

BRIGHTON AND HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2007/00710	<u>Ward:</u>	NORTH PORTSLADE
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land at New Barn Farm, Foredown Road		
<u>Proposal:</u>	Visual & noise screening bund on grazing land adjacent to A27.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	19 February 2007
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 August 2007
<u>Agent:</u>	Cirrus Consultancy, 2 Kiel Drive, Andover		
<u>Applicant:</u>	R A & A R Uridge, Newbarn Farm, Foredown Road, Portslade		

1 SUMMARY

The application site relates to a crescent shaped area of land abutting the northern side of the A27 between the northern track section of Foredown Road in the west and an access road to West Hove Golf Club to the east. The application site forms an embankment alongside the A27 which truncates Hangleton Valley. The site is located within the South Downs Area of Outstanding Natural Beauty (AONB).

The application seeks consent for the formation of a raised embankment (bund) between 3 and 4 metres in height extending for the 400m length of the site. A screening opinion has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and this concluded that an Environmental Impact Assessment was required. The application is therefore accompanied by an Environmental Statement.

The bund will be constructed from inert soils, sub-soils, clays, chalk, brick and concrete arising from the construction and demolition industry.

The primary purpose of the bund is for noise and visual screening. The Environmental Statement demonstrates the bund will substantially screen the A27 in views from the north, and will reduce traffic noise for both New Barn Farm and surrounding downland to the north. The development will visually enhance the visual and landscape quality and character of the AONB, and in terms of noise abatement would enhance enjoyment of the AONB.

Following amendments to the original scheme the landform / profile of the proposed bund would now incorporate smooth flowing contours that reflect existing gradients within the valley, with a rounded profile and would conserve the visual and landscape quality and character of the AONB. An additional amendment may be requested by condition to ensure correct detail is achieved throughout the scheme.

Noise from the temporary construction site will be controlled under section 61 of the Control of Pollution Act 1974, and the Environmental Statement outlines a number of measures to ensure dust does not create a nuisance.

The surrounding highway network is sufficient to accommodate the additional vehicle movements to the site, which will not create a safety hazard.

2 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 is **Minded to Grant** planning permission subject to:

- i. the receipt of no further letters of representation raising new material considerations relevant to this application;
- ii. the completion of a Section 106 Agreement to ensure construction works do not exceed one year, with a bond entered into to ensure completion;
- iii. and the following Conditions and Informatives:

Conditions

1. 01.01AA Full Planning
2. Only uncontaminated material shall be permitted in the construction of the bund. Prior to the commencement of works a Method Statement detailing the type and quantity of material used for the construction of the bund shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall ensure that all materials are adequately characterised both chemically and physically. The works shall be carried out in strict accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, in accordance with policy SU3 of the Brighton & Hove Local Plan.

3. Prior to the commencement of works a Construction and Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, in accordance with policy SU3 of the Brighton & Hove Local Plan.

4. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site, it must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

5. Prior to commencement of works amended plans shall be submitted to and approved in writing by the Local Planning Authority. The amended plans shall revise the 75 metre contour to the north-western corner of the application site (to the east of the temporary portacabin) to create a smoother contour through additional landraising works. The development shall be completed in accordance with the agreed details.

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Reason: To enhance the appearance of the development in the interests of the visual amenities of the area, to comply with policies QD15, QD17, NC5, NC6, NC7 and NC8 of the Brighton & Hove Local Plan.

6. Full landscaping details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The submitted details shall include detailed sections showing gradients and contours at 1m intervals, topsoil depths, cultivation techniques, seed mixes and fertiliser regimes, along with planting proposals. Any planting should be limited to hedgerow type planting where appropriate, scattered scrub and herb rich grassland. All planting and seeding comprised in these approved details shall be carried out in the first planting and seeding seasons following the completion of the development, and any plants which within a period of 5 years from the completion of the development 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: To enhance the appearance of the development in the interests of the visual amenities of the area, to comply with policies QD15, QD17, NC5, NC6, NC7 and NC8 of the Brighton & Hove Local Plan.

7. The planted / landscaped area(s) shall be fenced off from adjacent grazing land during the period while such species are being established.

Reason: To ensure that the planting is permitted to establish itself naturally, in order to protect the planting and the landscape character of the Area of Outstanding Natural Beauty, in compliance with policies QD15, QD17, NC5, NC6, NC7 and NC8 of the Brighton & Hove Local Plan.

8. Vehicles associated with the development shall not enter or leave the site at any time other than between the hours of 07.30-18.00 between Monday – Friday, and 08.00-13.00 on Saturdays and at no time on Sundays, Public Holidays and Bank Holidays.

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

9. No development shall commence until a wheel cleaning facility has been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The facility shall be maintained in working order and shall be used by all vehicles associated with the development for the duration of works.

Reason: To safeguard the amenities of neighbouring occupiers, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

10. Operations associated with the development, including the movement of lorries, shall be carried out in such a way to ensure that dust is contained within the site.

Reason: To safeguard the amenities of neighbouring occupiers, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

11. A survey of land levels of the bund relative to surrounding levels shall

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be undertaken at intervals of not less than every 3 months starting from the date on which the operations hereby permitted commence. Full details of which should be submitted to and agreed in writing by the Local Planning Authority before development commences. A copy of all surveys shall thereafter be submitted to the Local Planning Authority in accordance with the agreed scheme.

Reason: To ensure the bund is completed in accordance with the approved plans in the interests of visual amenity in compliance with policies NC6, NC7 and NC8 of the Brighton & Hove Local Plan.

12. The temporary office, as indicated on drawing no. CIR/E009970-1/LAY/02, shall be removed and the affected area re-landscaped to its former condition on or before the 31st October 2009 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and as the building is not considered suitable as a permanent form of development permission is granted for a temporary period only in accordance with policies NC6 and NC7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Planning Application and Supporting Statement and drawing nos. CIR/NBF/LOC/01 & CIR/NBF/LAY/01, submitted on 19 February 2007; a Design and Access Statement submitted on 19 March 2007; Environmental Statement and Non-Technical Summary submitted on 25 April 2007; additional supporting information submitted on the 9th October 2007, 27th February 2008, 19th May 2008, 10th July 2008; and amended drawing nos. CIR/E009970-1/LAY/02 & CIR/E009970-1/SEC /01 submitted 9th July 2008.
2. This decision to grant Planning Permission has been taken:
 - i. having regard to the policies and proposals set out below:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe Development
SU1	Environmental impact assessment
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD27	Protection of amenity
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC6	Development in the countryside / downland
NC7	Sussex Downs Area of Outstanding Natural Beauty

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East Sussex & Brighton & Hove Waste Local Plan
WLP1 Plan Strategy
WLP24 Landraising / Improvement with Inert Waste
WLP35 General Amenity Considerations; and

ii. for the following reasons:

The development, by virtue of the resulting visual and noise screening for New Barn Farm and the surrounding South Downs Area of Outstanding Natural Beauty, will enhance the enjoyment, and the visual and landscape quality and character of the AONB. The resulting landform reflects existing gradients within the valley and conserves the visual and landscape quality and character of the AONB.

The construction works, subject to compliance with the above conditions, will not create a safety hazard for users of adjoining highways, cause undue noise or disturbance for occupiers of adjoining properties, and the use of clean infill material will prevent contamination of controlled waters.

3. The applicant is reminded of a letter dated 1st June 2007 from the Environment Agency advising that the primary responsibility for safeguarding land against unacceptable risk from contamination rests with the owner.

The site lies within 150 metres of a Source Protection Zone One (inner) for the Mile Oak Public Water Supply borehole, therefore this site is extremely sensitive and must be protected from pollution. Potable supplies are at risk from activities at this site and all precautions should be taken to avoid discharges and spillages to the ground during both construction and subsequent operation.

The Environment Agency strongly recommends that chemical testing of soils should be undertaken by laboratories with accreditation to their Monitoring Certification Scheme (MCERTS) performance standard for soils. Further information on the standard is available on their website at www.environment-agency.gov.uk/mcerts

4. The applicant will need to comply with waste management legislation. To deposit waste materials on land, an exemption or a waste management licence will be required.

5. The applicant is advised that no works should commence on site until the exact position of the buried water main running through the site has been agreed with Southern Water.

3 THE SITE

The application site relates to a crescent shaped area of land abutting the northern side of the A27 between the northern track section of Foredown Road in the west and an access road to West Hove Golf Club to the east. The application site forms an embankment alongside the A27 which truncates Hangleton Valley in this location.

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The site forms part of New Barn Farm which is owned by Brighton & Hove City Council and occupied on an agricultural tenancy. The application site is primarily used for grazing and growing winter feed. The site slopes to the north away from the A27 towards the New Barn Farm buildings. To the north of the farmhouse the land rises for a considerable distance leading to the central South Downs area.

New Barn Farm lies within the South Downs Area of Outstanding Natural Beauty and Monarch's Way, a public right of way, passes through the farm (north - south). The site is accessed across an unmade track on Foredown Road (off Fox Way).

4 RELEVANT HISTORY

There is no history relevant to this application.

5 THE APPLICATION

The application seeks consent for the formation of a raised embankment (bund) between 3 and 4 metres in height. The embankment comprises two overlapping bunds to the north and south of a buried water main and will extend for the 400 metre length of the site and vary in width between 30 and 65 metres. The embankment will comprise inert infill material and be predominantly soils, sub-soils, chalk, brick and concrete generated by the construction and demolition industry.

6 CONSULTATIONS**External:**

Neighbours: letters have been received from West Hove Golf Club and 1 letter of no address commenting:-

- hopes this is not a precursor to buildings being put up on that land – the infrastructure could not take it;
- fully understand why application has been made as noise has increased year on year and is now intolerable at times. Anything designed to reduce this aural and visual intrusion which is sympathetic to the location should be allowed.

A further letter from West Hove Golf Club reaffirms their support for the scheme.

Environment Agency: no objection, subject to conditions.

Southern Water: no comment.

Highways Agency: no objection.

South Downs Society: object to the proposal which will adversely affect the open views of the South Downs from the A27 and is out of character with a downland landscape.

South Downs Joint Committee: comments awaited following the submission of amended plans and additional information.

East Sussex County Council Landscape Manager: planning policies require that benefits should accrue to the AONB if an application for development within it is to succeed. The noise and visual impact of the A27 intrude upon the quiet enjoyment of the AONB in this area and its landscape character. If this development were to succeed in its aims of reducing the noise and visual impact of the road the application could be supported on policy grounds.

The photomontage supplied with the application demonstrates the success of the proposal in dealing with the visual impact issue; and (*following submission of a noise assessment*) there is likely to be a reduction in the noise impact by the A27 of approximately 14db. This is a small but nonetheless significant reduction which will provide benefits to this part of the AONB.

(Following amendments) From a landscape point of view the proposed landform now fits much better with the character of its surroundings. However, the proposed 75m contour at the eastern corner of the relocated portacabin creates an awkward angle and should be smoothed.

Internal:

Traffic Manager: no objection.

Environmental Health: a Construction Environmental Management Plan and section 61 application, under the provisions of the Control of Pollution Act 1974, are required.

Ecologist: comment that the aerial photographs show species-poor horse pasture. The development creates opportunities to establish new wildlife habitat, principally native scrub, and the choice of species and planting details should be secured through condition.

7 **PLANNING POLICIES**

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe Development
SU1	Environmental impact assessment
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD27	Protection of amenity
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC6	Development in the countryside / downland
NC7	Sussex Downs Area of Outstanding Natural Beauty

Waste Local Plan

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WLP1	Plan Strategy
WLP24	Landraising / Improvement with Inert Waste
WLP35	General Amenity Considerations

8 CONSIDERATIONS

The application site lies within the South Downs Area of Outstanding Beauty (AONB) where policies NC5, NC6 and NC7 of the Brighton & Hove Local Plan prohibit development unless the visual landscape quality and character of the AONB is conserved and enhanced.

Need for development

The planning application states the primary purpose for the bund is for visual and noise screening purposes, not for the disposal of waste. As such the applicant considers that the proposed bund is an engineering operation rather than a waste application. The need for the bund in terms of visual and noise screening therefore requires consideration.

Visual impact

The A27 has a significant visual impact upon the area of New Barn Farm and in views from Monarch's Way, to the north of the application site. A number of photomontages have been submitted with the application demonstrating that, once construction works are complete, the bund will screen in the A27 in views from the north and appreciably reduce its visual impact. The benefits of the bund from these vantages is therefore accepted. It should be noted that in views from the south (Foredown Road and the rear of properties on Crest Way) the visual impact of the bund is of significantly less benefit by virtue of the A27 passing between these viewpoints and the application site.

It is accepted that the visual screening provided by the bund would enhance the visual and landscape quality and character of the AONB; and this benefit has been accepted by the South Downs Joint Committee and ESCC Landscape Officer.

In the short-term the construction works, and associated temporary access and site office, will have a significant adverse visual impact on the AONB. However, the visual impact during construction works is reduced by the phasing of works which will commence at the eastern end of the site, furthest from the proposed access, working back to the west. Furthermore the visual harm during construction works will be a temporary situation and the longer-term permanent impact, which is considered to be beneficial, is of greater importance.

Noise attenuation

The A27 is used by in excess of 50,000 vehicles on a daily basis which creates varying levels of noise disturbance to New Barn Farm and surrounding downland.

A Noise Assessment has been submitted as part of the application predicting that the embankment would result in a noise reduction of approximately 14dB when measured from the rear garden of the farmhouse at New Barn Farm;

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within the AONB at a distance of 500 metres from the road a reduction in the region of 10db is predicted, and at a distance of 800 metres from the road a reduction of 9db. The smallest perceptible change in noise level is generally 3dB and the predicted reduction in noise would therefore make a noticeable difference. The findings of this assessment have been accepted by Environmental Health.

The submitted information is sufficient to demonstrate that the bund would result in noise attenuation for both New Barn Farm and within the AONB. It is therefore considered that on noise attenuation grounds the proposal would enhance enjoyment of the AONB as required by local plan policies NC6 and NC7.

It should be noted that the form of the proposed bund has been amended (in response to comments from the ESCC Landscape Manager) since the original submission of the Noise Assessment. However, the overall mass and bulk of the bund has not been reduced and the amendments, which relate to the profile and gradient of the bund, would not demonstrably affect the noise attenuation benefits outlined above.

Conclusion

In designing the A27 it was intended that the road rather than being screened would integrate with its downland setting so as to not reinforce the presence of the route. This is reflected in the section across Hangleton Valley, and the application site, where the openness, integrity and view of the valley landform has been conserved. There is a concern that the proposed embankment, which was not considered necessary when originally constructing the A27 on noise or visual grounds, is to some extent contrary to the original design concept.

However, it has been accepted by the South Downs Joint Committee and ESCC Landscape Officer that the existing visual and noise impact of the A27 intrudes upon the enjoyment and landscape character of the AONB. Furthermore it has been demonstrated that the proposed bund would visually enhance the visual and landscape quality and character of the AONB, and in terms of noise abatement would enhance enjoyment of the AONB.

For the reasons outlined it is considered that the primary purpose of the proposed bund is for noise and visual screening purposes and the application therefore represents an engineering operation: as such, although a form of landraising involving inert waste, the application is not primarily for the disposal of waste. It should be noted that the Environment Agency do not require a waste management license, in some circumstances, where waste materials are used in a beneficial manner and the applicant has advised that this is the case in this instance.

Landscaping / appearance

The proposal represents a significant engineering operation and consideration must be given to the landscape impact of the bund itself. As a substantial earthwork the proposed bund should reflect the existing ground form in terms

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of gradients and overall shape in order to respect the local landscape character.

As originally submitted there were concerns that the proposed bund, by reason of a steeply pointed profile that cross-cut existing contours and obscured views of the valley, would appear out of character with the visual and landscape quality and character of the AONB. In response to these concerns a number of amendments have been made to remove sharp and angular contours both within the bund and at the junction of the bund and surrounding downland. As proposed the bund now incorporates smooth flowing contours, that reflects existing gradients within the valley, with a rounded profile and would conserve the visual and landscape quality and character of the AONB.

However, further modifications are required to a section of land adjoining the application site to the north-east. In this location the proposed contouring would appear awkward and requires refining to create a smoother contour reflective of the surrounding area. There are no reasons why this cannot be achieved and a condition is recommended to require further details of this amendment.

The ESCC Landscape Officer considers the proposed landform, as amended, is in keeping with the character of its surroundings, and the South Downs Joint Committee have no landscape objections.

Ecology

The application site features topsoil of limited depth as a result of extensive infilling when the A27 was constructed and disturbance from the laying of a water main through the site. As a result the site does not yield significant amounts of grass and comprises species-poor horse pasture.

The development creates opportunities to establish new wildlife habitat on the site and there are no reasons why a greater diversity of species and planting could not be achieved on the site. The applicant has submitted information outlining that the landscaping scheme will allow for the creation of a chalk rich soil to replicate the typical soils of the Downs and include details of soil bed preparation; seed species and seeding methodology; shrub type, planting and densities; fence lines and types; and a five year management that will include a grazing and mowing regime and replacement of failed plants.

In order to ensure an appropriate landscaping scheme for the site, and its subsequent maintenance, conditions are recommended requiring further details. The Council's Ecologist and Landscape Officer have no objections to this approach and will be consulted when discharging the relevant conditions.

Impact on watercourses

Policy SU3 seeks to limit the risk of pollution of existing or proposed water resources, including surface and groundwater resources. The application site is within 150 metres of the Source Protection Zone One (inner) of the Mile Oak public supply borehole and is therefore extremely sensitive. The

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Environment Agency has no objections in principle subject to conditions relating to the type and quantity of material to be used within the bund, ensuring that no contaminated material is used, and for the future management of potential unsuspected contamination during construction works. These conditions are recommended and will minimise the potential for pollution of controlled waters.

Further informatives are also recommended to ensure that precautions are taken to avoid discharges and spillages during both construction and subsequent operation.

Impact on amenity

The construction works for the proposed bund entail the stripping and replacement of soil, material placement, and vehicles travelling along Foredown Road. These activities have potential to cause noise and dust disturbance for occupiers and users of adjoining properties / land.

Whilst planning conditions can be used to limit noise from temporary construction sites, this is most effectively controlled by the Control of Pollution Act 1974. A notice has been issued under section 61 of the above Act by the Environmental Health Team to control noise from construction activities through the restriction of working hours and type of machinery to be used on site. Environmental Health have raised no objections to the proposed measures to minimise noise.

