

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

<u>No:</u>	BH2010/01966	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Mitre House, 149 Western Road, Brighton		
<u>Proposal:</u>	Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	07/07/2010
<u>Con Area:</u>	Adjoining Montpelier & Clifton Hill	<u>Expiry Date:</u>	06 October 2010
<u>Agent:</u>	DMH Stallard LLP, 100 Queens Road, Brighton		
<u>Applicant:</u>	Tareem Ltd c/o Montague Management Ltd, Mr Anthony Crabtree, Burnhill Business Centre, 50 Burnhill Road, Beckenham		

This application was deferred from 22nd September 2010 Planning Committee to allow further consideration of additional transport analysis submitted by the applicant on 16th September 2010.

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning
2. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:-
 - i) details and samples of all external materials and colours;
 - ii) details of railings at street level to Hampton Street and first floor level to Hampton Place;
 - iii) sample elevations and sections at 1:20 scale of the glazed link extension and mansard roof extension;
 - iv) sample elevations and sections at 1:20 scale of the new Western Road entrance;
 - v) drawings at 1:20 scale of the replacement windows, which shall be traditional steel to match the opening pattern of the existing windows, unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

3. The stone window cills to the north, west and southern elevations of the

building shall be retained as existing and shall not be removed or rendered.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

4. Unless otherwise agreed in writing by the Local Planning Authority the roof of the northern block shall be kept clear of any plant, machinery, ductwork or railings other than that associated with the solar water heating system.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD5 and HE6 of the Brighton & Hove Local Plan.

5. BH02.06 No cables, aerials, flues and meter boxes

6. BH02.07 Refuse and recycling storage (facilities)

7. BH03.05 Railings Non-Cons Area

8. BH07.03 Odour control equipment

9. BH07.04 Odour control equipment (sound insulation)

- 10.A Travel Plan shall be submitted to the Local Planning Authority no less than three months prior to the first occupation of the hereby approved hotel. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. It shall also set out arrangements for provisions of disabled parking for guests and employees. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1, TR4 and TR18 of the Brighton & Hove Local Plan.

- 11.BH06.02 Cycle parking details to be submitted

- 12.No development shall commence until further details of the rooftop solar panels have been submitted to and approved in writing by the Local Planning Authority. The details shall include the siting, size and design of the panels and the works shall be carried out prior to first occupation of the development.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

- 13.BH05.05A BREEAM - Pre-Commencement (New build non-residential)

- 14.BH05.06A BREEAM - Pre-Occupation (New build non-residential)

- 15.No loading or unloading of vehicles relating to the hotel shall take place on Hampton Street except between the hours of 09.00 and 18:00 on Monday to Saturdays and at no times on Sundays or Bank Holidays.

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

- 16.BH07.11 External lighting

- 17.The development hereby permitted shall be carried out in accordance with the approved drawings no. 3204.EXG.101 A, 3204.EXG.102 A (x2), 3204.EXG.201, 3204.EXG.301, 3204.EXG.302, 3204.EXG.303, 3204.PL.101 B, 3204.PL.102 B, 3204.PL.103 B, 3204.PL.104 B,

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3204.PL.105 B, 3204.PL.202 A, 3204.PL.306 A & 3204.PL.800 submitted 28th June 2010; drawing no. 3204.PL.100 submitted 7th July 2010; and drawings no. 3204.PL.200 B, 3204.PL.201 B, 3204.PL.300C, 3204.PL.301 C & 3204.PL.801 B submitted 6th September 2010; and drawing no. 3204.PL.106 submitted 8th September 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1) 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
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
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
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD14	Extensions and alterations
QD25	External lighting
QD27	Protection of amenity
HO20	Retention of community facilities
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
SR4	Regional shopping centre
HO8	Retaining housing
HO20	Retention of community facilities
SR4	Regional shopping centre
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD02 Shop Front Design

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:-

It has been demonstrated that the existing office accommodation is genuinely redundant. The development would provide hotel accommodation within the identified core area. The proposed extension is of a scale and design which relates well to the existing building and would preserve the prevailing character and appearance of the Montpelier and Clifton Hill Conservation Area, and the setting of adjoining Listed Buildings on Hampton Place. The proposal would not harm the vitality of the regional shopping centre or result in harmful loss of light or outlook, or increased noise or disturbance, for occupiers of adjoining properties. The development would not have a significant transport impact and additional trips to and from the site can be accommodated using existing infrastructure.

2) IN05.06A Informative: BREEAM.

3) IN05.07A Informative - Site Waste Management Plans.

4) IN07.11 Informative – External lighting.

2 THE SITE

The application site relates to Mitre House on the northern side of Western Road with frontages to Spring Street, Hampton Place and Hampton Street. The site comprises two distinct blocks with the application relating to the northern block.

The northern block comprises a two to four-storey brick built building, plus lower ground floor level, with critical windows throughout. The lower ground floor level, which broadly equates to Western Road street level, comprises storage and ancillary floorspace for the Western Road commercial frontage units. The ground floor level incorporates storage space and a dance studio. The upper floors of the building comprise vacant office accommodation. The northern block is flanked by a two-storey public house at the junction of Hampton Street and Spring Street and a dental surgery at the junction of Hampton Street and Hampton Place.

The northern block lies to the south of the Montpelier and Clifton Hill Conservation Area and is adjoining by Grade II Listed Buildings on Hampton Street.

3 RELEVANT HISTORY

There are numerous applications for Mitre House, of relevance are:-

BH2007/02072: Demolition of existing sixth floor and replacement with two additional storeys at sixth and seventh floor levels to create 11 duplex apartments to front (southern) block. Extension of rear (northern) block at third floor level and formation of additional storey at fourth floor level with change of use from offices (Class B1) to form accommodation for 124 students in 23 flats, plus manager's flat. Relocation of existing dance studio (Class D1) to first floor level above retained ground floor public house at junction of Hampton Street and Spring Street. Refused. The reasons for refusal relevant for this application are considered to be nos:-

- 2) *Notwithstanding reason for refusal no. 1 Mitre House dominates the northern side of Western Road and in long views appears significantly taller than surrounding development. The proposed additional bulk and height to both the southern and northern blocks would appear excessively out of scale and create an overbearing relationship with adjoining development and grade II listed buildings at 8-28 Hampton Place (even). The additional height would also be detrimental to views into and from the Montpelier and Clifton Hill Conservation Area and the Regency Square Conservation Area. The proposal is therefore contrary to policies QD1, QD2, QD4, QD14, HE3 and HE6 of the Brighton & Hove Local Plan, and to provisions of Supplementary Planning Guidance Note 15: Tall Buildings.*
- 4) *The applicant has failed to satisfactorily demonstrate the office accommodation to the northern block is genuinely redundant having regard to flexible marketing of the premises to attract different types of business user, and an assessment of available office space in Brighton & Hove. The proposal is therefore contrary to policy EM5 of the Brighton & Hove Local Plan*
- 5) *Notwithstanding reason for refusal no. 4 the proposed student accommodation is contrary to policy EM5 of the Brighton & Hove Local Plan which seeks affordable housing if the office space is regarded as genuinely redundant. Student accommodation is not regarded as providing affordable housing as defined in the Brighton & Hove Local Plan.*
- 9) *The development fails to adequately address the need for disabled parking provision either as part of the development, the possibility of off-site provision, or through support to especially adapted public transport infrastructure. The proposal is therefore contrary to policy TR18 of the Brighton & Hove Local Plan.*
- 10) *The applicant has failed to adequately demonstrate that the proposed development would be fully sustainable and would achieve a high standard of efficiency in the use of energy. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes*

SPGBH16 (Energy Efficiency & Renewable Energy) and SPGBH21 (Brighton & Hove Sustainability Checklist).

- 12) *The development will result in the unjustified partial loss of a D1 facility and its relocation to a premises where it is not readily apparent adequate accessibility can be achieved. The proposal is therefore contrary to policy HO20 of the Brighton & Hove Local Plan.*

BH2002/02722/FP: Change of use of storeroom fronting Hampton Street to Martial arts, TAI CHI and Healthy Living Centre (use class D1). Approved. It is not apparent if this permission was ever implemented as the relevant part of the building remains in storage use.

BH2001/02209/FP: Change of use to Dental Surgery (property now known as 2 Hampton Place). Approved. This permission was implemented and the use remains in operation.

4 THE APPLICATION

The application seeks consent for a change of use within the northern block to form a 131 bedroom hotel. The existing and proposed balance of uses would be as follows:-

Type of Accommodation	Existing Area (m ²)	Proposed Area (m ²)
Retail	717	325
Office	1550	0
Storage	915	0
Dentist	138	138
Public House	291	241
Dance Studio	114	0
Managers Flat	64	0
Hotel	0	3985
Circulation	170	36
Total Area	3959	4689

(Taken from applicant's Design & Access Statement dated June 2010)

The northern block would be extended at third floor level, in the form of a mansard roof, to form an additional storey. The existing building would be rendered to all elevations with replacement windows also proposed.

The majority of the southern block does not form part of the application with the exception of an existing retail unit, at no. 150, which would be converted to a new entrance and reception for the proposed hotel.

The existing public house on the corner of Spring Street and Hampton Street would be retained with the overall ground floor area extended and an outdoor terrace area created within an existing outdoor yard area. The existing first floor of the public house would be amalgamated into the hotel use.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **Broad Street – 19; Hampton Place - 2, 8, 11, 14, 15, 16, 17, 17A, 19, 28, 37; Spring Street - 23, 24, 28, 29 (x2); Victoria Road – 15; Western Road – 76** and **The Montpelier and Clifton Hill Association** objecting to the proposal for the following reasons:-

- question why site has not been marketed for offices or as a site for a doctors surgery which is badly needed;
- there is a shortage of office and residential accommodation in the City, not a shortage of hotel space;
- the local plan states hotels should be in the core area but Hampton Street is not;
- the proposal is a mass overdevelopment which would be inconsistent with the residential character of adjacent streets;
- question why the original brickwork cannot be retained;
- need to ensure the rear elevation is maintained to an appropriate standard;
- increased overshadowing and loss of light to adjoining properties;
- request a new daylight assessment to ensure previous findings are in keeping with the revised application;
- additional overlooking, and request that windows from the development are not openable;
- increased noise pollution from late night guests typical of a city centre budget hotel;
- increase in policing of site as a result of increased complaints from residents;
- question whether it could be ensured that only the Western Road entrance be used late at night: consider the Hampton Street entrance to be unnecessary;
- the development does not outline the implications for the storage of refuse bins;
- question where flues will be sited on the building;
- servicing the hotel will be difficult and cause traffic problems in the small streets of the area which are already congested and used by school parents. It would be more appropriate for servicing from Western Road;
- local parking would become even worse and it is not realistic to expect everyone would be travelling by public transport;
- parking bays are free overnight and there is no reason to think that hotel residents would not use them, illegal parking along Hampton Street overnight;
- request a stipulation that any hotel parking should only be in conjunction with the Regency Square Conservation Area;
- the Statement of Community Involvement is simply a brief update of the previous, completely different, proposal. There has been no consultation with the local community about the new planning application.

A petition of **17 addresses** objecting to the development has been received.

CAG: Welcome the proposal but request like for like in appearance critical type windows rather than the coloured PVC. Concern regarding the use of the rear door and suggest a management plan for lighting and surveillance.

Clifton Montpelier Community Alliance comments that there is a strong feeling amongst local residents against the proposal with concerns relating to noise, disturbance and traffic problems.

Councillor Kitcat objects; see attached letter.

East Sussex Fire & Rescue Service: No comment.

Environment Agency: No objections.

Internal:

Conservation & Design: In view of the predominantly rendered architecture to the north and the low architectural value of the north block, the rendering of the facades is considered acceptable, provided that the original moulded stone window cills are retained.

An additional storey is likely to be acceptable on the north block as it would be read against the mass of the taller south block in views from the north. On Hampton Place its scale and bulk is also acceptable, due to its set back. It would not appear out of scale or over dominant in the street scene particularly in oblique views where the taller south block would loom above it. However, the architectural style of a false mansard with steep sloping pitched roofs would appear incongruous and out of place on this 1930s building. A more modern approach which is more sympathetic to the building's original design is called for.

Of more concern is the loss of the building's fenestration pattern. The existing windows are particularly characteristic of buildings of this period and style and together with its stone cills are its only redeeming features. The replacement windows have far fewer divisions and result in much blander and coarser grained facades and accentuate its bulk. They do not reflect the 1930s architectural style of the building and would detract from the character of the conservation area and the setting of the nearby listed buildings.

The new glass clad fire escape stairs at the rear, which will be visible from Hampton Place, are considered acceptable.

A new entrance door with flanking pilasters in place of a shopfront on Western Road would be welcome in principle as it appears that there was originally one under a single canopy. The original fine 1930s entrance still survives on the left hand side. The existing shopfront is very poor, and its removal would be a significant improvement. However, the modern design of the door is very

disappointing, bland and unbalanced and appears incongruous alongside the original entrance. The opportunity to reinstate doors and a fanlight to match the original ones should be taken.

Environmental Health: Recommend conditions to restrict delivery / collection times, and to require further details of odour control (and its soundproofing) equipment.

Planning Policy: The office accommodation has been vacant for a prolonged period of time and whilst the applicant has sought to overcome the reason for refusal of the 2007 application by including evidence of flexible marketing and refurbishment the application this needs to be accompanied by further details of the local advertising undertaken (when and where) and the viability assessment of the cost of refurbishment to ensure that the tests of EM5 can be fully assessed.

In light of the findings of the Hotel Futures Study 2006 which found that there was no further need for new 3 Star Hotel Accommodation in the city , this application should be accompanied by evidence including a demand assessment to identify how the proposal would add to the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city and the likely impact on midweek business for existing hotel and guest accommodation.

The retail unit to be lost to create the Western Road entrance to the hotel is located within the prime frontage of Brighton Regional Centre, and although the planning statement has indicated that there would not be a break of frontage of more than 10 metres, the applicant has not addressed the other criteria in the relevant policy SR4, in particular SR4b.

Further information is required to clarify how the dance studio will be accommodated in the public house, given overall the reduction in public house floorspace and therefore how both these aspects of the proposal accord with policy HO20 of the Brighton & Hove Local Plan which seeks to protect community facilities.

Sustainable Transport: Since the deferral of this application the applicants have submitted further transport analysis, particularly relating to the likely trip generation impact.

Parking - SPG4 would allow at most 59 general parking spaces and require at least 1 disabled bay and 1 cycle parking space. The applicants argue that general car parking provision is not necessary due to the site's 'highly sustainable location'. No substantial displaced parking problem would arise as the site is well within the CPZ. Access and parking for car borne guests would be difficult but these problems can be reduced by measures which can form part of the travel plan and it would be in the applicants' commercial interest to do this.

Whilst disabled parking provision is an issue the standards require only a minimum of 1 space and the absence of on site disabled parking is not therefore a substantial issue in policy terms or a reason for refusal. The applicants have pointed out that not all disabled guests will drive cars and that local public transport is highly accessible to disabled people. They have also made the point that it would not be practical or reasonable to reduce the (high) number of accessible rooms to reduce the potential parking problem.

The proposal to provide 9 cycle parking spaces is good but information on the detailed layout has not been provided and should be required by condition.

Traffic impact - The applicants have carried out a TRICS based analysis which establishes that there will be no significant increase in the number of person trips generated compared to those which would be expected to be generated by the extant office consent. This means that there would be no material impact on local infrastructure and no requirement for S106 contributions. The office use however has not been in use since 2001 so any trips generated are extra to the existing and recent situation.

Travel plan - A travel plan should be required by condition to be approved 3 months prior to occupation, and the condition should also require that the applicants implement any resulting measures reasonably required by the Council. The proposed timing is to allow an interval for any appropriate measures to be implemented prior to occupation. This plan should include the consideration of pro active measures to promote sustainable modes by guests as well as staff such as the provision of information on local buses, etc, at time of booking and arrangements for collection of guests from the station.

Conclusion - Provided that conditions as described above are attached to any consent the transport aspects are acceptable.

VisitBrighton: The Hotel Futures Study shows there is a considerable amount of hotel stock in the City, also in the face of the current economic uncertainty the City must look to support the existing stock in order to maintain the position as a top visitor destination.

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
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
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD14	Extensions and alterations
QD25	External lighting
QD27	Protection of amenity
HO20	Retention of community facilities
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
SR4	Regional shopping centre
HO8	Retaining housing
HO20	Retention of community facilities
SR4	Regional shopping centre
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
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Supplementary Planning Guidance

SPG BH4 Parking Standards

Supplementary Planning Documents

SPD02 Shop Front Design

SPD 03 Construction and Demolition Waste

SPD 08 Sustainable Building Design

7 CONSIDERATIONS

The key issues of consideration in the determination of this application relate to the loss of existing office, storage and retail floorspace; the principle of a hotel in this location and the resulting impact of the proposed use and associated external alterations on neighbouring amenity, the character and appearance of the area, transport and highway safety. The sustainability credentials of the scheme are also a consideration.

Lower ground and ground floor levels

Rear stores / loading bays

The lower ground and ground floor levels of the northern block comprise a number of uses which in the main are associated with the commercial units fronting Western Road (with the lower ground floor level of the northern block broadly corresponding the ground level of the southern block). The lower

ground floor level to the northern block provides storage areas and ancillary facilities, with loading bays and access at Hampton Street level. These floors would form part of the proposed hotel and would therefore be separated from the retail units.

At the western end of the site these floors are currently vacant and have been physically separated from the Western Road commercial units (CEX Exchange and Sainsbury's). In contrast the floors at the eastern end of the site are understood to be used in conjunction with three retail units at 151 to 154 Western Road. There is though no compelling evidence that the space is necessary for the continued vitality and viability of the affected retail units and it is noted that the adjoining units (i.e. 144 to 148 inclusive) function without similar amounts of ancillary floorspace. The remaining units remain relatively large and there is no reason to believe that loss of the storage (and ancillary uses) within the northern block would harm viability of the affected retail units or vitality of the wider regional shopping centre.

Dance studio

The development would also entail the loss of a ground floor dance studio (or other potential Class D1 use) last occupied by the Hampton Ballet Academy. The academy is understood to have vacated the premises in August 2010 and now operate from a dance studio at Patcham High School on Ladies Mile Road. In this instance, and despite the absence of supporting information, it is apparent that the existing facility has relocated to an alternative location. Whilst it would be difficult to argue that the new location is as accessible as Mitre House it is nonetheless well served by public transport.

Whilst the loss of the existing community facility is regrettable it did not benefit from planning permission and the previous user has relocated to an alternative premises. On this basis the proposal is considered to broadly comply with the aims of local plan policy HO20.

Loss of office floorspace

The first and second floors of the northern block comprise vacant office accommodation. Policy EM5 of the local plan seeks to retain office premises unless they are genuinely redundant because the site is unsuitable for redevelopment, the premises are unsuitable and cannot be readily converted to provide different types of office accommodation, or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

The policy states that when assessing redundancy consideration is given to the length of time the premises have been vacant; the marketing strategy adopted; the prevailing vacancy rate for the size and type of office in Brighton & Hove; the complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance; links to public transport; and the quality of the building.

The northern building comprises office floorspace at first and second floor levels and is understood to have been vacant since February 2001. The applicant has outlined details of marketing that accompanied the previous planning application (for the period 2002-2005) outlining details of the marketing strategies and reasons why the building has remained vacant. The report advises the property is unmarketable as the building is poorly located without any public frontage and poor principle entrance, an inflexible layout, a lack of modern facilities; significant modernisation is also required to meet DDA requirements and there is no on-site parking provision.

Additional information has also been submitted relating to the marketing strategy and reasons why the building has remained vacant despite this. The supporting documents on marketing since 2007 indicate that the asking rental price has been reduced and rent free periods were offered. In addition to this some office spacer was upgraded and modernised to elicit interest, with the freeholder also prepared to carry out further necessary upgrading works on the remaining office space once a tenant was identified.

The Marketing Statement indicates that refurbishment of the office accommodation on a speculative basis would be considerable (at a figure of £1 million plus) and it would not be possible to attract interest at the necessary rental levels to justify this expenditure, furthermore finance to fund this renovation could not be secured. Further information on this viability has been submitted concluding that 'whatever the level of expenditure incurred Mitre House Offices would encounter considerable difficulty in achieving an economic degree of occupancy involving extended marketing periods'.

There is no evidence to suggest that the premises have not been offered under the broadest possible office related remit. The premises have been marketed through reputable local agents over a prolonged period of time and the Council's Economic Development Team have confirmed deficiencies of the location for continued use as office accommodation. The submitted details are considered to demonstrate with sufficient conviction and force that the premises have been offered to let for employment related uses on a sustained basis at an appropriate price, on a flexible occupation basis and over an appropriate period of time. It is therefore considered that the requirements of saved local plan policy EM5 have been met and a resistance to the proposal in terms of retention of office accommodation would not be warranted.

Policy EM5 sets out that if the site is regarded as genuinely redundant, preference will be given to alternative employment generating uses. Planning Policy Statement 4, Planning for Sustainable Economic Growth, includes hotels (as a main town centre use) in its definition of economic development. On this basis a hotel use would not conflict with the aims of policy EM5. The applicant suggests that the hotel would generate 8-10 permanent jobs which would be a low level of job creation compared with an office use. Whilst there is no detailed information about the future occupation based on offPAT

employment densities the hotel could potentially provide approximately 43 jobs (1 employee per 3 bedrooms).

Proposed hotel use

The application proposes a 131 bedroom hotel throughout the five-storeys of the northern block at Mitre House. Saved local plan policy SR14 relates to new hotels and guest accommodation and states, in part, that new hotel and tourism accommodation will be permitted within the identified core area providing it would not result in a reduction in the numbers of residential units and it would not result in a loss of industrial/business land. The building is located within the identified core area in a central location with the City centre and in compliance with policy EM5 the site has been assessed as being genuinely redundant and would not result in the unjustified loss of industrial / business land.

Whilst it is not possible, or necessary, to restrict the type of hotel accommodation offered at the site the applicant has advised that the hotel is likely to operate as a 'budget' or 'upper budget' operator, and notes that the Hotel Futures Report states that the strength of demand for budget hotels, particularly at weekends, suggests potential for further budget hotel development in and around the city. The Hotel Futures Report is a material consideration in the determination of this application.

The Submission Core Strategy is also a material consideration and advises in CP18, hotel / guest house accommodation, that proposals for 'new major hotel facilities should be accompanied by a market case including a demand assessment to identify how the proposal would add to the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city'. Planning Policy have raised concern that no supporting information relating to the operator of the proposed hotel, what type of accommodation would be provided and how CP18 is met by the proposal: this concern is also shared by visitBrighton who note the importance of protecting existing businesses within the City.

Whilst these concerns are noted the proposal is considered to comply with current adopted local plan policy on the provision of new hotel accommodation. This is considered to outweigh any conflict with emerging planning policy, although it is noted that the site is within the general search area for a main town centre use as set out in CP18, hotel / guest house accommodation. For these reasons refusal of the application as a result of conflict with the core strategy would not be warranted.

Character and appearance

Scale

The existing northern building is a three-storey building rising to four-storey towards the centre of the site. The corner building, the Shakespeare's Head, on the junction of Spring Street and Hampton Street contrasts with the remainder of the building comprising two-storeys with a hipped roof. The

proposed additional storey would rise no higher than the existing fourth-storey and incorporates a mansard roof set back from the main front elevation of the building.

In long views from Upper North Street and along Hampton Street and Spring Street the increase in scale would be viewed against the backdrop of the southern block, which, at 7/8 storeys in height, remains significantly higher than the northern block. From these vantages the additional storey would be in keeping with surrounding development and the character and appearance of the Montpelier and Clifton Hill Conservation Area would be preserved.

In short views the additional storey would be appreciably higher than the adjoining terrace to the north on *Hampton Street*, which includes a number of grade II listed buildings. It is though considered that the increased height does not represent an unsympathetic step change and the resulting change in scale, which is reduced due to the set back, would not appear over dominant or harm the setting of adjoining listed buildings or the prevailing character or appearance of the Montpelier and Clifton Hill Conservation Area.

The existing corner building fronting *Spring Street* is of a scale which reflects adjoining two-storey development to the north. The additional storey does not extend over the corner section of the building with the existing height and bulk unaltered by the proposal. The proposal would therefore preserve the existing relationship between the application site and adjoining development.

