning unit independent of the main dwelling.

5 CONSULTATIONS

External:

Neighbours: Five (5) letters of representation have been received from the residents of **Nos 3, 6, 15, 39 & 39A Westbourne Villas** supporting the proposed development on the grounds that:

- The proposed development would sympathetically restore the building to its original condition and will have a positive contribution to the area.
- The proposal will result in a family home and a better balance of properties in the area, and avoid its conversion into flats as per other similar buildings in the street.
- A house with parking rather than flats would reduce parking congestion in the street.
- The proposal would enhance the ugly garages on Westbourne Place.

One letter of objection has been received from **Hove Civic Society** on the grounds that the annex house will have virtually no garden amenity space, whilst some of the original garden to the main house will also be lost. No objection is raised to the restoration of the main house or the addition of the

rear extension.

Internal:

Design and Conservation: No objection.

The existing property is vacant and in poor condition and has suffered from past inappropriate alterations. The proposal to bring it back into use as a single dwelling and restore the building is welcomed. The proposals would enhance the appearance of the Conservation Area in Westbourne Villas. The reinstatement of a slate roof is very welcome and the proposed replacement of the existing UPVC windows with timber sash windows is also very welcome. The removal of the side porch is further welcomed and there is no objection to the proposed modern obscure glazed window, which would not be readily visible from the street. No soil or waste pipes, flues or vents for the new bathrooms should be exit the front elevation.

There is an opportunity to remove the existing rusticated concrete blocks from the front boundary wall and reinstate iron railings. This would further enhance the appearance of the building from Westbourne Villas.

The proposals to the rear of the building cannot be properly assessed at this stage due to inadequate and inaccurate drawings. There is no elevation drawing of the existing garages and no contextual drawing showing the proposed new house together with the existing house and in the wider street scene. There are also no sections through proposed new house.

Following the submission of amended drawings:

The revised plans generally address the concerns raised in the original comments and there are no remaining outstanding objections to the proposals. A condition will be needed to require large scale details of the sliding rooflight, including a section to show its height above the roof. Samples of materials will also be needed by condition and the standard condition on sash windows (12.03) should be added too.

CAG: No objection.

The group felt the removal of the garages would be an improvement to the conservation area and were satisfied that this proposal would not affect its appearance. The group therefore agreed to make no comment.

Sustainable Transport: No objection.

Arboricultural Officer: No objection.

The Arboricultural Section recently visited the above site and agree with the Arboricultural report submitted. There are no trees on the site that are worthy of a Tree Preservation Order. Most trees are of poor form and / or causing actual structural damage whilst the Poplar is an inappropriate species for a small suburban garden.

The Arboricultural Section would not object to the removal of all trees from the

site, subject to a landscaping scheme showing replacement trees in appropriate locations within the curtilage of the property.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
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
HO8	Retaining housing
HO13	Accessible housing and lifetimes homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD03	Construction and demolition waste
SPD08	Sustainable building design
SPD09	Architectural features

Supplementary Planning Guidance:

SPGBH1	Roof Alterations and Extensions
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Planning Policy Guidance:

PPS3	'Housing'
PPG15	'Planning and the Historic Environment'

7 CONSIDERATIONS

The main considerations material to this application are the principle of the loss of residential units to accommodate the conversion and the impact of the extensions on the appearance of the building and amenities of adjacent occupiers. Additional material considerations include the principle of converting the garages into a separate residential unit, the standard of accommodation it would provide for, its resultant impact on the street scene and amenities of adjacent occupiers, alongside sustainability, lifetime homes and access and parking issues.

Principle of Development

The main building was originally constructed as a single dwellinghouse but has subsequently been converted into three flats. These flats have since been vacated and the site is now disused and in a state of disrepair. The proposal seeks to revert the main building back into a single dwellinghouse, resulting in the loss of two residential units.

The primary judgement with regard the principle of this development is whether the loss of residential accommodation constitutes a material change of use contrary to policy HO8 of the Brighton & Hove Local Plan. The Council's current position is that the conversion from two residential units to one larger unit does not normally require planning permission, as demonstrated in case law. This is because the union of two units that are of the same use class (C3) is not considered a material change of use. In (Carrick DC 25/5/81) it was held that the union of two adjoining cottages to create a single dwelling did not create a material change of use whilst similarly, in (Penwith DC 27/6/90) the joining of the two semi-detached halves of a bungalow was also considered not to require planning permission. Furthermore, the proposed amalgamation of flats in a property to form a single dwellinghouse was the subject of an appeal (Islington LB 10/6/97) whereby the inspector noted that although sec.55(3)(a) of the Town and Country Planning Act 1990 made the creation of two or more dwellinghouse a material change of use, a change in the opposite direction would not always be material and any test must be a matter of fact and degree; the Act does not specifically render that such a change would not always be material.