The Environmental Statement incorporates an assessment on the potential for dust nuisance from the development and proposed mitigation measures. The outlined measures include monitoring of dust conditions; sprinkling of roads and other trafficked areas during periods of prolonged dry weather; vehicle speed restrictions to reduce dust generation along access routes and on site; minimal drop heights when unloading vehicles; and regular inspections of plant and vehicles to ensure proper functioning. It is considered that the outlined measures will minimise the potential for dust nuisance for users of adjoining land and occupiers of adjoining properties. It is noted that provisions of the Environmental Protection Act (1990) can be used should a dust nuisance result from the construction works.

Information has been submitted by Acoustic Consultants advising that road traffic noise will not be reflected by the proposed bund, and as such there will be no increase in noise levels for land, and properties, south of the A27.

Transport

The proposal will produce an average of 15 daily deliveries up to a maximum of 50 (1 delivery represents 2 vehicle movements). The Traffic Engineer considers that based on the standards of the access route roads, the A27, Hangleton Link Road, Fox Way and Foredown Drive, this number of vehicle movements is not significant and would not have a material impact on the surrounding highway network.

A temporary access will be created along the eastern boundary of the

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application site. There is sufficient turning space within the site for vehicles to manoeuvre and ample visibility is provided over adjoining highways. The proposal is therefore unlikely to create a safety hazard for users of adjoining highways.

Sustainability

A large proportion of the proposed bund will comprise material from the construction and demolition industry. The development could therefore be viewed as involving the removal of recyclable material from the inert waste stream. The Brighton & Hove Local Plan and Waste Local Plan aims to maximise the recovery and recycling of waste by ensuring that waste proposals represent the best practicable environmental option (BPEO).

The applicant has stated that the main sources of waste will be from development sites within Brighton & Hove and the surrounding area, and that the use of material for visual and acoustic benefit to New Barn Farm and the South Downs AONB represents reuse rather than disposal.

It has been accepted that there is a visual and acoustic need for the bund and that this is the primary purpose of the development. As such the view that the proposal represents the reuse of material is accepted and in sustainability terms the development is at the higher end of the waste hierarchy.

9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development, by virtue of the resulting visual and noise screening for New Barn Farm and the surrounding South Downs Area of Outstanding Natural Beauty, will enhance the enjoyment, and the visual and landscape quality and character of the AONB. The resulting landform reflects existing gradients within the valley and conserves the visual and landscape quality and character of the AONB.

The construction works, subject to compliance with the above conditions, will not create a safety hazard for users of adjoining highways, cause undue noise or disturbance for occupiers of adjoining properties, and the use of clean infill material will prevent contamination of controlled waters.

10 EQUALITIES IMPLICATIONS

None identified.



SCALE 1:2500

BH2007/00710

Land at New Barn Farm Foredown Road



Note: Any shaded or outlined areas are indicative only and should not be scaled.

LOCATION PLAN

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MINOR APPLICATIONS

No:	BH2008/01953	Ward:	ST. PETER'S & NORTH LAINE
App Type:	Council Development (Full Planning)		
Address:	1 - 2 Regent Street Brighton		
Proposal:	Existing building (1, 2 Regent Street) to be demolished. Erection of new four storey building to include retail space on ground floor, with five flats above.		
Officer:	Kate Brocklebank, tel: 292175	Received Date:	03 June 2008
Con Area:	North Laine	Expiry Date:	01 August 2008
Agent:	Brighton & Hove City Council, Room 210, Kings House, Grand Avenue, Hove		
Applicant:	Mrs Jessica Hamilton, Brighton & Hove City Council, Kings House, Grand Avenue, Hove		

1 RECOMMENDATION

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

Conditions:

1. 01.01AA Full Planning
2. 13.01A Samples of Materials – Cons Area **amended to read** No development shall take place until samples of the materials (including colour of render, paintwork and coloured panels) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
3. 02.06A Satisfactory refuse storage **amended to read** No development shall take place until elevational details of the refuse and recycling storage indicated on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and the refuse and recycling storage facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
4. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority;
 - i) elevations and sections at 1:20 scale of the shopfront and fascia, security grilles and sample elevations and sections of the building including windows, doors, parapets, balustrades, copings, brises soleil, railings, gates and all other features,
 - ii) sectional profiles at 1:1 scale of window, door and shopfront frames,

The works shall be carried out in strict accordance with the approved details and maintained as such thereafter. **Reason:** To ensure a satisfactory

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- appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
5. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the local planning authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
 6. All plant and equipment, including mechanical ventilation and extraction and air conditioning plant, heating systems and water tanks etc shall be located within the envelope of the building hereby approved and shall not be mounted on the exterior of the building. Adequate provision shall be made for this to be achieved. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
 7. No blinds or awnings shall be attached to the exterior of the building without the prior written permission of the local planning authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
 8. The windows shall not be obscured, blanked out or covered over with plastic films, paint or other materials without the prior written permission of the local planning authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
 9. 04.02 Lifetime homes
 10. 05.01AA BREEAM **amended to read** Prior to the commencement of development, details of the measures to ensure that the development achieves a 'Very Good' BREEAM rating shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development. **Reason:** To ensure that the development is sustainability and makes efficient use of energy, water and materials and in accordance with S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.
 11. 06.03A Cycle parking facilities to be implemented
 12. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies HO7 and SU15 of the Brighton & Hove Local Plan.
 13. The gates to the opening of the alleyway to the west side of the building hereby approved shall be inward opening only. **Reason:** In the interest of highway safety and in accordance with policy TR7 of the Brighton & Hove Local Plan.
 14. 05.02A Site Waste Management Plan

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Informatives:

1. This decision is based on drawing nos. 01 Rev A submitted on 5th August 2008, 010 Rev B, 011 Rev B, and 013 submitted on 28th July 2008 and 012 submitted on 3rd June 2008.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – Strategic impact
- QD5 Design – street frontages
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling density
- 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
- SR8 Individual shops

Supplementary planning guidance

- SPGBH4 Parking Standards
- SPGBH16 Energy efficiency and renewable energy

Supplementary planning document

- SPD 03 Construction and Demolition Waste

East Sussex and Brighton & Hove Structure Plan 1991 – 2011

- W10 Construction industry waste

East Sussex and Brighton & Hove Waste Local Plan

- WLP11 Construction industry waste

RPG9

- W5 Diversion from landfill

- (ii) for the following reasons:-

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The proposed development would make a more efficient and effective use of this site by providing the city with additional residential dwellings while retaining retail floorspace. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding conservation area. There will be no significant harm to neighbouring amenity. The proposal accords with development plan policies.

3. The retro fitting of security grilles to the exterior of the building is not likely to be acceptable and so if there is likely to be a requirement for security grilles, these should be provided for in the development in a manner where they are integral to the shopfront and have concealed roller shutter boxes.
4. To address the requirements of condition 12, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2,500 to fund improved sustainable transport infrastructure in the vicinity and to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development for being eligible for on-street residential parking permits.
5. IN.08. – Waste minimisation statement informative

2 THE SITE

The site is situated within North Laine, on the corner of Church Street and Regent Street just west of the new Jubilee Street development. The property is a 1920's-1930's flat roofed two storey building which is currently occupied by a retail unit which fronts onto Church Street. The Church Street frontage has two large buttresses and is smooth rendered, the side elevations are red brick.

In the wider context the site is on the edge of a regional shopping centre, the surrounding development is a mix of commercial and residential uses and the built form differs significantly with a number of historic buildings as well as a number of more modern developments of varying heights.

3 RELEVANT HISTORY

None

4 THE APPLICATION

The proposal seeks planning permission to demolish the existing two storey structure and construct a new four storey building with retail (A1) on the ground floor and five flats above laid out over three floors. The development will provide four one bedroom properties and one three bedroom property, each property has a bath/shower room and combined kitchenette and living room, the three bedroom unit also has an en-suite. Secure cycle parking is proposed on the ground floor accessed off Regent Street with external refuse store accessed via the alley to the west of the property.

5 CONSULTATIONS**External:**

Neighbours: A total of six letters of objection were received, from the occupants of **54 and 55 Gardener Street** and **100 Church Street** (x4). In addition to these one letter of comment was received from the occupant of **56 Gardener Street**. Their comments are summarised below:

- The erection of a four storey building replacing a single storey building will overshadow their buildings and result in serious loss of light.
- The plan shows the alleyway within the red edge. The alleyway is a shared private means of access and should be excluded from the plans.
- The new building will be out of character with the North Laine conservation area and nearby listed buildings.
- The development will leave open access to their rear yard and homes which will result in a security risk. As such we would request that a condition is imposed to insure the site remains secure during and after construction.
- Concern is raised over the demolition of the building which may result in dislodging rodent nests and significant disruption in terms of dust and dirt. Raise a question over whether the Council will fund the cost of eradicating the rodents.

Officer comment: Issues relating to access via the shared alleyway is a private legal matter this and issues relating to demolition/construction disturbance and potential impact on rodent nests are not material planning considerations.

Conservation Advisory Group: Recommend refusal – Do not find the design convincing in this position. The design is not considered to be of sufficient quality to justify the loss of the existing building. The coloured panels are considered unattractive and the proposed building is a storey too high.

North Laine Community Association: Object – the development neither represents the grain of the area, nor does it contribute by way of design. The present quirky ex-industrial 1930's building contributes the mix and variability of the area. It is considered that the building should be retained. The proposal takes reference from the rather bland modern adjoining building and not the nearby listed buildings. The building will be seen in conjunction with the buildings on Church Street which are lower and reflect the general heights within North Laine. The proposed building is too tall.

Internal:

Traffic Manager: No objection – subject to the imposition of conditions relating to cycle parking, and a requirement for the applicant to enter into a legal agreement to make a contribution towards sustainable transport in the area and to ensure that the development remains truly car free.

Planning Policy: It is considered that the proposal does not raise any issues in terms of retail policy; however the layout of the units proposed are

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questioned for this new build development in terms of its compliance with the Lifetimes Homes Standard and general standards of amenity for the occupiers. The proposal does not appear to have met policy HO5 in terms of the provision of amenity space for occupiers.

Ground Floor Retail

The proposal lies on the immediate edge of the Regional Shopping Centre boundary. The existing unit provided ground floor retail floorspace; therefore the retention of this floorspace is considered not to present any conflicts with retail policy. The units proposed appear to have sufficient space for storage, although this should be ideally shown specifically on the plans along with the provision of staff facilities for the unit.

Proposed Housing Units

The scheme proposes three floors above the retail unit containing a total of 4 x 1 bed flats on the first and second floors and 1x three bed flat on the third floor. The proposed mix presents issues in terms of layout in the proposal. The first and second floors provided 2x 1 bed flats on each floor. The bedrooms for each flat are located next to the living / kitchen area of the adjacent flat which could present amenity issues for occupiers and conflict with policy QD27 which seeks to protect amenity of occupiers as well as neighbouring properties. The Environmental Health Team should be able to clarify. The proposal's compliance with the Lifetime Home standard (policy HO13) is queried particularly in terms of access into the bathrooms and living/kitchen areas. This should be clarified with the council's Access Officer.

The applicant states on the plans that there will be a roof terrace, but this appears to be only for use by the 3rd floor flat. There appears to be no balconies available for the remaining newly built flats. The proposal is therefore not considered to comply with policy HO5.

SU2, SU13

It is considered that there are no issues regarding compliance with these policies.

Conservation & Design: The elevational treatment of the upper floors has too horizontal an emphasis and which is discordant with the street and the conservation area generally. A much more vertical emphasis is needed in the treatment of the façade and its windows.

There are strong reservations about the use of grey fibre cement panels for the walls between the windows of the top floor. Glass panels would present a more attractive and coherent approach.

White render for the first and second floors and brick for the ground floor north and east elevations is appropriate to the character of the area and relates to the Jubilee Street development. The bricks will need to be carefully selected though. However the use of coloured ceramic tiles to clad the ground floor facades on Church Street and Regent Street and on panels between the windows on the upper floors does not reflect the character of the area or

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relate well to the new developments in Jubilee Street and Regent Street and this needs to be revised. The slatted timber doors to the cycle store on the Regent Street frontage do not relate to the aluminium framed glass doors and windows to the shop unit and the residential entrance and upper floor windows, Solid doors are called for and the materials should match the rest of the building.

The drawings show doors at top floor level opening onto the roof, but it is not clear whether the parapet wall is the regulation 1.1m height. If not some form of balustrading would be required on top of it to satisfy building regulations. This would look incongruous in this location. Clarification is needed on this.

There is no indication of security grilles for the shopfronts. If these are likely to be required they should be integrated within the shopfronts and provision made for them within the present application as their retro fitting to the exterior of the building will not be acceptable.

There is no provision for a riser service shaft through the building or an indication of how any extractor or air conditioning plant serving the shop unit would be accommodated in the building. The retro fitting of external ducting or roof top plant would not be acceptable in this location.

When satisfactory revised drawings are received, please could you attach conditions relating to detail of elements such as the shopfront and fascia and security grills, plant equipment and restrictions on external cables and obscuring of windows.

Amendments

Modifications have been sought and have subsequently addressed the concerns raised by the Conservation Officer.

6 PLANNING POLICIESBrighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – Strategic impact
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- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes

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HE6 Development within or affecting the setting of conservation areas
SR8 Individual shops

Supplementary planning guidance

SPGBH4 Parking Standards

SPGBH16 Energy efficiency and renewable energy

Supplementary planning documents

SPD 03 Construction and Demolition Waste

East Sussex and Brighton & Hove Structure Plan 1991 – 2011

W10 Construction industry waste

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

RPG9

W5 Diversion from landfill

7 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of the proposed development, the proposed design and scale and its impact on the conservation area, the impact on residential amenity for future occupiers and existing neighbouring properties. Consideration is also given to traffic implications and matters relating to sustainability.

Principle of development

The site is situated within North Laine conservation area and the existing building, particularly owing to the southern elevation and two large buttresses, is not considered to be of a particularly high architectural standard. As such the principle of its demolition is considered acceptable, subject to a satisfactory replacement building being approved.

The proposal site lies on the immediate edge of the Regional Shopping Centre boundary, the existing unit provides for A1 retail floorspace and storage. The proposal seeks to retain the ground floor for retail with associated storage and staff facilities as such the retention of this floorspace is not considered to conflict with relevant retail policy SR8.

Design and scale

With respect to design Local Plan policies QD1 and QD2 set out the design criteria for the assessment of new development. QD1 requires proposals to demonstrate a high standard of design and policy QD2 requires developments to emphasise and enhance the positive qualities of the local neighbourhood by taking into account the local characteristics. Of particular relevance is criterion a) of QD2 which refers to height, scale, bulk and design of existing buildings. HE6 relates to development within or affecting the setting of conservation areas.

As stated by the Conservation Officer the existing building is a 1920s - 1930s

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flat roofed two-storey structure, which appears to have had its Church Street façade cut back during road widening in Church Street. The Church Street frontage is very unattractive and has two large buttresses. Whilst its Regent Street façade is not without architectural interest, it is not considered that the building makes an important contribution to the conservation area and as previously stated it is considered that its demolition is acceptable in principle, subject to a satisfactory replacement building being approved.

The building to the east on the corner of Church Street and Gardner Street is significantly taller than the existing building on the application site and has an unattractive flank wall to the top mansard storey, which appears odd and intrusive in the skylines and street scene of the Church Street. To the east of the site is the new development in Jubilee Street, which is of a similar height to it to 100 Church Street.

Policy QD3 requires development to seek the more efficient and effective use of sites, it also expects proposals to incorporate an intensity of development that is appropriate to the locality and/or prevailing townscape. In this respect an infill development to an equal height to these two buildings would be welcomed and would help screen the flank wall of the Gardner Street corner building. The massing and scale of the development is therefore broadly acceptable.

The plans originally submitted however showed the elevational treatment of the upper floors as having too horizontal an emphasis which was considered to be discordant with the street and the conservation area. Reservations were also held with respect to some of the external treatment of the building such as the grey fibre cement panels and ceramic tiles and their suitability in the site's location within the North Laine conservation area. A number of alterations were made to the scheme including the use of materials on the exterior of the building and the inclusion of window openings on the previously blank north elevation.

It is noted that to the north of the site is a vacant plot in the ownership of Dockerill's and used to park their vans. It is considered preferable that this be developed at the same time. As such the applicant has submitted an indicative scheme which demonstrates how the adjacent Dockerill's site could be redeveloped in connection with the application site. The development is lower in order to scale down to the two storey buildings to the north, as advised by the Council's Conservation Officer. In view of this, the top storey of the proposal has been set back from the north flank wall and some windows have been inserted in it to give it visual interest.

With the modifications undertaken by the applicant, the application is considered to be acceptable in design terms in relation to the requirements of QD1, QD2 and QD3 and respects and preserves the character of the surrounding conservation area in accordance with policy HE6.

Amenity for future and existing occupiers

Policy QD27 will not permit development which would cause a material

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nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health. The proposed development appears to have an acceptable layout; the applicant has sought to amend the floor plans so that the dividing wall between the one bedroom flats has a bedroom either side where previously the living space was adjacent to the neighbouring bedroom. The amended layout relieves concerns relating to potential noise transference from the adjoining neighbours living room to the bedroom, with the addition of sound proofing required by Building Regulations the proposed layout of the development is considered acceptable in this respect.

To the east and west of the site the adjoining uses are a mixture of residential and commercial uses. The adjacent development to the east is a mix of commercial office, retail residential and restaurant uses. The majority of the windows on the proposal are on the east elevation and a distance of approximately 9m exists between the two buildings. It is considered that there will be an element of overlooking between the two developments however this level of overlooking is not considered to be uncharacteristic of the North Laine area and it is not considered that it will result in causing demonstrable harm to the residential amenity of any of the units.

The proposal seeks planning permission to replace an existing two storey building (approximately 7.4m in height) with a four storey building (approximately 11.6m in height); the resultant building will therefore be approximately 4.2m higher than the existing one. It is noted that the increase in the height of the building will result in increased overshadowing to neighbouring properties, however owing to the orientation of the property in relation to adjoining sites, it is not considered that the proposal will cause demonstrable harm through its overbearing impact, loss of light or overshadowing. As such the proposal is not considered likely to have an adverse impact on the amenity of any neighbouring occupiers and therefore adequately accords to policy QD27.