Design

As existing the northern block is of little architectural value with somewhat dull brick facades and facades relieved only by 1930's style steel windows and stone cills. In view of the predominantly rendered architecture to the north of the site and the low architectural value of the existing building the rendering of the facades is considered acceptable.

The existing windows are a key characteristic feature of the existing building and together with the stone cills represent its only redeeming features. Following amendments, and in response to comments from CAG and the Conservation & Design Team, the replacement windows would replicate the existing glazing divisions and reflect the 1930's architectural style of the building. The amended window arrangement would preserve the character of the adjoining conservation area and the setting of nearby listed buildings.

The additional storey comprises a mansard roof with steep sloping pitched roofs. The Conservation & Design Team have expressed concern that this treatment would appear incongruous and out of place on a building of this style and age and that a more contemporary approach would be preferable in this instance (and this was the design approach of an earlier application on the site).

Whilst these concerns are noted on balance it is considered that the mansard

roof would appear an appropriate addition to the building. The mansard roof is set back from the main rear elevation of the building and the front pitch reduces the bulk of the additional storey and its visual impact / prominence from street level. The additional storey, and mansard roof form, would primarily be visible in short views along adjoining streets from where it would be viewed in conjunction with improvements at lower levels of the building (as set out above). Taken as a whole it is considered that the additional storey and associated external works would create a coherent design that improves the appearance of the building.

To the rear of the existing building a glass clad fire escape would be constructed. This addition would be visible from Hampton Street. The structure is of an appropriate scale in relation to the existing building and the use of glass cladding would reduce the perceived mass of the structure. The structure is therefore considered acceptable and further details are required by condition.

There is an expectation that additional plant and machinery would be required for the hotel use. The proposed plans indicate a plant room at lower ground floor level and there is no suggestion that significant amounts of additional plant / machinery would be required. A condition is recommended restricting the approval to the plant and machinery indicated on the drawings and requiring the roof be kept clear of any plant, ductwork or railings (other than that associated with the solar water heating system).

Conclusion

The proposal would markedly improve the appearance of the existing building at street level and this would in turn enhance views into and from the adjoining Montpelier and Clifton Hill Conservation Area. There are design concerns relating to the additional storey. However, it is considered that the benefits accruing from the external alterations on the appearance of the building and adjoining conservation area outweigh concerns relating to the design and detailing of the additional storey. For this reason the proposal is considered to meet the aims of saved local plan policies QD1, QD2, QD4, QD14 and HE6.

Impact on amenity

Loss of light

It was accepted as part of a previous application on the site that a two-storey extension to the northern block would not result in significant harm to neighbouring amenity through loss of light (see section 3). This application proposes one additional-storey to the building.

The applicant considers that since the development is of a lesser scale than that previously proposed the resulting impact would be no worse than that considered acceptable as part of the earlier application. In support of this view the daylight / overshadowing analysis of the previous scheme has been submitted with a covering letter relating to the current scheme.

The existing properties to the north are already affected to varying degrees by the existing building, which includes the southern (Western Road) block which is considerable taller than the prevailing scale of development to the north. In this context it is considered that the additional storey set back from the main rear elevation and incorporating a sloping roof would not lead to further significant loss of light for occupiers of adjoining properties to the north. These adjoining properties would instead continue to be primarily affected by lower levels of the building and the dominant presence of the southern building. This view is supported by the planning history of the site where a proposal for a two-storey extension to the northern block was not refused for amenity related reasons (ref: BH2007/02072).

Overlooking

As existing there is mutual overlooking between the application site and adjoining properties to the north and south. Although the hotel accommodation would change the existing use of the building it is considered that the nature and expected use of the resulting guest accommodation would not lead to an appreciable increase in overlooking, or a perception of overlooking, for occupiers of adjoining properties.

Noise and disturbance

The proposal would introduce a potentially vibrant commercial use into the building and as such there is potential for increased noise and disturbance. A number of representations have been received objecting to the proposal on this basis.

The site is located off a principle commercial street through the City centre and trips to and from the site during normal working hours would not be uncommon in this neighbourhood. Whilst it is acknowledged that there is greater potential for late night access and egress from the building it could not be demonstrated that this would inevitably lead to noise or disturbance for occupiers of adjoining properties. It is further noted that the principle entrance to the proposed hotel would be off Western Road and it is considered that the majority of guests would use this access, rather than that to the rear on Hampton Street. For these reasons it is considered that the proposed use would be unlikely to lead to increased noise or general disturbance to the extent that would warrant withholding planning permission.

There are no conditions restricting hours of deliveries and collections to the site as existing. The Planning Statement advises that deliveries and collections to the hotel would take place between standard operating hours of 08:00 and 18:00. However, at present deliveries from Hampton Street are restricted to between the hours of 09.00 and 18.00. In recognition of this and the potential conflict between the proposed use and existing adjoining uses a condition is recommended restriction delivery hours to between 09.00 and 18.00 on Hampton Street. There are currently no restrictions for deliveries on Western Road and none are proposed by way of condition as part of this application.

Lower ground floor restaurant

The basement restaurant and bar are physically connected to the main hotel and the building as a whole would remain within the hotel Use Class (C1). The proposed works would therefore not lead to a material change of use and the resulting restaurant / bar would be ancillary to the primary use of the premises as a hotel.

The proposed plans indicate the location of extract equipment which would be vented to the southern elevation of the building, within the central courtyard area. This is considered to be the most suitable location, in design and amenity terms, and further details are required by condition.

Transport

The site is located in an area of high public transport accessibility, in close proximity to Brighton station and local bus routes. The site is also located in extremely close proximity to the services and facilities of the town centre. The proposed hotel would be accessible from Western Road which has limited access rights for private vehicles and is a key bus and taxi route through the City. The hotel would also be accessible from Hampton Street which is one-way (westbound) and accessed from Spring Street which is also one-way (southbound).

The Council's adopted parking standards, as set out in SPGBH4 (parking standards), would allow a maximum of 59 general parking spaces to be provided. The development does not allow for any dedicated guest parking and due to the constraints of the site and adjoining roads there is no scope for additional parking to be provided. The applicants argue that general car parking provision is not necessary due to the site's 'highly sustainable location'.

The application site is located well within a controlled parking zone and as such displaced parking would not arise; and existing residents of the area would not therefore be impacted by increased uptake of on-street parking spaces. In reality access and parking for car borne guests would be difficult and it would be expected that the majority of guests would be aware of this and arrive to the site by public transport. If guests arrived to the hotel by car they would need to be referred to nearby public car parks, with Regency Square the nearest (approximately 250 metres to the south).

The applicants have carried out a TRICS based analysis which establishes that there will be no significant increase in the number of person trips generated compared to those which would be expected to be generated by the existing office use. It is appreciated that the premises has been vacant for a prolonged period of time, however, as an office use could lawfully occupy the premises trips from the existing potential use (and therefore trip generation) should be taken into account when considering travel impacts. There are no reasons apparent to dispute the analysis and the development would have no material impact on local infrastructure.

There is a concern that no disabled parking provision is, or can be, made as part of the application and the proposal would therefore be relying on existing street provision. However, adopted standards would only require 1 space to be provided and the absence of disabled parking is not considered to be a substantial issue in policy terms that would warrant refusal of the application. It is considered that there is scope within the travel plan for measures to be put in place to ensure people with a mobility related disability are not put at a disadvantage by the absence of on-site disabled parking.

There are no reasons why the hotel could not consider pro-active measures to promote sustainable modes of travel by guests and an outline green travel plan has been submitted to this effect. The plan outlines a series of measures, for both guests and staff and these include the sending of promotional material to guests upon booking advising of the zero parking provision; outlining local public transport availability; public car park locations; and drop-off areas on Western Road. The plan also outlines measures for staff and given the accessible location of the site it is not anticipated that this would raised significant issues. A condition is recommended to require a travel plan be submitted prior to first occupation of the hotel, as this would allow any appropriate measures to be implemented before the hotel being brought into use.

As existing Mitre House can be serviced from Western Road or Hampton Street. There is no feasible alternative on this constrained site and the proposal would retain the existing servicing arrangements. The application would remove the ability for servicing of the Western Road commercial units from Hampton Street and only the northern block could be serviced from this street. In relation to the existing situation it is considered that the application would be unlikely to result in additional commercial traffic along Hampton Street.

The proposal allows for 9 staff cycle spaces within the basement level; there are no apparent reasons why the cycle parking could not be made available for both staff and guests. The Council's cycle parking standard specifies the provision of 1 space per 10 employees for hotels; the standard does not require cycle parking facilities for hotel guests. The provision therefore exceeds the minimum requirement and further details are required by condition.

Sustainability

The development primarily relates to conversion of an existing building with a smaller new-build element at fourth floor level. Policy SU2 requires that development proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance is contained within Supplementary Planning Document 08, Sustainable Building Design.

An Energy Assessment Report (date June 2010) has been submitted which indicates a clear commitment from the applicant to achieve BREEAM

‘excellent’ and score 60% in the energy and water sections. Whilst a detailed design for services to the additional storey has not yet been fully worked up the Energy Strategy Report makes it clear that a number of suitable technologies are being properly considered to meet SPD08 standards as required.

In relation to water efficiency the report outlines measures that would be undertaken to achieve a BREEAM rating of ‘excellent’ with a score of at least 60% in the water section (in excess of that required for an additional storey of the size proposed). There is a commitment to explore the possibility of water recovery from the rear roof and central courtyard to provide rainwater for the entry level toilets, and the requirements for such a rainwater harvesting plant have been identified. In addition other water saving measures, such as dual flush cisterns and low flow taps / showers, have been identified.

A section on energy outlining renewable energy options being considered for the building. The primary option relates to a solar water heating system that would contribute to the domestic hot water system for showers and taps: the submitted roof plan indicates the proposed siting for these panels and further details are required by condition. The report is again states compliance with the 60% requirement for energy.

It is considered that the applicant has submitted sufficient information, and commitment, that the development would achieve a BREEAM rating with high levels in the water and energy sections. On this basis it is considered that further information and certification, pre and post-completion, can be required by condition. This is considered sufficient to comply with the aims of policy SU2 and SPD08.

Western Road frontage

Proposed entrance

As existing the Western Road frontage of Mitre House incorporates a single canopy under which is the original 1930’s entrance to the southern block and a modern shopfront (to a small retail unit) which is unsympathetic to the building and adjoining conservation. The proposal seeks to replace the shopfront and form a new entrance which, following amendments, incorporates flanking pilasters, doors and a fanlight to match the adjoining original doors.

It is considered that the proposed entrance would be a significant improvement on the existing shopfront and it appears likely that as originally built there would have been an entrance in this location. The alterations are therefore considered acceptable subject to the submission of further details which are required by condition.

Loss of retail

The hotel entrance would result in the loss of a retail unit which, allowing for ancillary space to the rear, measures approximately 96 sq metres and is

within the prime frontage of the regional shopping centre. Saved policy SR4 seeks to retain retail units unless a number of criteria are met. These criteria state that as a result of the proposal there should not be a break of more than 10m in the shopping frontage (criteria a); the proportion of non-retail units in the shopping street should not exceed 25% (criteria b); the replacement use should have a positive effect on the shopping environment, encourage combined trips and attract pedestrian activity (criteria c); and the proposed use should not be detrimental to neighbouring amenity or the general character of the area (criteria d).

The proposed arrangement, and in conjunction with the adjoining entrance, would result in a gap in the retail frontage of approximately 8 metres (a) and the vast majority (and in excess of 75%) of adjoining uses would remain in retail use (b). As the primary entrance to a hotel the proposal has potential to attract new pedestrian activity to this part of the shopping centre and there would be an expectation that trips by guests would be linked to other attractions within the City (c). A commercial entrance to the building would not be out of keeping in this location, and the impact of the use on neighbouring amenity was considered in an earlier section (d).

Conclusion

The proposed entrance would enhance the appearance of the building and although a retail unit would be lost this would not harm the vitality of the regional shopping centre.

Other considerations

Public house

The existing public house, on the corner of Spring Street and Hampton Street, would be retained by the proposal. The ground floor area would be increased to approximately 161.8 sq metres but a first floor function room would be amalgamated into the hotel use. An external courtyard area would be created to the rear of the building.

There is no objection to the loss of the first floor function room which is an ancillary feature of the primary pub use, and this loss is potentially compensated for by the increased ground floor area. The total floor area of the pub already exceeded 150 sq metres and as such there is considered to be no conflict with policy SR12. The external terrace is modest in size and could not be used for extensive outdoor seating: it would though potentially reduce outdoor noise and disturbance from smokers using Spring Street and Hampton Street.

Caretaker's flat

The fourth storey to the northern block incorporates a stair well and 'caretakers flat'. The flat was historically occupied in connection with lower levels of the building and cannot be self-contained due to the presence of shared access and servicing arrangements with the office accommodation below. Whilst policy HO8 seeks to retain residential accommodation an

exception is allowed when a separate access to a unit is impractical (criteria b). As this is the case in this instance there is no objection to loss of the residential unit.

Dental surgery

The dental surgery at the corner of Hampton Place and Hampton Street would be unaffected by the proposal which allows for its retention as existing.

Statement of Community Involvement (SCI)

The applicant has submitted a SCI which primarily relates to proposals prepared in 2007 for a significantly different scheme. Whilst the scheme has been amended since the previous consultation, and refused application, there is no information to suggest residents have been involved in the preparation of the current scheme. A number of objections have been received on this basis. Whilst this omission is regrettable and it is good practice to involve residents at an early stage in the preparation of a scheme this is not considered to be a reason to refuse the application or invalidate the application.

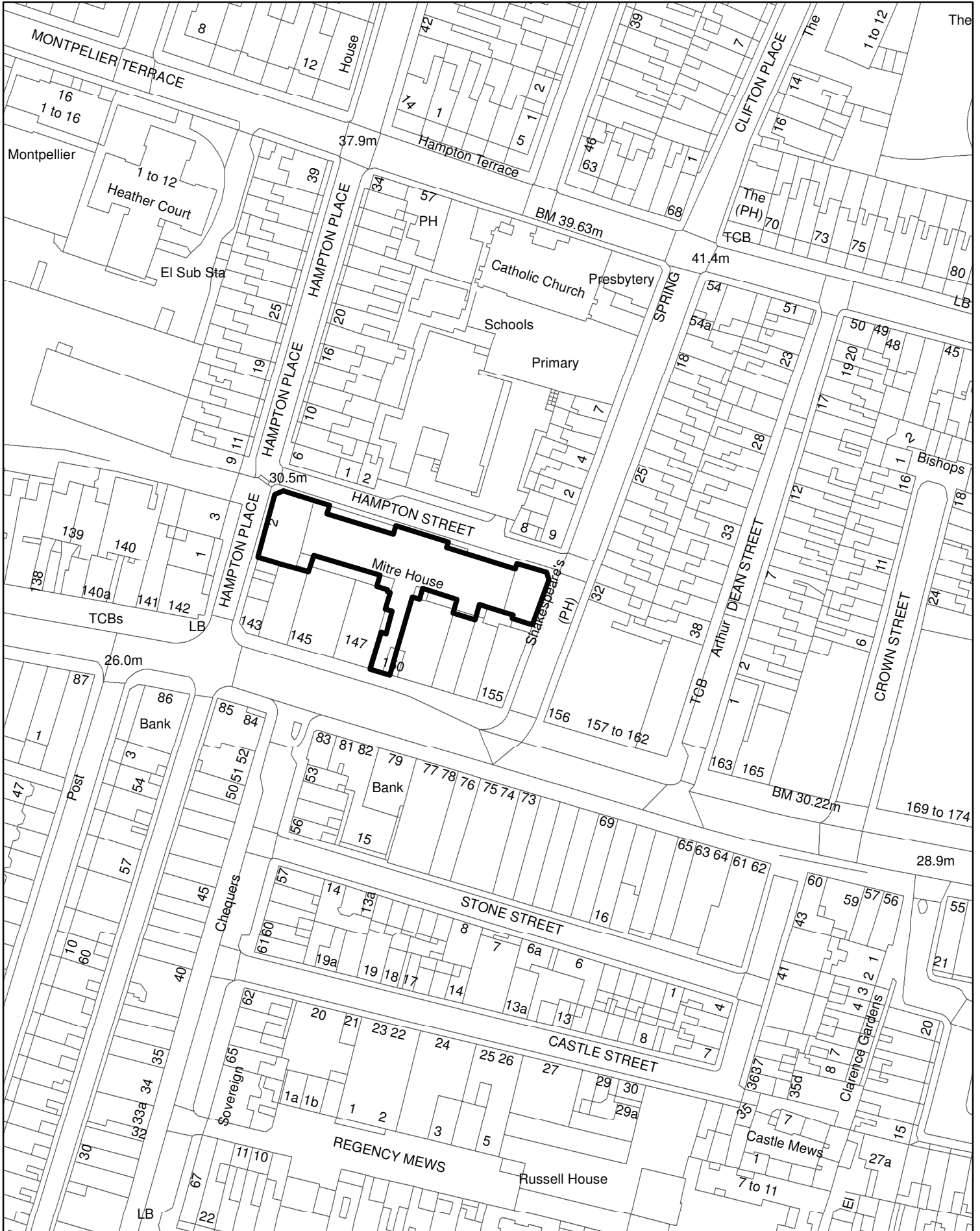
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

It has been demonstrated that the existing office accommodation is genuinely redundant. The development would provide hotel accommodation within the identified core area. The proposed extension is of a scale and design which relates well to the existing building and would preserve the prevailing character and appearance of the Montpelier and Clifton Hill Conservation Area, and the setting of adjoining Listed Buildings on Hampton Place. The proposal would not harm the vitality of the regional shopping centre or result in harmful loss of light or outlook, or increased noise or disturbance, for occupiers of adjoining properties. The development would not have a significant transport impact and additional trips to and from the site can be accommodated using existing infrastructure.

9 EQUALITIES IMPLICATIONS

The development would provide an accessible internal layout with 13 accessible rooms proposed. Whilst disabled parking is an issue it is considered the requirement for a travel plan could satisfactorily alleviate this concern.

BH2010/1966 Mitre House, 149, Western Road





Brighton & Hove City Council

PLANS LIST – 03 NOVEMBER 2010

COUNCILLOR REPRESENTATION

From: Jason Kitcat [<mailto:jason.kitcat@brighton-hove.gov.uk>]
Sent: 30 July 2010 09:28
To: Guy Everest
Subject: Objection to application BH2010/01966 for Mitre House

Dear Guy

I am writing to object to the application for Mitre House, 149 Western Road, Brighton ref BH2010/01966. If the application is likely to be approved I request that it goes to committee where I would like to speak to the item.

My objection concerns the change of use from offices to a hotel. This will change the nature of the area and will also impact on employment. As offices the building could host far more employment than will be created by a hotel use.

Furthermore there is a problem of overcapacity in the hotel trade. You will be aware of a number of hotels, such as in Oriental Place, seeking permission to convert to flats due to falling trade. More hotel rooms to fill are unwarranted in the current climate and level of hotel provision across the city.

Finally, the change of use to hotel will have an impact on local residents. The hotel will require significant service deliveries for laundry, food and other supplies - far more than an office would need. Furthermore many guest will likely attempt accessing the hotel by car in an already congested, narrow and difficult area. Due to Western Road's bus lane status, car access would be down Spring Street (past the primary school there) and into Hampton Street. This will cause congestion, noise and disturbance for residents as well as possible conflict with the school children and their parents dropping-off and collecting them.

Some guests may also try dropping off their luggage on Western Road with serious implications for safety and the free movement of buses on this key route.

A hotel in this location is likely to attract stag and hen parties as well as late night revellers wanting somewhere near to the city's clubs. Their return to bed is also likely to disturb residents who already have more than their fare share of noise and disturbance from the city's night economy.

I believe that this change of use to hotel is inappropriate, unjustified and should be refused.

Sincerely,

Cllr Jason Kitcat

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

<u>No:</u>	BH2010/02015	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	William Moon Lodge, The Linkway, Brighton		
<u>Proposal:</u>	Application to extend time limit for implementation of previous approval BH2007/02692 for the demolition of existing building and redevelopment of the site to provide new two storey nursing home with 100 bedrooms, together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay.		
<u>Officer:</u>	Sue Dubberley, 293817	tel:	<u>Valid Date:</u> 28/06/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 September 2010
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Birchgrove Nursing Home, Mr Lindsay Shookhye, Ashton House, Bolnore Road, Haywards Heath		

1 RECOMMENDATION

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

S106

That a deed of variation be made to the s106 obligation relating to application BH2007/02692 binding the current application to the same obligations which are:

- Public art works to the value of £20,000, the details of which to be submitted and approved in writing by the Council prior to commencement of development and to provide, on completion of development, a breakdown of expenditure of the said public art works;
- A contribution of £40,000 towards the Sustainable Transport Strategy prior to commencement of development; and
- The ancillary day-care community facility indicated on the approved plans (drawing no. 2296/01 Rev F) shall be provided at the time of first occupation of the nursing home. The ancillary community facility hereby approved shall be retained solely for such use (use class D1) and shall not be used for an alternative use.

Conditions

1. BH01.01 Full Planning.
2. The development hereby approved shall be built in accordance with the agreed details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures

approved in writing by the Local Planning Authority on 6/3/08.

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

3. The development hereby approved shall not be occupied until the details for the storage of refuse and recycling submitted to and approved in writing by the Local Planning Authority on 10/01/08 have been fully implemented and made available for use and thereafter retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

4. The development hereby permitted shall be carried out in accordance with the approved details of materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development approved in writing by the Local Planning Authority on 10/01/08.

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

5. The development hereby approved shall not be occupied until the details for secure cycle parking facilities for the occupants of, and visitors to, the development approved in writing by the Local Planning Authority on 10/01/08 have been fully implemented and made available for use and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

6. All existing trees on site as indicated on drawing no.2296/06 shall be retained as part of the development, and any trees which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenities of the surrounding area and the residential amenities of nearby properties and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

7. The details for the protection of trees which has been submitted to and approved in writing by the Local Planning Authority on 6/03/08 to be implemented and 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.

8. The development hereby approved shall not be occupied until the landscaping scheme submitted to and approved in writing by the Local Planning Authority on 6/03/08 has been fully implemented.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

9. BH11.02 Landscaping/planting (implementation).
10. BH07.03 Odour control equipment.
11. BH07.04 Odour control equipment (sound insulation).
12. BH07.07 Soundproofing plant/machinery.
13. The development hereby permitted shall not be brought into use until the vehicle parking area shown on the submitted plans has been laid out and surfaced to the satisfaction of the Local Planning Authority. The parking area shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.
Reason: To ensure that adequate parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
14. Prior to first occupation of the development hereby approved changing facilities and showers for cyclists shall be installed within the building, public transport information shall be displayed within the building and an information pack regarding sustainable transport modes shall be prepared for employees. The aforementioned facilities shall be implemented and maintained thereafter to the satisfaction of the Local Planning Authority.
Reason: To seek to reduce traffic generation and encourage sustainable modes of transport in accordance with policy TR1 of the Brighton & Hove Local Plan.
15. Prior to first occupation of the development the sustainability measures set out in the Supporting Statement and Sustainability Checklist submitted with this application including the proposed photovoltaic cells on the roof of the building and rainwater butts shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority
Reason: To ensure that development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 and SU16 of the Brighton & Hove Local Plan.
16. 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 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.
17. BH15.06 Scheme for surface water drainage.
18. BH15.04A Method of pilling.
19. If, during development, land 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 detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton and Hove Local Plan.

20. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 2296/skloc, 2296/01 Rev F, 2296/02 Rev G, 2296/03B, 2296/04B, 2296/05A, 2296/07 and M399 Sheet 1 received on 16 July 2007, drawing no. 2296/08 received on 8 August 2007 and drawing no. 2296/06c received on 4 September 2007.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO11	Residential care and nursing homes

HO20 Retention of community facilities
Supplementary Planning Guidance:
SPGBH4 Parking Standards
Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD08 Sustainable Building Design
SPD11 Nature Conservation & Development; and

(ii) for the following reasons:-

The principle of the development has been accepted under BH2007/02692 and apart from the demolition of the existing building; the site has not significantly changed since permission was granted in 2007. There have been some changes in local planning policy guidance relating to sustainability in 2008 and these issues can be controlled by a suitably worded condition. The development remains acceptable in principle.

2. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))

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

2 THE SITE

This application relates to a site located on the southern side of The Linkway. The site is currently vacant having been formerly used by the Sussex Lantern Trust and a large detached single storey building sat on the site with a D1 community use. On inspection of the site demolition was at an advanced stage and has since been completed and the site cleared.

In a wider context this site lies in a predominantly residential area. The properties on the northern side of the Linkway, directly opposite the site comprise 3 storey terraced flats, properties to the east, west and south comprise 2 storey terraced dwellings.

3 RELEVANT HISTORY

BH200702692/FP: Demolition of existing building and redevelopment of the site to provide new nursing home (2 storeys) for the frail and elderly (100 bedrooms), together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay. The

application was approved 17 October 2007 subject to conditions and a Section 106 Obligation to secure public art works to the value of £20,000, a contribution of £40,000 towards the Sustainable Transport Strategy and the ancillary day-care community facility indicated on the approved plans (drawing no. 2296/01 Rev F) to be provided at the time of first occupation of the nursing home. The ancillary community facility approved to be retained solely for such use (use class D1) and not used for an alternative use.

Conditions

1. 01.01AA Full planning permission.
2. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.
Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, and to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.
3. 02.06A Satisfactory refuse storage (BandH).
4. 03.01A Samples of materials – Non Cons Area (BandH).
5. 05.01 EcoHomes/Code for Sustainable Homes.
6. 06.02A Cycle parking details to be submitted (BandH).
7. All existing trees on site as indicated on drawing no.2296/06 shall be retained as part of the development, and any trees which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenities of the surrounding area and the residential amenities of nearby properties and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan.
8. 04.03 Protection of existing trees.
9. 04.01 Landscaping/planting scheme.
10. 04.02 Landscaping/planting (implementation).
11. 03.03 Odour control equipment.
12. 03.04 Odour control equipment (sound insulation).
13. 03.10 Soundproofing plant/machinery.
14. 05.02A Site waste management plan.
15. The development hereby permitted shall not be brought into use until the vehicle parking area shown on the submitted plans has been laid out and surfaced to the satisfaction of the Local Planning Authority. The parking area shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.
Reason: To ensure that adequate parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
16. Prior to first occupation of the development hereby approved changing facilities and showers for cyclists shall be installed within the building,

public transport information shall be displayed within the building and an information pack regarding sustainable transport modes shall be prepared for employees. The aforementioned facilities shall be implemented and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To seek to reduce traffic generation and encourage sustainable modes of transport in accordance with policy TR1 of the Brighton & Hove Local Plan.

17. Prior to first occupation of the development the sustainability measures set out in the Supporting Statement and Sustainability Checklist submitted with this application including the proposed photovoltaic cells on the roof of the building and rainwater butts shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 and SU16 of the Brighton & Hove Local Plan.

4 THE APPLICATION

Consent is sought for a new planning permission to replace the extant planning permission in order to extend the time limit for implementation. The previous permission expired on the 17 October 2010; however the application was received and valid on 28 June 2010 whilst the consent was extant.

5 CONSULTATIONS

External

Neighbours: 35 The Linkway and 107 Davey Drive, object for following reasons:

- There is insufficient parking in an area where the streets are already heavily used for parking;
- This will result in an increase in traffic flow by virtue of deliveries, visitors and staff;
- The requirement for clear visibility splay will reduce parking spaces outside the site.
- The junction of The Linkway with Horton Road and Davey Drive are already unsafe increased traffic will add to this problem.
- The new building will result in overlooking and loss of privacy for neighbouring occupiers;
- This will result in increased noise for neighbours;
- There is concern that some trees have been removed already and wild life lost.
- People arriving and leaving the day-care centre will cause noise and disturbance to neighbours;
- The smell of cooking of is an issue.
- Loss of boundary trees would cause loss of privacy to neighbours.

42 Horton Road: No objection providing mature trees on the boundary are left intact, should they be removed properties in Horton Road would suffer

loss of privacy.

Environment Agency: The site overlies a principal aquifer and falls within a Source Protection Zone 2 area for Southern Water’s Lewes Road public water abstraction point. Planning permission should only be granted to the proposed development as submitted if conditions are attached to ensure that the development will have a minimal impact on this sensitive groundwater.

Internal

Public Art Officer: Public art element of the application should be kept to the value of £20,000.

Adult Social Care: Supports the application as the city is short of nursing home provision. Currently over 60 older people and older people with mental health needs are placed outside Brighton & Hove as a direct result of lack of provision within the city.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO11	Residential care and nursing homes
HO20	Retention of community facilities

Supplementary Planning Guidance:
SPGBH4 Parking Standards

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD08 Sustainable Building Design
SPD11 Nature Conservation & Development

7 **CONSIDERATIONS**

The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The extant consent expired on the 17/10/2010. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now render the proposed development unacceptable.

Since the application was originally approved the building on the site has recently been demolished and the site cleared. A site visit has revealed that there have been no other material changes to the site. Therefore issues relating to the design and appearance of the development, the impact on amenity, landscaping and traffic remain identical to the previous application. There has been no change in local or national policy that would affect these issues and planning conditions would be used to ensure the development remains acceptable on these issues.

Sustainability

The Local Plan Policy on Sustainability, Policy SU2, is now supplemented by an adopted Supplementary Planning Document on Sustainability Building Design (SPD08). This was adopted in 2008 and was not a material consideration when the original consent was approved. The extension to the time scale for this consent must therefore be assessed under adopted guidance. The SPD08 requires that development of this kind meets Code for Sustainable Homes Level 3. However in this case the code requirement has not changed, when the application was assessed in 2007 a Sustainability Checklist was submitted by the applicant which demonstrated that the applicant was committed to meeting Level 3 of the Code for Sustainable Homes or a 'Eco Homes rating of 'very good'.

Condition 5 of the planning approval BH2007/02692 relates to sustainability and is a pre-commencement condition which states that :

'No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The

agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.'

The standard approach to secure this rating is now to impose a pre-commencement condition and a post occupation condition to ensure that standard is met. However in this case the first pre-commencement condition has already been complied with a BREEAM multi-Residential report from an accredited assessor having been submitted and considered to be satisfactory. Therefore only the post occupation condition is now considered necessary and forms part of the recommendation.

Following the introduction of the Site Waste Management Plans (SWMP) Regulations 2008, it is not a planning requirement to submit a SWMP. The condition previously imposed is no longer necessary and an informative is now recommended.

Other issues

Environment Agency

The Environment Agency did not comment on the previous application; however they have now commented that the site overlies a principal aquifer and falls within a Source Protection Zone 2 area for Southern Water's Lewes Road public water abstraction point. They have therefore recommended that three conditions be attached to any approval to ensure that the development will have a minimal impact on this sensitive groundwater. The conditions concern a scheme for surface water drainage, details of the method of piling to be submitted for approval and a remediation strategy to be submitted in the event of land contamination not previously identified being found on the site. These conditions are considered acceptable and form part of the recommendation.

Neighbour objections

The objections from adjoining properties are noted however the issues raised were considered during the determination of the 2007 application.

Material commencement

Since the submission of this application demolition has taken place on the site and the site has been cleared and trenches dug out to form the foundations with some of the foundations having also been filled with concrete. The applicant is claiming that a material commencement of the development BH2007/02692 has taken place and therefore the planning permission can now run indefinitely. An officer has visited the site and confirmed that the works as described has taken place and while it appears that it may be the case that a material start has taken place, there is no official confirmation at the time of writing this report.

Conditions

Planning Approval BH2007/02692 was approved with 17 conditions attached most of the details required by pre-commencement conditions have been

submitted and they have been approved and discharged by letter. Therefore these conditions have been reworded so that details need not be resubmitted again and to ensure the development is carried out in accordance with the detail submitted. The only exceptions are condition 11 which requires details of odour control equipment to be submitted and condition 12 which requires details of the sound insulation of the odour control equipment to be submitted. The applicants have stated that they will only know the details required to discharge both conditions during the build stage when a contractor has been appointed after development commences. On the basis that these details are not considered fundamental to the development of the scheme it has been agreed that these details can be submitted during development, however the applicant has been made aware that there is an element of risk in this approach.

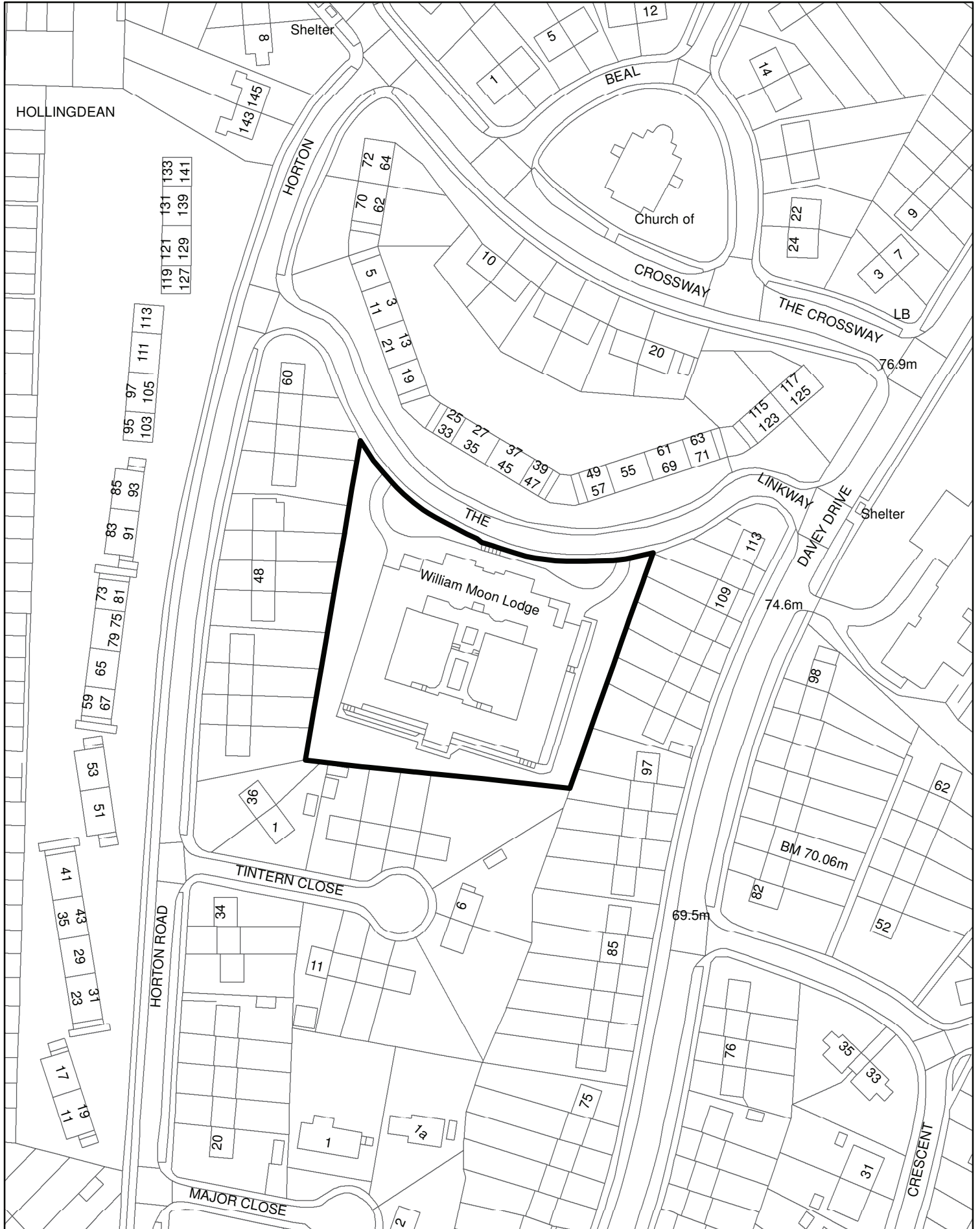
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The principle of the development has been accepted under BH2007/02692 and apart from the demolition of the existing building; the site has not significantly changed since permission was granted in 2007. There have been some changes in local planning policy guidance relating to sustainability in 2008 and these issues can be controlled by a suitably worded condition. The development remains acceptable in principle.

9 EQUALITIES IMPLICATIONS

The development would be required to meet Lifetime Homes standards.

BH2010/02015, William Moon Lodge, The Linkway



Brighton & Hove
City Council



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/01610	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	25 Hazeldene Meads, Brighton		
<u>Proposal:</u>	Roof extension to south end over existing garage, 2 front dormers and installation of 7 solar panels.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	01/06/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 July 2010
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Steve McLean, 25 Hazeldene Meads, Brighton		

This application was deferred by Planning Committee on 22nd September 2010 to enable officers to seek clarification from the Planning Inspectorate on an error in the Inspector's appeal decision dated 20th September 2010 and to assess whether the decision would have been any different had it been based on two dormers rather than three. The response from the Planning Inspectorate is outlined in section 3 and considered in section 7.

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. BH03.03 Materials to match Non-Cons Area.
3. The development hereby permitted shall be carried out in accordance with the approved drawings no. 29762/2A & 29762/2B submitted 23rd July 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1) 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:
 - SU2 Efficiency of development in the use of energy, water and materials
 - SU16 Production of renewable energy
 - QD1 Design - quality of development and design statements
 - QD2 Design - key principles for neighbourhoods

QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Guidance

SPGBH1 Roof alterations and extensions

Supplementary Planning Documents

SPD08 Sustainable Building Design; and

ii) for the following reasons:-

The roof extensions and alterations are well designed, sited and detailed in relation to the existing building and surrounding area; and will not result in harm to neighbouring amenity through loss of light or outlook.

The solar panels would contribute to a more sustainable use of resources without appearing highly prominent or incongruous features of the existing building or surrounding wider area; furthermore by virtue of their location the panels would not result in harm to neighbouring amenity.

2 THE SITE

The application relates to a detached bungalow on the western side of Hazeldene Meads, a residential development off Dyke Road Avenue.

3 RELEVANT HISTORY

BH2010/03062:- Certificate of Lawfulness for proposed solar panels to South, East and West. Under consideration.

BH2010/03061:- Proposed roof extension incorporating additional rooflight to front. Under consideration.

BH2010/02834:- Certificate of Lawfulness for proposed application for front porch, side garage and crossover, rear/side dormer and side flue. Approved.

BH2010/00973: Installation of 7 no. solar panels to roof of existing rear dormer. Withdrawn.

BH2010/00242: Hip to gable roof extension to south end including 2 No. dormers, 1 No. rooflight and pitched roof porch extension at front elevation. Installation of 9 No. Solar Panels to rear over existing dormer. Refused for the following reasons:-

- 1. The extended rear dormer would create an excessively sized and unduly bulky structure to the roof that would dominate the rear of the property and pay little regard to the existing scale and proportions of the building at ground floor level. In addition, the solar panels, by reason of their proliferation and level of projection above the ridge line, would appear incongruous features of the property and the wider area. The proposal would therefore detract from the character and appearance of the site and surrounding area and be contrary to*

policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and to the provisions of the Council's adopted Supplementary Planning Guidance Note 1 'Roof alterations and extensions'.

2. *The extended gable to the southern end of the property would result in a harmful reduction in the existing visual gap between the application site and adjoining two-storey property (No.23). This would lead to an uncharacteristic terracing effect in this section of Hazeldene Meads and would materially detract from the spatial quality, character and appearance of the site and surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*

A subsequent appeal against this decision was dismissed in September 2010 with the Inspector noting:-

- *“the difference in the shape and form of the two properties, combined with the set back of the extended pitched roof would reduce the appearance of a terracing effect arising from the reduction in the gap between the buildings.....(am) not persuaded that this element of the proposal would result in harm to the character and appearance of the area;*
- *the existing [rear] dormer does not comply with the current guidance, notwithstanding that the enlargement already undertaken is permitted development.....of the opinion that any further extension of this dormer window would be harmful to the character and appearance of the host property and the surrounding area;*
- *the insertion of three [front] dormer windows would fundamentally change the appearance of this bungalow, making it look much more like a two storey house and introducing features which would be alien and incongruous in the context of the immediately surrounding street scene. Added to this.....the proposed rooflight would be too deep as it would sit immediately below the ridge of the roof and its glazing would be prominent in its position above the front porch;*
- *the positioning of 9 such panels across the full width of the dormer would accentuate their visibility above the ridge line and would make the roof appear cluttered.....of the view that the introduction of so many solar panels along the ridge of this bungalow would be harmful.”*

The planning application was refused on the basis of 2 front dormers; the appeal was however dismissed on the basis of 3 front dormers. The Planning Inspectorate has since confirmed that the correct plan indicating 2 front dormers was not taken into account as part of the appeal and that it is not possible to amend the decision or reconsider the proposals.

4 THE APPLICATION

The application seeks consent for extensions and alterations to the property at roof level. The existing hipped roof would be extended over the single-storey side garage to form a barn-end; two dormers would be built in the front roofslope with associated rooflights; and seven solar panels would be angled

at 30 degrees on top of the flat roof of the existing rear dormer.

5 CONSULTATIONS

External:

Neighbours: Nineteen (19) letters have been received from:- **Hazeldene Meads - 3 (x2), 4, 5, 7, 15, 18, 20, 22, 27, 29; The Beeches - 2, 4, 6, 14, 17, 18, 19, 21** objecting to the proposal for the following reasons:-

- The rear dormer is out of keeping with surrounding properties and causes overlooking;
- The extended gable (to the southern end of the property) would result in a harmful reduction of what remains an existing visual gap between the application site and adjoining two-storey property (no. 23) leading to an uncharacteristic terracing effect. The extended roof is also excessively sized and undue bulky structure that dominates the rear of the property;
- The extended roof will increase the size to a greater extent than that allowed under permitted development and ignores that the whole construction should have been subject to a planning application, and as such this application seeks to circumvent the process;
- The solar panels, which have already been installed, appear incongruous features of the property and wider area of the estate generally. The solar panels are visible from the front and garden areas to the rear;
- Front dormers are not a feature of properties on the estate and change the character of the property and the estate as a whole. The dormers are therefore out of character;
- If this application is not refused then subsequent overdevelopment of other properties will proliferate, resulting in greater occupancy rate, noise levels, visual deterioration, traffic congestion, causal on-road storage of vehicles etc;
- Question why the applicant has been allowed to ignore the previous refusal notice and continued with the installation of the roof mounted solar panels.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Guidance

SPGBH1	Roof alterations and extensions
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Supplementary Planning Documents

SPD08	Sustainable Building Design
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7 CONSIDERATIONS

The key issues of consideration in the determination of this application are the principle of development, the impact of the proposed extensions on the appearance of the building and surrounding area, and the impact of the proposed development on amenity for occupiers of adjoining properties. The sustainability merits of the development are also a material consideration.

Design

The existing rear dormer represents 'permitted development' and no planning permission was therefore required for its construction. Following amendments to the application no additional increase in the size of the existing dormer is proposed. On this basis it is not necessary to consider the rear dormer further.

Extended side roof

The property has a gable end to the northern elevation and hip to the south, and from the narrow viewpoints where the whole building is visible there is an unbalanced appearance. This application seeks to extend the existing roof over the side garage and form a new half-hip / half-gable. The adjoining two-storey property, no. 23, features an extensive flank elevation resulting from a recent two-storey side extension which has reduced the separation from the application site. The extended roof would primarily be viewed against this adjoining property which would reduce the visual impact in views along Hazeldene Meads. Although there is a concern that the roof form would unbalance the appearance of the existing building this is already the case, and given the building can not generally be viewed as a whole no significant visual harm would result from this arrangement. The prevailing character and appearance of Hazeldene Meads would therefore be maintained by the extended roof.

There was concern as part of a previous application that an extended roof to form a gable-end over the side garage would lead to an uncharacteristic terracing effect in this section of Hazeldene Meads. Whilst this concern was not supported on appeal the revised roof form now proposed retains greater separation at first floor level between the application site and adjoining property.

Solar panels

A previous application was refused in part as it was considered the proliferation and height (above ridge level) of 9 solar panels would appear an incongruous addition to the building and wider area; this concern was supported at appeal. This application seeks consent for seven solar panels to be sited on the top of the flat roofed dormer at a 30 degree angle. At this angle the solar panels would project above the main roof ridge by approximately 0.2 metres and planning permission is therefore required.

The roof of the dormer is set below the main ridge of the building and this would obscure the majority of the solar panels. The visible portion would be

restricted to the upper (slim line) section of the panel which, in short and long views along Hazeldene Meads, does not form a highly prominent or readily visible feature of the building or the wider area when taken as a whole. Whilst it may be preferable for the solar panels to be completely obscured behind the existing roof form for the reasons outlined the resulting visual impact is an improvement on that originally proposed and would not be harmful to either the existing building or wider area.

Front dormers

Although the preceding planning application was determined on the basis of 2 front dormers the subsequent planning appeal was dismissed on the basis of 3 (see section 3). This decision will not be amended by the Planning Inspectorate and as it relates to 3 front dormers would not necessarily dictate the outcome of this application which is for a materially different scheme.

The two dormers proposed for the front roofslope incorporate a gabled roof and are sited centrally above ground floor window openings. The existing building incorporates an off-set front gable and it is considered that the front dormers, which are modestly sized, would potentially add some balance to the front elevation of the property. The current scheme for 2 front dormers is distinct from that which was refused at appeal and, for the reasons outlined, is not considered to harm the character or appearance of the existing building or wider area which comprises a mixture of bungalows and two-storey dwellings.

It is noted that the 'existing' plans indicate rooflights to the front elevation which do not exist. It is not though considered that this would prevent the application being determined and the submitted drawings clearly indicate the proposed works.

Rooflights

The proposed plans also indicate rooflights to the front roofslope of the property. Whilst there are concerns that these are relatively large they would not by themselves require planning permission and, subject to conditions, would be permitted under Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) Order 1995, as amended. On this basis, it is considered that refusal of the application on these specific grounds would not be warranted.

Impact on residential amenity

The extended roof would adjoin the side elevation of 23 Hazeldene Meads which does not feature any window openings that would be affected through loss of light. The alterations to the front of the property, by reason of their scale and siting, would not impinge on light or outlook for occupiers of adjoining properties.

The solar panels would not cause any harm to residential amenity though loss of light or outlook and, given their orientation in relation to adjoining properties, there is no evidence that harmful solar glare would result for

occupiers of adjoining properties.

Sustainability

The 'permitted development' works currently in progress are associated with refurbishment of the property to create a 'zero-energy home' and it is readily acknowledged that this application would contribute some way towards the attainment of this target.