In light of the above cases, the Council's position is that the conversion of two flats to a single dwellinghouse does not constitute a material change of use and planning permission is not required. For the conversion of three or more flats to a single dwellinghouse though, the Council's position is that a material change of use is considered to have occurred and planning permission is required. On this basis Local Plan policy HO8 resists the net loss of residential accommodation unless the proposal meets specific exception tests. These tests include whether the existing residential accommodation is unfit for human habitation and it can be demonstrated that it cannot be made fit for human habitation; a separate access to the residential accommodation is impracticable; a change of use is the only practicable way of preserving a Listed Building; where the proposal would result in a net gain in units of affordable housing; or where the previous use of the building would be a material consideration. It is clear that none of these exception tests apply to this site therefore the principle of converting the three flats to a single dwellinghouse would be unacceptable.

To counter this, the proposal includes the conversion of an existing garage block to the rear of the site into a single three-bedroom dwellinghouse, thereby resulting in the site as a whole being reduced from three residential units to two, albeit now within two stand-alone buildings rather than one. On the basis that the above case law has determined that the net loss of one

residential unit at a site does not require planning permission, so in this case the loss of one residential unit is not considered a material concern contrary to Local Plan policy HO8 providing the new unit of accommodation is deemed acceptable. The conversion of the garages to the second residential unit does though constitute a material change of use to be judged on its own merits against separate development plan policies.

In summary, should the conversion of the garages be considered acceptable then the loss of one residential unit on the site would be considered acceptable having regard to the above case law. Should the conversion of the garages be considered unacceptable and irresolvable having regard to the development plan, then the loss of two residential units as part of the de-conversion of the main dwelling would constitute a material change of use contrary to policy HO8 of the Brighton & Hove Local Plan. The acceptability of the scheme as a whole is therefore dependant upon the acceptability of the garage conversion as a separate stand-alone dwellinghouse. Should permission be granted then the annex house must be constructed first prior to the occupation of the main dwellinghouse in order to secure the number of units on the site and thereby avoid a material conflict with Policy HO8. This could be achieved by condition, in the event planning permission was granted.

With regard the principle of converting the garages to a dwellinghouse, within the context of the street scene such a conversion is considered acceptable. It is noted that the Westbourne Villas and Westbourne Place buildings lines pinch towards their southern ends such that the rear gardens to Nos 48 to 54 Westbourne Villas also front Westbourne Place and get progressively shallower. Of these, Nos 48 and 53 have existing large rear extensions that have been converted to separate residential units fronting Westbourne Place, whilst the vacant building adjacent at No.50 also has a large rear extension consuming over 50 percent of the garden area. In particular, the rear extension to No.53 (constructed when the site was in operation as a residential nursing home and then subsequently a boarding house) has removed all original garden space and now directly opens onto Westbourne Place as a single dwelling, No.46 Westbourne Place (BH2006/03623 & BH2006/04036). On this basis, the principle of converting the existing block of five garages to a single dwellinghouse is considered acceptable subject to the resultant residential unit providing a good standard of accommodation and not having adverse impacts on the amenities of neighbouring occupiers.

Design and Appearance

Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and/or the prevailing townscape.

The existing building is a large villa style property with a basement level and loft rooms serviced by four identically positioned dormers of a similar scale. The proposed conversion works would return the building to a single 5 bedroom dwellinghouse, with basement gymnasium and pool, the replacement of a side porch with a large glazed panel window, and the general restoration of the original detailing and fenestration to the building. The front elevation would be restored back to its original level of detailing and finish with no additional elements, whilst to the rear a 2.4m deep extension is to be constructed at basement and ground floor level. This would be of a more modern finish with white wire cut bricks, timber weather boarding, and brass cladding to two large projecting windows. This extension would be recessed from the flank wall to the main house, would appear subordinate, and would be of a level of design and finishing that would compliment the more traditional host building. No concern is raised over this element of the proposal.