Policy HO5 requires the provision of usable private amenity space in residential development, appropriate to the scale and character of the development and QD2 relates to key principles for neighbourhoods. The proposal is situated within North Laine, an area of Brighton which is very densely developed and owing to the road layout the majority of the plots are small with limited external space. As such the majority of residential properties in the area have very limited private amenity space and in a number of cases none at all; this is characteristic for both historic and more modern developments in the area.

The proposal seeks only to provide a narrow balcony area for the three bedroom unit which is accessed via the living room. The remaining flats would have no private amenity space however it is not considered that this is uncharacteristic for this form of development in the North Laine area. It is therefore considered in this instance that refusal of the application could be sustained on this ground alone.

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Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards. No detail has been submitted with the application relating to achieving full compliance with Lifetime Homes standard however the layout of the scheme appears to be able to accord. A condition will be imposed on an approval requiring the scheme to fully accord.

Policies TR14 and SU2 require all new dwellings to provide secure, covered cycle parking and refuse and recycling storage. The proposal scheme makes adequate provision for both. Cycle parking is provided within a shared facility adjacent to the entrance to the flats and refuse/recycling storage is also shared and provided within a structure at the end of the shared alley to the west of the site. The location and scale of the store appears acceptable however, limited elevational detail has been provided and owing to its location it is visible from within the street scene. As such elevational detail, including proposed use of materials will be requested by condition.

Traffic issues

Policy HO7 will grant planning permission for car-free housing in locations with good access to public transport and local services where there are complementary on-street parking controls and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term.

The site is situated within a highly sustainable location which has the benefit of numerous modes of public transport and local services. The proposal seeks to provide cycle parking to the Council's adopted standards however no provision can be made for off-street car parking on the site.

The Council's Traffic Manager has been consulted on the application and has raised no objection to the scheme with the imposition of a condition relating to the provision of cycle parking, and the a requirement for the applicant to enter into a legal agreement to secure a financial contribution towards improving accessibility to sustainable modes of transport in the area and ensuring that the site remains car free in the long term.

With the imposition of a condition relating to securing cycle parking and the applicant entering into a legal agreement, the application is considered to adequately accord to relevant transport policies.

Sustainability

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

Some initial concerns were raised to the scheme with respect to the proposed layout. Each of the units contained internal bathrooms and as such would be reliant upon mechanical ventilation and electric lighting and this therefore raised concerns regarding how sustainable each property would be. The

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applicant subsequently amended the internal layout of the flats to provide each kitchen with a window and internal windows to each bathroom to provide a degree of natural light.

The proposal is for new build development and as such it is required to meet a minimum of a 'very good' BREEAM rating or level 3 of the Code for Sustainable Homes. Following earlier concerns the applicant has now submitted a sustainability checklist and a BREEAM pre-assessment estimator which demonstrates that the scheme can achieve a 'very good' rating even though the bathrooms are internal. A condition will be imposed requiring in the submission of details which are to be included in the scheme to ensure that the development achieves such a rating and the assessment must be undertaken by an approved assessor.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature. A waste minimisation statement has been submitted with the application which goes some way to addressing the requirements of the policy however owing to the scale of demolition and development proposed a full management plan is requested by condition.

With the submission of an appropriate site waste management plan and the submission of details relating to the scheme achieving a 'Very Good' BREEAM rating, the application is considered to accord to the requirements of policies SU2 and SU13.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

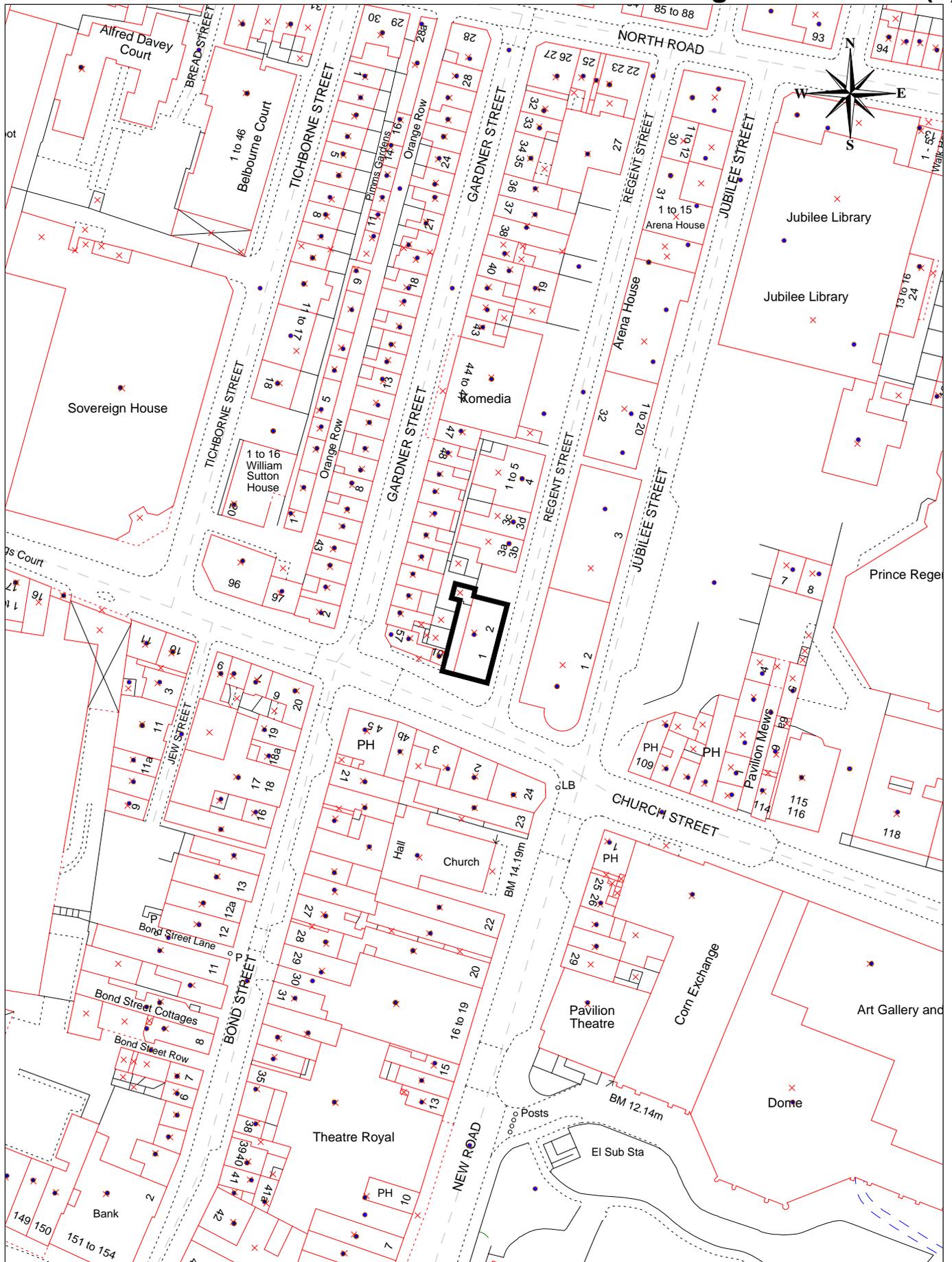
The proposed development would make a more efficient and effective use of this site by providing the city with additional residential dwellings while retaining retail floorspace. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding conservation area. There will be no significant harm to neighbouring amenity. The proposal accords with development plan policies.

9 EQUALITIES IMPLICATIONS

The residential units will be required to comply with lifetime home standards.

LOCATION PLAN

Agenda Item 102(e)



BH2008/01953

SCALE 1:1250

1-2 Regent Street



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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No:	BH2008/01542	Ward:	PATCHAM
App Type:	Full Planning		
Address:	26 Braybon Avenue Brighton		
Proposal:	New conservatory to rear.		
Officer:	Liz Holt, tel: 291709	Received Date:	29 April 2008
Con Area:	N/A	Expiry Date:	28 July 2008
Agent:	Nicola Thomas Architects, 11 Bristol Street, Brighton		
Applicant:	Ms Angela Cox, 26 Braybon Avenue, Brighton		

1 RECOMMENDATION

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

Conditions:

1. 01.01AA Full Planning.
2. Notwithstanding the submitted drawings, the conservatory hereby approved shall not be used until the 2m fence has been installed along the shared common boundary between nos. 24 and 26 Braybon Avenue, as set out in the letter received on the 14th July 2008. The fence thereafter shall be retained. **Reason:** To protect the amenities of no. 24 Braybon Avenue and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. The measures set out in the Waste Minimisation Statement submitted on the 29th April 2008 shall be implemented in strict accordance with the approved details. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

1. This decision is based on a Waste Minimisation Statement and a Design and Access Statement submitted on the 29th April 2008, drawing nos. 09, 20RevB, 21, 22RevB, 23RevB, 24RevB and 25 submitted on the 2nd June 2008 and a letter submitted on the 14th July 2008.
2. This decision to grant Planning Permission has been taken:
 - (ii) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD27 Protection of amenity

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Supplementary Planning Document
SPD03 Construction and Demolition Waste
and

(ii) for the following reasons:-

It is considered that the proposed rear conservatory extension and the creation of the related patio area will not be of detriment to the character or appearance of the host property or the wider area, even when taking into consideration the overall appearance of the property following the other developments approved under previous applications. Furthermore, subject to the compliance with the attached condition, it is deemed 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 two storey detached house located on the south-eastern side of Braybon Avenue, backing onto the north-western side of Woodbourne Avenue. Braybon Avenue is sited on a steep south to north slope which results in the host property being located at a slightly lower level than the neighbouring property, number 24 Braybon Avenue, and at a slightly higher level than number 28 Braybon Avenue. Works to alter the property are currently being undertaken in relation to developments approved under the previous applications set out below.

3 RELEVANT HISTORY

BH2005/01147/FP - Addition of second floor, with mansard roof. Withdrawn 01/06/2005.

BH2006/00772 - Raising of ridge height, front and rear extensions, insertion of rear dormer and front and rear rooflights. Withdrawn 28/04/2006.

BH2006/01929 - Raising of ridge height, front extension and new dormer windows (Resubmission of withdrawn application BH2006/00772/FP). Approved 22/09/2006.

BH2007/01412 - Pitched roof to existing detached garage, pitched roof to front dormer and insertion of an additional velux window to front and rear roofslopes (Amendment to approved application BH2006/01929). Approved 11/06/2007.

4 THE APPLICATION

Planning permission is sought for an extension to the property by way of a conservatory to the rear of the property and the creation of an adjacent patio area.

5 CONSULTATIONS**External:**

Neighbours: 28 Braybon Avenue, this will be the second amendment to the major development that was approved in 2006. Have concerns regarding the impact on their amenities and the current application has another door facing their property. This and the new site for the patio are relatively close to the border and their rear garden. The letter also raises questions with regards to the windows within the east facing elevation of the site address which were

subject to previous applications in addition to queries regarding the amount of development the applicants can carry out.

Councillor Brian Pidgeon: requests that the application is determined by the committee and that a site visit is carried out. Writes on behalf of the occupiers of no. 28 Braybon Avenue who have concerns about the proposed rear patio (copies of the two letters attached to this report).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU13 Minimisation and re-use of construction industry waste
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Document

SPD03: Construction and Demolition Waste

7 CONSIDERATIONS

In the determination of the application consideration must be given to the impacts of the proposed development upon the character and appearance of the host property, the Braybon Avenue and Woodbourne Avenue street scenes in addition to the effects upon the amenities of the neighbouring properties.

Background History

As set out above other applications have been recently approved to extend the property in order to provide additional accommodation. These approved developments consisted of the raising of the ridge height of the property, a two-storey front gable extension, the insertion of rooflights and rear dormer windows and the creation of a pitched roof over the existing front garage.

Whilst on site in relation to the current application it became apparent that the works to alter the property have already commenced, with regards to the raising of the ridge height and the front two storey extension.

Visual Amenities

The eastern section of the rear elevation of the property currently projects further to the rear than the western part. The proposed mono-pitched conservatory will be located on the south-western side of the property, within the current recessed area and will be internally connected to the host property via the utility room of the property.

The proposed conservatory will incorporate a brick base. Within the mono-pitched roof of the conservatory two rooflights will be inserted in addition to two openable windows within the south-east facing elevation. A door will be located within the north-east facing elevation of the proposed conservatory.

The proposed development will extend across the western most part of the

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south-east facing elevation of the parent property by approximately 5.7m, will have a maximum height of approximately 3.7m and will project from the existing south-east facing elevation of the property by approximately 4.1m.

The proposal also incorporates the creation of a new patio area to the north-east of the proposed conservatory and will be accessed via the door within the conservatory. Elevational plans submitted as part of the application show that the ground level of the part of the garden upon which the proposed patio area will be created will actually be at a lower level in order to accommodate the proposed conservatory and associated doorway. The ground level will alter by approximately 0.5m as a result of the proposal.

It is acknowledged that the property is currently under major structural alterations, as a result of the approval of previous applications, which will increase the size of the property. Overall it is considered that the proposed conservatory in conjunction with the developments currently being undertaken will not be of detriment to the character or appearance of the host property.

The rear of the property, including the area of the proposed development, is partially visible from Woodbourne Avenue. It is considered that the proposed development will not be of detriment to the character or appearance of the Woodbourne Avenue street scene or the wider area.

Impact Upon Neighbouring Properties

The proposed rear conservatory extension will be located approximately 1.5m from the shared common boundary with the northern neighbouring property, no. 24 Braybon Avenue. The north facing elevation of the proposed conservatory will be formed of a brick base with windows above. Although number 24 Braybon Avenue is orientated at a different angle to number 26 part of the north east facing elevation of the neighbouring property faces towards the rear elevation of number 26 Braybon Avenue.

Since submission of the application the applicant has confirmed in writing that the existing fence located between the host property and no. 24 Braybon Avenue will be replaced by a taller fence of 2m (under the householder's permitted development rights).

Due to the topology of the area no. 24 Braybon Avenue is set at a slightly higher level than no. 26. As a result of this variation in ground height and the intention to replace the existing fence with a taller fence it is deemed that the proposal will not have a significant adverse impact upon the amenities of no. 24 Braybon Avenue, despite the presence of windows within the north-east facing elevation of no. 24 being in close proximity to the proposed conservatory extension. It is recommended however that a condition should be attached to the approval ensuring that the fence is replaced prior to the conservatory being brought into use in order to protect the amenities of the neighbouring property with regards to loss of privacy and overlooking.

The properties located to the south-east of the site address, on Woodbourne Avenue, are sited at a higher level than the host property due to the natural

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gradient of the area. Due to the positioning of the proposed conservatory and the relationship between the parent property and the rear neighbouring properties it is considered that the proposal will not have a significant adverse impact upon the amenities the neighbouring properties on Woodbourne Avenue.

As set out above an objection to the proposal has been received from the occupiers of no. 28 Braybon Avenue, with regards to loss of privacy.

It is acknowledged that number 26 Braybon Avenue is sited at a slightly higher level than number 28 Braybon Avenue as a result of the gradient upon which the properties are located. A fence, which reflects the gradient of the land, is currently located along the shared common boundary between nos. 26 and 28 Braybon Avenue. The south-eastern garden areas of the properties on part of Braybon Avenue are located at a higher level than the north-western sections due to the topography of the surrounding area. As a result of this existing fence, in addition to established vegetation within the garden area of no. 28, views towards the rear elevation of the southern neighbouring property and its rear garden area are restricted even from the south-eastern most garden part of the site address. It is considered that the existing fence will continue to provide a screen between the host property and the southern neighbouring property and as a result it is considered that the proposed conservatory and new patio area will not have a significant adverse impact upon the amenities of the southern neighbouring property, especially with regards to loss of privacy or overlooking.

Other Issues

In accordance with policy SU13 of the Brighton & Hove Local Plan a waste minimisation statement has been submitted as part of the application. It is considered that a condition should be attached to the approval to ensure that the waste generated is carried out in accordance with the measures set out in the submitted waste minimisation statement.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

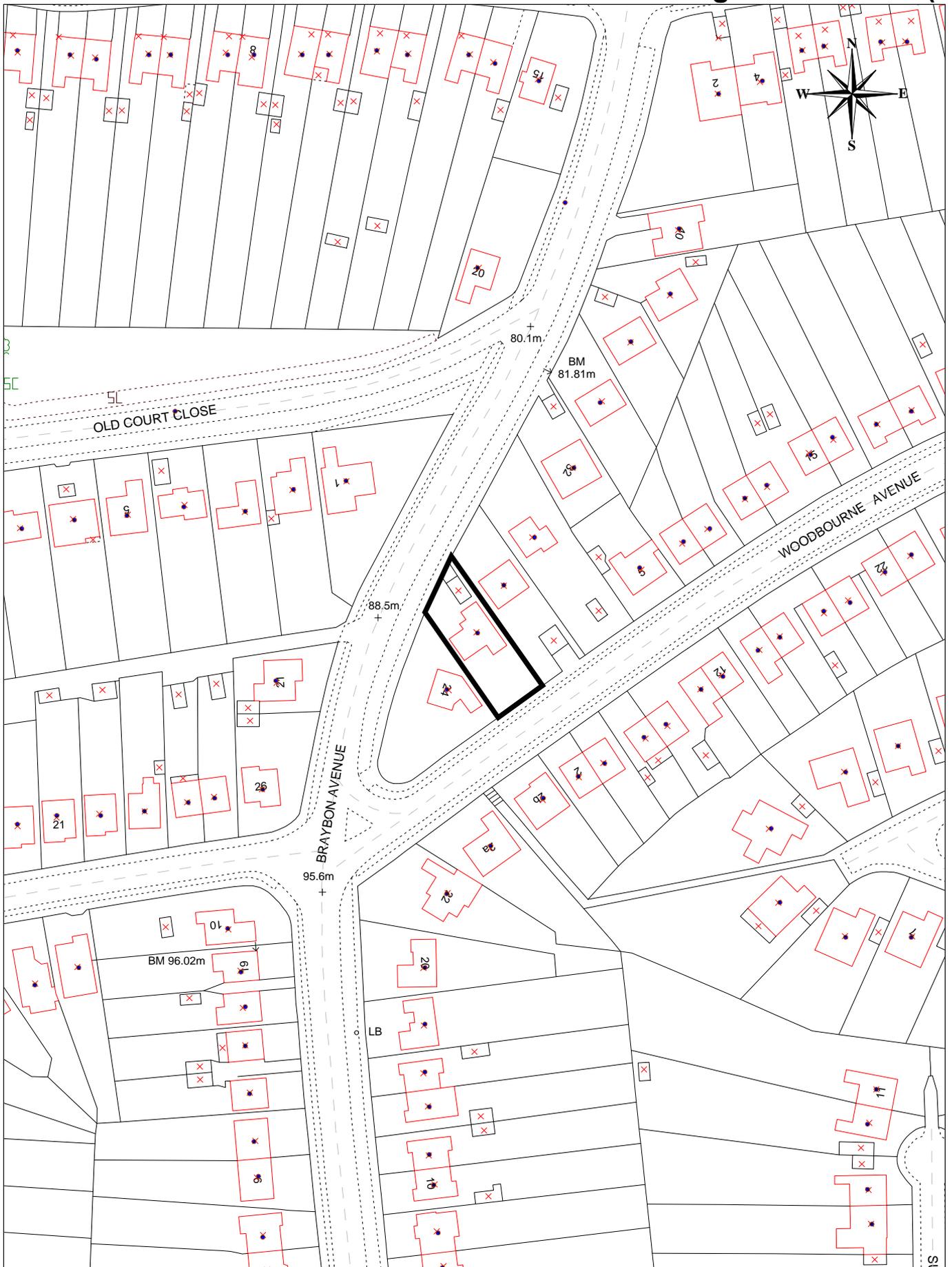
It is considered that the proposed rear conservatory extension and the creation of the related patio area will not be of detriment to the character or appearance of the host property or the wider area, even when taking into consideration the overall appearance of the property following the other developments approved under previous applications. Furthermore, subject to the compliance with the attached condition, it is deemed that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

9 EQUALITIES IMPLICATIONS

None identified.