Local Plan policies SU2 and SU16 support proposals which demonstrate a high standard of efficiency in the use of energy, water and materials; and incorporate power generation from renewable resources. In this respect the works taking place and proposed photovoltaic solar panels would contribute towards a more sustainable use of resources, and could be supported by the above policies.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

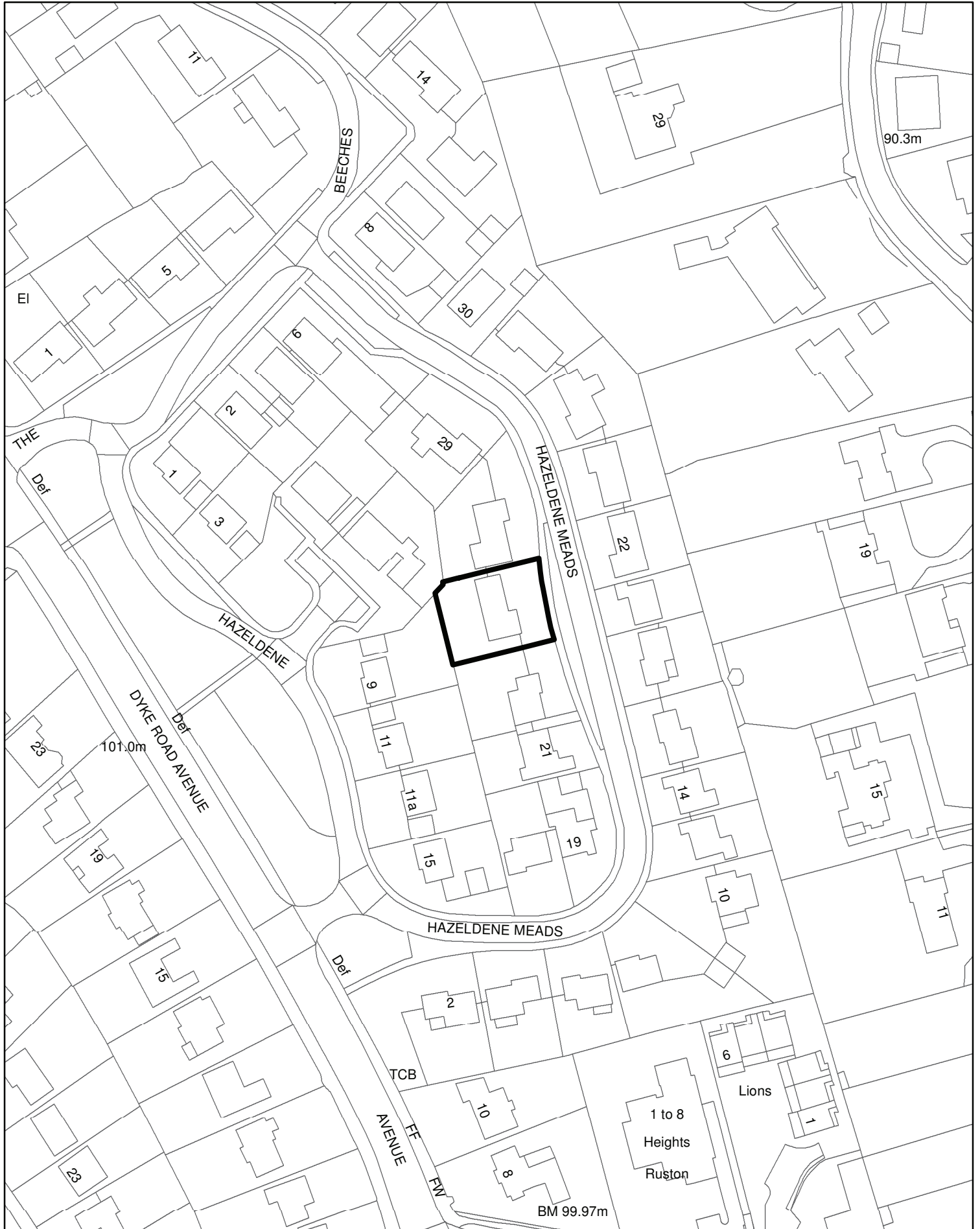
The roof extensions and alterations are well designed, sited and detailed in relation to the existing building and surrounding area; and will not result in harm to neighbouring amenity through loss of light or outlook.

The solar panels would contribute to a more sustainable use of resources without appearing highly prominent or incongruous features of the existing building or surrounding wider area; furthermore by virtue of their location the panels would not result in harm to neighbouring amenity.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01610 25, Hazeldene Meads



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2010/02009	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Costa Coffee, 13-14 George Street, Hove		
<u>Proposal:</u>	Installation of 4 air conditioning units, general and toilet extract and fresh air intake unit (Part Retrospective).		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	30/06/2010
<u>Con Area:</u>	Adjoining Cliftonville	<u>Expiry Date:</u>	25 August 2010
<u>Agent:</u>	Walsingham Planning, Bourne House, Cores End Road, Bourne Road, Buckinghamshire		
<u>Applicant:</u>	Costa Coffee, Whitbread Court, Houghton Hall Business Park, Porz Avenue, Dunstable		

This application was deferred by Planning Committee on 13th October 2010 to enable officers to seek further information on the installation costs of the attenuators and revised fan positions and the resulting reductions in noise levels. The information, once received, will be included in the additional representations list.

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. A scheme for painting the external ducting hereby approved a matt colour shall be submitted for the approval of the Local Planning Authority within one month of the date of this decision letter unless otherwise agreed in writing. The approved scheme shall be carried out in accordance with the approved details within 2 months of the date of the notification of the approval by the Local Planning Authority, and thereafter retained.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
2. The noise attenuators and revised fan positions shall be installed, as indicated on drawing no. 11977/100, within one month of the date of this decision letter unless otherwise agreed in writing. The noise attenuators and revised fan positions shall be retained as such thereafter.
Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
3. The hereby approved roof mounted equipment shall not operate except between the hours of 07:00 and 19:00 on Monday to Saturdays, and between 09.00 and 17:00 hours on Sundays and Bank Holidays.
Reason: To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. Noise associated with plant and machinery incorporated within the

development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997

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

5. The development hereby permitted shall be carried out in accordance with the approved drawings no. 12013 0.1 A, 11977/100, 11977/200 & 08011129-M01 0 submitted 30th June 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

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

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

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas; and

- ii) for the following reasons:-

The development, subject to compliance with the above conditions, would not cause significant noise or disturbance for occupiers of adjoining properties; and would not result in demonstrable visual harm to the character or appearance of the surrounding area.

2 THE SITE

The application site relates to a mid-terrace commercial property on the eastern side of George Street. The site lies within the Hove Town Centre and adjoins comparable commercial uses. The rear section of the property forms the boundary with residential properties on Ventnor Villas which are within the Cliftonville Conservation Area.

3 RELEVANT HISTORY

BH2009/01393: Installation of 4 air conditioning units, general and toilet extract and fresh air intake unit (retrospective). Refused for the following reason:-

1. *The installed plant and machinery has resulted in a noise nuisance for occupiers of adjoining properties, to the detriment of their residential amenity and contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.*

BH2008/03689: Change of use from retail (A1) to coffee shop (A3) with ancillary retail (A1) and external seating to George Street, with new door opening to rear elevation. Approved.

4 THE APPLICATION

The application seeks retrospective permission for the installation of air conditioning units, and an extract / air intake unit. The units, and associated handrail, have been sited at second floor level on a flat roof to the rear of the site.

5 CONSULTATIONS

External:

Neighbours: 6 letters have been received from **7 (flat 3), 8 (Basement Flat, GFF), 9 (Ventnor Lodge - Flats 2, 3 & 5) Ventnor Villas** objecting to the proposal for the following reasons:-

- The Environmental Health Team have previously commented that sound from the mechanical ducts does constitute a nuisance;
- The plant operates a minimum of 13 hours a day, 7 days a week. Residents work irregular hours and need to sleep during the day, which is difficult since the vents were installed;
- Whilst the noise may be similar to existing residual sound levels there is a substantial and noticeable silence when the vents are switched off. Prior to the vents being installed adjoining gardens were peaceful;
- Residents have received little or no consideration during the period that the mechanical extract units have been installed;
- There is no information that relocating the plant and machinery to alternative locations within the application site has been considered;
- It is uncommon for plant to be installed to the flat roofs to the rear of properties. The vents have a substantial impact on the visual amenity of residents in the surrounding area and create a dangerous precedent for future alterations;
- There is no guarantee that opening hours of the coffee shop will not increase in the future;
- The applicant has incorrectly stated the distance between the application site and properties on Ventnor Villas to be 20m, the correct distance is 12m;
- There are already too many coffee houses in the area;
- Question why information relating to design, quantity, location, size, noise levels etc was not submitted with the application.

Internal:

Environmental Health: The standard approach is to establish and verify background noise levels during the period that the equipment is likely to be operating and establish the 'worst case' scenario, which is presumably when noise levels drop in the evening. If in compliance the ambient noise levels will be the same as the background, the equipment will not be making a contribution to the noise levels.

Environmental Health are satisfied that the acoustic consultants are aware of the need to take account of the possibility of a tonal component in the design of the equipment. They have reviewed the background readings taken at the time of the survey and are content that the readings fairly represent the quietest part of the day, just before the premises close for the evening. The acoustic report is therefore considered to be robust.

Recommend conditions limiting the hours of operation for the machinery, and secure the installation of noise attenuators.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the visual impact of the installed plant on the appearance of the building and wider area, and its impact on neighbouring amenity.

Character and appearance

The rear of George Street can be viewed between properties on Ventnor Villas but due to the narrow gaps between buildings its prominence is limited. The installed plant and machinery cannot be seen from any public highway or open space and as such there is considered to be no harmful impact on the setting of the Cliftonville conservation area.

The plant and machinery, and associated handrail, are however visible from adjoining properties on Ventnor Villas. The flat roof of the property already featured a domed roof hatch and an adjoining structure approximately 1.3 metres in height. The air conditioning units have been sited to the rear of this structure which to some extent reduces their visual impact.

The handrail, extract fans and ducting have a steel finish which in conjunction with their height and siting creates a more visible feature of the building. However, this appearance would tone down in time and the visual impact could be reduced by painting the flues. A condition is recommended to require a scheme, and its subsequent implementation, for painting the ducting a matt colour.

It is considered that the original roof structures and required painting scheme would sufficiently merge the rooftop plant and machinery with the remainder of the building, and the installation would not appear unduly prominent or visually intrusive. The proposal is therefore considered to broadly comply with local plan policy QD14.

Impact on amenity

A previous application for the plant and machinery was refused due to the resulting noise nuisance for occupiers of adjoining properties. This application has also generated a number of representations from occupiers of adjoining properties relating to noise disturbance, and this remains the key concern regarding neighbouring amenity.

The equipments creates a low-level 'humming' noise which is audible from ground floor level at adjoining properties. In response to previous concerns the applicant has submitted an acoustic report which assesses the existing noise environment in the vicinity of the premises and the impact of the installed plant and machinery. The report concludes that 'sound level...due to plant on the roof of the premises is similar to or lower than the underlying residual sound level which means that it is audible on occasion but general masked by the existing residual soundscape'. The Environmental Health Team considers the acoustic report to be robust and as such there are no reasons to disagree with its findings.

The application allows for the installation of duct attenuators within the premises which would reduce the noise emitted from the rooftop equipment. Environmental Health Officers are satisfied that subject to the installation of these attenuators and conditions restricting hours of operation for the equipment and controlling noise levels the development would not lead to noise or disturbance for occupiers of adjoining properties.

For the reasons outlined it is considered that subject to the recommended conditions the equipment would not lead to undue noise or disturbance for occupiers of adjoining properties, and at the present time there is no evidence to suggest otherwise.

It should be noted that if in the future the rooftop equipment causes a statutory nuisance there is other, more appropriate, legislation to address any shortcomings in terms of odour or noise.

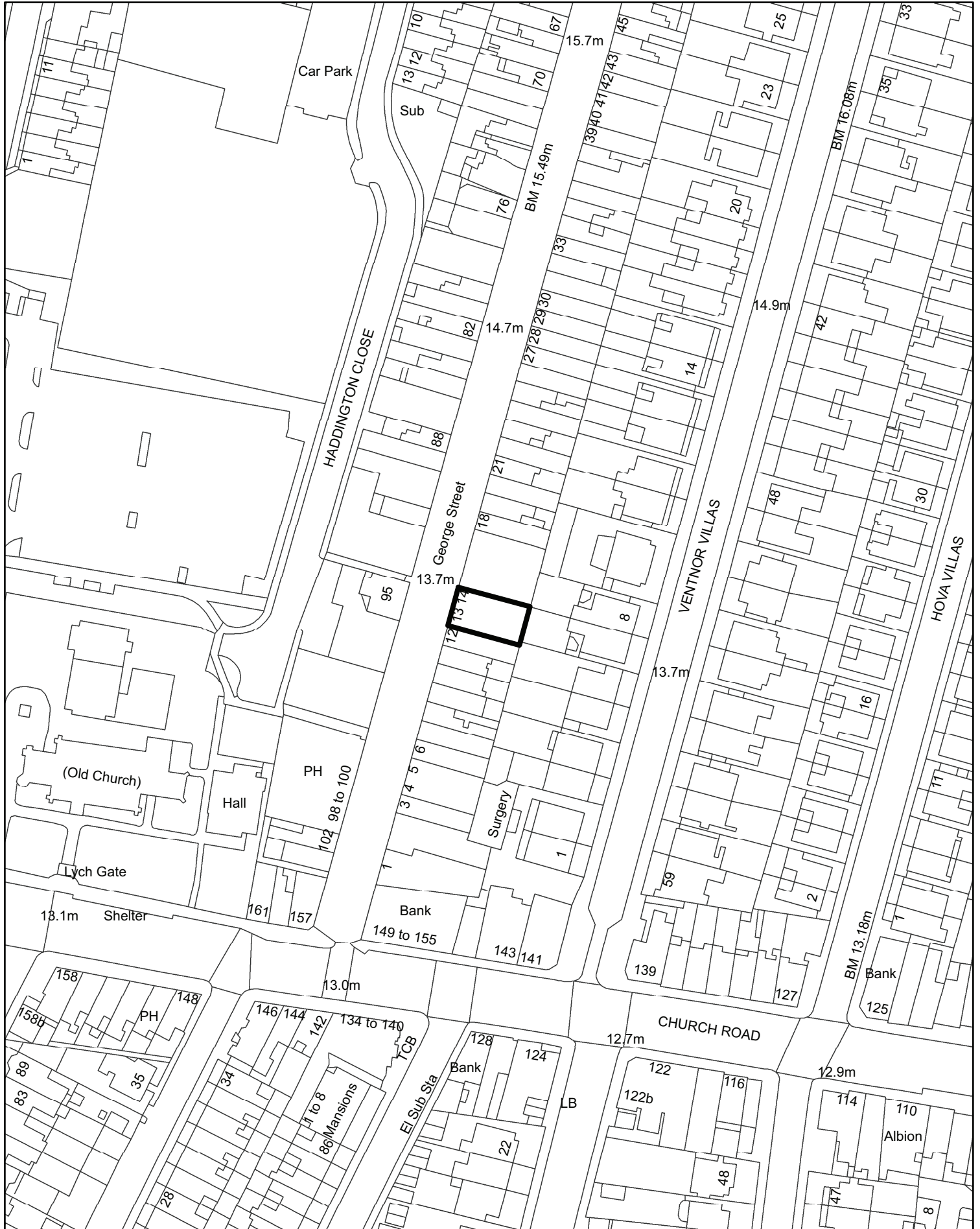
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development, subject to compliance with the above conditions, would not cause significant noise or disturbance for occupiers of adjoining properties; and would not result in demonstrable visual harm to the character or appearance of the surrounding area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/2009 13-14 George Street, Hove



<u>No:</u>	BH2010/02093	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	63 Marine Drive, Rottingdean		
<u>Proposal:</u>	Conversion of existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	20/07/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14/09/2010
<u>Agent:</u>	Parker Dann, Suite 10, The Waterside Centre, North Street, Lewes		
<u>Applicant:</u>	Mr Keith Pryke, C/O Parker Dann		

This application was deferred at the last meeting on 13/10/10 for a Planning Committee site visit.

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full Planning.
2. BH03.03 Materials to match Non-Cons Area.
3. BH08.01 Contaminated land.
4. BH06.02 Cycle parking details to be submitted.
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH05.03B Ecohomes Refurbishment – Pre-commencement (Residential involving existing buildings).
7. BH05.04B Ecohomes Refurbishment – Pre-occupation (Residential involving existing buildings).
8. BH16.01 Biodiversity measures.
9. The waste minimisation measures shall be implemented in strict accordance with the Waste Minimisation Statement dated 6/14/2010 received on 06/07/10.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

10. The development hereby permitted shall be carried out in accordance with the approved drawings no. site plan, levels, street scene, KP/22/1, 2, 3A, 4A submitted on 6 July 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. 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, and to all relevant material considerations, including Supplementary Planning Guidance:

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
QD1	Design - quality of development and design statements
QD3	Design - efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR6	Local Centres

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Documents

03	Construction and Demolition Waste
08	Sustainable Building Design; and

ii) for the following reasons:

The development would create an additional three residential units with an acceptable standard of accommodation throughout; is well designed, sited and detailed in relation to the existing building and surrounding area; and would not result in harm to neighbouring amenity through loss of light, outlook or privacy or through an increased demand for travel.

2. IN08.01 Informative: Land Contamination.

3. IN05.04B Informative Ecohomes Refurbishment.

2 THE SITE

The application site is located on the north side of Marine Drive in Rottingdean village, just east of the main junction with High Street. The site consists of a two storey detached building with two small shop units at ground

floor fronting Marine Drive, while the rear ground floor and upper floors are in use as a maisonette with a small garden and single garage. The entrance to the maisonette is located at the side of the building along the access road to the flat development adjacent.

To the west of the application site is a three storey building in use as a shop at ground floor with residential above. To the east of the site there is a three storey block of retirement flats. At the rear of the site is a car park for the use of the retirement flats.

3 RELEVANT HISTORY

BH2010/00646: Conversion of existing rear ground and first floor maisonette to create 3no one bedroom flats and 3no two bedroom flats. Incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side. Withdrawn 27/04/2010.

4 THE APPLICATION

The proposal is to extend the property by adding an additional storey with a pitched roof with front, rear and side dormers and rooflights to side, along with a rear extension, to allow the conversion of the existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, (total of 4 units). There is no change proposed to the existing shop units. No car parking is proposed and space for secure covered cycle storage is shown on the submitted drawings.

The existing building has a pitched roof set behind a parapet with gabled ends; the proposal is to replace the roof with a hipped pitched roof with two front dormers, rear dormer and rooflights. The footprint of the building would also be increased. At ground floor the current building extends further at the rear than the current first floor so that the increase in footprint is approximately 1.5m. However at second floor and third floor the footprint would increase by 3.7m with an overall increase in height of approximately 3m.

The garage would be removed and this area along with part of the existing garden would form a communal area where secure covered cycle storage would be sited along with covered refuse storage and also a communal clothes drying area.

5 CONSULTATIONS

External:

Neighbours: A total of **16** letters of objection have been received from **Flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 Marine Court, 65 Marine Drive**. The grounds of objection are:

- Lack of parking.
- Only 6 allocated parking spaces for residents of Marine Court and no the general public.
- Already experience problems with unauthorised parking and proposed development will exacerbate current situation.

- Marine Court is a residence for elderly people and has daily visits from doctors, nurses carers etc. and friends and relatives and the narrow entrance has to be kept clear for ambulances. Any increase in traffic will cause problems.
- The owners of the new flats would have nowhere to park and this could lead to friction if they attempt to park in those spaces allocated to Marine Court residents.
- Increase in traffic, noise and disturbance for elderly residents particularly at night and additional hazard for pedestrians using the narrow entrance to Marine Court.

Stiles Harold Williams, 1 Jubilee Street, (acting on behalf of freeholder of Marine Court) have submitted a letter of objection on the following grounds:

- East facing windows on the upper storeys will impinge on privacy of the secluded amenity space serving the occupants of Marine Court.
- There are restrictions over clients land regarding access to number 63 in respect of shared pedestrian and vehicular access
- Concern as to how development will be constructed as there is no specific pedestrian access to the flank elevation and the vehicular access is used by residents and also a local charity.
- Current arrangement permits pedestrian access for number 63 into the residential dwelling and rear garage, the proposal indicates an additional door for refuse storage increasing the unprotected shared access.

Internal:

Sustainable Transport: Would not wish to restrict grant of consent subject to the inclusion of a condition requiring the provision of cycle parking prior to occupation of the development and the applicant entering into a legal agreement with the Council to contribute £2250. This will contribute towards up grading of bus stop flags on the coast road or improving accessibility at the bus stops in Rottingdean village.

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
QD1	Design - quality of development and design statements
QD3	Design - efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development

HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR6	Local Centres

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Documents

03	Construction and Demolition Waste
08	Sustainable Building Design

7 CONSIDERATIONS

The main issues in the determination of the application relate to the standard of the proposed accommodation, the impact of the alterations on the character and appearance of the building and surrounding area, the impact on residential amenity and traffic implications.

Additional storey and extensions

Design

It is considered that in principle there is scope for an increase in the height of the building as the adjoining buildings to the west and east are 3 stories in height. The ridge of the new roof would match that of the existing buildings either side.

There are two dormers proposed on the front elevation and one rear dormer which would all be traditional style dormers which sit within the roof slope in compliance with the supplementary planning guidance on Roof Alterations and Extensions (SPGBH1). Two small roof lights are also proposed on the rear elevation and two on the side elevation.

The materials to be used are a red brick with a tiled roof to match that of the existing building and also those adjoining, which is considered appropriate. The doors and windows would be timber. Quoin detailing has also been added to match that of Marine Court to the east of the site.

It is considered that the design is acceptable in this location and that the development would fit into the existing street scene.

Impact on amenity

The adjoining property to the west lies some 1.2m away from the application site. There is an existing ground floor extension to this property which takes up most of the rear garden. At first floor level there are windows and a glazed door to a walkway, with the door located nearest to the boundary.

It is common to use a 45° line drawn from neighbouring windows to help assess the impact of a new development. In this case, the plans show the 45° line is only just broken by the proposed first floor extension. There is also an existing trellis to the side of and in front of the door which serves as an

existing screen, therefore it is considered that there would not be a significant impact on the adjoining property to the west in terms of loss of light. While there are additional windows proposed at the rear it is not considered that these would have a significant impact, as there are existing windows on this elevation at first floor level and in this location a number of properties have rear facing windows. The windows would look out onto the car park at the rear.

While there has been an objection from Marine Court that the proposed windows on the upper floors of the east elevation will impinge on the privacy of the amenity space serving the occupants of Marine Court, there are already three windows at first floor level to the existing maisonette at first floor level. In addition these windows would face a blank wall. Although there may be oblique views these are not considered significant enough to justify a refusal on these grounds.

Proposed use

Standard of accommodation

The development would provide 4 x 2 bedroom units, three of these being maisonettes. The units are all considered to be of a reasonable size offering good quality accommodation.

Lifetime Homes

As a conversion of an existing building the proposal should incorporate lifetime home standards into the design wherever practicable. The flats have been designed to incorporate lifetime homes standards where possible with doors and corridor width incorporating minimum standards for wheelchair users. While some of the bathrooms current configurations do not allow for side transfers it would be possible to alter the layout of the bathrooms to incorporate this.

Amenity Space

Local plan policy HO5 requires the provision of amenity space where appropriate to the scale and character of the development.

In this case the rear garden would be divided into two with an area allocated to the ground and first floor maisonette. The remainder of the garden would be used to provide a communal secure bike store and drying area for the use of all four flats. While only the ground floor flat would have private amenity space, it is not unusual with conversions for such an arrangement to exist. Furthermore the site itself has the benefit of being sited close to the beach and seafront therefore this aspect of the proposal is considered acceptable.

Sustainability

Policy SU2 requires that development proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08, Sustainable Building Design, recommends that for a development of this scale involving conversion of

existing buildings the application should achieve no net annual CO₂ emissions and EcoHomes for refurbishment and include a completed Sustainability Checklist.

A sustainability checklist has also been completed. The applicant has stated in the checklist that the development is intended to meet Code for Sustainable Homes code 3 or 'good' rating using BREEAM standards, although further details are to be submitted should planning permission be granted. It is also noted that although it is stated that solar water heating is to be provided no solar panels are shown on the building. While there is some concern as to how some of the efficiency in the use of resources will be achieved, on balance it is considered that a suitable condition could require the submission and subsequent approval of further details in this regard.

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

Transport

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

There is no parking proposed within the site, however it is considered that the site is easily accessible being located close to the facilities located within Rottingdean village centre and a number of bus services operate along the coast road.

Although there is a car park to the rear of the site this is not in the ownership of the applicant and is used by St Aubyns School for bus parking or is allocated to the adjoining flats at Marine Court. There is no on- street parking available near to the site, although there are two pay and display car parks within easy walking distance of the application site.

An area of secure covered cycle parking is shown in the rear garden on the submitted plans although there are no further details this could however be dealt with by an appropriate condition.

The Sustainable Transport Team have commented they would not wish to restrict grant of consent subject to the inclusion of a condition requiring the provision of cycle parking prior to occupation of the development and a contribution of £2250, towards sustainable transport infrastructure within the vicinity of the site which will contribute towards up grading of bus stop flags on the coast road or improving accessibility at the bus stops in Rottingdean village. However, as the proposal will provide less than 5 residential units and falls below the threshold in the Council's measures to assist the development industry, this contribution has not been sought.

The concerns of the residents of the Marine Court are noted regarding the possibility of unauthorised parking in their car park from the future occupants of the development; however this is a matter which does not fall within planning controls.

Biodiversity

A biodiversity checklist has also been submitted which shows that there are no nature conservation interests in the site. However in order to provide and improvement in the overall biodiversity interest the applicant is willing to provide bird boxes on the site.

Other issues

Environmental Health previously commented on the withdrawn application that their records show that 59 Marine Parade has a previous use as a dry cleaners and 61 Marine Parade as a coal and coke merchants. These uses have the potential to cause localised contamination through the processes involved, therefore appropriate conditions requiring investigation and possible remedial action are included in the recommendation.