The block of garages to the rear sits amongst a mix of high rear boundary walls, garages and residential frontages within converted extensions rear of Nos 48 and 53 Westbourne Villas, each directly fronting Westbourne Place. The existing garage building is a poor quality flat roofed structure that extends the width of the plot to a height of 2.6m. The development proposes to excavate a basement level and add a flat green roof above to enable its conversion to a single three bedroom dwelling. Given the poor structural quality of the existing building this would likely result in its complete demolition and rebuild. The resultant building would sit on the same footprint and be rendered to match the main building. The front elevation would be finished with oak weather boarding to mimic the existing garage doors, whilst the roof would have a sliding rooflight to bring more natural light into the basement rooms. The scale and proportions of the frontage would be largely similar to the existing garages and the adjacent boundary treatments, albeit with a new roof to an overall height of 3m. Within the context of the street scene this is considered an acceptable approach that would not be harmful to the immediate character of this section of the conservation area. The design and appearance of the annex building is therefore considered to meet relevant local plan policies QD1, QD2 and HE6.

Impact on Residential Amenity

The proposed alterations and extensions to the main house and the addition of the second annex house will not harm the amenities of adjacent occupiers. To the north, No.50 extends considerably further to the rear and their existing openings will not be impacted by any new principle windows or the 2.4m depth of the proposed extension. Likewise the property to the south, No.52, will not be impacted beyond existing levels by the works. The annex house will contain no openings in the north or south flank wall, thereby protecting the privacy of adjacent gardens.

The main concern is the overlooking potential afforded by the proximity of the main house and the proposed annex house. The rear elevations to each

building are separated by a back-to-back distance of just 7m with a line of small unspecified planting and a 2.1m fence acting as a boundary treatment in between. Although direct overlooking would be somewhat limited by the 2.1m fence between the dwellings, there would still be an element of overlooking potential from the raised ground floor and first floor windows into the rear bedrooms to the annex house. This potential would be exacerbated by the close proximity of the dwellings such that the perception of overlooking would likely be much greater than the actual degree of overlooking.

It is worth noting that although the rear extensions to Nos 48 and 53 Westbourne Villas have been converted to single residential units similarly fronting Westbourne Place, they form part of the fabric of a pre-existing building thereby resulting in no loss of amenity to existing occupiers both within the site and adjacent.

Standard of Accommodation

The main dwelling would contain rooms in largely the same layout as current, each with good access to natural light and ventilation. In this respect no harm is identified. Owing to the introduction of the rear extension and steps to basement level, and the position of the boundary fence to the annex house, the remaining rear garden depth would be just 3.6m in depth. For a five bedroom family dwelling such as this, this is an unacceptably small amenity space, and does not reflect the larger such spaces in the local area. Policy HO5 is explicit in stating that private useable amenity space should be appropriate to the scale and character of the development and in this regard the proposed development is considered to fail.

With regard the annex house, the main living spaces and master bedroom are to be located in the basement, with natural light access via a run of rooflights to the west side and a large sliding rooflight above the open stairwell. Although it is accepted that natural light will penetrate these rooms, it is not considered a wholly acceptable arrangement as there will be minimal sunlight penetration and no outlook to these rooms, neither will there be any significant outlook from the ground floor bedrooms which will face the 2.1m boundary fence at a separation of just 1.6m. This poor level outlook is reflective of the tight nature of the site, and consequently only serves to further confirm its poor suitability for a development of this scale representing an overdevelopment of the site. The overall layout is considered suitable for family occupation with three double bedrooms, however, no useable private amenity space would be provided, contrary to policy HO5. Although a 1.6m wide pathway area is provided to the rear, the majority of this would serve raised rooflights to the lower level and be wholly unusable. The sliding rooflight would allow sky views, sunlight and ventilation to the lower living spaces however this is not considered to be an acceptable alternative solution by itself.