LOCATION PLAN

Agenda Item 102(e)



BH2008/01542

SCALE 1:1250

26 Braybon Avenue



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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Brighton & Hove City Council

COUNCILLOR BRIAN PIDGEON

117 Ladies Mile Road
Brighton
BN1 8TB



Jeanette Walsh
Development Control Manager
City planning
Town Hall
Norton Road
Hove
BN3 3BQ

12th July 08

Dear Ms Walsh

Application BH2008/01542
26 Braybon Avenue, Brighton
Full Planning, New Conservatory to Rear

I write on behalf of Mr & Mrs Schofield of 28 Braybon Avenue regarding the building of a conservatory to the rear of 26 Braybon Avenue. This will have a great impact on the amenities of no 28 it will mean a further door facing the property of my elector, to add to the loss of sunlight in the garden after 4pm also overlooking. It is already considered by many of the residents in the area to be an overdevelopment of the site. The application also asks for the rear patio to be moved. This new site will bring it very close to the border of 28 and therefore will be very intrusive to my elector

This will be the second amendment to this major redevelopment that was approved in 2006 (BH2006/00772/FP)

I ask that a site visit take place

I ask for this letter to be printed in the agenda

Yours sincerely

Councillor Brian Pidgeon
Patcham Ward



**Brighton & Hove
City Council**

COUNCILLOR BRIAN PIDGEON

117 Ladies Mile Road
Brighton
BN1 8TB

RECEIVED
26 AUG 2008

RECEIVED
27 AUG 2008

Jeanette Walsh
Development Control Manager
City Planning Town Hall Norton Road
Hove
BN3 3BQ

25th August 08

Dear Ms Walsh

Application BH2008/01542
26 Braybon Avenue, Brighton
Full Planning, New Conservatory to Rear

Further to my letter of the 12th July I have again seen Mr & Mrs Schofield of 28 Braybon Avenue, I am pleased to inform you that they now have no objection to the conservatory being built at the rear of no 26.

They still have grave concerns about the rear patio; this new site will bring it very close to the border of 28 and therefore will be very intrusive to my elector.

This will be the second amendment to this major redevelopment that was approved in 2006

I ask that a site visit take place

Please confirm that you have received this letter

Yours sincerely

Councillor Brian Pidgeon
Patcham Ward

No:	BH2008/02762	Ward:	PATCHAM
App Type	Telecommunication Apparatus		
Address:	Adjacent to Recreation Ground Patcham By Pass Brighton		
Proposal:	Installation of a 10 metre high, slim line monopole design telecommunication base station incorporating 3 shrouded antennas, radio equipment housing and development ancillary thereto.		
Officer:	Sonia Kanwar, tel: 292359	Received Date:	18 August 2008
Con Area:	n/a	Expiry Date:	10 October 2008
Agent:	Babcock Networks Ltd, The Old Hospital, Ardingly Road, Cuckfield, Haywards Heath, West Sussex		
Applicant:	Telefonica O2 UK Ltd, 260 Bath Road, Slough, Berks		

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 **Prior Approval is not required** for the proposed development.

Informatives:

1. This decision is based on drawings nos. P/41065A/GEN/050 & P/41465A/GEN/051 and the supporting information received on the 18th August 2008.

2. This decision to determine that Prior Approval is not required has been taken:

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

Brighton & Hove Local Plan:

- QD23 Telecommunications apparatus (general)
- QD27 Protection of amenity
- TR7 Safe development

Planning Policy Guidance notes:

PPG8 – Telecommunications; and

ii) for the following reasons:-

The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area. The application is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines.

3. The applicant is advised that, in the interest of highway safety, the equipment should be installed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.

2 THE SITE

The application relates to an area of public highway adjacent to the recreation

ground between Old London Road and the Patcham Bypass. There is a dual carriageway and residential properties to the west of the proposed site and an area of greenery to the east.

3 RELEVANT HISTORY

BH2001/01666/TA Erection of 10 metre monopole plus antenna on top (total height 11.7 metres) and equipment housing. London Road, opposite 3 Brangwyn Way Brighton. No objection 24/08/2001.

BH2001/02451/TA Installation of antenna and equipment cabin. Patcham Bypass (Brighton By-pass) Patcham Brighton. Prior approval not required 31/10/2001.

BH2004/00101/TA Installation of a 10 metre high monopole with 3 antennas and an equipment cabinet. (opposite 8 Brangwyn Way). Refused 18/03/2004 but subsequent appeal allowed 18/01/2005.

4 THE APPLICATION

The application seeks prior approval under the Town & Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 24) (as amended) for the installation of a 10 metre high, slim line monopole design telecommunication base station incorporating 3 shrouded antennas, radio equipment housing and development ancillary thereto.

5 CONSULTATIONS**External:**

Neighbours: Objections received from **No. 18 Old London Road and Nos. 19, 20, 23 and 27 Brangwyn Way,**

The grounds for objection to the proposal include the following:

- Health/ Safety Grounds – increased cancer risk, sterility.
- Close to Recreation Ground and Patcham House School.
- Unsightly structure at main entrance to city.
- Devalue properties in the area.

Internal:

Transport Manager: No objection subject to be a licence from the Highway Operations Manager.

Environmental Health: There is current public concern about the possible health effects from base stations, which are the radio transmitters and receivers, which form an essential link in mobile phone communications. I summarise current available information that has been obtained on base stations.

With regard to concerns about health and safety, the Government's advisers, Radiation Protection Division of the Health Protection Agency (HPA RPD) recommends that exposure to radio frequency or RF radiation does not exceed the guidelines specified by the International Commission on Non-ionizing Radiation Protection (ICNIRP). The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below ICNIRP

PLANS LIST – 1 OCTOBER 2008

guidelines do not cause adverse health effects on the general population.

Telecommunications operators also have a duty under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1996 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the ICNIRP guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

A report has been submitted to Government by the Independent Expert Group on Mobile Phones, which has made recommendations to adopt a precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below international guidelines, is totally without potential adverse health effects. The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognises that there can be indirect adverse effects on the well-being of people in some cases.

Recommendation:

Given the current available information on mobile phone technology, I cannot object to the planning application on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

Property Services: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD23 Telecommunications apparatus (general)

QD27 Protection of amenity

TR7 Safe development

Planning Policy Guidance notes:

PPG8 - Telecommunications

7 CONSIDERATIONS

The application seeks prior approval for the installation of a 10 metre high, slim line monopole design telecommunication base station incorporating 3 shrouded antennas, radio equipment housing and development ancillary thereto.

The main considerations in this case are the siting and design of the proposed development, and its impact upon the locality and neighbouring amenity. Health concerns can be a material consideration and are referred to

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below. Local Plan policy QD23 also seeks a technical and operation justification for use of individual sites, demonstration that existing masts, nearby buildings or structures cannot be used for the purpose.

The proposed mast would support part of the O2 network. It is noted that an existing consent (BH2004/00101/TA - determined upon appeal in 2005) further south than the proposed site has not been implemented. O2 advise that a higher structure would now be required at that site to provide adequate coverage.

Design and visual amenity.

The design and siting of the mast is considered acceptable in this case. The mast is well sited and designed in relation to the existing street furniture.

The position of the antenna is set on a verge adjacent to the Patcham bypass. There is a dual carriageway and residential properties to the west of the proposed site and an area of greenery to the east.

A common concern with such street works applications is the cumulative effect of the proliferation of street furniture. In this case, the local street scene is not cluttered, with only lampposts and a directional sign within the vicinity. The impact of this proposal is not considered to lead to a harmful cumulative impact.

The proposed mast is a 10 metre high, slim line monopole design telecommunication base station incorporating 3 shrouded antennas. The mast has a slender design which will not harm the character and appearance of the street scene. It closely matches in height and form the existing lampposts. The location is set in line with existing lampposts as far is practicable due to the presence of existing underground cables.

The pole will be painted to match as closely as possible the existing lampposts. The cabinet will closely resemble cabinets found in street locations and will be painted green to match as closely as possible those already in the vicinity. It is considered that the development is well designed to incorporate into the existing street furniture and the proposed accompanying cabinet is also considered well designed to meet that of other existing telecommunications cabinets within the area.

Technical justification and alternative siting.

The applicant has provided a technical justification for a mast in this location. This include maps showing current levels of signal coverage for the O2 3G network, the expected stand alone coverage of the equipment and the expected total coverage when used as part of the network.

The current coverage plan shows a low level of coverage in the area around the Patcham bypass and the south Patcham area. The perceived network coverage plan shows almost total coverage for the Patcham area. It is therefore considered that there is a sufficient technical justification for the proposed new mast, given the current signal deficiency in the south Patcham

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area.

Section 7 of the accompanying statement considers the site selection process. The existing telecommunications site at Bourne Court, London Road has been examined but was discounted as the site provider will not consider additional equipment.

The Orange street pole at Fairview Rise was examined but discounted on the basis of technical difficulties – the pole would need to be replaced with a taller, larger structure which is considered inappropriate.

The A23 London Road street column has been discounted, also due to technical difficulties – an existing consent (BH2004/00101/TA - determined upon appeal in 2005) has not been implemented. O2 advise that a higher structure would now be required at that site to provide adequate coverage.

A rooftop at Mandalay Court, London Road has had to be discounted as there has been no response from the site provider.

Overall, it is considered that the applicant has adequately addressed and discounted other potential sites in the area.

Health Concerns.

Though this application can only take into account the siting and appearance of the proposed alterations, the High Court has ruled that health arguments fall within the question of the siting of the mast. Health concerns are therefore a material consideration in this application. Many of the general concerns raised by members of the public regarding telecommunications apparatus have focused on the impact on health and the unknown effect of telecommunication equipment. The Stewart Report recommends a precautionary approach to the siting of telecommunication equipment and recommends the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines are adopted for use in the UK. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection guidelines. Planning Policy Guidance Note 8 states that if telecommunication equipment meets the International Commission for Non-Ionising Radiation Protection guidelines for public exposure it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. It is therefore considered that if the council were to refuse this application on health grounds this would be a difficult position to sustain at appeal.

Conclusion

For the reasons outlined in this report it is considered that the proposal is acceptable in terms of design and siting and will not have a detrimental impact on the character and appearance of the surrounding area.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area. The application

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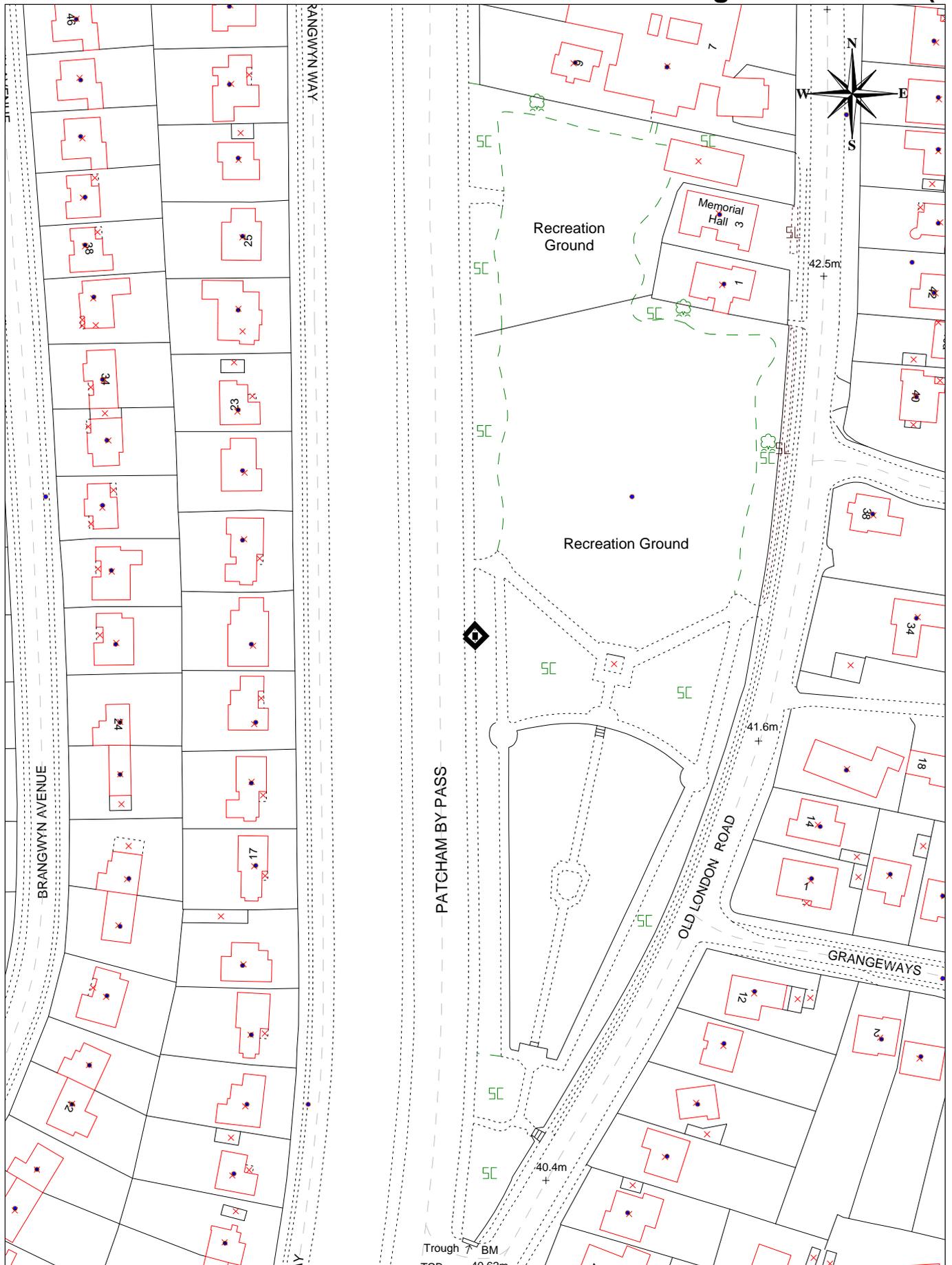
is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines.

9 EQUALITIES IMPLICATIONS

None identified

LOCATION PLAN

Agenda Item 102(e)



BH2008/02762

SCALE 1:1250

Adjacent to Recreation Ground Patcham By Pass



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No:	BH2008/02071	Ward:	QUEEN'S PARK
App Type	Full Planning		
Address:	129-130 St James's Street Brighton		
Proposal:	Variation of opening hours granted by planning permission ref BH2004/02465/FP to: Tuesday - Thursday 10.00 - 02.30 (the following day) and Friday 10.00 to Tuesday 02.30 (continuous).		
Officer:	Steve Lewis, tel: 292321	Received Date:	18 June 2008
Con Area:	East Cliff	Expiry Date:	13 August 2008
Agent:	C J Planning Ltd, 80 Rugby Road, Brighton.		
Applicant:	Ms Kim Lucas, C/O 80 Rugby Road, Brighton.		

- 1 RECOMMENDATION** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Refuse** planning permission for the following reason:

A. Refuse planning permission, for the following reason:

1. This premise is located in close proximity of residential dwellings. The increase in opening hours would result in a significant increase in the level of noise and disturbance to adjacent residential properties to the detriment of their amenity, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

B. That this matter is referred to the Planning Investigations Team to investigate the current opening hours of the premises.

Informatives:

1. This decision is based Block Plan and Tony Harrison drawing no. 35/L1 Rev D submitted on 18/06/2008

2 THE SITE

The application relates to an existing nightclub on the south side of St James's Street in the East Cliff conservation area. The club is in the basement of the building, which is also Grade II listed. A café occupies the ground floor with residential uses on the upper floors.

3 RELEVANT HISTORY

BH2004/02465/FP - Variation of opening hours to: Monday – Thursday 1700-0200 hours; Friday 1700-0300 hours; Saturday 12 noon-0300 hours; Sunday and Bank Holidays 12 noon-0200 hours. – **Approved** 20/10/2004

BH2003/01914/FP – Change of Hours of permitted use of nightclub in basement on Sundays from 18.00 – 00.30 (Monday morning) Amended description. (Variation of condition to 92/1130/FP approved on 23/02/1993). – **Refused** 17/09/2003.

41-45 St James's Street, Brighton.

BH2008/01403 - Removal of condition 6 attached to BH1997/00792/FP to allow opening hours in accordance with the premises license and operating schedule. – **Refused** 04/08/2008

4 THE APPLICATION

The application seeks a variation of opening hours at the Candy Bar premises from Thursday 1700-0200 hours; Friday 1700-0300 hours; Saturday 12 noon-0300 hours; Sunday and Bank Holidays 12 noon-0200 hours to Tuesday - Thursday 10.00 - 02.30 (the following day) and Friday 10.00 to Tuesday 02.30 (continuous).