An objection has been received from the freeholder of Marine Court regarding access issues and right of way along with concern as to how development will be constructed as they state that is no a specific pedestrian assess to the flank elevation. These are not planning matters and are not a consideration in determining the application.

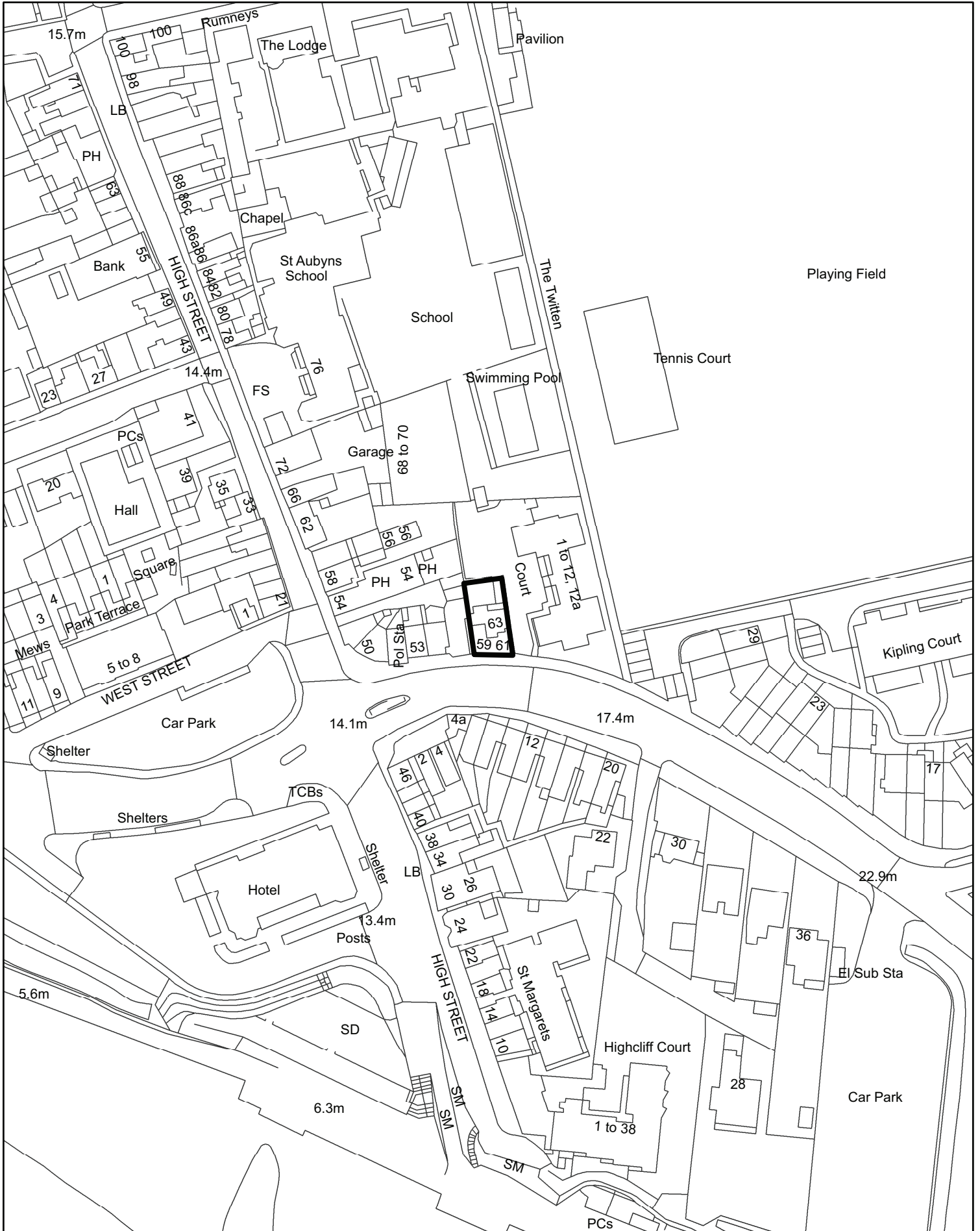
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would create an additional three residential units with an acceptable standard of accommodation throughout; is well designed, sited and detailed in relation to the existing building and surrounding area; and would not result in harm to neighbouring amenity through loss of light, outlook or privacy or through an increased demand for travel.

9 EQUALITIES IMPLICATIONS

The flats have been designed to incorporate lifetime homes standards where possible with doors and corridor width incorporating minimum standards for wheelchair users. While some of the bathrooms current configurations do not allow for side transfers it would be possible to alter the layout of the bathrooms to incorporate this.

59-63 Marine Drive



Scale: 1:1,250

<u>No:</u>	BH2010/01825	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	4 Cobton Drive, Hove		
<u>Proposal:</u>	Erection of single storey rear and side extension, and formation of raised decking with screening.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	15/06/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 August 2010
<u>Agent:</u>	Challinor Hall Associates, 102A Longstone Road, Eastbourne		
<u>Applicant:</u>	Mr & Mrs Richards, 4 Cobton Drive, Hove		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawing no. 2010/55/1 received on 14 June 2010, and 55/3B and 55/4A received on 01 September 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. BH03.03 Materials to Match Non-Con Area.
4. Prior to the first use of the terrace, unless otherwise agreed in writing the screening shown on drawing no. 3b shall be implemented and thereafter retained as such.

Reason: To safeguard neighbouring amenity and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. 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:

QD14 Extensions and alterations
 QD27 Protection of Amenity

- (ii) for the following reasons:-

The proposed extension and decking would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

2 THE SITE

The application relates to a 2 storey semi detached property situated on the southern side of Cobton Drive.

3 RELEVANT HISTORY

BH2003/00900/FP: (no. 6 Cobton Drive) Single storey extension to side and rear – approved 29/04/03

4 THE APPLICATION

Planning permission is sought for a single storey extension to the side and rear of the existing property. The extension would have a pitched roof with two rooflights on top. Brick walls and clay tiles would match the existing. On the south west elevation of the extension there would be uPVC windows and a door leading out onto a raised decking area. The decking would have screening on the south east elevation facing the neighbouring boundary of no. 2 Cobton Drive. The extension itself would be 3m in depth and 3.5m high.

Following the receipt of amended plans, the proposed rear extension has been reduced in depth by 1m (initially an extension with a depth of 4m was proposed), so the extension would now extend from the rear of the property by approximately 3m. Also, the raised decking has been moved away from the boundary of no. 2 Cobton Drive by 1m. The drawings indicate screening along the boundary with no.2 Cobton Drive.

5 CONSULTATIONS

External

Neighbours: A letter has been received from **2 Cobton Drive** objecting to the application for the following reasons:

- Appearance and size is inappropriate.
- Cause overshadowing, close to boundary.
- Overlooking, loss of privacy.
- Lose afternoon and evening light to rear sitting room.
- Plans do not show rear view of both properties, which would show how large and obtrusive the extension would be.
- No change on impact with revised plans.

Cllr Bennett objects – see email attached.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of amenity

7 CONSIDERATIONS

The main considerations in this application are whether the proposal is acceptable in terms of its design and appearance in relation to the recipient building and surrounding area and whether the proposal is appropriate in terms of its impact on the amenity of nearby neighbouring properties.

Design

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

The side part of the extension would be visible from the street; however it would be set well back from the front elevation of the property. The main part of the extension would not be in clear view of the street scene, and so it is considered the proposal would not significantly detract from the character of the surrounding area.

The extension would add further bulk to the rear of the property, however now that the depth has been reduced to 3m, and taking into account the proposed matching materials and overall design, it is considered that the extension and decking would be an acceptable addition to the rear elevation.

The proposal therefore accords with policy QD14.

Amenity

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook.

The neighbouring residents most likely to be affected by the proposal are the two adjacent properties (nos. 2 & 6 Cobton Drive). Due to the distance between the properties, the existing boundary treatment, and the fact that the neighbouring property has a large side extension (BH2003/00900/FP) where there was once a driveway, it is considered that the proposed extension and decking is unlikely to have any significant impact on the amenities of no. 6 Cobton Drive.

The proposed extension would be placed right on the boundary line of no. 2 Cobton Drive which consists of a boundary fence. The land levels in the rear gardens of nos 2 & 4 Cobton Drive decrease with increasing distance from the house. The extension would not drop in height, however, since the land level is flatter immediately at the rear of the properties it is not considered unneighbourly.

The rear elevation of no. 2 Cobton Drive has glazed double doors for the rear sitting room of the property, which are situated close to the site boundary. It is likely that the rear part of the proposed extension would result in some loss of outlook and some sense of enclosure to this rear sitting room area. However, having regard to the proposed depth of the extension, the proposed pitched roof, and the existing boundary treatment, it is considered the harm from the extension would not be so significant as to warrant the refusal of the

application.

Furthermore, it is important to point out that the proposed extension could be constructed under permitted development. The decking could not be constructed under permitted development.

As the proposed extension would be sited to the west of this neighbouring property, it is considered that any loss light to the sitting room of no. 2 Cobton Drive would be minimal.

It is considered that the siting of the raised decking - 3m from the existing rear of the property and 1m from the boundary - reduces the potential for overlooking towards no. 2 Cobton Drive. The combination of the siting and the proposed screening, which is secured by condition, as well as the existing boundary treatment consisting of a garden fence and bushes, would ensure only a limited loss of privacy would occur towards the bottom end of the rear garden of no. 2 Cobton Drive.

The proposal is therefore considered to accord with the provisions of Local Plan policies QD14 and QD27 in this regard.

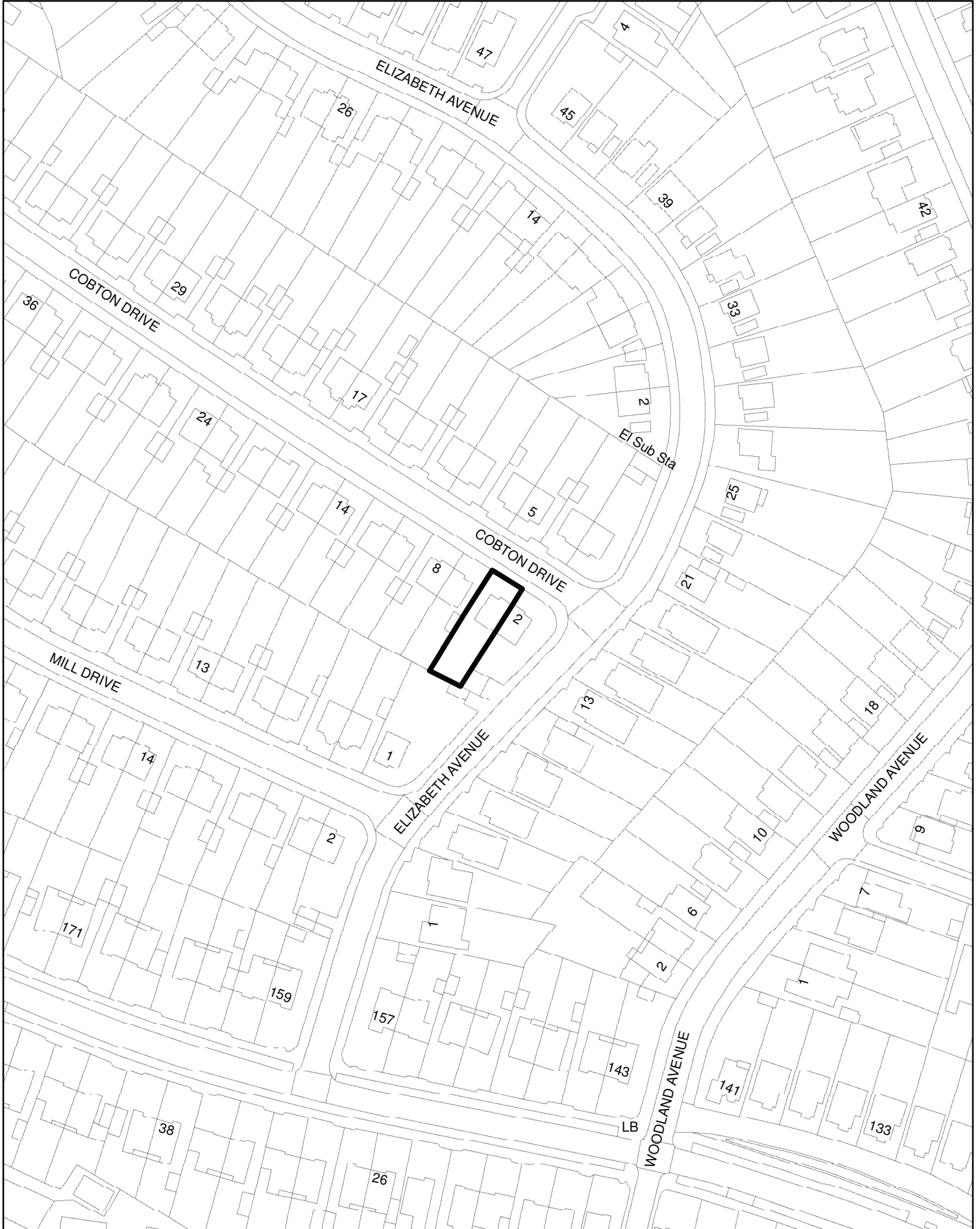
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extension and decking would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01825 4, Cobton Drive



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 03 NOVEMBER 2010

COUNCILLOR REPRESENTATION

From: Jayne Bennett [mailto:Jayne.Bennett@brighton-hove.gcsx.gov.uk]
Sent: 04 October 2010 20:55
To: Wayne Nee
Subject: BH2010/01825 4 Cobton Drive, Hove

Dear Mr Nee,

As a ward councillor for the area I am writing to object to this revised application.

I am very concerned the effect this large extension will have on the adjoining property. The neighbour will suffer from overlooking and an invasion of her privacy. I don't believe the screening will be sufficient to prevent this.

I request this application goes to committee for decision and feel that a site visit would be beneficial.

Yours sincerely,

Jayne Bennett
Independent Councillor
Hove Park ward

<u>No:</u>	BH2010/02489	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	162 Carden Hill, Brighton		
<u>Proposal:</u>	Replacement of existing rear dormer window with new wider dormer window.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	11/08/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 October 2010
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Mrs Lena Johansson, 162 Carden Hill, Brighton		

1 RECOMMENDATION

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

1. The proposed rear dormer, by reason of its size, bulk and design, is considered to form an unacceptable alteration to the rear roof slope, and would be of detriment to the character and appearance of the existing building and surrounding area. As such, the proposal is contrary to policies QD2 & QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informative:

1. This decision is based on drawing nos. 026-PL-01, 026-PL-02, 026-PL-03 & 026-PL-04 submitted on 9th August 2010.

2 THE SITE

The application relates to a detached property on the east side of Carden Hill. The properties within the immediate area of this site are set considerably higher than the street level. The existing property has full width front and rear dormers.

3 RELEVANT HISTORY

BH2008/00716: Demolition of existing house and erection of new residential unit. Refused 23/08/2008. Dismissed at appeal 10/11/2009.

4 THE APPLICATION

Replacement of existing rear dormer window with new wider dormer window.

5 CONSULTATIONS

External

Neighbours: A total of eight letters of support have been received from residents of **No. 164 Carden Hill, 160 Carden Hill, 2 Compton Road, 21 Chelwood Close, 13 Chelwood Close, 25 Chelwood Close, 17 Chelwood**

Close and 9 Chelwood Close.

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

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

7 CONSIDERATIONS

The main considerations in this application are whether the proposal is acceptable in terms of its design and appearance in relation to the existing building and surrounding area and whether the proposal is appropriate in terms of its impact on the amenity of nearby neighbouring properties.

Design

The adopted SPG on roof alterations and extensions gives clear guidance on design of roof alterations and extensions.

The Supplementary Planning Guidance for dormer windows states that they should be well-positioned and well-contained on the existing roof profile. The dormer should have a roof form and detail appropriate to the character of the property, and they should be smaller than the windows below with minimal cladding around the frames.

The property has existing front and rear dormers, for which there is no recent planning history. It is unclear when they were constructed. However under current policies and the adopted SPG BH1, these extensions would not comply, due to their size, positioning and large areas of cladding.

There are also a number of front and rear dormers in the road within the nearby vicinity of the site, for which there is no recent planning history.

The rear of the application site is highly visible from the adjoining neighbouring properties, and would also be visible in some views from Chelwood Close, which is at a higher level than the properties on Carden Hill.

The proposed rear dormer window would be wider and deeper than the existing dormer. It would project out two metres further from the rear roofslope than the existing dormer, dramatically increasing its bulk. Its volume would increase from approximately 20m³ to approximately 56m³. The dormer would not be contained within the roofslope, with minimal roofslope above and to either side and no roofslope at all visible below the dormer. The large amount of cladding is not appropriate and gives the dormer window a bulky and incongruous appearance. It would also have a poor relationship with the rear

ground floor extension. The proposed windows do not relate well with the existing fenestration and look out of character with the existing dwelling.

The dormer represents an extremely poor design that would add significantly to the bulk of the property and result, in conjunction with other extensions and alterations, in a highly cluttered and uncoordinated overall appearance to the building.

Amenity

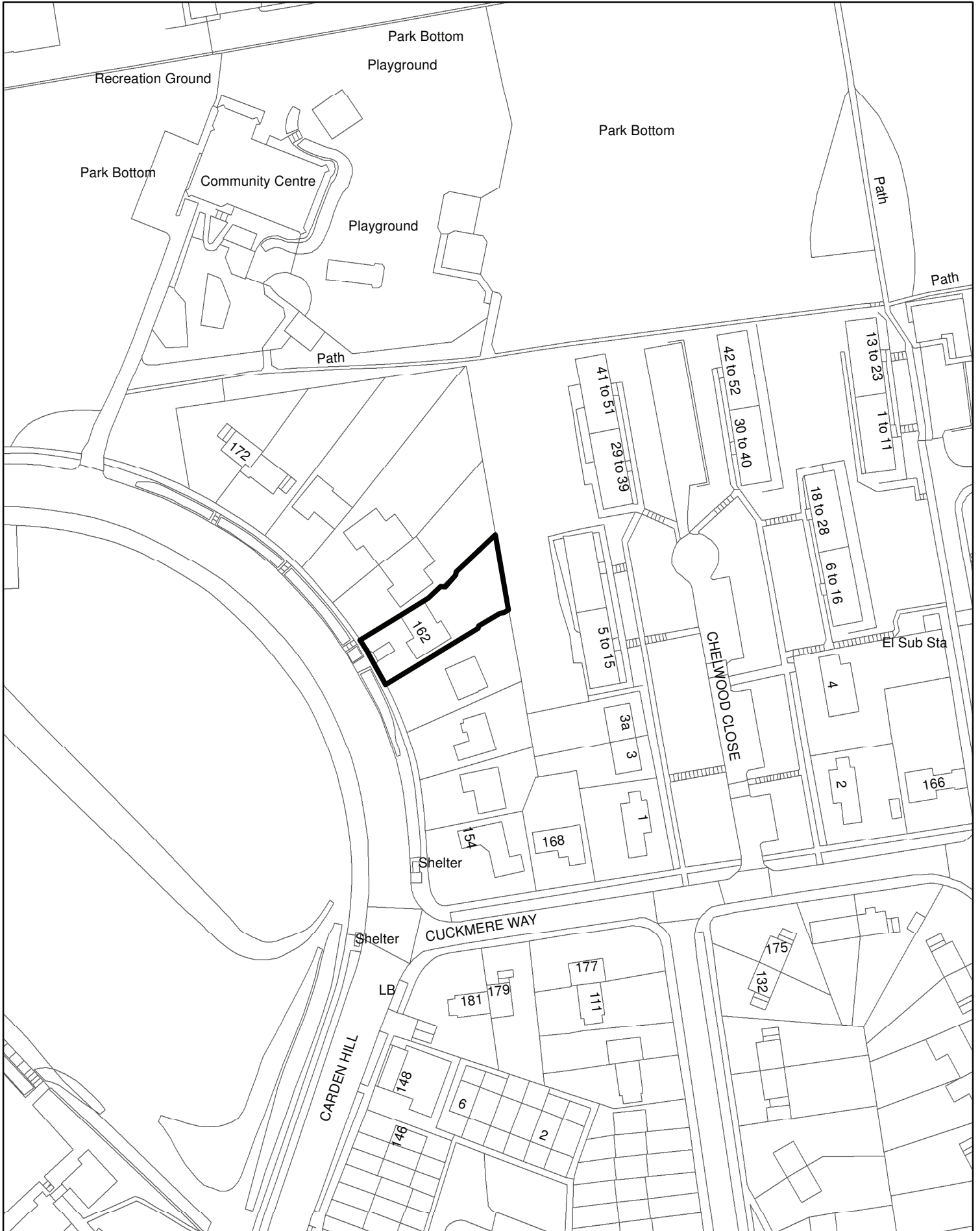
With regard to the amenity, it is not considered that the proposal would have any significant impact. The rear dormer would provide extended and elevated views to the rear but this is not considered to cause a loss of privacy to neighbouring properties.

Overall the proposed alterations are considered to have a negative impact on the character and appearance of property and the wider area which is contrary to policies in the Local Plan and contrary to Supplementary Planning Guidance. Refusal is recommended.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/02489 162, Carden Hill



**Brighton & Hove
City Council**

N

Scale: 1:1,250



<u>No:</u>	BH2010/02677	<u>Ward:</u>	QUEEN'S PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	24 St James's Street, Brighton		
<u>Proposal:</u>	Erection of additional three storeys to create 3no one bedroom flats and 3no two bedroom flats. Alterations to ground floor façades including installation of new shopfront. (Part retrospective).		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	31/08/2010
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	26 October 2010
<u>Agent:</u>	James Cubitt & Partners, 109 Uxbridge Road, Ealing, London		
<u>Applicant:</u>	J C S Enterprises Ltd, 109 Uxbridge Road, Ealing, 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:

- a variation to the existing Section 106 Obligation securing payments for off-site works and car-free development.

and subject also to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. No development shall take place until a sample of the painted render finish, and a sample section of the window frame type to be used in the construction 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 HE6 of the Brighton & Hove Local Plan.
3. The ventilation extract and louvered door to the northern elevation of the building hereby approved shall be finished in a colour to match the painted rendered walls of the building.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.
4. BH06.03 Cycle parking facilities to be implemented
5. Unless otherwise agreed in writing by the Local Planning Authority, the new residential units hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

6. Unless otherwise agreed in writing by the Local Planning Authority, 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.
7. The climate control and ventilation system hereby approved shall operate in accordance with the Lawton Environmental Services Ltd Sound Criteria Statement submitted on the 12th of October 2010.
Reason: For the avoidance of doubt, to protect the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. SP/1237/06, 852 PA 008, 015, 016, 020, 021, 022 and 023 submitted on the 20th of August 2010, Lawson Environmental Services Ltd Sound Criteria Statement submitted on the 12th of October 2010, drawing nos. 852 PA 002, 003, 004, 005, 007, 009, 011, 013, 017, 018, 019 and SP/1237/09A submitted on the 14th of October 2010, and drawing nos. 852 PA 006.1, 11, SP/1237/07, 21A, and 22A submitted on the 18th of October 2010.

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

- i) having regard to the policies Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes

HE6 Development within or affecting the setting of Conservation Areas

Supplementary Planning Guidance:

SPGBH4: Parking standards

Supplementary Planning Documents:

SPD02: Shop Front Design

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design; and

ii) for the following reasons:

The proposed development will not cause harm to the character of the East Cliff Conservation Area, no significant harm to neighbouring amenity would result, the residential accommodation proposed is of an appropriate mix and standard, furthermore sustainability and traffic issues have also been successfully addressed.

2 THE SITE

The application relates to a site located on the western corner of the junction of Dorset Gardens and St. James's Street. The property lies within the East Cliff Conservation Area.

A single storey retail unit was previously in place on the site and had been vacant for a number of years. In the summer of this year works commenced on site to implement the scheme approved under application BH2004/02509/FP. At present construction has been halted.

3 RELEVANT HISTORY

An application (ref. **BH2010/02674**) is currently under consideration seeking consent for alterations to the existing single storey building in relation to its proposed occupation by a Chemist.

BH2005/02457/FP: Erection of 6-storey (including basement) building comprising retail and restaurant on ground and basement floors and 8 residential units on 1st-4th floors. (Amendment to previous approvals under references BH2004/02509/FP and BH2004/02512/FP), refused March 2008.