In summary, the proposed development fails to provide a suitable standard of useable private amenity space commensurate to the scale and location of the

development, and fails to provide a suitable standard of accommodation for the annex house in respect of outlook and sunlight accessibility, contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

Lifetime Homes

Local plan policy HO13, states that proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that wherever it is practicable, Lifetimes Homes criteria have been incorporated into the design. Within the fabric of an existing building such as the main house, it is not reasonable or practicable to expect all 16 criteria to be met, especially with regard to level accesses etc. Notwithstanding this exception, the application must demonstrate the criteria that could reasonably be incorporated into the design and layout. With regard the rear annex house, as a new construction it would be expected that all 16 criteria are met in order to meet policy. The accompanying design and access statement states that this annex house can be practicably adapted to suit lifetime homes standards however no details pursuant to these standards are supplied. Likewise, the application contains no indication whether lifetimes homes standards would be incorporated into the layout and design of the main house. A brief assessment of the scheme reveals that no significant changes to the layout or design of each house would be required to meet the standards, therefore specific details pursuant to all 16 standards can be reasonably requested and secured by condition in the event planning permission was granted.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.

Proposals for the conversion of existing buildings are expected to include a completed sustainability checklist, an EST Home Energy Report, reduced water consumption and the minimisation of surface water run-off. The completed sustainability checklist details that the proposal as a whole will achieve a 78 percent (best) rating however no further examples or justifications are given for this score, or indication given as to what standard each house will achieve. Notwithstanding this, conditions can reasonably be attached to ensure that the above sustainability measures are incorporated into the design of the main house.

With regard the annex building, the SPD states that proposals for new build residential development on previously developed land should include a completed sustainability checklist, achieve Level 3 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. It must be noted that although PPS3 now refers to backland sites as being greenfield land (requiring Code Level 5 to be attained under the above policy and SPD) the annex building is to be constructed on largely the same footprint as the existing garages. This, in accordance with PPS3, is considered to be previously developed land instead, requiring Code Level 3 to be achieved.

This can be secured by planning condition. As stated the completed sustainability checklist details that the proposal as a whole will achieve a 78 percent (best) rating but without examples or justifications, or any indication as to what standard each house will achieve. Notwithstanding this, conditions can reasonably be attached to ensure that the annex house meets Code level 3 as required by the policy, in the event planning permission was granted.

No details of appropriate refuse and recycling facilities for each house are shown on the plans (as required to meet policy SU2) however such details can be requested by condition.

Access and Parking

Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered and secured cycle parking facilities for residents. No details of the location, form or quantity of cycle storage facilities are detailed however in this instance a condition can be attached requesting exact details in order to fully accord with the requirements of policy TR14. In terms of parking, no spaces are provided onsite for the annex house, however, 2 spaces (in the form of a basement and ground floor level car lift) are to be provided adjacent to the annex house for the benefit of the main house. Although the street has parking restrictions (Controlled Zone R) there is no significant waiting list, whilst the proposal is for a net loss of one residential unit. On this basis no concern is raised over local parking supply. The Council's transport planning officer has not raised an objection to this proposal.

Trees and Landscaping

The site contains ten trees within the front and rear gardens, including five Poplar trees, a Goat Willow, two Sycamores, a Cherry and an Elder. A tree survey has been submitted with the application that assesses each tree for its safety, value and appropriateness. The report concludes that none are worthy of a Preservation Order whilst several have decay concerns. The development would require the automatic loss of the six trees within the rear garden however the remaining garden area would not be suitable for any replacement trees of great stature. Within the front garden, all trees are recommended for removal on safety and suitability grounds. The report recommends that more suitable replacement trees be planted within the front garden that are more suited to its size and location. It is considered that this is an acceptable approach that can be secured by planning condition, along with an overall landscaping scheme for the development, should permission be granted.

Waste Minimisation

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the

amount of waste being sent to landfill. The submitted statement acceptably details how waste is to be minimised during demolition and construction works with regard to this policy.

Conclusion

The proposal is unacceptable in that it fails to provide suitable useable private amenity space for the main dwelling and no useable private amenity space for the annex dwelling, whilst each room to the annex dwelling would have a poor outlook and daylight/sunlight levels. This is primarily a result of the short back-to-back separation between the buildings of just 7m. For these reasons the addition of the annex dwelling is considered unacceptable. As such the conversion of the main dwelling results in the loss of 2 units of accommodation and is contrary to policy H08 of the Brighton & Hove Local Plan which seeks to retain self-contained units of residential accommodation within the city.

8 EQUALITIES IMPLICATIONS

Subject to conditions, the proposed development would comply with Lifetime Homes standards.

BH2010/01059 51 Westbourne Villas



Date: 27/07/2010 11:29:53

Scale 1:1250



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