The application therefore seeks to open the premises continuously from 10am Friday till 02.30am on Tuesday and extend the opening hours upon a Tuesday to Thursday from 10.00 to 02.30am Friday morning. This will bring the opening hours of the premises in line with the present Premises Licence.

5 CONSULTATIONS

External:

Neighbours:

Flat 1, 15 St James's Street , Flat 7 129-130 St James Street, Flat 4, 19 Old Steine object on the following grounds:

- The additional opening hours will result in a further noise and disturbance, further public disorder and harm the residential amenity of adjacent residents.

Flat 2, 129 St James's Street, BFF 9 Lower Rock Gardens (Chair of Village Pub watch), 11 Western Road (G Scene Magazine Editor),

Queens Arms support the application upon the grounds:

- The increased hours could help to resolve some of the issues that arise when people are leaving the premises at night by allowing for a staggering in leaving times.
- It is important for the LGBT community and visitors to have a variety of late licenses for the commercial well being of the city and local community.
- The club caters for specialised clientele within an intimate atmosphere which is not offered elsewhere. It is important to have small venues in Brighton where LGBT people can go to feel safe and comfortable.
- The premises are well run and the new owners are responsible experienced operators from London where they have other venues. The venue has not experienced any serious incidents to the supporter knowledge in 8 years of operation.
- It is not conducive to public safety to have large numbers of the gay community exit the club at the same time that the bus stop opposite is filled with others waiting for night buses.
- There are other venues with similar opening times within the vicinity. These venues do not normally play alternative music which leaves a gap in the community which have previously had to travel the owners London premises.

334 signature petition Supporting the application for increased hours

Sussex Police:

Have no issues or concerns with the extended opening hours being requested by this venue.

Internal:

Traffic Manager:

No objection on traffic grounds

Environmental Health:

The Candy Bar has a premises licence under the Licensing Act 2003 and operates as a club and bar. Residents live in flats directly above the club and in properties adjacent. The Environmental Health team have received a complaint relating to amplified music and live music from the resident at Flat 2 129 St James's Street. Upon investigation a statutory noise nuisance was established under the provisions of the Environmental Health Act 1990. A noise abatement notice was served upon the occupier of the Candy Bar and as a result live music was stopped and a noise limiter used to restrict the noise level of the amplified music was set. Environmental Health Officers visited at various times of the night and a breach of the noise abatement notice was never witnessed. The Environmental Health Team wrote to the complainant in Flat 2 129 St James's Street on 27th June 2008 and the occupier choose not to pursue their complaint any further.

Other complaints have been received with regards to noise from customers outside, perhaps smoking and noise from a security shutter that guards the front entrance of the premises. A statutory nuisance has not been identified in relation to these two other complaints.

It is understood that customers using the street to smoke outside of the premises tend to stand in St James's Street and not in Steine Street which is situated at the rear. The background noise from St James Street is higher than Steine Street which has a higher noise threshold as a result of traffic and users of the street and its other premises.

The Environmental Health team do not consider that there is sufficient evidence to recommend refusal of the application in what is already a busy street. Under the Licensing Act the Local Authority and the public can request a review of the premises licence regarding public nuisance. This review could include a change in hours to the premises licence.

6 Planning PoliciesBrighton and Hove Local Plan:

TR1 Development and the demand for travel
QD3 Design – efficient and effective use of sites
QD27 Protection of amenity
SU9 Pollution and nuisance control
SU10 Noise nuisance
SR5 Town and district shopping centres

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 6: Town Centres

Planning Policy Guidance24: Planning and Noise

7 CONSIDERATIONS

The main consideration is the impact of the proposed longer opening hours

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on the living conditions of the occupiers of residential properties in the vicinity of the site with particular regard to noise and disturbance.

The application seeks to open the premises continuously from 10am Friday till 02.30am on Tuesday and extend the opening hours upon a Tuesday to Thursday from 10.00 to 02.30am Friday morning by varying the hours imposed by previous planning permissions. The application will bring the opening hours of the premises in line with the present Premises Licence.

The building comprises a mix of uses; nightclub, café and residential, whilst the wider area in the vicinity of St James's Street is largely a retail and residential mix. The club was until recently known as the Candy Bar which replaced the previous tenants (Zanzibar) in April 2004. During the course of this application the premises has changed owners and the club name has been changed to the Ghetto Nightclub but has retained the same premises manager.

Amenity Issues

Whilst this site is located in an area of mixed character, adjacent to commercial properties it is noted that there are a large number of residential dwellings located in close proximity of the site, both above the existing club/bar and above other commercial properties fronting onto St James Street. The streets to the rear (south) of the site are made up almost entirely of residential dwellings. Whilst residents living in an area of mixed character, in close proximity to a town centre, should expect a greater degree of evening activity it is considered that residents living above and adjacent to this site already experience noise and disturbance during the evening, by virtue of the approved opening hours. The proposed opening hours would lead to further noise and disturbance which would be beyond what residents in this area should reasonably expect.

Policies QD27, SU9 and SU10 of the Brighton and Hove Local Plan seek to reduce or minimise the impact of noise and nuisance to neighbouring properties. Whilst the Environmental Health Team has not raised an objection to the proposal on the grounds of noise pollution they have received complaints about noise from the premises, a noise abatement notice was served and established the need for an amplified noise limiter. In addition third party objections to the planning application have been received on the grounds of increased noise nuisance and harm to neighbouring amenity.

Clear evidence of complaints to the Environmental Health Team and letters of objection received as part of this application demonstrates that noise is a strong concern for residents and as such should be afforded weight in the determination of this application.

It is clear that a substantial increase in opening hours particularly those request from 10:00 to 02:30 Friday to Tuesday continuous would have an impact upon neighbouring amenity. Increased noise and disturbance would result from customers leaving the premise at a time when neighbouring residents could expect to enjoy a generally quiet environment. There is no

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evidence that planning permission has been granted for other licensed premises within the immediate surroundings to open until 01:30. As such approval of this application would lead to a level of noise and disturbance which is not currently experienced by residents in this location.

PPS1 stresses the need for sustainable development including the promotion of urban regeneration to improve the well being of communities, improve facilities and promote high quality and safe development. PPS6 sets out the Governments key objectives for town centres to promote their vitality and viability. PPS6 expects planning policies to help manage evening and night time economy in appropriate locations but it also requires Local Planning Authorities to protect the amenity of residential occupiers. This premise already exists and already contributes to the vitality and viability of this part of the district centre and to evening economy. It is not considered that extending the opening hours into the early hours of the morning would significantly improve the vitality and viability of this part of the district centre. As such any benefit in this respect would not outweigh the harm to neighbouring amenity.

PPG24 deals with noise issues associated with new development, this includes an extension of opening hours. PPG24 recognises that bars and restaurants can pose noise difficulties particularly in the evening and late at night. Noise generated by customers arriving and leaving such premises is recognised as an important consideration. PPG24 also identifies residential dwellings as noise sensitive development. Paragraph 12 of PPG24 indicates that the hours of 23:00 to 07:00 are the hours when people are normally sleeping. It is considered that the additional opening hours sought as part of this application would significantly intrude further into these hours and cause harm.

It is not considered that the existing license for the premise or the lack of objection raised by the Environmental Health Team outweighs the harm identified above. Under the Licensing Act the licensing authority must have regard to promoting the 'licensing objectives' which include the prevention of public nuisance. The licensing objectives do not equate entirely with planning objectives. The prevention of a public nuisance is not the same as protection of residential amenity, which is a material planning consideration. What might harm residential amenity may well fall far short of constituting a public nuisance. In this respect the licensing /environmental health system is substantially different to the planning system. It is considered that given the sensitivity of the site (i.e. the number of residential properties within close proximity of the site) it should be emphasised that the duty of the Planning System is to consider residential amenity which goes beyond just statutory noise nuisance controlled by Environmental Health. This has been confirmed in appeal decisions received by the Local Planning Authority.

As such it is considered that the proposed development has the potential to generate a level of noise and disturbance which would be to the detriment of residential amenity to the occupiers of the adjoining and nearby residential properties. Consequently the imposition of more restricted opening hours in a planning condition from those set out in the premises license is justified.

Traffic Issues.

The Traffic manager has no objection to the increased opening hours. The premises are located within a centrally located district shopping centre and is well served by public transport. The nearest bus stops are located opposite the premises and within Old Steine. Both of these bus stops are served by the late N7 bus service.

Additionally the premises is located a short walk from the East Street taxi rank and a further walk from Brighton train station.

It is considered that the area is well served by public transport which is capable of dealing with any additional demand created from extended opening hours and has available late night transport infrastructure. On this basis it is not considered that there is any objection upon transport grounds.

Conservation area issues.

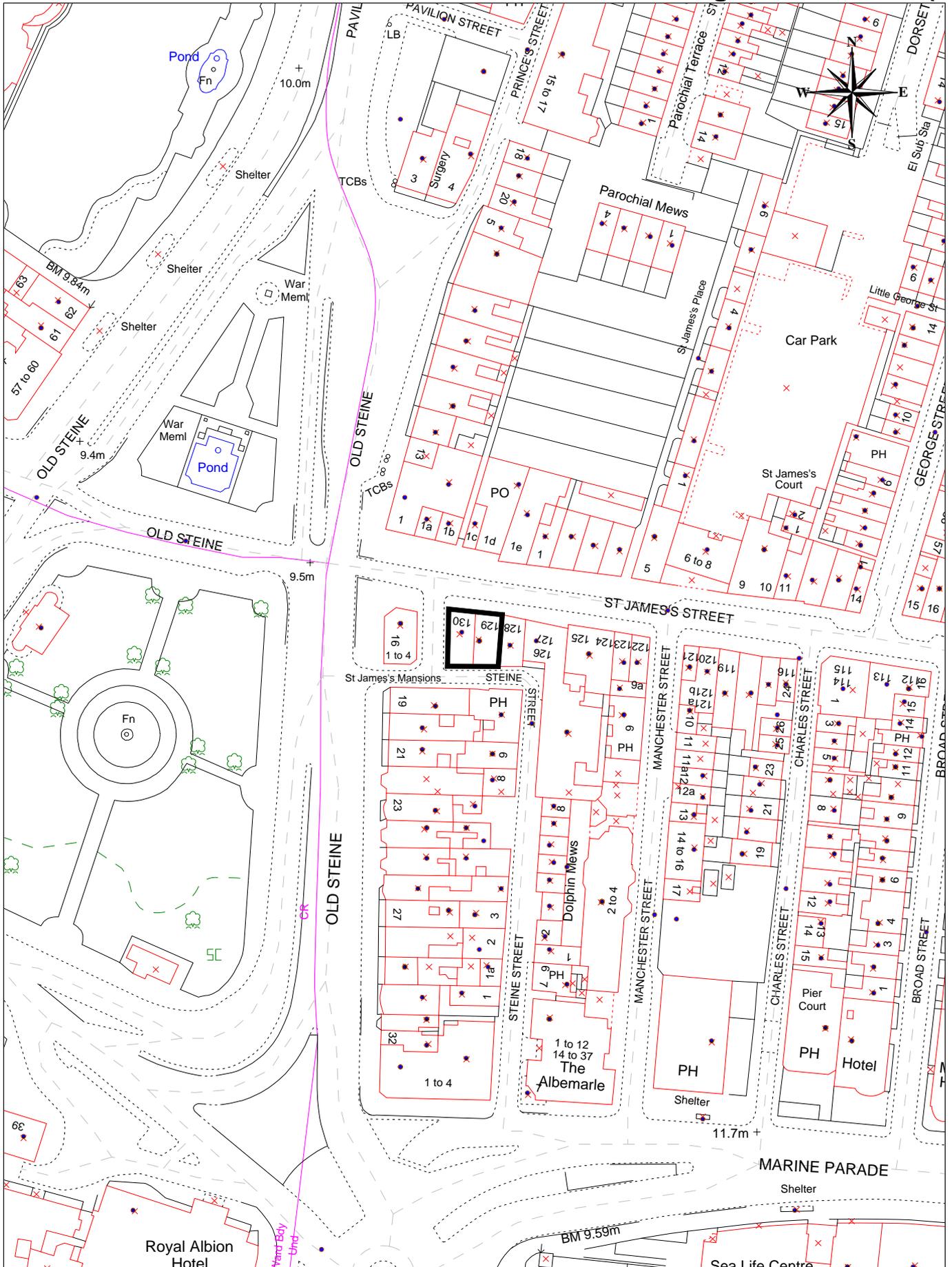
There are no proposed external works to the host property as part of this application as such it is not considered that there would be any harm to this part of the East Cliff Conservation Area.

8 EQUALITIES IMPLICATIONS

The venue is a popular club/bar used by members of the LGBT community.

LOCATION PLAN

Agenda Item 102(e)



BH2008/02071

SCALE 1:1250

129-130 St James's Street



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No:	BH2008/01597	Ward:	ROTTINGDEAN COASTAL
App Type	Full Planning		
Address:	Plot 4 Royles Close Rottingdean		
Proposal:	Erection of 1 no. detached dwelling house		
Officer:	Kathryn Boggiano, tel: 292138	Received	07 May 2008
		Date:	
Con Area:		Expiry Date:	25 July 2008
Agent:	Bradford & Thomas LLP, 214 High Street, Lewes, East Sussex		
Applicant:	Stephen Trafford, c/o Agent, Mrs Wendy Thomas, Bradford & Thomas LLP		

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 :

1. 01.01AA Full planning permission
2. 02.01A No permitted development (extensions)
3. 02.02A No permitted development (windows)
4. 02.06A Satisfactory refuse storage
5. 05.01 BREEAM/Ecohomes
6. 05.03 Site waste minimisation statement
7. 06.02A Cycle parking details to be submitted
8. 03.01A Samples of materials – non conservation area
9. 04.02 Lifetime homes
10. 04.01 Landscaping /planting scheme and add: ‘agreed in writing’ before Local Planning Authority, and at end of condition add ‘Such scheme shall include specific planting proposals, and 2 additional trees to replace the tree which has been removed which is the subject of a Tree Preservation Order.
Reason: To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
11. 04.02 landscaping/planting implementation/maintenance add: ‘agreed in writing’ before Local Planning Authority.
Reason: To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
12. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented fully in accordance with the tree and root protection details contained within the ‘Development Site Arboricultural Report’ by R.W. Green submitted on the 27 June 2008.
Reason: To ensure the protection of trees and to comply with policy QD16 of the Brighton & Hove Local Plan.
13. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for

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the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with Brighton & Hove Local Plan policies SU15, TR1, TR19 and QD28 of the Brighton & Hove Local Plan.

14. Retention of parking area
Change 'vehicle parking area' to 'garage'
15. 02.03A Obscured glazing
Insert the 'two bathroom dormer windows on the rear elevation' and 'open inwards'.

Informatives:

1. This decision is based on un-numbered block plan submitted on the 30 May 2008 and drawing nos. 412/1/6, 412/1/10, 412/1/11 submitted on 7 May 2008, 544/17 Rev A, 544/23 submitted on 15 August 2008, 544/23 544/25 received on 3 September 2008.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

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Supplementary Planning Guidance Documents: (SPG's)

SPGBH1: Roof Alterations and Extensions

SPGBH 4: Parking Standards

SPGBH 16: Renewable Energy & Energy Efficiency

SPGBH 21: Brighton & Hove Sustainability Checklist

Supplementary Planning Document

SPD03: Construction & Demolition Waste

ii) for the following reasons:

The development of the site for a dwelling is acceptable in principle and the proposed design would not adversely impact on the character and appearance of the surrounding area. The proposal would not unduly impact on the amenity of surrounding residents and would not adversely impact on the local highway network.

3. In order to address the requirements of condition 14, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990, to provide £2000 to fund improved sustainable transport infrastructure in the vicinity of the site.

2 THE SITE

Royles Close is a cul-de-sac accessed from Goram Avenue, and is in the former grounds of Bazehill House.

The area is predominantly residential and is characterised by detached and semi-detached dwellings.

The site has recently been cleared and work has commenced on implementing three of the dwellings approved as part of 68/1635 on adjacent plots (plots 1, 2 and 3).

The application site comprises the eastern section of the overall site which is south of plot 4. Plot 4 is the site which is directly adjacent to No.21 Royles Close. Whilst a number of protected trees are present on the adjacent plots and No.6 Royles Close, there are no protected trees within the application site or directly adjacent to the application site.

3 RELEVANT HISTORY

68/1635: Planning permission for the erection of 8 chalet bungalows each for occupation as a single dwelling unit, together with 8 garages each for use as appurtenant to a private dwelling, was approved on 17/09/1968.

BN80/1544: Outline application for the erection of 5 no two storey houses each with garage, was withdrawn by the Applicant on 23/09/1980.

BH2006/03123: Certificate of lawfulness for proposed development including erection of the remaining 5 houses and associated garages as approved under planning application no.68/1635. Approved 13/11/2006.

BH2007/03878: Erection of 4 detached houses. Withdrawn by the applicant.

BH2008/00368: (Plots 5, 6 and 7). Erection of 3 detached dwellings. Refused

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on 27 March 2008 for the following reasons:

1. The proposed development, by reason of design, height, massing, layout and inadequate separation to side boundaries, is considered to be an overdevelopment of the site, resulting in a cramped form of development on the site and an incongruent appearance within the street scene, which would be of detriment to the character and appearance of the area and contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3 and HO4.
2. The applicant has failed to demonstrate that the proposal would not result in an unacceptable degree of overlooking to the rear gardens of neighbouring properties, and would not adversely impact on their use and enjoyment of their private amenity space, by reason of loss of privacy, and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that adequate outdoor amenity areas of a sufficient size and quality, can be provided for the large family dwellings proposed, and that the proposal would not represent a poor standard of residential living conditions for future occupiers of the site which would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
4. The proposed development contains an excessive number of car parking spaces, which would encourage the use of cars at the expense of more sustainable means of travel and, as such is contrary to Planning Policy Guidance 13: Transport, policies TR1 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking standards.

BH2008/01114: Land adjacent to 6 Royles Close (plot 1). Erection of 1 detached chalet bungalow. Approved at planning committee 10 September 2008.