BH2004/02585/FP: Variation to approval BH2003/01805/FP by way of layout of 5 flats and 1 cottage, approved June 2005.

BH2004/02512/FP: Change of use of basement and ground floor from A1 to A3 (restaurant) with access onto Dorset Gardens. Retain a portion of the ground floor as A1 (Retail) unit fronting St James Street. Granted April 2005.

BH2004/02509/FP: Erection of 3 no. 1 bedroom flats and 3 no.2 bedroom flats on upper floors (Amendment to BH2003/01805/FP and BH2003/02357/CA Approved 23/07/2004), granted April 2005.

BH2003/01805/FP: Demolition of existing building. Erection of a 4 storey building comprising A1 retail use at basement and ground floor level at front. 3 x 3 bedroom flats above A1 unit. 3 studio flats, 1 x 3 bedroom cottage, 2 x 2 bedroom flats to rear. Granted July 2004.

BH2003/12357/CA: Conservation Area Consent for the demolition of the existing single storey shop and store rooms, granted October 2003.

No.s 25-28 St James's Street

BH2010/02012: Redevelopment of first floor and airspace above to form residential development of 33 flats (including 13 affordable flats) over four floors above existing retail at 25-28 St James's Street Brighton, granted October 2010.

Consent has recently been granted at the site to the eastern corner of the junction of Dorset Garden and St. James's Street (nos. 25-28) for the redevelopment of the property in the form of remodelling at first floor level and the construction of three additional storeys above:

BH2008/03121: Redevelopment of first floor and airspace above to form residential development of 34 flats including 13 affordable flats over 4 floors above existing retail at 25-28 St James's Street, along with the erection of an additional storey of accommodation at 24 Dorset Gardens, granted February 2010.

4 THE APPLICATION

Following the commencement of construction works earlier this year, it was brought to the attention of Local Planning Authority that the building under construction was not in accordance with the approved plans. Subsequent discussions with the parties involved identified significant concerns regarding the practicality of implementing the approved scheme. The current application seeks part-retrospective consent for a revised proposal.

5 CONSULTATIONS

External

Neighbours: Letters have been received from the occupiers of **57 Wanderdown Drive, 97 Crescent Drive South, 14 Coundray Court, 31 Arundel Drive West, 5 Charles Street, 1 Hartington Villas, 10 Nutley Avenue, 64 Clyde Road, 7 Cornwall Gardens, and 68 Toronto Terrace**, objecting to the proposed development on the following grounds:

- The proposed building will block views of the Dorset Gardens Methodist Church Building. The Church was designed and constructed at considerable expense to appear as an attractive, visible, landmark building with an unusual 'sail' window at roof level.
- The height, mass, scale and impact which the building would have on the church and the area are inappropriate. Any building to be constructed on the site should be restricted to two storeys in height.
- The proposed building will block light to the church and outlook from windows of the church.

A letter has been received from **the freeholder of Dorset House**, which adjoins the northern boundary of the site, stating support for the application on the following grounds:

- The proposed building has a lower roofline than that previously approved and would sit well with neighbouring buildings.
- Should the construction of the building be delayed / drawn out, additional disruption and nuisance will be caused impacting upon the residents of Dorset House.

CAG: No objections subject to conditions controlling the detailing of the building.

Internal:

Design & Conservation: Consideration must be given to the scheme approved under application ref. BH2004/02509/FP in assessing the current application. The overall scale of the proposed building is considered appropriate, the height being in keeping with neighbouring buildings. The storey heights and overall height are lower than that previously approved and are considered a significant improvement. The detailing of the building proposed is also improved in comparison to the previously improved scheme, for example having regard to the proposed balconies and the entrance treatments.

Minor revisions to the proposed shopfront and a window recess were required along with further detailed drawings. These drawings have since been submitted and are considered acceptable.

Sustainable Transport: The cycle storage facilities shown in the approved plans should be implemented prior to occupation of the flats and retained as such thereafter. It is also advised that a contribution should be sought towards sustainable transport infrastructure in the vicinity of the site. It is however the case that such a contribution has already been paid in relation to the scheme as originally approved under application BH2003/01805/FP and amended under application BH2004/02509/FP. This contribution and the car free status of the development were secured by legal agreement. A Deed of Variation is required to attach the previous legal agreement and contribution to the current application.

Environmental Health: Based on the information originally submitted, it was considered that the proposed air conditioning system and vent had the potential to cause noise nuisance for occupiers of neighbouring properties. Further information has since been submitted regarding the sound outputs of the proposed system, subject to compliance with these details, the proposed development is considered acceptable; no objection is raised.

Private Sector Housing: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods

QD3	Design – efficient and effective use of sites
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of Conservation Areas

Supplementary Planning Guidance:

SPGBH4: Parking standards

Supplementary Planning Documents:

SPD02: Shop Front Design

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of the application include the principle of the enlargement of the existing building by the addition of three storeys of residential accommodation, impact upon the surrounding street scene and the East Cliff Conservation area, the standard of accommodation which would be provided, impact on neighbouring amenity, sustainability and highways issues.

Principle of development

The principle of replacing the existing single storey building with a four storey structure consisting of a ground floor / basement in commercial use at ground floor and residential units above has previously been deemed acceptable and granted planning permission under application BH2003/01805/FP. Amendments to this scheme were granted consent under applications BH2004/02509/FP, BH2004/02512/FP, and BH2004/02585/FP. The scheme currently under consideration seeks consent for alterations at ground floor level and the addition of three storeys of residential units above, comprising 3 x two-bedroom flats and 3 x one-bedroom flats. The design of the upper floors proposed is effectively a revision of that proposed under the previously approved application BH2004/02509/FP.

Furthermore, a development of a similar scale has been approved at the site immediately opposite the application property (at no. 25-28 St James's Street, refs. BH2008/03121 and BH2010/02012).

It is therefore considered that the principle of development has already been determined as acceptable, and that the current application must be assessed in this context.

Visual impact / impact upon the East Cliff Conservation Area

As detailed above, the principle of a building of the scale proposed is considered to be acceptable. Strong concerns have been raised by users of the Dorset Gardens Methodist Church as the proposed building will block views of the church building which was designed so as to appear a landmark when viewed from St James Street / locations to the south of the church. The proposed building would block some views of the church building. This structure would however remain of prominence when viewed from the southern end of St. James's Street. Once again, it must be acknowledged that a building of the scale currently approved has received planning permission previously, and the development approved to the east of the application site at nos. 25-28 St James Street would have a similar visual impact to the proposed structure.

Whilst the impact upon the church is a material consideration, the St James's Street street scene is also relevant and generally comprises three and four storey buildings of the height currently proposed.

The submitted drawings clearly demonstrate the differences between the previously approved structure and that now proposed. The overall height of the building is lower than that previously approved by approximately 1.55m, as are the floor levels, these changes deliver a more appropriate visual relationship with the adjoining building to the west and reflect the 'step up' between the buildings as the road slopes upwards towards the east. The proposed shopfront is of a more traditional style than that previously approved, incorporating much of the design advice detailed in SPD02. A stall riser of appropriate height, inset entrance and fascia with cornice detail are proposed to the southern elevation. The to eastern (side) elevation, display windows are to be inserted which will provide visual interest and an active frontage; a significant improvement over that previously in situ. To the northern end of this elevation a door to the ground floor unit is proposed, with a covered entrance door alongside to serve the flats above. To the northern side of the building a louvered door is proposed with a vent above; these details should be finished in a colour to match the walls of the building and could be controlled by condition as such.

To the upper floors of the proposed building, south facing inset balconies are proposed; a significant improvement over the previously approved design which included protruding balconies which would have overhung the pavement. To the eastern elevation the proposed window pattern is similar to that previously approved, to the northern elevation cut out sides to the inset balconies proposed provide some visual interest. Overall the proposed scheme is considered an improvement over that previously approved; the character of the Conservation Area would not be harmed by the development.

Standard of accommodation

The proposed flats are a mix of one and two bedroom units; all of which have open plan living room / kitchens and benefit from some outdoor amenity

space in the form of inset balconies. The proposed layouts provide broad compliance with Lifetime Homes Standards and could be controlled by condition to ensure full compliance with such standards and Policy HO13.

Proposals for new residential units should provide adequate storage facilities for refuse and recycling, and cycles in compliance with Policies QD27 and TR14. Cycle storage is provided at ground floor level for 8 cycles in compliance with SPGBH4. Recycling storage is provided within each kitchen and refuse is collected via communal street bins. Overall it is considered that the proposed flats would provide an acceptable standard of accommodation.

Neighbouring amenity

The proposed development will result in some loss of light / overshadowing of the flats immediately to the north of the site (no. 30 Dorset Gardens) as the application building is set forward from this property. It is however considered that significant harm would not be caused, and that the proposed structure would not have an unduly oppressive / overbearing impact. Again it must be acknowledged that such an arrangement was considered to be acceptable at the time of the previously approved applications for structures of a similar scale to that now proposed.

Although the three flats at the rear (north) end of the development each have a balcony in close proximity to the balconies of the flats at no.30 Dorset Gardens, it is not considered that significant levels of overlooking will result owing to the positioning of the column at the north end of each balcony.

The proposed external vent to the northern elevation of the building, which serves the ventilation system for the ground floor and basement commercial use, has the potential to cause noise disturbance for residents of the proposed flats above and those of no. 30 Dorset Gardens to the north of the site. Detailed information has however been submitted regarding the sound outputs of the proposed system. Subject to compliance with these details which could be secured by condition, it is considered that no significant harm would be caused; the Environmental Health Officer has raised no objections to the proposal.

The development may cause some increased disturbance to neighbouring residents due to an increased occupancy level; this would not however be beyond the level expected in an urban setting of such density; significant harm would not be caused.

Sustainability

Policy SU2 of the Local Plan requires development to be efficient in the use of energy, water and materials. SPD08: Sustainable Building Design, states that a new build residential development of the scale proposed should meet a Code For Sustainable Homes rating or Level 3 and a Sustainability Checklist should be submitted. A checklist has been submitted detailing sustainability measures and it is proposed that a Level 3 rating will be met; a Design Stage

Certificate has been submitted. This matter can be secured by condition. Overall it is considered that the requirements of policy SU2 and SPD08 have been sufficiently addressed.

Highways issues

Policies TR1 and TR19 of the Local Plan require development to cater for the travel demand generated and meeting the maximum parking standards and minimum cycle parking standards set out in SPGBH4: Parking standards.

As detailed above, cycle parking is to be provided in compliance with SPGBH4. The proposed development will cause an increased traffic impact, a financial contribution towards sustainable transport has however already been paid in relation to the previous approvals and can be attached to the current application by way of a Deed of Variation. Increased parking pressure should not be caused as the legal agreement ensures that future residents of the flats will not be eligible for residents parking permits.

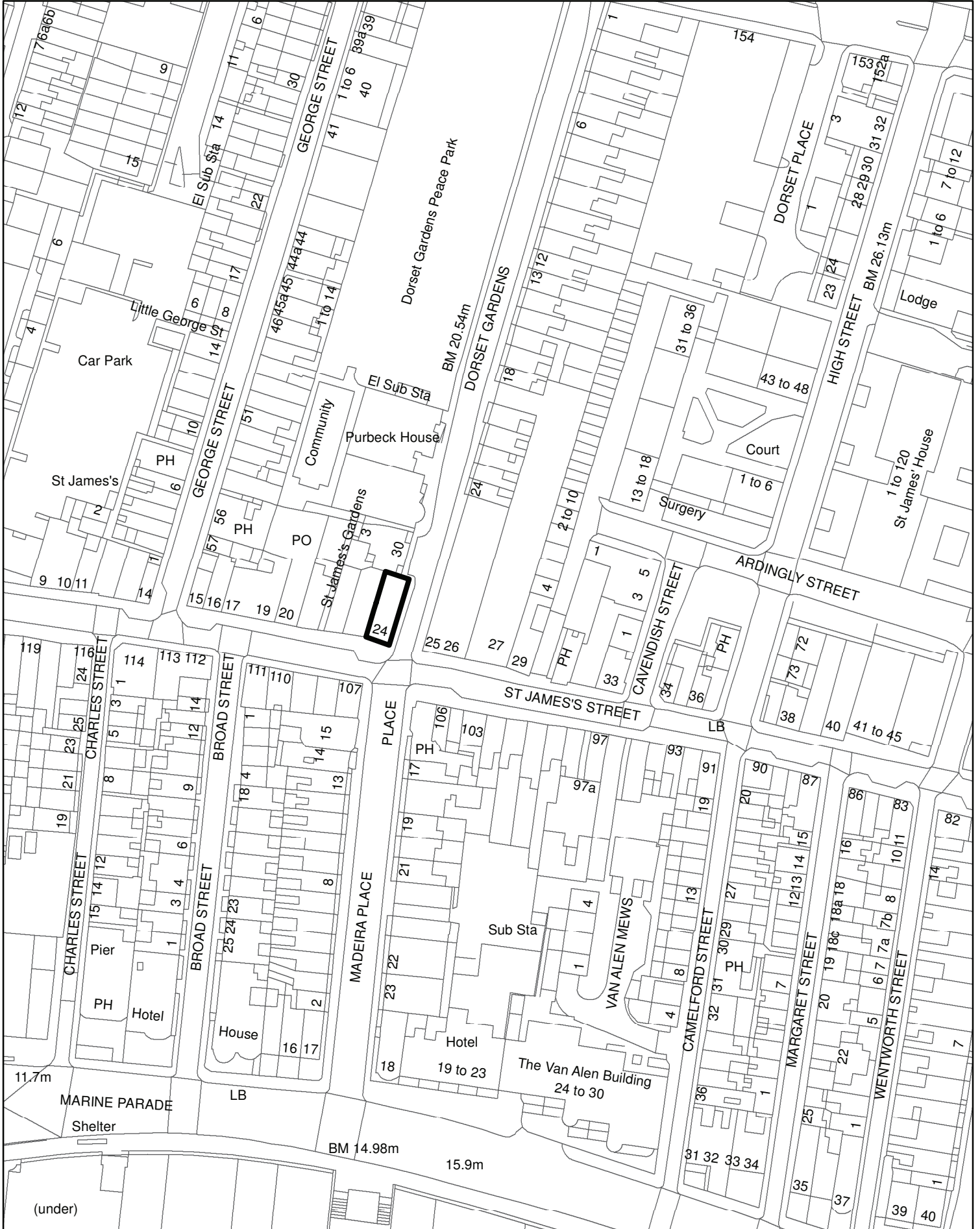
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development will not cause harm to the character of the East Cliff Conservation Area, no significant harm to neighbouring amenity would result, the residential accommodation proposed is of an appropriate mix and standard, furthermore sustainability and traffic issues have also been successfully addressed.

9 EQUALITIES IMPLICATIONS

The proposed flat layouts demonstrate compliance with Lifetime Homes standards and can be controlled by condition as such.

BH2010/02677 24, St James's Street



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2010/02745	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	28 Marine Drive, Rottingdean		
<u>Proposal:</u>	Erection of a block of 9no flats comprising 5no two bed flats and 4no three bed flats with associated works including car parking area.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	13/09/2010
<u>Con Area:</u>	Adjoining SSSI	<u>Expiry Date:</u>	08 November 2010
<u>Agent:</u>	Chart Plan (2004) Ltd, 65 Stoneleigh Road, Limpsfield Chart, Oxted		
<u>Applicant:</u>	Generator Group LLP, 54 Conduit Street, London		

1 RECOMMENDATION

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

S106

- To secure a financial contribution of £18,000 towards sustainable transport improvements.

Conditions

1. BH01.01 Full Planning Permission.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. The existing west hedge boundary and east hedge boundary (adjoining the rear garden of no.36) treatment shall be retained. The hedges shall not be removed unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of nature conservation and to safeguard the existing outlook to the occupiers of adjoining properties and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.
4. The development shall not be commenced until fences for the protection of the hedges to be retained have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair 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 hedges which are to be retained on the site and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.
5. The development shall not be commenced until fences for the protection of the SSSI have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no

vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. No materials shall be stored or dumped within the SSSI boundary and there should be no access (pedestrian or vehicular) to the site from within the SSSI boundary.

Reason: To prevent damaging impacts on the adjacent nature conservation features and their setting and to comply with policy NC2 of the Brighton & Hove Local Plan.

6. 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.

7. BH15.01 Surface water drainage.

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

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

9. Notwithstanding the submitted drawings, the development hereby approved shall not be commenced until full details of the cycle parking layout have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in full prior to first occupation in strict accordance with the approved details. A minimum of 12 cycle parking spaces shall be provided.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

10. BH04.01 Lifetime homes.

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

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and

- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 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.

12. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 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.

13. BH02.07 Refuse and recycling storage (facilities).

14. BH15.04A Method of piling

15. Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing the measures to improve ecological biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the number and type of bat boxes, bird boxes and Sparrow Terraces, and details of the green wall. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

16. Notwithstanding the submitted drawings, the development hereby approved shall not be commenced until full details of the terraces to the rear of the site (north elevation) have been submitted to and approved in writing by the Local Planning Authority, these details are to include screening, extent of usable area, and balustrade. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

17. The development hereby permitted shall be carried out in accordance with the approved drawing nos. AL(00)001 Rev A, 002 Rev A, 100 Rev B, 201 Rev A, 202 Rev A, 203 Rev A, 204 Rev A, 205 Rev A, 206 Rev B, 207 Rev C, 208 Rev A, AG(00)001, 002, 003 received 8 September 2010 and AL(00)209 Rev B, 210 Rev B, 211 Rev B received 9 September 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. 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

Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
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
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCl) and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents

SPGBH4	Parking Standards
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and

ii. for the following reasons:

The proposal complies with relevant planning policies and guidance and is considered to be of a scale, height and design in keeping with the natural and developed background. The proposal meets local plan policies and guidance with regard to sustainability measures, parking

provision and accessibility and seeks to mitigate its potential impact on the natural environment.

3. The applicant is advised that the installation of a communal aerial or satellite dish would require planning permission and is preferable to the installation of more than one device.
4. 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).
5. 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.
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 details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
8. 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).

2 THE SITE

The site is located on the south side of the A259 coast road adjacent to the cliff edge to the south, a public car park to the east, a row of detached dwellings to the north and Highcliff Court a three storey block of flats to the west. The site has been cleared with the previously existing dormer bungalow having been demolished. Access to the site is via a private drive from the A259 that provides right of way to the block of flats and the rear of the row of dwellings to the north and a single dwelling to the west.

The site is located on the south-eastern edge of the built-up area of Rottingdean. Adjacent to the application site are a number of purpose built flatted developments along the cliff face, these include St Margarets which consist of 43 units over six storeys and Highcliff Court with 38 units over 3-5 storeys, both of which are located to the west of the site.

The land slopes east down to west and north down to south with the site being visible from part of the A259. Rottingdean Conservation Area is located 150 metres to the west. The site is adjacent to a Site of Special Scientific Interest and a Regionally Important Geological Site.

3 RELEVANT HISTORY

BH2009/02228: Demolition of existing dwelling and erection of a block of six flats and two townhouses (8 units in total) together with associated parking and bin store – Refused at Planning Committee contrary to officers recommendation on 3/02/10 for the following reasons:

- 1) The proposed scheme is considered to be over development by way of the massing, size, height and scale of the building, and the density of the proposed units and, as such, the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan;
- 2) The proposed development, by reason of its height and proximity to Highcliff Court, would cause an unacceptable loss of light and have an adverse impact on the amenities enjoyed by residents of Highcliff Court and, as such, is contrary to policy QD27 of the Brighton & Hove Local Plan;
- 3) The proposed development, by reason of its close proximity to the cliff, would be vulnerable to coastal erosion and would have an adverse impact on the Brighton to Newhaven Cliffs Site of Special Scientific Interest. The proposal is therefore contrary to policies SU7, SU8 and NC2 of the Brighton & Hove Local Plan;
- 4) The proposed development, due to its relatively inaccessible location away from the city centre, contains insufficient car parking for residents and visitors and, as such is contrary to policy TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance BH4-Parking Standards;
- 5) The un-adopted access road by reason of its width, is considered to be inadequate and likely to cause increased danger to vehicle users and

pedestrians and the proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan;

- 6) The proposed development does not blend into the surrounding area by reason of its design and materials and, as such, is contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan.

This application is subject to an appeal to be determined by a hearing.

BH2006/01879: Demolition of existing dwelling and erection of a block of six flats and two townhouses (8 units in total) together with associated parking and bin store – approved at Committee 22/11/06.

BH2006/00413: Demolition of house and erection of block of seven 3 bedroom flats and two 3 bedroom houses, 9 units in total and associated parking and bin storage – withdrawn 4/4/06.

BH2004/01263/FP: Erection of a block of flats up to 6 storeys in height comprising 2 no.4 bed flats, 3 no.3 bed flats, 4 no.2 bed flats – 9 units in total. Associated parking (9 spaces) and bin storage – refused 30/9/04.

BH2003/02036/FP: Demolition of existing single dwelling house. Erection of an eight storey block of flats comprising 12 no.2 bedroom flats and 2 no.4 bedroom penthouses – refused 5/9/03. Appeal Decision – Dismissed 6/7/04.

86/1427F: Demolition of existing garage and erection of new garage with pitched roof – granted 7/10/80.

BN86/904F: Single storey extension on south elevation with roof terrace at first floor level – granted 5/8/06.

BN85/995F: Change of use from single dwelling house to rest home – granted 3/9/85.

BN.74.1478 (Nos. 28, 32, 34, 36): 16 Flats and 5 houses with covered parking for 22 cars – granted 12/11/74.

4 THE APPLICATION

The application proposes the erection of a block of nine flats comprising 5 no. 2 bedroom flats and 4 no. three bedroom flats, two of which are duplex units. Ten parking spaces are provided onsite in the form of undercroft parking. The proposed units will have access to either terraces or balconies and an outdoor shared garden area to the south of the proposed building.

Alterations to the proposed application when compared to the previous application include:

- The provision of 10 undercroft parking spaces, an overall increase of 5 spaces;
- A change in the design approach taken;
- An additional 2 bedroom unit; and
- The resurfacing of the existing access road.

5 CONSULTATIONS

External:

Neighbours: Occupiers of 7, 20 St Margarets Court, 1 (x2), 3, 7, 12, 16, 17, 20, 21, 22, 24, 26, 27, 28, 35 Highcliff Court, 36 Marine Drive object to

the application on the following grounds:

- The scale of the development does not compliment the surrounding properties;
- The proposed lighting would cause intrusion into bedrooms;
- Insufficient width of access road and increase in traffic generated;
- Safety concerns over the proposed access for vehicles and pedestrians;
- Erosion of the already unstable cliffs;
- The development is too large in terms of scale and bulk and represents an overdevelopment of the site resulting in overlooking, overshadowing, loss of privacy, and loss of amenity.

32 copies of a standard response letter have been received from the occupiers of **32 Marine Drive, 2 (x2), 3, 5, 8, 9, 10, 11, 14, 15, 25, 28 (x2), 29, 30, 31, 32, 34 (x2), 36, 37, 38, 41 Highcliff Court and 8, 23, 24, 31, 32, 33, 36, 39 St Margarets** objecting on the following grounds:

- Unsuitable access road for use by both vehicles and pedestrians;
- Cliffs are unstable and subject to erosion;
- The scale and bulk of the development do not compliment the surrounding; properties and would appear overbearing and dominant;
- Overlooking, loss of privacy and amenity, and overshadowing.

Rottingdean Preservation Society: Objects to the application as it would be an overdevelopment of the site to the detriment of the cliff top and its open views. Pedestrian safety will be compromised by the large increase in traffic using the service road.

The stability of the cliffs may be compromised, and adjoining blocks have already suffered subsidence problems.

The scheme will cause a loss of amenities to existing residents by the way of loss of privacy, loss of light, loss of views and increased traffic movement and noise.

Rottingdean Parish Council: Object on the grounds of the impact of the proposal upon the stability of the cliff. Access to the site is very restricted and any increase in traffic should be avoided, an increase in traffic will result in safety issues for pedestrians. Access for the emergency services will be compromised. The proposal will result in the loss of light and also light intrusion to Highcliff Court. The development will result in an increase in noise and disturbance resulting from increased vehicular movements. The development is over development of the site to the detriment of the amenities currently enjoyed by neighbouring occupiers.

Natural England: The application site is adjacent to the Brighton to Newhaven Site of Special Scientific Interest (SSSI). This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 28 of the Wildlife and Countryside Act 1981 (as amended).

Natural England does not object to the proposed development, subject to the inclusion of conditions relating to protection and use of the SSSI.

Internal:

Coastal Protection Engineer: Chalk cliffs are subject to erosion; the cliff line gradually recedes inland over a period of years. The speed and rate of recession is largely unpredictable and dependent on many variables including stratigraphy, rain penetration, temperature variation, etc. To adopt a specific recession rate in terms of millimetres per year is not advisable. Our experience of these cliffs has shown that large scale collapses (thousands of tonnes) can occur without warning and are interspersed with long quiescent periods (years or decades). The location of these collapses depends on the variables mentioned above.

Ground Investigation Report:

A comprehensive and thorough report with some good recommendations that should be adopted if the development is to go ahead-

Paragraph 4.2 – the suggestion by the consultant that all loads should be taken to the foot of the cliff is a sound one and should be adopted in order that the cliff face is not subjected to any additional loads that could destabilize it.

Paragraph 4.2.1 – the type of pile suggested (CFA) should also be adopted for the same reasons.

Slope Stability Report:

Paragraph 3.4 – the consultant's calculation of cliff recession should not, in my view, be relied upon. Chalk cliff recession prediction is not, at the moment, an exact science – they could be right in their assessment or they may not be. Paragraph 4.3 – In our experience Natural England are not very willing to see areas of chalk cliff obscured by concrete or netting. The cliff stabilization works we did at the Marina had to go through a public inquiry as a result of Natural England's objections before they could go ahead.

Ownership:

Understand that the owner of a cliff top is also responsible for the cliff face. This point should be established one way or another so that in future years should there be a problem then the freeholder is aware of his responsibilities; similarly in terms of insurance against third party injury from falling chalk and flint.

Also understand that there is a section of the cliff top in the ownership of someone who can no longer be located.

Planning Policy:

The previous application BH2009/02228 was refused at Planning Committee against officer recommendation in February 2010. The applicant is currently

appealing this decision and a hearing is due to be held in the next few weeks. It is understood that this new application seeks to address and overcome the concerns raised by planning committee.

Recent changes to Government Policy

Since the determination of the last application, the Government has abolished regional housing targets and made changes to Planning Policy Statement 3: Housing (PPS3). The changes to PPS3 are; the deletion of the national indicative minimum density of 30 dwellings per hectare and; changes to the definition of previously developed land so that private residential gardens are now classified as Greenfield land. Both of these changes are material considerations in the determination of this application.

Proposed Residential Density

The adopted (saved) Local Plan policies QD3 and HO4 are relevant when assessing the appropriateness of the proposal in terms of the proposed residential density, design considerations and the character of the existing area. QD3 iterates that proposals should incorporate an intensity of development appropriate to the locality/townscape.

The site is located to the south of the A259 adjacent to the cliff edge to the south. It is understood that there is a public car park to the east, detached dwellings to the north and Highcliff Court (a block of flats) to the west. The site is also adjacent to a SSSI and a RIG site although it is understood that Natural England did not object in principle in the previous application.

In terms of surrounding residential densities, the residential dwellings to the north of the site range from approximately 16 to 25 dph. Comparatively there are a two flatted developments to west of the site, St Margaret's (a 6 storey development with 43 units) and Highcliff Court (a 3 storey development with 38 units). Both of these existing developments represent high density development, with densities of over 200dph.

The density of proposed development at 28 Marine Drive, would be approximately 53 dph (based upon a site area 0.17ha including the access road). The density of the proposal excluding the access road would equate to 75ph (based on a site of 0.12ha). In this context it is considered that the proposed density accords with policy HO4 (d).

It is considered that the proposed site has good connectivity to the Rottingdean Local Centre which offers a range of services and facilities. The site is also considered to be close to transport routes and pedestrian routes and cycle network. In this respect it is considered that policies QD3 and HO4 are satisfied.

Policy QD3 states that proposals for backland development will be rigorously examined in respect to the retention of and provision of new open space, trees, grassed areas, nature conservation features and recreational facilities.

Whilst the proposal provides private amenity space in the form of private balconies for each flat, it is considered that the area of shared space is constrained by the footprint of the proposed building. In relation to policy HO5 the lack of replacement garden space is disappointing.

Sustainable Transport:

Principal of development served via an unadopted track

This latest scheme of this site is proposing to construct a shared surface access comprising of block paving for the entire length of the access road and delineating a section for pedestrians by using “a strip in a contrasting colour”. The Manual for Streets notes that pedestrians’ sharing a surface with motorist has a “self-limiting factor ... of around 100 vehicles per hour”. Traffic flows above this figure mean that pedestrians treat the general path taken by vehicles as a road to be crossed rather than a space to occupy. Table 2.1 notes traffic count data recorded on Wednesday 5th May 2010, which is defined as a neutral period for traffic surveys, therefore acceptable and should be considered as representing a robust estimate of the volume of traffic using the lane. The data showed that the access was used by 55 vehicles in total between the hours of 7am and 7pm.

The analysis of the potential increase in vehicle movements has been drafted to accord with industry standards and is considered as providing a robust estimate of the expected increase in demand. This data shows that the proposal would generate 27 additional vehicle trips over the same 12 hour period, (4.549x9x66%). Thereby this unadopted track would potentially attract 82 vehicle movements per day.

This figure is very close to the self-limiting factor noted above. It is not possible to further consider whether the proposed shared surface scheme is satisfactory in public safety terms as the no additional information has been provided about how – for instance – traffic speeds will be managed along its length.

In the summary and conclusions section of the statement it notes that the access will be an ‘unadopted shared surface road’ and that ‘maintenance of the access in perpetuity will rest with a management company’.

Insufficient information has been provided that sets out the design and safety considerations of the proposed shared space. Additional plans and a Road Safety Audit Stage 1 and 2 should be submitted to evaluate whether the transport demand will be provided for, and whether public safety will not be worsened or not.

I have no general objection to this proposal in principle but am duty bound to point out that this scale of the existing development served via the unadopted track is in excess of the level that would normally be acceptable. Historically, the maximum number of residential units that should be served off of a private unadopted track is no more than 5 units. This figure has been set at this level

by precedents over many years. It is considered that development consisting of more than this number of units should be served via an adopted road to ensure that statutory services such as sewerage, telecom, gas, electric, and emergency vehicles can be maintained to a suitable standard in perpetuity. Manual for Streets does note that *“it is not desirable for this number [number of units served via an unadopted road] to be set too high, as this would deny residents of small infill developments the benefit of being served by an adopted street”*.

The Council’s adopted street design guidance is somewhat out of date now, being last up dated in 1995. The content of the street design section of this document is no longer relevant, but the general principles of what streets should be adopted and when is still pertinent. Page 7 of appendix 6 advises that *“it is the aim of the Highway Authority to ensure that all new estate roads serving more than five dwellings are adopted at the outset”*.

There are numerous examples around the city where development has been allowed that is served via an unadopted track that has degraded to such an extent that they are unsafe, which has lead to calls from local residents and Councillors that the Highway Authority adopt and maintain the road at public expense. It would not be appropriate – given the precedents – for the Highway Authority to offer a positive recommendation to a proposal that would clearly exceed the scale of development that would normally be served via an unadopted track.

Additional Comments if the Local Planning Authority choose to approve the Application

The above view is that of the Highway Authority, as a consultee in the planning process. If the Local Planning Authority does not agree with this position or think requiring the access track to be adopted is unreasonable it is recommended that conditions relating to the resurfacing of the track, cycle parking and vehicular parking are added to any consent if granted;

And;

The applicant enters into a legal agreement with the council to contribute £18,000 towards transport measures. This contribution will go towards upgrading pedestrian crossing and bus stop facilities with Rottingdean village high street.

Parking Provision

Brighton & Hove’s development parking standards are set out in SPG4, which was originally adopted in 1997 and incorporated in the first deposit draft plan in September 2000. These standards set out the maximum level of car parking for various use classes. Use class C3 consists of residential accommodation, both flats and houses.

These parking standards require a maximum provision of 1 standard car

parking space per dwelling up to 3 beds plus 1 car parking space per 2 dwellings for visitors. This means that the site should provide up to a maximum of 12 car parking spaces. The blue badge/disabled parking provision as set out in SPG4 for this type of development is a minimum of 1 space per 10 dwellings. This would suggest that one-disabled parking spaces should also be provided in addition to the 12 standard spaces noted above.

A nationally recognised source of traffic and transport impact data for various land uses is used by developers and local councils. The residential accommodation part of the database includes average transport impacts of various land uses including a section on residential flats. This section suggests that the parking demand of six sites in similar locations to this proposal would be 0.9 spaces per unit. Using this data the car parking demand of a site with 9 flats could reasonably be expected to provide standard 9 spaces.

National Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves with, unless in exceptional circumstances, which might include significant implications for highway safety. Based on my observation on site and surrounding area it is not considered that there are any significant circumstances that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon the reduced level of car parking.

Section 5.4 of the Statement notes that the provision of car parking “*does not exceed the maximum levels [of car parking] set out in the CBC Planning Obligations and S106 Agreements SPD*”. The Highway Authority are unclear on what this section is making reference to it is assumed that the section should be referring to Brighton & Hove’s SPG4 car Parking Standards document.

Unlike car parking cycle parking standards are set as a minimum, for this type of development the cycle parking requirement is calculated on a basis of 1 space per unit plus one space per 3 units for visitors. This would require a minimum level of cycle parking of 12 spaces; the Applicant is proposing 10 spaces. It is recommended that additional cycle parking facilities are provided to comply with TR14, TR19 and SPG4.

Environmental Health: No comment.

Private Sector Housing: No comment.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking

TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
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
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCl)s and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents

SPGBH4	Parking Standards
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main considerations in this case are the impact of the proposal upon the visual amenity and character of the area, the residential amenity of adjacent occupiers, sustainability, traffic and highways considerations and impact on the natural environment.

Background

The previous planning permission reference BH2006/01879 which was approved by the Planning Applications Sub-Committee, lapsed as the works

were not started within the requisite time period in accordance with Section 91 of the Town and Country Planning Act 1990. The subsequent resubmission reference BH2009/02228 was refused by Planning Committee on 3 February 2010, for which an appeal has been submitted to be determined by a hearing.

This application seeks to address the Committee's concerns. It includes a new design approach, and also reports specifically addressing the previous reasons for refusal.

Principle

The proposal seeks permission to build on a site which previously housed a single dwelling. The extent of the proposal would encroach onto the previous dwellings garden area. 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.

PPS3 along with Local Plan policies QD3 and HO4 seek the more effective and efficient use of development sites. However, in seeking the more efficient use of sites, PPS3 and Local Plan policies QD2, QD3 and HO4 also seek to ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. Given the sites history, location and the wider context of the surrounding locality it is considered that the site is suitable for such a redevelopment.

Design

Policy QD1 of the Brighton & Hove Local Plan states 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 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale,

bulk and design of existing buildings and b) topography and impact on skyline. Policy HE6 seeks to preserve the character and appearance of conservation areas.

The application has resulted in the reworking of the space and overall massing of the proposal resulting in a reduction in the massing of the development to the rear of the site. This has been coupled with a further reworking of the internal spacing to provide an additional 1 unit within the development. The scheme also provides 10 parking spaces within the site as undercroft parking which allays previous concerns of overdevelopment of the site as parking is now provided.

Reasons for refusal 1 and 6 of the previous application related to the design, massing, size, height, materials and density. In relation to these reasons the design principle of the development has changed significantly. The proposed design provides a contemporary design with a strong horizontal emphasis whereas the previous scheme was more of a pastiche of an art deco style building. When compared to the design of the previous application the proposed design is more akin to the simple design of the adjoining Highcliff Court. It is the proposed modern elevational treatment which stands it apart from adjoining buildings.

The proposed finish to the building is white render and darker brick sections. The use of contrasting materials provides greater horizontal emphasis within the building in an attempt to break up the overall mass of the building. Buildings finished in render are visible within the local vicinity including the neighbouring developments at Highcliff Court and St Margarets.

The proposal would be predominantly seen from the existing public car park to the east as a two-storey development. The proposed elevation treatment and use of contrasting materials and fenestration aims to break up the mass of the elevations when viewed from the east. Due to the topography of the site and the backdrop of St Margarets and Highcliff Court it is considered that the proposed development would be acceptable in this area.

The overall design of the property is considered to be of a good standard, the proposed development is therefore considered to meet the design requirements in accordance with policies QD1, QD2, QD14 and HO4 of the Brighton & Hove Local Plan.

Amenity for residential occupiers

The proposed internal layout of each of the dwellings is considered to be acceptable. The design and access statement contends that the development will attain Lifetime Homes standards and would meet Part M of the Building Regulations.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. Each

dwelling would benefit from private amenity space in the form of screened terraces which is considered to be adequate provision in accordance with policy HO5.

Policy TR14 requires all new residential developments to have secure, covered cycle storage and Policy SU2 requires the provision of adequate refuse and recycling areas. An area for adequate cycle storage has been highlighted on the submitted plans alongside refuse and recycling storage facilities. Full details of these have not been submitted however these designated areas would appear to be sufficient, in terms of size therefore a condition is requested to ensure that full details of these areas are provided in accordance with policies TR14 and SU2 of the Brighton & Hove Local Plan.

Impact on amenity of neighbouring occupiers

Reason for refusal 2 of the previous application related to the impact of the development upon the amenity of adjoining neighbours. Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers.

Daylight

The BRE guidelines state that where the Vertical Sky Component (VSC) to a window is less than 27% and there would be more than a 20% reduction in levels of daylight received, the loss of light would then be noticeable to that room. The guidelines are intended to be used for adjoining properties and any existing non-domestic uses where the occupants would have a reasonable expectation of daylight. The applicant has submitted a daylight study which includes the windows along the side elevation of Highcliff Court.

The report also considers the Average Daylight Factor (ADF) which assesses the quality and distribution of light within a room serviced by a window, this takes into account the VSC value. The “No Sky” line method of assessment has also been considered. The report concludes that all of the surveyed windows would fully comply with BRE guidelines for daylight in terms of Vertical Sky Component, “No Sky” line and Average Daylight Factor.

Given the submitted report it is considered that the proposed development would not result in a significant reduction in terms of daylight and sunlight upon the adjacent occupiers of Highcliff Court in accordance with policy QD27.

Loss of outlook/privacy

The proposal is to be sited a minimum of approximately 25m from the nearest house on Marine Drive (no.36).

The impact on amenity of houses numbers 32-36 Marine Drive are considered to arise from proposed windows and terraces on the side and rear elevations of the proposal.

To the rear (north) 13 no. windows are proposed which will serve a mixture of bedrooms, bathrooms and hallways. Of the proposed windows 6 no. are proposed to be high level windows, a further 3 no. windows serve bathrooms and will be obscurely glazed. Two of the remaining windows are to serve a communal hallway where it is not expected that people will congregate. The final 2 no. windows serve bedrooms, and would be partially shrouded by an angled flank wall.

A terrace is proposed at upper-ground floor level, this is in a sensitive location due to the surrounding single family residential properties and amenity space to the north and east. It is considered that in principle the use of a rear terrace is acceptable however, the use of the full extent of the terrace may result in greater perceived overlooking into the existing amenity space it is therefore considered that a condition is necessary to include revised details of the terrace to restrict the extent of its use.

To the east there is the potential for overlooking into the private amenity space of 36 Marine Drive. Issues relating the proposed terrace have been discussed previously. There are 7 no. windows proposed 5 no. of which would directly overlook the adjoining car park to the east, the remaining 2 no. are proposed at high level and will serve a hallway and as a secondary window to a bedroom.

To the west 5 high level letter box windows are proposed along with 4 balconies. The two balconies to the rear of the development serve bedrooms whilst the larger balconies to the centre of the development serve living rooms. The balconies are purposely screened and angled along the western elevation to ensure that no direct overlooking occurs and to direct future occupiers towards the views to the south. The proposed terraces on the south elevation that would allow some oblique overlooking towards Highcliff Court.

In terms of overlooking it is considered that there is the possibility for neighbouring occupiers to perceive an increase in overlooking given the proposal, however due to the measures proposed to protect against actual overlooking and subject to appropriate conditions it is considered that the refusal on these grounds could not be sustained.

With regard to the loss of outlook, it is considered that there would be some loss to neighbouring outlook from windows, however, it is considered that this would not be significant enough to warrant a refusal on these grounds.

Whilst it is regrettable for occupiers of Marine Drive to have their sea views compromised by the development, this is not a material planning consideration. It is considered that there is sufficient distance between the houses in Marine Drive and the proposal to mitigate any potential loss of amenity, such as overshadowing, from the development.

Traffic and Highways

Reasons for refusal 4 and 5 of the previous application related to insufficient parking and highways safety. The applicant has submitted a revised transport assessment as part of this application.

The application proposes undercroft parking within the site to provide 10 no. parking spaces. The Council's Sustainable Transport Team have assessed the application and consider that whilst there should be provision for a disabled parking space, refusal on the grounds of the level of parking provided could not be sustained at appeal. It is therefore considered that the application adheres to policy TR19 of the Local Plan.

The applicant has proposed to resurface and maintain the existing access road to the development, this is to include a shared surface for both pedestrians and vehicles. Sustainable Transport have concerns over the existing access to the site and its inability to provide two-way traffic movements. A previous application in 2003 for 14 flats was refused and dismissed at appeal with the Inspector commenting that the access was considered acceptable. Having regard to the Inspector's comments, the access for the proposal would not change from the appeal proposal and as the number of units has been reduced from the appeal scheme, it is likely to be used by a reduced number of vehicles. It is not considered that a refusal of planning permission on traffic grounds could be sustained at appeal.

Sustainability

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 proposal shows several design features that encourage sustainability including passive solar heating through orientation of windows, photovoltaic and solar water heating. The application is accompanied by a sustainability statement in which a Code for Sustainable Homes pre-assessment has been submitted which suggests that the development could achieve level 3 of the Code for Sustainable Homes.

As the site is a Greenfield site it is expected that the development should aim to meet as high a level of sustainability as possible. In line with SPD08 it is considered that Code Level 5 should be the target level and given the

contemporary design of the proposal it is considered that this should be secured by condition. In the absence of justification for a lower level of the code and given the requirements of being able to achieve code level 5 flexibility within the wording of the condition is provided to allow the applicant to provide justification for a lower standard if required.

Impact on the natural environment

Reason for refusal 3 of the previous application related to cliff stability and the impact of the proposed development upon the adjacent Brighton to Newhaven Cliffs Site of Special Scientific Interest.

The applicant has submitted a slope stability report, a ground investigation, a flood risk assessment and an extended phase 1 habitat survey. The Coastal Protection Engineer has raised no objections and in general agrees with the overall findings of the report.

Natural England have no objection to the scheme subject to specific conditions restricting access to the SSSI during construction and post completion. This application provides opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. These measures can be secured by a suitably worded condition.

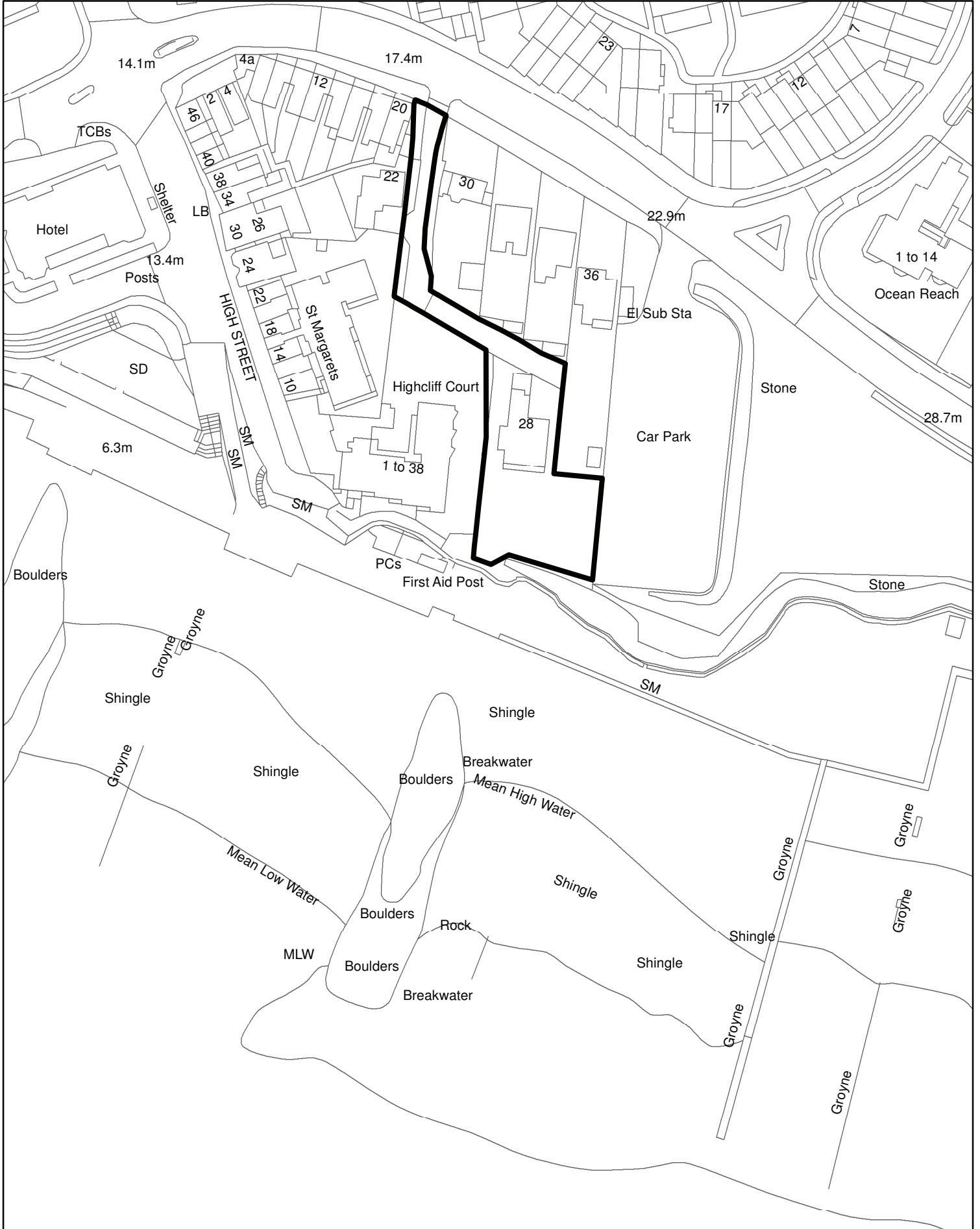
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal meets government and local plan policies and guidance and is considered to be of a scale, height and design in keeping with the natural and developed background. The proposal meets local plan policies and guidance with regard to sustainability measures, parking provision, accessibility and attempts to mitigate potential impact on the natural environment.

9 EQUALITIES IMPLICATIONS

The plans show lifetime homes provision, internal lift provision, parking for disabled users and ramped access to the communal amenity area and viewing terrace.

BH2010/02745 28, Marine Drive



<u>No:</u>	BH2009/00161	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	28-30 Newlands Road, Rottingdean		
<u>Proposal:</u>	Erection of a three storey detached building to provide 12 bedroom nursing home to form part of existing home at 30-32 Newlands Road.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Received Date:</u>	21 January 2009
<u>Con Area:</u>	None	<u>Expiry Date:</u>	26 March 2009
<u>Agent:</u>	Kim Strasman Associates, The Studio, 1 Northgate Cottages, The Green, Rottingdean		
<u>Applicant:</u>	Mr John Breeds, Rottingdean Nursing Home & Care Home, 30-32 Newlands Road, Rottingdean		

On the 22nd September 2010 the Planning Committee resolved to grant this application subject to the applicant entering into a Section 106 Obligation, to the conditions listed in the recommendation below and to red roof tiles being used. However investigations both by the agent and the planning officer, have concluded that, as the roof pitch is only 22°, plain roof tiles cannot be used. The Planning Committee is therefore requested to approve the development with the proposed slate roof covering.

1 RECOMMENDATION

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

S106:

- £7,600 towards transport measures that will improve access to Rottingdean village from the site. These are dropped kerbs at the Newlands Rd/Steining Rd junction to ease the walking journeys and improve the accessibility to existing bus stops within the village itself. Both are within 300m of the site and required to improve the accessibility to & from the site, particularly for people with mobility problems.