BH2008/01850: Plots 2 and 3 land at Royles Close: Erection of 2 detached houses. Approved at Planning Committee 10 September 2008.

BH2008/01126: land adjacent to 21 Royles Close (plot 5). Erection of one detached chalet bungalow. Approved at Planning Committee 10 September 2008.

4 THE APPLICATION

This is an application for a dwelling which is part two storey and part chalet bungalow. The dwelling would accommodate a single garage, utility, kitchen, dining room and lounge, study and bathroom at ground floor and 4 bedrooms, 2 bathrooms and en-suite at the first floor.

Four (4) front dormers are proposed along with 3 rear dormers.

5 CONSULTATIONS

External:

Neighbours: 12 representations have been received from the residents of **2A, 4, 6, 11, 15, 21 Royles Close, 9, 11, 17 (2), 19 Gorham Avenue, Shepards Cottage, Bazehill Road**, which object to the proposal on the following grounds:

- The dwelling is too large for the site, is an overdevelopment and will result in a cramped form of development to the detriment to the

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character and appearance of the area;

- The proposed dwelling will overlook properties to the rear;
- The proposed dwelling is on a different siting and is taller than the dwelling approved in 1968;
- There is insufficient amenity space provision;
- The proposal will overlook the Bazehill Cottage's swimming pool.

Rottingdean Parish Council: Object to the proposal on the following grounds:

- The building is larger than approved previously and more bulkier and is out of keeping with the street scene;
- the proposal could result in an unacceptable degree of overlooking to the rear gardens of neighbouring properties.

Rottingdean Preservation Society: Object to the proposal on the following grounds:

- The property is totally out of character with neighbouring properties and is a 5 bedroom house as opposed to a 2 bedroom house approved in 1968;
- Proposal will increase risk of surface run off to 11, 15 and 19 Gorham Avenue;
- The height of the proposal would overshadow neighbouring properties;
- There is not enough amenity space provision for a family dwelling;
- The proposal is an over-development which appears to take up 90% of the plot.

Internal:

Traffic Manager: Would not wish to restrict the grant of planning consent subject to conditions to require that the cross-overs are constructed under licence from the Highways Operation Manager, cycle parking is provided, provision of parking areas and a contribution of £2,000 towards improving accessibility top bus stops, pedestrian facilities and cycling infrastructure in the area if the site.

6 PLANNING POLICIESBrighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements

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- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- QD28 Planning Obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance Documents: (SPG's)

- SPGBH1: Roof Alterations and Extensions
- SPGBH 4: Parking Standards
- SPGBH 16: Renewable Energy & Energy Efficiency
- SPGBH 21: Brighton & Hove Sustainability Checklist

Supplementary Planning Document

- SPD03: Construction & Demolition Waste

Planning Policy Statements/Guidance:

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 3: Housing
- Planning Policy Guidance 13: Transport

7 **CONSIDERATIONS**

The main considerations in the determination of this application are:

- The principle of development;
- The impact on the character and appearance of the area;
- The impact on the living conditions of surrounding residents;
- The impact on the living conditions of future residents
- The impact on the local highway network/parking;
- Sustainability issues.

The principle of development

Eight chalet bungalows were approved for the site and section of Royles Close to the north of the application site (68/1635) on 17/09/1968. Three of these bungalows were erected. A Certificate of Lawfulness was granted on 13/11/2006 for the remaining 5 houses and associated garages as approved under 68/1635. It is therefore considered that despite the site being vacant for 40 years and essentially a greenfield site under the definition of PPS3, the principle of residential development is acceptable in principle.

The impact on the character and appearance of the area

Although PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but

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the townscape and landscape of the wider locality.

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

The remaining 5 bungalows which could be implemented under 68/1635 contain accommodation within the roofscape with dormers at the front and rear. Single storey integral garages were proposed at plots 2 and 3 in between the two dwellings.

The dwelling which could be implemented within this plot (plot 4) is a chalet bungalow with two front dormers and one rear dormer with a detached single storey garage.

A planning application for 3 detached dwellings on plots 2, 3 and 4 was refused in March 2008 (BH2008/00368). Reason 1 for refusal stated that:

“The proposed development, by reason of design, height, massing, layout and inadequate separation to side boundaries, is considered to be an overdevelopment of the site, resulting in a cramped form of development on the site and an incongruent appearance within the street scene, which would be of detriment to the character and appearance of the area and contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3 and HO4.”

The previous application (BH2008/00368) included a proposal for a four bedroom dwelling on this plot which had accommodation over 3 floors. The ridge height of the proposed dwelling was 8 metres. The front elevation of the previous proposed dwelling faced towards the side elevation of the proposed dwelling on plot 3. The dwelling approved as part of the 1968 permission was on a different orientation facing towards the side elevation of the dwelling of plot 4.

When the previous application was assessed it was considered that the change in orientation was acceptable in principle, however, as a result of the first floor over the integral double garage, the change in roof design and the large ‘turret’ proposed as part of the design of this dwelling, there would a greater mass seen from Royles Close. As such it was considered that the proposal would have had a detrimental impact on the character and appearance of the area.

The dwelling proposed as part of this application is on the same orientation as the dwelling approved previously under the 1968 permission. The 1968

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permission was for a 3 bedroom bungalow. A 4 bedroom dwelling is now proposed which would have the same ridge height as the 1968 permission (7.3 metres) to the ridge. The proposed dwelling has a larger footprint, although part of this is due the garage now being integral rather than detached. The dwelling would be 17.5 metres in width, compared to 13 metres approved, although this is on a staggered building line. The dwelling also projects further towards the boundary with plot 5 than the 1968 permission.

There is still accommodation proposed above the garage, however the bulky 'turret' has been removed from the scheme and the overall ridge height has been lowered. Given the orientation of the dwelling at the edge of the cul-de-sac with only the side elevation visible from the street scene and despite the increase in width of the dwelling, it is considered that the impact on the street scene is acceptable. It is therefore considered that the proposal has addressed the earlier reasons for refusal.

On that basis it is considered that the proposal would not have an adverse impact on the character and appearance of the surrounding area.

The impact on the living conditions of surrounding residents

Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties.

The rear elevation of the proposed dwelling is 17.5 metres, as opposed to the 1968 dwelling which was a width of 13 metres. However the current proposed dwelling is on a staggered building line with a section of the building being set back 4 metres from the rest of the rear building line.

The rear elevation contains three dormers. The 1968 dwelling contained one rear dormer. Two of these proposed dormers serve bathrooms so a condition is therefore proposed to require that these are obscure glazed and open inwards. It is therefore considered that the proposal would not have a significantly greater overlooking impact than the dwelling approved under the 1968 permission.

The nearest property on Gorham Avenue to the proposed dwelling is No.15 which is a bungalow and 24 metres from the proposed dwelling. The properties to the rear are at a lower ground level than the application site. However, the proposed dwelling is sited a sufficient distance away from as to not cause a loss of amenity by reason of loss of light, overshadowing or to have an over-bearing impact.

Information on levels has been submitted in the form of a cross section with OS datum. The proposed rear boundary fence is shown as being 3.2 metres in height. It is considered that this is too high. Two kitchen windows are proposed in the rear elevation which are 3 – 4.5 metres away from the boundary. The existing boundary treatment consists of a timber fence with a hedge which is approximately 1 metre higher than the fence. Although this vegetation is outside of the application site, it is considered that the existing

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boundary treatment should be sufficient to prevent views from the ground floor windows into the rear gardens of properties on Gorham Avenue.

The first floor windows serving bedrooms 1 and 2 on the front elevation would face towards the rear garden of the proposed dwelling on plot 5 and would be 3 metres from the boundary. Additional plans have been submitted which show that due to the difference in levels between the sunken garden approved at plot 5 and the proposed ground levels at the application site, direct views into the sunken rear garden of plot 5 cannot be obtained by these windows.

It is therefore considered that the impact on the living conditions of surrounding existing and future residents is acceptable.

The impact on the living conditions of future residents

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Policy HO5 requires the provision of private amenity space which is appropriate to the scale and character of the development.

There is less usable garden space proposed as part of the current proposal than approved previously in 1968 due to the increase in the footprint of the dwelling. There is also an additional bedroom proposed as part of this current scheme. It is considered that the reduction in usable amenity space provision will result in poorer living conditions for future occupiers of the scheme. However, given the small areas of amenity space approved previously in 1968 this scheme is considered acceptable.

All rooms including bathrooms have windows and natural ventilation. It is considered that the living conditions inside the dwelling are acceptable.

The impact on the local highway network/parking

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. 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 development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

A double garage and driveway were proposed as part of the previous application (BH2008/00368) which would have accommodated 3 parking spaces. One of the reasons of refusal of BH2008/00368 was related to the development containing an excessive number of parking spaces, contrary to PPG13, policies TR1 and TR19 of the Local Plan and SPG4.

As part of this current proposal a single garage is proposed plus parking space on the driveway. It is considered that this level of parking is now acceptable and would not be contrary to national and local policies.

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Although cycle parking provision is not shown on the submitted drawings this could be accommodated within the garage.

Sustainability Issues

The applicant has submitted a site waste minimisation statement and an energy statement. It is considered that the sustainability issues could be adequately controlled via a condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

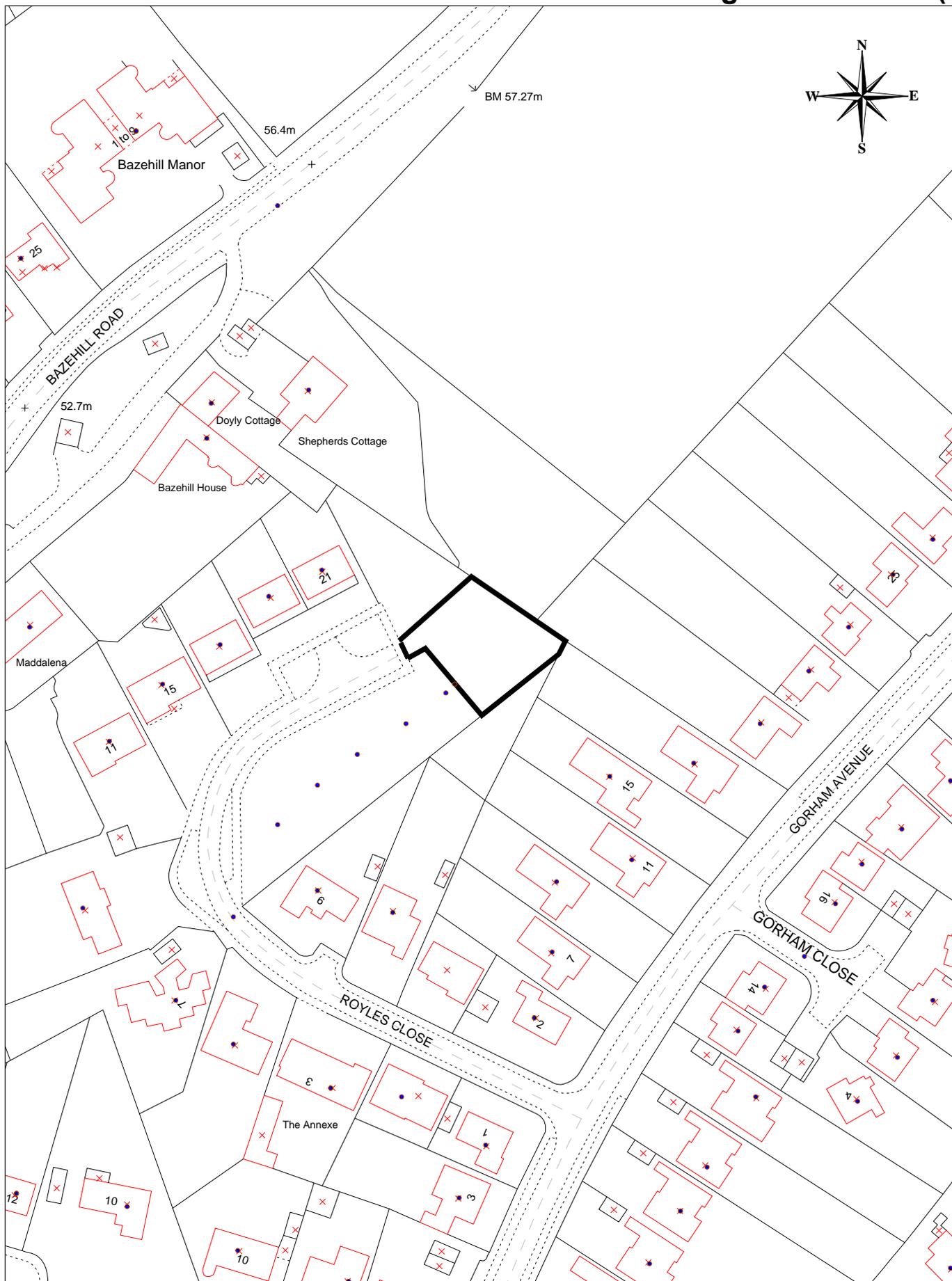
The development of the site for a dwelling is acceptable in principle and the proposed design would not adversely impact on the character and appearance of the surrounding area. The proposal would not unduly impact on the amenity of surrounding residents and would not adversely impact on the local highway network.

9 EQUALITIES IMPLICATIONS

A condition is proposed requiring that the dwelling meet Lifetime Homes standards.

LOCATION PLAN

Agenda Item 102(e)



BH2008/01597

SCALE 1:1250

Plot 4 Royles Close



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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No:	BH2008/02139	Ward:	ROTTINGDEAN COASTAL
App Type	Full Planning		
Address:	12 Welesmere Road Rottingdean Brighton		
Proposal:	Roof conversion including new rooflights to the front, side and rear roof and alterations to the roof profile which include a new side wall with hipped roof over and front pitched gable. Installation of one window to side elevation and one window to front elevation.		
Officer:	Sonia Kanwar, tel: 292359	Received Date:	19 June 2008
Con Area:	N/A	Expiry Date:	17 September 2008
Agent:			
Applicant:	Mr Perry Blackmore, 12 Welesmere Road, Rottingdean, Brighton		

1 RECOMMENDATION

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

Conditions:

1. 01.01 Full Planning.
2. 03.02 Matching Materials.
3. The proposed first floor en-suite window on the north western facing elevation shall not be glazed otherwise than with obscured glass and open inwards 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. 02.02A No permitted development (windows) (BandH)
5. 05.03 Waste Minimisation Statement

Informatives:

1. This decision is based on drawing nos. L-01, 02, 03, 04, and the Design & Access Statement received on the 19th June 2008, and drawings nos. L-05 rev a & L-06 rev a received on the 8th September 2008.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Brighton & Hove Local Plan:

- SU2 Efficiency of development in the use of energy, water and materials
 - SU13 Minimisation and re-use of construction industry waste
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
- and

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(ii) for the following reasons:-

The proposed development would not be of detriment to the character and appearance of the existing property or the street scene and would not adversely impact on the residential amenity of adjacent residents. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application relates to a detached property on the north eastern side of Welesmere Road. The property has been previously extended by way of a two storey extension to the north west facing side of the property and a two storey extension to the rear elevation. The rear of the property has an extensive established rear garden backing onto open countryside.

3 RELEVANT HISTORY

80/347 Two storey extension at rear to form store with bathroom over and extension to existing garage on front elevation. Granted 18/03/1980.

BH2005/00107/FP Two storey rear extension. Approved 22/03/2005.

4 THE APPLICATION

The application seeks permission for a roof conversion including new rooflights to the front, side and rear and roof and alterations to the roof profile which include a new side wall with hipped roof over and front pitched gable. One window to the side elevation and one window to the front elevation are also proposed.

The application originally included a barn hip over the new side wall and a second window to the side elevation. The barn hip has now been amended to a fully hipped roof and the second window has been replaced by a rooflight.

5 CONSULTATIONS

External:

Neighbours: Letters of objection from nos. 6, 11 & 14 Welesmere Road. The grounds for objection to the proposal include the following:

- It constitutes overdevelopment;
- The barn hip design being out of character for the area;
- The proposed size of the property being out of keeping with the rest of the street;
- The rooflights being out of keeping with other properties in the area;
- There could be the potential for a future change of use for example to a care home;
- Potential increase in vehicles parking in the road possibly causing an obstruction to the emergency vehicles;
- Loss of light;
- Loss of outlook;
- Concern as to why a small family would want two additional bedrooms and that there could be a “hidden agenda” behind the proposal;
- The amount of building work and disruption which could be caused by the development;
- Concern that builders can be threatening.

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Rottingdean Preservation Society: Object to the proposal on the grounds that it will result in a bulky conversion that is out of character with the existing street scene and could set a precedent for other properties in the area. It may also result in additional on-street parking which may be an impediment for the emergency services.

Rottingdean Parish Council: Object to the proposal on the grounds that it will be a bulky over-development of the site and out-of-keeping with the existing street scene.

6 PLANNING POLICIESBrighton & Hove Local Plan:

- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD27 Protection of amenity

Supplementary Planning Guidance

SPGBH1: Roof Alterations and Extensions

7 CONSIDERATIONS

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

Appearance

The application seeks permission for a roof conversion including new rooflights to the front, side and rear roof and alterations to the roof profile which include a new side wall with hipped roof over and front pitched gable. One window to the side elevation and one window to the front elevation are also proposed.

The application originally included a barn hip over the new side wall and a second window to the side elevation. After discussions with the applicant the barn hip has now been amended to a fully hipped roof and the second window has been replaced by a rooflight.

It is proposed that the walls will be brickwork and clay tiles, the roof will be clay peg tiles and the windows will be uPVC. All materials will match the existing.

The windows match in style to the existing and rooflights are not visually intrusive. The proposed front gable will match the existing front gable in terms of style and materials used. It is considered that the revised proposal of the fully hipped roof gives the property a visual balance.

The street is mixed with several differing styles of property, some of which have had alterations, therefore overall it is considered that the proposals are

acceptable in terms of appearance.

Amenity

Policy QD14 of the Local Plan will not permit developments which would result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

The proposed side elevation facing no. 14 Welesmere Road introduced a window at first floor level and a rooflight in the roof. Both the window and the rooflight service en-suites. A condition to secure obscure glazing to the first floor window is proposed to avoid any overlooking.

The rooflight sits on the slope of the roof and would not result in overlooking.