Conditions:

1. BH01.01 Full Planning Permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 02A submitted on the 19th March 2010 and drawing nos. 04C, 03D, 01D and 05C submitted on the 16th July 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The windows in the south facing elevation of the development hereby

permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. The development hereby approved shall not be occupied until the solid panels within the rear projecting bay windows indicated on the approved plans have been fully installed and thereafter permanently retained as such. Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. BH03.01 Samples of Materials Non-Cons Area (new buildings)
6. 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 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 water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
7. 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 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.
8. The development hereby permitted shall not be commenced until further details, including siting, of the Solar Panels referred to within the SBEM Report, submitted on the 2nd June 2010, have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

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

9. The development shall not be occupied until the parking areas have been provided in accordance with the approved plans or other details submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy TR7 of the Brighton & Hove Local Plan.
10. BH05.10 Hardsurfaces.
11. BH06.02 Cycle parking details to be submitted.
12. BH02.08 Satisfactory refuse and recycling storage.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).
15. BH11.03 Protection of existing trees.

Informatives:

1. 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).
2. 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
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. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle Parking
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design – Quality of development and design statements
QD2	Design – Key neighbourhood principles
QD3	Design – Effective and efficient use of sites
QD4	Design - Strategic impact
QD5	Design - Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO8	Retaining housing
HO11	Residential care and nursing homes
HO13	Lifetime homes and accessibility
<u>Supplementary Planning Guidance and Documents</u>	
SPGBH4	Parking
SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design; and

- (ii) for the following reasons:-

The proposed development would make provision of a 12 bed nursing home which is welcomed.

Taking account of the recent appeal decision, it is considered that the proposed development will not have a detrimental impact upon the visual amenities of the Newlands Road street scene or the wider area. In addition, subject to the compliance with the attached conditions, it is considered that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

2 THE SITE

The application relates to a bungalow located on the east side of Newlands Road in Rottingdean. The property includes a single detached garage located at the front of the site and cut into the raising land. The building, which is located in the Parish of Rottingdean, is still in use a residential property (C3 Use Class).

Newlands Road is characterised by a mixture of detached dwellings and plot sizes upon the eastern side and is predominantly characterised on the west side by the playing field and adjacent school. The topography of the area sees the land fall from north to south towards the coast; additionally the land slopes less steeply from west to east.

The site encompasses part of the curtilage of the adjacent residential care/nursing home (C2 Use Class).

3 RELEVANT HISTORY

28-30 Newlands Road

BH2008/02502: Erection of a 3 storey detached building to provide 15 bedroom nursing home to form part of existing home at 30-32 Newlands Road. Refused 6/11/2008. Appeal dismissed.

28 Newlands Road

61/812: Erection of a garage – granted 15/06/1961.

30-32 Newlands Road

BH2006/00180: Single storey side entrance – Approved 23/03/2006.

BH2005/06206: Construction of dormer on rear roof to form corridor. (Retrospective) – approved 26/01/2006.

BH1999/00067/FP: Construction of dormer on rear roof (to form corridor). – approved 15/02/1999

90/1909/F: Alterations to second floor (including the installation of Velux rooflights) to form additional residential bedroom – refused 01/02/1991.

88/1005/F: Alterations and extension – granted 20/09/1988

89/0801/F: Alterations and extensions to planning permission granted under 88/1005/F) – granted 05/07/89

74/505: Convalescent home to residential – granted 18/06/1974

66/286: Change of use from Guest House to Convalescent Home – granted 01/03/1966

4 THE APPLICATION

Planning permission is sought for the demolition of an existing detached bungalow and the erection of a three storey detached building to provide a 12 bedroom nursing home which will form part of the existing nursing home at 30-32 Newlands Road.

5 CONSULTATIONS

External:

Neighbours: Four (4) letters of objection from and on behalf of the occupiers of **35, 37 Chailey Avenue, 31 Steyning Road and Rotherdown, Steyning Road** on grounds of:

- need for continuity with the previous decision to refuse planning permission for a slightly larger building,
- the impact on neighbouring amenity, with regards to loss of privacy, overlooking and disturbance from deliveries,

- traffic and parking issues,
- scale and design,
- loss of family dwellinghouse
- the existing nursing home has previously been refused planning permission for rear windows on the third floor on the grounds of intrusion of privacy and this application appears to create an identical situation,
- it will dominate corner of Newlands Road,
- it will create a sense of closure and will reduced outlook for no. 26 Newlands Road.

After amendments received on the 22/03/2010 **Five (5) letters** of objection received from and on behalf of the occupiers of **35, 37 and 39 Chailey Avenue, 31 Steyning Road and Rotherdown, Steyning Road** on grounds of:

- overlooking and loss of privacy,
- the existing nursing home has previously been refused planning permission for rear windows on the third floor on the grounds of intrusion of privacy and this application appears to create an identical situation,
- additional traffic congestion,
- demand for parking,
- the bulk, scale and mass of the building are significantly increased from that of the existing,
- whilst the footprint has been reduced since the previous application (BH2008/02502) it remains of a significant and uniform size with an overbearing appearance on the street scene due to its bulk. The roof form only serves to emphasise this bulk, particularly with the projecting flank “extension”. The design and form bear no relation to surrounding buildings being neither honestly traditional nor contemporary, with the eaves height incongruous when compared to adjacent buildings,
- reduction in the visual gap between the development and neighbouring properties,
- the amendments to the scheme fail to provide a significant enough horizontal emphasis, particularly with the retention of the projecting narrow bays,
- the development does not relate to the existing nursing home nor any other building in the vicinity, the re-design has resulted in a building even more “alien” in appearance than the appeal scheme,
- as a result of its height the building will be over-bearing and dominant in the street scene and when viewed from neighbouring properties given that the existing property is single storey,
- noise and disturbance by deliveries to and waste disposal from the nursing home,
- a commercial enterprise will change the character of the residential area,
- loss of light,
- potential loss of existing trees at rear of neighbouring property.

After 16th July 2010 amendments **Four (4) letters** of objection received from

and on behalf of the occupiers of **35, 37, 39 Chailey Avenue and Rotherdown, Steyning Road**, on grounds of:

- it will overlook surrounding properties and result in loss of privacy,
- parking and it will adversely affect the increasingly congested traffic flow of the area,
- loss of light and sunlight,
- unable to discern what changes have been made to lessen the effects of the development,
- the existing nursing home has previously been refused planning permission for rear windows on the third floor on the grounds of intrusion of privacy and this application appears to create an identical situation,
- bulk, scale, design.

Internal:

Environmental Health: (02/04/2009 and 04/08/2010): Have no comments to make.

Adult Social Care (Contacts Unit) (16/02/2009 and 02/08/2010): Supports the application as the city is short of nursing home provision. Currently over 50 older people and older people with mental health needs are placed outside Brighton & Hove as a direct result of lack of provision within the city.

Sustainable Transport

(06/04/2009): Would not wish to restrict grant of consent subject to the inclusion of conditions relating to the proposed vehicle parking area, cycle parking details and the provision of a financial contribution of £7,600 towards sustainable development objectives.

(28/04/2010): Satisfied previous comments are relevant to the amended application.

(08/09/10): The applicant enters into a legal agreement with the council to contribute £7600 towards transport measures that will improve access to Rottingdean village from the site. These are dropped kerbs at the Newlands Rd/Steyning Rd junction to ease the walking journeys and improve the accessibility to existing bus stops within the village itself. Both are within 300m of the site and required to improve the accessibility to & from the site, particularly for people with mobility problems.

Sustainability Officer:

(18/01/2010): Although this is residential, confusingly, it would come under the non residential as it's a nursing home, therefore commercially managed.

Consequently, it would be classed as medium scale as its under 999sq m. Therefore it would be BREEAM Multi Residential (and 50% in energy & water sections).

BREEAM Multi Residential covers residential development not covered by the

Code for Sustainable Homes and provided that there is limited medical facilities (see below). You should ask the planning agent to have confirmation with a BREEAM assessor whether this could indeed be classed BREEAM Multi Residential or whether it would need a Bespoke BREEAM assessment or BREEAM Healthcare because there are extensive medical facilities.

(13/05/2010): Having looked at the BREEAM Multi Residential pre-assessment for this scheme I can confirm that it does not meet the standard required to meet SPD08.

The development must meet a score overall of 'Very Good' and within the water and energy sections a score exceeding 50%.

Whilst the BREEAM pre-assessment indicates that the overall score is predicted to be 'very good' and the water scores 62.5% the energy score does not exceed 50% and is just 39.13%.

Brighton & Hove set this standard within BREEAM because in order to meet policy SU2 and regional and national policies around energy and carbon reduction, a minimum acceptable standard must be achieved. This score indicates that these proposals currently fall below the minimum acceptable standard.

The scheme needs some revision and improvement.

(08/06/2010): The submitted document confirms at this stage that the development is on track to achieve 'very good' BREEAM and over 50% in energy and water sections. Within the SBEM document there is reference to Photovoltaic array: 13m² of monocrystalline PV. It would be good to see this conditioned as part of the permission.

6 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle Parking
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design – Quality of development and design statements
QD2	Design – Key neighbourhood principles
QD3	Design – Effective and efficient use of sites
QD4	Design - Strategic impact
QD5	Design - Street frontages
QD15	Landscape design

QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO8	Retaining housing
HO11	Residential care and nursing homes
HO13	Lifetime homes and accessibility

Supplementary Planning Guidance and Documents

SPGBH4	Parking
SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design

7 **CONSIDERATIONS**

Background

A previous planning application, BH2008/02502, sought planning permission for the demolition of the existing bungalow (C3 Use Class) on the site and the construction of a three storey detached building to provide a 15 bed nursing home (C2 Use Class) which would form part of the existing nursing home which operates from within 30-32 Newlands Road. This application was refused on the following grounds;

- design, including bulk, height, width and excessive site coverage,
- overdevelopment of the site,
- net loss of an existing dwelling,
- having a harmful impact upon the amenities of the occupiers of 26 Newlands Road as a result of its siting, overbearing scale, impression of overlooking and loss of outlook,
- failure to meet travel demand,
- failure to demonstrate provision of adequate amenity space,
- failure to demonstrate that the development would meet an acceptable standard of sustainability; and
- failure to demonstrate a satisfactory construction waste minimisation strategy.

This refusal was upheld at appeal but only on the grounds that the proposed development “would harm the character and appearance of the area and be detrimental to the living conditions of neighbouring residential occupiers”.

In preparing this report, appropriate weight must be given to the comments made by the Inspector in the appeal decision relating to the previously refused application, as a material consideration in the determination of the current application.

The main issues for consideration are the housing strategy implications, the provision of an additional nursing home, the impacts of the proposed new building on the character and appearance of the Newlands Road street scene and the wider area, the impacts upon the amenities of occupiers of the neighbouring properties and sustainability and transport implications.

Loss of Existing Dwelling

At present the development site comprises a detached residential bungalow with an associated detached garage located within the front garden area. In order to accommodate the proposed nursing home this existing property and garage will be demolished. Policy HO8 prevents the net loss of residential units subject to five exception tests. The proposal does not appear to meet any of these exception tests in that the existing dwelling is not unfit for human habitation, the dwelling is served by adequate access, the building is not listed, there would be no increase in affordable housing and there are no previous uses to be considered as a material consideration in the determination of the application.

The proposed nursing home falls within the C2 (Residential Institutions) category of the Town and Country Planning Use Class Order 1987 and as such the proposal would result in the loss of one single dwellinghouses, which fall into Use Class C3 of the Order, contrary to policy HO8.

In response to the current application the Council's Adult Social Care team have stated that within Brighton & Hove there is a shortage of nursing home provision, a view they also provided in response to the proposal set out in refused application BH2008/02502. In relation to this issue, within the recent appeal decision, the Planning Inspector stated that:

"no evidence has been advanced by the Council to suggest that there is a shortage of the type of family dwelling it considers the site currently provides, nor do they challenge the need for the 15 additional nursing home bed spaces, It would seem to me therefore that in this instance, on balance, the proposal as well as helping to meet a recognised shortfall in local nursing home provision, would also go some way towards meeting the underlying objectives of LP Policy H08 in terms of seeking to make the best use of the site in providing a form of residential accommodation".

In the determination of application BH2008/03015, which related to Maycroft and Parkside, London Road and numbers 2 to 8 Carden Avenue, it was accepted that the loss of family homes to accommodate the proposed nursing home development could be considered as an exception to policy H08 based on the fact that the proposal would result in an increase in residential accommodation on the site and the release of existing dwellings back onto the open market. This view had been supported by a Planning Inspector in an earlier appeal decision for a nursing home development in Surrey (reference APP/K3605/A/03/1135684).

As a result of the comments made within the recent appeal decision relating to the site and the approval of application BH2008/03015, it is considered that the principle of the 12 bedroom nursing home is acceptable as an exception to policy HO8.

Although the proposal does not include the provision of any affordable housing the proposed development falls within the C2 Use Class rather than

C3 and therefore there is no requirement for the development to include affordable housing provision.

Provision of Nursing Home

Policy HO11 is supportive of developments which provide new residential nursing homes, provided that the proposal does not adversely affect the locality or neighbourhood by reason of noise, disturbance or size bulk or overlooking, it is accessible to people with disabilities, and provides sufficient parking.

Policy HO11 also requires that there is sufficient adequate amenity space for residents, which is stated as no less than 25m² per resident and a minimum of 10m depth. However lower standards may be accepted if the proposal is for a nursing home as residents tend to be less mobile.

The previous application was refused on grounds including failure to demonstrate that the proposed development would provide adequate amenity space for residents, especially as the proposed landscaped area would be shared with the existing adjacent care/nursing home for which total number of residents were not provided.

The proposal is for a nursing home and the applicant states that the proposed residents will be patients requiring nursing who will be confined to their bedrooms, lounge and immediate amenity space.

The site plan shows the depth of the garden immediately to the rear of the property to be approximately 27m in depth by approximately 9m. The residents of the proposed nursing home will also have unrestricted access to the existing amenity area located at the rear of no. 30 to 32 Newlands Road.

As with the previously refused application the proposal will result in a marginal loss of amenity space for the existing care/nursing home as a result of straddling the existing boundary. However the recent appeal decision states: *“there is no evidence before me to suggest that even a marginal loss of amenity space to the Rottingdean Nursing Home would be detrimental, I conclude [.....] that the proposal would provide adequate amenity space, given that the proposal is for a nursing/care home where a lesser standard than 25.0 square metres is considered acceptable”*.

Five bedrooms will be located at second and first floor levels, in addition to a bathroom at each level. At ground floor level two bedrooms, a TV lounge, residents lounge/dining room, a reception area and a bathroom will be provided.

The proposed nursing home will provide an excellent standard of accessibility for residents and staff. There will be a ramped access, a 10 person/wheelchair lift providing access to all floor levels, an accessible WC for each of the 12 bedrooms and an accessible bathroom on each floor. This

type of development is not required to comply with Lifetime Home Standards as this issue is dealt with by the National Care Standards.

Visual Amenities

The existing bungalow is situated between the northern existing care/nursing home, which appears to have a double plot width in comparison to the other properties located in Newlands Road, and a two storey residential property to the south.

The existing nursing home is located on the prominent corner of Newlands Road and Steyning Road and comprises two storeys with accommodation in the roof, created by way of dormer windows and gable end roof forms. This nursing home is dominant within the northern Newlands Road streetscene as a result of its scale, width extensions and roof design. The proposed nursing home will be related to, and operated by the manager of, the existing care/nursing home, although it will not physically be connected to the existing building.

The proposed development will replace the existing bungalow with a three storey building. The construction of a three storey building was considered acceptable in principle, and not of detriment to the character and appearance of the area, by the Planning Inspector in the recent appeal decision. The Inspector considered that the existing bungalow was of an uncharacteristic diminutive form within Newlands Road and having regard to the scale of the northern neighbouring building (no. 30 to 32 Newlands Road). The Inspector also stated that *“the eaves line and overall ridge height would reflect the topography of the site and the constraints imposed on the design by the massing of the neighbouring properties”*.

The current proposed building, which has mono-pitched roof forms, measures approximately 11.4m wide and 14.4m in depth. The ridge height of the property will be 0.42m below the ridge of number 30 to 32 Newlands Road and 0.97m above the ridge of number 26 Newlands Road. A staircase tower is located on the northern side of the proposed building, which measures approximately 2.7m wide by 5m deep and 8.8m high. This tower will be set back from the Newlands Road elevation by approximately 5.5m.

As a result of the previous refusal, and discussions with the Local Planning Authority, the design of the proposed building has been altered by way of;

- the omission of the projecting bay windows at ground floor levels,
- the omission of a recess within the front elevation,
- the omission of projecting gable end features within the front roofslope,
- the reduction in the width of the principal front elevation and the creation of a side staircase tower,
- alterations to the window proportioning and design,
- the inclusion of solid panels to parts of the projecting front and rear bay windows,
- the replacement of gable end side roofs forms within 4 mono-pitched

- forms which conceals a flat roof in the middle of the building, and
- the use of different finishing materials at ground floor levels.

The Planning Inspector described Newlands Road as: *“characterised by a mix of large detached dwellings set on rising ground on the east side of the road”*. The proposed building will retain this characteristic by being set back from and above the pavement level of Newlands Road.

It is acknowledged that the Inspector also stated *“Although the properties are fairly uniformly spaced, due to the variety of roof forms there is a general sense of spaciousness between them”*. The previously proposed gable to gable roof form was stated by the Inspector to significantly reduce the visual gap to the neighbouring buildings on either side. The roof form of the proposal has been revised and is now formed by mono-pitched roofs.

The main part of the Roedean Road elevation has been reduced from approximately 12.9m in width to 11.4m. This reduction in width has been achieved by the creation of a staircase tower on the northern side of the building, which will contain the entrance to the proposed property, which is set back from the main elevation by approximately 5.5m. The finish materials for the upper part of this proposed side section will differ to that of the main front elevation.

In respect of the street scene a distance of approximately 4.5m is proposed between the southern most elevation of no. 30-32 Newlands Road and the north facing elevation of the main section of the proposed building, an increase of approximately 1.7m in relation to the previous application, whilst a distance of approximately 0.6m will be located between the side section of the proposed building and the southern most elevation of the existing care/nursing home.

With regards to the relationship between the proposed building and no. 26 Newlands Road the distance between the southern elevation of the proposed building and the north elevation of the main part of the neighbouring property, no. 26 Newlands Road, has not altered. However as a result of the rear section of the building being set in from the shared southern boundary by approximately 2.4m the space between the rear part of the proposed nursing home and no. 26 has increased.

Despite the observations made by the Planning Inspector it is evident within the wider Newlands Road street scene that some of the properties are located closely together and that views towards the rear sections of these properties are highly visible from within Newlands Road, for example between nos. 20 and 18 Newlands Road, between nos. 18 and 16a Newlands Road, between nos. 16a and 16 Newlands Road and between nos. 16 and 14 Newlands Road, all which are located within the immediate vicinity of the site.

On balance, it is considered that the negotiations between the Local Planning

Authority and the agent/applicant has resulted in an increased sense of spaciousness between neighbouring properties and a development which is not of detriment to the character or appearance of the Newlands Road street scene or the wider area by way of an improved predominant front elevational treatment, coupled with the entrance set back, which has achieved a greater sense of separation.

At the Planning Committee on 22nd September 2010 it was resolved to grant the proposed development subject to the applicant entering into a Section 106 Obligation, the conditions listed above and to red tiles being used in the construction instead of the slate tiles which are shown on the plans submitted. Since this resolution investigations both by the planning officer and the agent have concluded that plain red tiles cannot be used in the construction of the new nursing homes as a result of the pitch of the roof being only 22°.

Within both the Newlands Road street scene and the wider area there are other examples of properties which do not have red roof tiles. Some of these properties actually have slate roofs as proposed within this application, for example the existing bungalow which will be demolished in order to accommodate the proposed development, no. 16A Newlands Road, the Ocean Reach development at the southern end of Newlands Road and nos. 16, 18, 19 and 20 Chailey Avenue.

Transport Issues

Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

The site is located outside of the City's controlled parking zones and therefore free on-street parking is provided within the vicinity of the site.

Two off-street parking spaces will be provided at the front of the development. The applicant states that residents will not have use of their own vehicles but will have access to vehicles operated by the management of the home. Visitors to the new building will be able to utilise the parking facilities related to the existing care/nursing home. In addition the existing ambulance parking space located on the site of no. 30 to 32 will be shared with the proposed nursing home.

The Councils' Sustainable Transport Team do not raise any objections to the proposal. However in order to comply with policies TR1 and QD28 of the

Brighton & Hove Local Plan the applicant is expected to make a financial contribution of £7,600 transport measures that will improve access to Rottingdean village from the site. These are dropped kerbs at the Newlands Rd/Steyping Rd junction to ease the walking journeys and improve the accessibility to existing bus stops within the village itself. Both are within 300m of the site and required to improve the accessibility to & from the site, particularly for people with mobility problems.

The site is located in close proximity to public transport, namely a bus service.

Whilst the submitted plans do not show cycle parking provision it is considered that there is sufficient opportunity with the amenity space to provide such facilities to meet the requirements of the Council's cycle parking policy, an issue which can be ensured via a condition.

Sustainability

Under the Council's Supplementary Planning Document on Sustainable Building Design the proposal would be classified as a medium scale development (developments between 236 and 999 sq m) and although the proposal is for residential accommodation, as it relates to a commercial nursing home it would be classes as non-residential in relation to the SPD. In order to accord with the SPD and policies of the Brighton & Hove Local Plan the proposal must meet a BREEAM Multi-Residential rating of "Very Good" with the water and energy sections exceeding 50%. Documentation has been submitted to demonstrate that the proposed nursing home will be built to the standards set out in the SPD. Within the submitted SBEM document submitted reference is made to the installation of solar panels for the production of energy, it is recommended that a condition is attached to an approval to ensure that these solar panels are installed.

Impact Upon Neighbouring Properties

As with the previous application the proposed building would be of a similar height to that of no. 26 Newlands Road but its built form would be deeper. The development in application BH2008/025202 was refused on grounds that it would harm the amenities of no. 26 Newlands Road by reason of its siting, overbearing scale, impression of overlooking and loss of outlook. However the Inspector concluded that the proposal would not be significantly overbearing in scale due to the lack of windows within the flank wall of no. 26 despite the limited separation between the proposed building and no. 26 Newlands Road.

As a result of concerns of overlooking raised by the Local Planning Authority and the Planning Inspector alterations to the north facing bay windows have been made. Solid screen walls will be located on the eastern side of the rear bay windows in order to prevent overlooking and loss of privacy to the occupiers of no, 26 Newlands Road. It is recommended that a condition is attached to ensure that the solid screens are installed proper to occupancy of the rooms. Regardless of it being considered that some mutual overlooking

between neighbouring properties in this location is acceptable, due to the distance between the rear elevation of the proposed building and the rear shared common boundary, 12.5m to the boundary with Janton and 36.7m to the rear boundary with the properties located on Chailey Avenue, it is not considered that the proposal will have a significant adverse impact upon the amenities of the rear neighbouring properties.

The Planning Inspector disagreed with the Local Planning Authority on the proposal having an adverse impact upon the southern neighbouring property with regards to loss of privacy from the proposed south facing windows as these windows can be obscurely glazed and fixed shut as they relate to bathroom/WC areas.

The building form of the proposed building on the south-eastern corner has been altered in order to reduce the bulk of the property nearest to no. 26 Newlands Road. An open area has been introduced in this south-eastern section to ensure that there is neither loss of light nor loss of outlook to the southern neighbouring property. The footprint of the south-eastern section of the proposed dwelling is now less than that of the existing bungalow.

Due to the orientation of the sun in respect of the proposed development and no. 26 Newlands Road it is not considered that the proposed building will have a significant adverse impact upon the amenities of this southern neighbouring property with regards to overshadowing.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would make provision of a 12 bed nursing home which is welcomed.

Taking account of the recent appeal decision, it is considered that the proposed development will not have a detrimental impact upon the visual amenities of the Newlands Road street scene or the wider area. In addition, subject to the compliance with the attached conditions, it is considered that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

9 EQUALITIES IMPLICATIONS

The proposal would be fully accessible to the disabled by way of the inclusion of features such as a lift between all floor levels. Developments for nursing homes are not required to comply with Lifetime Home Standards as such issues are covered by the National Care Standards.

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