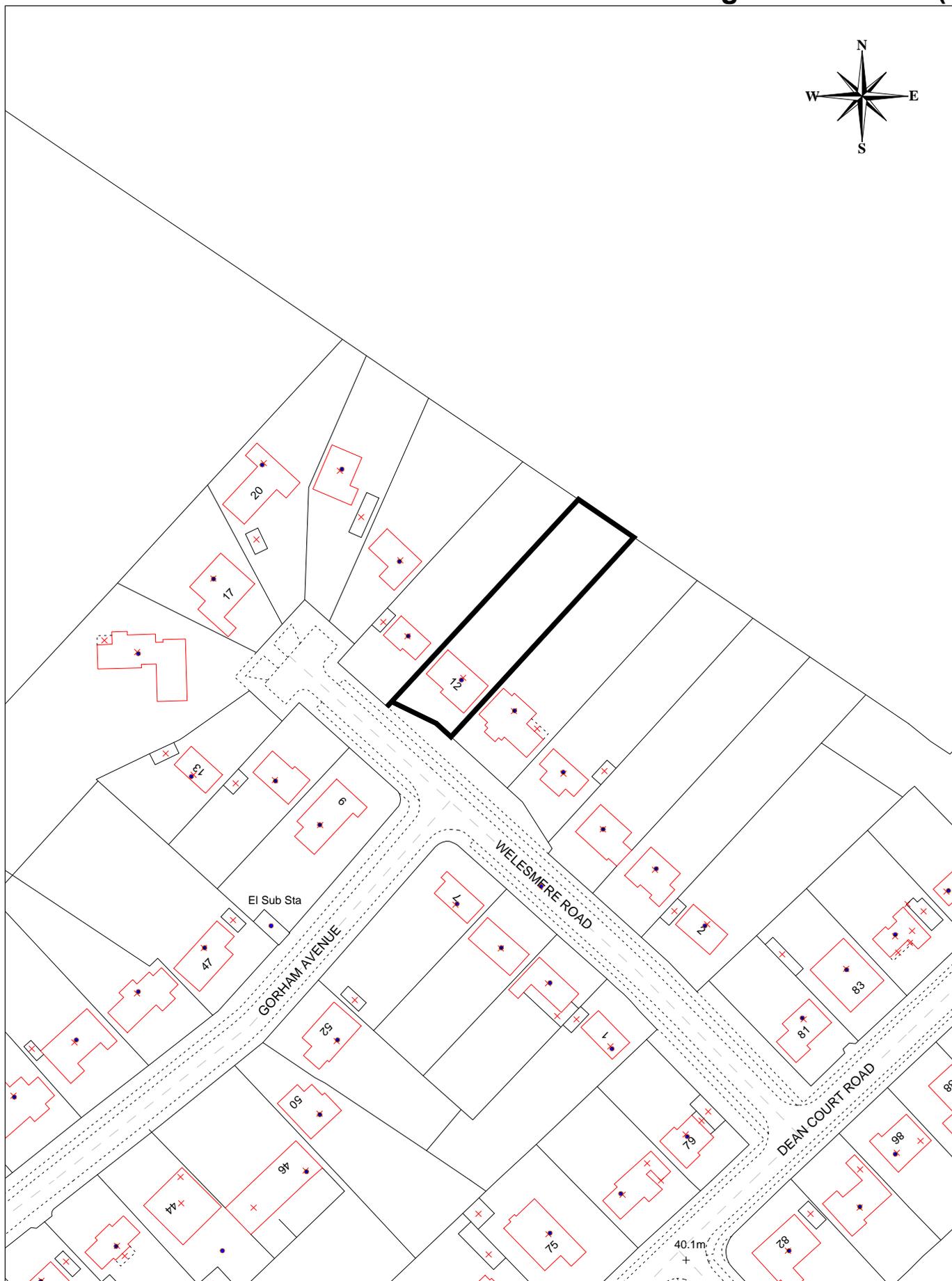
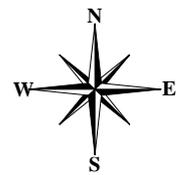
It is not considered that the property to the south west, no. 10 Welesmere Road, is affected by the development. The properties to the front are some 30 metres away and there are no properties to the rear.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would not be of detriment to the character and appearance of the existing property or the street scene and would not adversely impact on the residential amenity of adjacent residents. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified



BH2008/02139

SCALE 1:1250

12 Welesmere Road



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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No:	BH2008/02113	Ward:	WITHDEAN
App Type	Full Planning		
Address:	36A Dyke Road Avenue Brighton		
Proposal:	Demolition of existing residential dwelling and erection of residential apartment building of 4 x 2 bedroom apartments and 1 x 1 bedroom apartment, 5 parking spaces, bicycle store for 10 bicycles and a refuse/recycling store.		
Officer:	Jason Hawkes, tel: 292153	Received Date:	19 June 2008
Con Area:	Tongdean	Expiry Date:	14 August 2008
Agent:	James Breckell Architects, Towerpoint 44, North Road, Brighton		
Applicant:	Mr S Adamson, 36A Dyke Road Avenue, Brighton		

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning.
2. 13.01A Samples of materials Cons Area.
3. 13.03A Sash windows Cons Area.
4. 13.04A Railings Cons Area.
5. 13.05A Rooflights Cons Area.
6. Before work commences details of the proposed parapets, bays, windows, doors, entrance porch and balconies, including sample elevations and sections at 1:20 scale drawings, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and ensure the satisfactory preservation of the conservation area and in accordance with policies QD1 & HE6 of the Brighton & Hove Local Plan.
7. The piers and coping to the new access opening in the boundary wall shall match the existing piers and coping as closely as possible. The existing opening will be made good using matching brickwork.
Reason: To ensure a satisfactory appearance to the development and ensure the satisfactory preservation of the conservation area and in accordance with policies QD1 & HE6 of the Brighton & Hove Local Plan.
8. No development shall take place until details of a scheme to provide sustainable transport infrastructure in the area to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies TR1 and SU15 of the Brighton & Hove Local Plan.
9. 06.03A Cycle parking facilities to be implemented.

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10. 02.05A Refuse and recycling storage.
11. 04.02 Lifetime Homes
12. 05.01A EcoHomes / Code of Sustainable Homes.
13. The development shall be constructed fully in accordance with the approved Arboricultural Report submitted with the application which outlines tree protection measures methods.
Reason: To protect existing trees on site and in the interest of the visual amenities of the area and to comply with policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan.
14. No works shall commence until full details of a landscaping scheme, which includes hard surfacing have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan.
15. The windows and roof lights on the rear (north facing) elevation shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, unless otherwise agreed with the Local Planning Authority in writing.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
16. Notwithstanding the Waste Management Plan submitted with the application, no development shall take place until a more detailed Site Waste Management Plan indicating how the scheme will endeavour to recycle and reduce the amount of waste going to landfill, including detail of proposed waste contractors, has been submitted to and approved in writing by the Local Planning Authority. The contractors must be registered with the Environment Agency.
Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03: Construction and Demolition Waste.

Informatives:

1. This decision is based on the supporting documents including a Design and Access Statement, Arboricultural Report, Sustainability Checklist and a Biodiversity Checklist and drawing nos.211.01A, 03A, 04D, 05E, 06A, 08A, 09A & 10 received on the 19th June and the 21st August 2008.

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- i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below and to all relevant considerations, including Supplementary Planning Guidance and national planning policy.

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU10 Noise nuisance
SU13 Minimisation and re-use of construction industry waste
SU15 Infrastructure
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD5 Design – street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD17 Protection and integration of nature conservation features
QD18 Species protection
QD27 Protection of amenity
QD28 Planning obligations
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG4: Parking Standards
SPG16: Energy Efficiency and Renewable Energy

Supplementary Planning Document:

SPD03: Construction and Demolition Waste
SPD06: Trees and Development Sites

Planning Advice Note:

PAN03: Accessible Housing and Lifetime Homes; and

- ii) for the following reasons:
The proposed development, subject to compliance with the above conditions, will not result in a significant loss of light, overshadowing and overlooking given the scale, design and positioning of the building in relation to neighbouring properties. Furthermore, the design, scale and appearance of the building will preserve the character and appearance of the Tongdean Conservation Area. The scheme is also appropriate in terms of its impact on trees on site, parking and the demand for travel in

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the area and sustainable development.

2. The applicant is advised that details of the EcoHomes assessment and a list of approved assessors can be obtained from the EcoHomes websites (www.breeam.org and www.breeam.org/ecohomes). Details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk) and on the Department for Communities and Local Government website (www.communities.gov.uk).
3. The applicant is also advised that the crossover should be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager; to discuss the requirements and permission needed for such a crossing please contact the Council's Streetworks Team (tel: 01273 292462).

To address the requirements of condition 8, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £3750 to fund improved sustainable transport infrastructure in the vicinity.

2 THE SITE

The application site relates to a two-storey dwellinghouse on the corner of Dyke Road Place and Dyke Road Avenue. The house is set behind a high garden wall and includes off-street parking in front of the house accessed via Dyke Road Place. It includes a side garage and is timber clad with gable ends. The garden includes several large trees and hedgerows which with the garden wall substantially obscure the house from view on Dyke Road Avenue. Immediately alongside the house to the north is a larger more traditional two-storey building at 36 Dyke Road Avenue, which is divided into 5 flats. To east of the site is a sub station and 'Cross Dykes', which is a two-storey dwellinghouse set a lower ground level.

The site is set within Tongdean Conservation Area which was recently extended. The conservation area statement states that the character of the area is that of a well-to-do residential suburb with impressive individual large houses, imposing boundary walls and extensive mature greenery. Its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with mature street trees and dense garden and boundary planting. This area developed ahead of the suburban spread of Brighton & Hove into the country, as a quasi-rural 'hamlet' for well-to-do Edwardians. The area remains low density in character with many properties still in use as single houses. Dyke Road Avenue is heavily trafficked by vehicles, contrasting with the much quieter Tongdean Avenue and Tongdean Road, but all are little used by pedestrians. Dyke Road Avenue in particular is characterised by large houses set in substantial grounds many of which are set behind high boundary walls and hedges.

3 RELEVANT HISTORY

Permission was granted for the erection of a dwelling and a garage on the

land adjacent to no.36 Dyke Road Avenue in 1961 (**60/2021**).

In 2005 planning permission was granted for alterations and extensions to the dwellinghouse to form a first floor extension above the garage to form a self-contained annexe (**BH2004/03619/FP**). This was a resubmission of a withdrawn application for a similar scheme.

Recently, permission was sought for the demolition of the building and the construction of residential apartment to form 6 flats (**BH2008/00703**). This application was withdrawn following advice that the proposed modern art deco design was inappropriate in this location.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing building and the construction of a three storey building. The building forms five flats (1 x 1 bedroom and 4 x 2 bedroom). Five car parking spaces are proposed in the front garden area and are accessed via a new opening in the boundary wall. The scheme also includes storage for 10 bicycles and refuse / recycling storage. The building positioned in the same footprint as the existing building and is more traditional in design with a 3-storey turret and shaped parapets.

5 CONSULTATIONS

External:

Neighbours: Representations have been received from **3 'Cross Dykes', 3 & 6 Dyke Road Place, 43 Wayland Avenue, 47 Dyke Road Avenue** and **5 Charles Street** objecting to the application on the following grounds:

- The new block of flats is not in keeping with Dyke Road Avenue. In this area, there are no purpose built blocks of flats. This is an overdevelopment of the site.
- The increase in traffic in and out of the property will cause noise disturbance for adjacent residents and will be hazardous for residents and road users.
- The scheme results in a loss of light to adjacent properties.
- The scheme would set an unwelcome precedent in the area for high density development and for hardstandings in front gardens.
- The scheme will be out of the price range for most young people to get onto the housing ladder. There is also no requirement for social housing and the scheme appears to be only for the financial benefit of the current owners.
- Recent development in Dyke Road Place has not proved successful and has remained unsold. Any additional vacant properties that cannot be sold may attract those who unlawfully occupy property.

The resident of **no.2 Tongdean Place** commented that there were no proposed drawings on line.

CAG: The group object to the scheme on the grounds that the design (as originally submitted) appears to have been amalgamated from various features of building producing no overall coherent design. There is also an inappropriate scale of windows and storeys height and they also object to 6

cars in the front garden.

Internal:

Conservation & Design: The Conservation Officer considers that number 36A is an uninspiring house and its replacement is welcome. The proposed building has been designed to have the appearance of a large Edwardian house that has been converted to flats, rather than as a purpose built block. Given that the adjacent house has been converted to 5 flats and that the overall footprint size and height of the two are similar, the principle of a block of 5 flats is considered acceptable. The proportions of the elevations and architectural features, including the windows, are generally appropriate. The proposed materials are also acceptable.

As originally submitted, the Conservation Officer felt the two main elevations incorporated too many architectural embellishments and amendments to the design were requested. The amended design simplified the design, removing scooped heads to the bay parapets, shortening balconies and flattening out a bay. The Conservation Officer commented that the design as amended was much less 'fussy'. Subject to conditions requiring further details for the proposed parapets, bays, windows, doors, entrance porch and balconies, including sample elevations and sections at 1:20 scale drawings, the scheme is considered appropriate in terms of its design.

The retention of trees on site is considered important, except the dead Cherry tree. There is no objection to the proposed parking as this will be screened by the high boundary wall and the trees.

Traffic Manager: No objection subject to the following conditions:

- The crossover to be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of works.
- The development shall not be occupied until the approved cycle parking and car parking areas have been constructed and thereafter retained for that use.
- The applicant is to enter into an agreement with the Council to contribute £3,750 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area.

Arboricultural Officer: The Arboricultural Section has viewed the Arboricultural report submitted with the application and is in full agreement with its contents. Provided the trees are protected and driveways constructed in accordance with the report, there is no objection to the scheme.

Access Advisor: As originally submitted, the scheme required amendments in order to fully comply with Lifetime Homes Standards. These amendments included the car parking spaces all being capable of being widened to 3.3m, a space of 300mm between the wall and leading edge of all doors and all bathrooms to be able to be easily adapted to allow side transfer to the WC. As amended, the Access Advisor commented that the scheme was acceptable and compliant with Lifetime Homes Standards.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD5 Design – street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPG4: Parking Standards
- SPG16: Energy Efficiency and Renewable Energy

Supplementary Planning Document:

- SPD03: Construction and Demolition Waste
- SPD06: Trees and Development Sites

Planning Advice Note:

- PAN03: Accessible Housing and Lifetime Homes

7 CONSIDERATIONS

The main issues of consideration are the principle of developing this site for a block of flats, the suitability of the development with regards its design and impact upon the conservation area, the impact on the residential amenity of occupiers of adjoining properties, standard of accommodation, the impact on trees within the site, traffic and sustainability issues.

Principle of development and design:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Policies QD1 and QD2 of the Brighton & Hove Local Plan also

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seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment.

The Brighton & Hove Urban Characterisation Study identifies the site as being within the Tongdean neighbourhood. This area is classified as 'suburban downland fringe with 20th Century residential suburb that has evolved over time.' It is predominantly comprised of medium / large privately owned homes arranged over a typical suburban layout.

The site lies within the Tongdean conservation area and the character appraisal for the area notes that its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with substantial boundary walls, mature street trees and dense planting. The steep pitched roofs, gables and prominent chimneys are an attractive characteristic of the area. The majority of properties within the conservation area remain in residential use, most as single houses, though some large houses have been sub-divided into flats.

Number 36 is a typical red brick and tile-hung Edwardian house with rendered canted bays and slate roof, but on a larger scale than most of the period. It originally stood in very large grounds, with an imposing boundary wall on two sides, but in the early 1960s the existing house at 36a was built within the original grounds and the plot divided. Number 36a is architecturally undistinguished house built very close to number 36. The closeness of the two properties is uncharacteristic of the spacious layout of the area. Number 36a is located on a prominent corner site but is significantly screened by the high boundary wall and mature trees and does not compete with its neighbours. On the basis that the existing house is not worthy of retention, the principle of replacing the existing house is welcome.

The Conservation Officer has commented that the proposed density of the development is significantly higher than is typical of both the Conservation Area and the wider neighbourhood, but the reduction of 6 flats to 5 from the previously withdrawn scheme is an improvement. Unlike the previously withdrawn scheme for this site, the proposed building has been designed to have the appearance of a large Edwardian house that has been converted to flats, rather than as a purpose built block. Given that the adjacent original house has been converted to 5 flats and that the overall footprint size and height of the two are similar, the principle of a block of 5 flats is considered acceptable.

Whilst the new building would be significantly higher than the existing house, the major part of the roof would remain clearly lower than the roofline of the original adjacent house at 36, with only the corner tower's pinnacle rising above it. The storey heights relate well to number 36. The massing of the building has been broken up by variations in the roof form and roofline, particularly on the side (south) elevation, which will be the most prominent elevation in the street scene. The building also satisfactorily steps down on the side elevation to provide a satisfactory transition to the two storey house of Cross Dykes.

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The Conservation Officer has commented that that architectural approach appropriately takes its cue from Edwardian designs and continues the established character of large individually designed properties. The proportions of the elevations and architectural features, including the windows, are generally appropriate. The brickwork proposed is red brickwork with decorative stonework around the bay windows in a cream colour. Reconstituted stone cills and banding are also proposed to the building as decorative features. The turret roof is proposed in lead and the Conservation Officer has stated that the main roof should be plain red tiles. It is also proposed to re-use the existing iron gates in the new opening. The proposed windows are shown as timber sliding sash. The proposed materials are considered appropriate and to ensure correct material are used in the construction a condition is recommended requiring a sample of all materials prior to commencement of works.

As originally submitted, the Conservation Officer felt that the two main elevations (west and south) appeared to be trying to incorporate too many architectural embellishments, with the overall result that it appeared too fussy. In addition, some of the features did not appear as integral elements of the building but, instead, appeared as though they resulted from incremental changes. With these comments in mind, the scheme was amended to a simpler design. The 3-storey turret was deemed appropriate and remains in place. The amendments included removing the scooped heads to the bay parapets in favour of straight parapets, flattening out the bay so that it is circular all the way round and altering the balconies to much smaller balconies than was originally proposed set away from the bay window.

The Conservation Officer commented that overall the amendments are acceptable. The elevations are now much less 'fussy' and the both this elevation and the front elevation (where French doors have been changed to a sash window) are much better proportioned. Subject to conditions requiring large scale details (1:20) of the various architectural features (bays, entrance canopy, entrance doors, balconies), the Conservation Officer concludes that the scheme is appropriate in terms of its design and appearance and will preserve the character and appearance of the Conservation Area.

The scheme includes car parking in the front garden area for 5 cars. The Conservation Officer has stated that there is no objection to the proposed car parking as this will be well screened by the high boundary wall and the trees. Many of the historic houses in the conservation area now have car parking within their substantial front drives and, subject to a landscape condition, the car parking spaces in the front garden is deemed appropriate.

Impact on neighbouring amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted where it would be cause a material nuisance and loss of amenity to adjacent residents. The two main properties affected by this proposal are the immediate adjacent properties to the north and east at 36 Dyke Road Avenue and 'Cross Dykes' on Dyke Road Place. Due to the distance between the site and other nearby properties, adjacent residential

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properties to the south and west will not be significantly affected by the proposal.

'Cross Dykes' is separated from the application site by an electricity sub-station and is also set a slightly lower ground level than the application site. 'Cross Dykes' also has a garage adjacent the common boundary with the sub station and the main house is significantly set away from the application site. The scheme has been designed with roof set down so that the eaves level of the proposed apartment block on the eastern side is a similar height to the roof of 'Cross Dykes'. Having regard to the distance between the properties (approximately 5.5m) and the lowered eastern side elevation of the proposed block of flats, the scheme will not result in a significant impact on the amenity of this property.

No.36 is within close distance of the existing house (1.5m at its closest point and 2.8m at its furthest) and includes side windows and a dormer serving habitable rooms. The proposed building is approximately in the same footprint as the existing house and is also slightly larger in height. To the rear facing elevation, the main eaves level has been increased from 5.1m to 6.2m with a pitched roof behind to a height of 10m. Having regard to the existing building, it is not felt the increase in bulk and height will have a significant impact on the amenity of the adjacent properties. The proposed eaves height of the new build is still low enough so that the facing first floor windows at 36 Dyke Road Avenue will still high enough to receive adequate light. Similarly, the dormer window at 36 will still be at a significant height so that it will still receive appropriate light and outlook and will not be radically affected by the proposed new build.

To protect the amenity of no.36 Dyke Road Avenue, a condition is proposed that the windows and roof lights on the rear (north facing) elevation shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such. This will improve the existing situation where first floor windows at no.36A allow some views into the opposite windows at no.36.

Planning permission was granted for a first floor extension above the existing garage. The proposed scheme also includes a first floor addition in this location of similar bulk and is also deemed appropriate. The rear of 36 is used as a parking area. Parking areas are not deemed amenity areas and an increased bulk in the position above the garage is deemed appropriate as it was in the previous scheme for a first floor addition. Overall, the scheme is deemed appropriate in terms of its impact on the amenity of adjacent properties.

Standard of Accommodation:

Policy QD27 of the Brighton & Hove Local Plan states when determining planning permission the planning authority will endeavour to protect the amenity of an area, including a development's future occupiers.

The layout of the flats comprises a 1 bedroom flat and a 2 bedroom flat on the

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ground floor, a 2 bedroom flat at first floor level, a 2 bedroom maisonette at first and second floor level and a 2 bedroom flat at third floor level. Each flat is accessed via a central hallway and stairs which also includes an internal lift. Due to the layout of the flats, the main habitable rooms receive adequate light and outlook from the south and west elevations. One smaller bedroom in the top floor flat is served by 2 rooflights which are to obscure glazed in order to prevent overlooking into the adjacent facing windows at 36. This means that this room will not be ideal accommodation. However, this flat is served by a larger bedroom with a west facing window. Having regard to the need to protect residential amenity and the fact that this is a secondary bedroom, the inclusion of obscure rooflights to this bedroom is deemed acceptable.

Policy HO3 requires new residential development to incorporate a mix of dwelling and sizes that reflects and responds to Brighton & Hove's housing needs. The mix of flats is deemed acceptable and provides units large enough to accommodate families as well smaller units. Overall that the standard of accommodation provided is acceptable.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. Currently, the existing dwelling enjoys a large walled garden. In order to accommodate for the demand for travel created by the scheme, the garden is proposed to be used for parking. This means that the flats will not have the garden as an outdoor amenity space. Three of the flats are served by balconies which will give some outdoor amenity space and some of the garden area will remain in place including a space in front of the house. Whilst it would be preferable to retain the front garden area a section would be required for parking to accommodate the demand for travel created by the development. It should also be noted the Conservation Officer has not raised an objection to the loss of the front garden area to parking, given that the area is particularly screened by a high wall and does therefore not contribute to the street scene.

Policy HO13 requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The applicant's agent has confirmed that the accommodation will be built to lifetime home standards and within the design and access statement have detailed how the accommodation will meet lifetime home standards. This includes an internal lift, 4 disabled parking spaces, a covered access and threshold, sufficient room for a turning circle, provision for a stair lift and sockets and light switches located at a convenient height.

The Access Officer commented on the original submission and advised that the application submitted required amendments in order to be fully Lifetime Homes compliant. This included widening the car parking spaces, including a leading edge of 300mm to doors and all bathrooms should be easily adaptable to allow side transfer to the WC. The scheme was subsequently amended to include the amendments and the Access Officer has commented that he now feels the scheme is Lifetime Homes compliant.

Traffic Implications:

The scheme includes 4 disabled access car parking spaces and one normal car parking space in the front garden. These spaces are accessed via relocated gates onto Dyke Road Place. The scheme also includes secure and covered cycle storage adjacent the parking spaces for 10 bicycles.

The Traffic Manager has raised no objection to the scheme subject to the cycle and car parking spaces being in place in accordance with the approved plans, the crossover being constructed in accordance with the approved plans and the applicant to enter into a legal agreement to secure a contribution of £3,750 towards improving sustainable transport in the area. A condition is recommended in order to secure the contribution and an informative is to be added advising the applicant to contact the Council's Streetworks Team in order to install the new crossover. Having regard to the inclusion of off-street car parking, suitable cycle storage and the proposed contribution towards sustainable transport infrastructure in the area, the scheme is deemed to accommodate for the demand for travel it creates.

Trees:

Policy QD16 and Supplementary Planning Document 06: 'Trees and Development Sites' seek to ensure the protection of existing trees and hedgerows and that new developments incorporate new tree and hedge planting.

The scheme includes an Arboricultural Report. The report states that all the mature trees are to be retained on site and protected during the construction works. Low level shrubs are to be cut back and the only trees to be removed are two saplings and a dead cherry tree. The Arboricultural Officer has commented that the Arboricultural Report is acceptable and subject to the scheme implemented in accordance with the measures outlined in the report, there is no objection to the scheme.

Sustainability:

Policy SU2 of the Brighton & Hove Local Plan requires developments to demonstrate a high standard of efficiency in the use of energy, water and materials. The scheme also includes a Sustainability Statement for the proposed building which indicates that the scheme will achieve a level 3 in the design codes for sustainability. A condition is recommended requiring the submission of details outlining how this will be achieved.

The statement goes on to state that the scheme includes sustainability measures. One of these commitments is that the building will be 25% more thermally efficient than the requirements of the building regulations. However, no specific details of how this will be achieved have been submitted. It is also claimed that a water usage of 105 litres of water per day will be achieved by the installation of a rainwater harvesting system. The rainwater from the main roof will be collected in a tank under the car park. The rainwater will be refiltered before re-use. The collected water is then pumped back into WC cisterns when the toilet is flushed. In dry summers when no rainwater is collected, the normal water supply tops up the cisterns. Each flat has an electric

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combination boiler. Due to the increase of the efficiency of the external building fabric of the building the heating demand is deemed to be low. For this reason, the applicant decided not to include solar panel hot water heating. Having regard to the above measures and condition requiring the submission of details of an Ecohome rating, the scheme is appropriate in terms of sustainability measures.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. A waste minimisation statement has been submitted with the application to demonstrate how these requirements have been met. The submitted scheme is not considered detailed enough to be acceptable including details of proposed waste contractors. It is important that the proposed contractors are registered with the Environment agency. Consequently, a condition is recommended requesting a further statement giving fully detailed site waste management plan.

Conclusion

In conclusion, it is considered that the proposed new building would be a suitable addition to the street scene in regard to its design and visual impact on the conservation area. Furthermore, the scheme would not cause significant harm to the amenity of neighbouring properties. The scheme is of an appropriate standard in regard to issues of sustainability and accessibility, meets the demand for travel/parking created and would not affect the safety of users of the adjoining highway. It is also considered that the proposal would provide an appropriate standard of accommodation and for the above reasons approval of the application is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

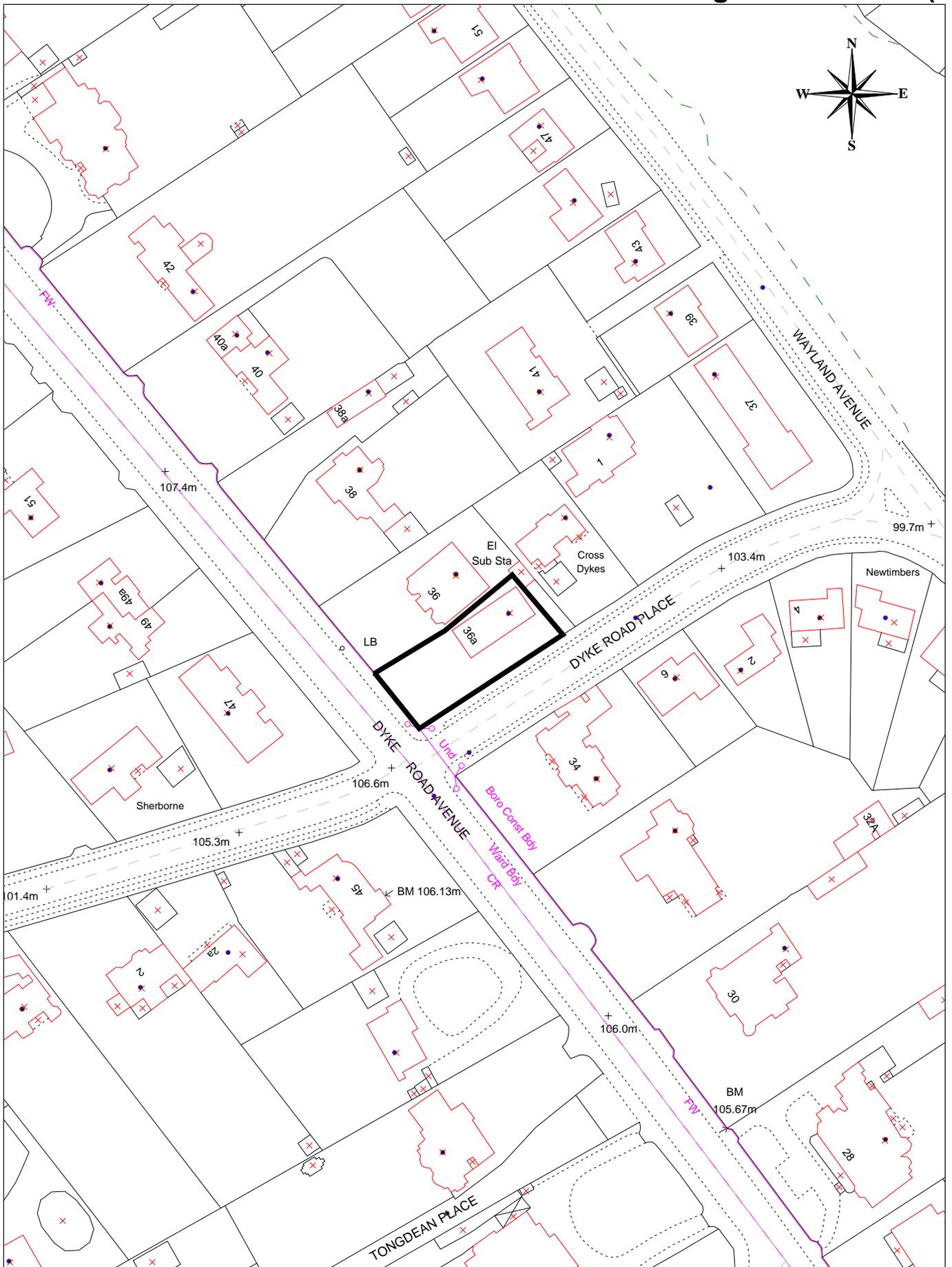
The proposed development, subject to compliance with the above conditions, will not result in a significant loss of light, overshadowing and overlooking given the scale, design and positioning of the building in relation to neighbouring properties. Furthermore, the design, scale and appearance of the building will preserve the character and appearance of the Tongdean Conservation Area. The scheme is also appropriate in terms of its impact on trees on site, parking and the demand for travel in the area and sustainable development.

9 EQUALITIES IMPLICATIONS

The building would have to meet Part M of the Building Regulations, and could reasonably be controlled by condition and be built to Lifetime Homes standards.

LOCATION PLAN

Agenda Item 102(e)



BH2008/02113

SCALE 1:1250

36A Dyke Road Avenue



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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No:	BH2008/02415	Ward:	WITHDEAN
App Type	Conservation Area Consent		
Address:	36A Dyke Road Avenue Brighton		
Proposal:	Conservation area consent for demolition of existing residential dwelling.		
Officer:	Jason Hawkes, tel: 292153	Received Date:	14 July 2008
Con Area:	Tongdean	Expiry Date:	30 September 2008
Agent:	James Breckell Architects, Towerpoint 44, North Road, Brighton		
Applicant:	Mr Stephen Adamson, 36A Dyke Road Avenue, Brighton		

1 RECOMMENDATION

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

Conditions

1. 01.04AA Conservation Area Consent.
2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work is commenced in accordance with a scheme for which Planning Permission has been granted within a period of 6 months following commencement of demolition.
Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the supporting documents including a Design and Access Statement, Arboricultural Report, Sustainability Checklist and a Biodiversity Checklist and drawing nos.211.01A, 03A, 04D, 05E, 06A, 08A, 09A & 10 received on the 19th June and the 21st August 2008.
2. This decision to grant conservation area consent has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below and to all relevant considerations, including Supplementary Planning Guidance and national planning policy.

Brighton & Hove Local Plan:

HE8 Demolition in conservation areas

Planning Policy Guidance:

PPG 15: Planning and the historic environment; and

- ii) for the following reasons:
The existing building is of little architectural merit and detracts from the character and appearance of the conservation area. The building is not

worthy of retention and the proposed building to replace it will improve the visual amenity of the conservation area.

2 THE SITE

The application site relates to a two-storey dwellinghouse on the corner of Dyke Road Place and Dyke Road Avenue. The house is set behind a high garden wall and includes off-street parking in front of the house accessed via Dyke Road Place. It includes a side garage and is timber clad with gable ends. The garden includes several large trees and hedgerows which with the garden wall obscure the house from view on Dyke Road Avenue. Immediately alongside the house to the north is a larger two-storey building at 36 Dyke Road Avenue, which is divided into 5 flats. To east of the site is a sub station and 'Cross Dykes', which is a two-storey dwellinghouse set a lower ground level.

The site is set within Tongdean Conservation Area which was recently extended to include properties on Dyke Road Avenue. The Conservation Area Statement states that the character of the area is that of a well-to-do residential suburb with impressive individual large houses, imposing boundary walls and extensive mature greenery. Its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with mature street trees and dense garden and boundary planting. This area developed ahead of the suburban spread of Brighton & Hove into the country, as a quasi-rural 'hamlet' for well-to-do Edwardians. The area remains low density in character with many properties still in use as single houses. Dyke Road Avenue is heavily trafficked by vehicles, contrasting with the much quieter Tongdean Avenue, but all are little used by pedestrians. Dyke Road Avenue in particular is characterised by large houses of traditional design set in substantial grounds many of which are set behind high boundary walls and hedges.

3 RELEVANT HISTORY

Permission was granted for the erection of a dwelling and a garage on the land adjacent to no.36 Dyke Road Avenue in 1961 (**60/2021**).

In 2005 planning permission was granted for alterations and extensions to the dwellinghouse to form a first floor extension above the garage to form a self-contained annexe (**BH2004/03619/FP**). This was a resubmission of a withdrawn application for a similar scheme.

Recently, permission was sought for the demolition of the building and the construction of residential apartment to form 6 flats (**BH2008/00703**). This application was withdrawn following advice that the proposed modern art deco design was inappropriate in this location.

4 THE APPLICATION

Conservation area consent is sought for the demolition of the existing dwellinghouse.

5 CONSULTATIONS**External:**

Neighbours: One letter has been received from **43 Wayland Avenue** objecting to the scheme on the following grounds:

- The new block of flats is not in keeping with Dyke Road Avenue. In this area, there are no purpose built blocks of flats. This is an overdevelopment of the site.
- The increase in traffic in and out of the property will cause noise disturbance for adjacent residents and will be hazardous for residents and road users. Dyke Road Place is already a rat run. The parking area proposed is also too small and the scheme will lead to an overspill of parking in the local area. The trend of converting front gardens to parking areas should be discouraged.
- The existing property is a classic example of 60s design.
- The scheme will be out of the price range for most young people to get onto the housing ladder. There is also no requirement for social housing and the scheme appears to be only for the financial benefit of the current owners.
- Recent development in Dyke Road Place has not proved successful and has remained unsold. Any additional vacant properties that cannot be sold may attract those who unlawfully occupy property.

CAG: No objection to the demolition of the existing building subject to the approval of a suitable replacement building.

Internal:

Conservation & Design: Number 36A is an uninspiring house and its replacement is welcome. The proposed building has been designed to have the appearance of a large Edwardian house that has been converted to flats, rather than as a purpose built block. Given that the adjacent house has been converted to 5 flats and that the overall footprint size and height of the two are similar, the principle of a block of 5 flats is considered acceptable. Consequently, there is no objection to the demolition of the building.

6 PLANNING POLICIESBrighton & Hove Local Plan:

HE8 Demolition in conservation areas

Planning Policy Guidance:

PPG 15: Planning and the historic environment

7 CONSIDERATIONS

The demolition of the existing house requires conservation area consent due to its location within the Tongdean Conservation Area. National planning policy concerning the historic environment (PPG15), states that where demolition within a conservation area is proposed, the prime consideration is the preservation or enhancement of the character or appearance of the area. It states that account should be taken of the part played in the architectural or historic interest of the area by the buildings for which demolition is proposed. It also advises that the wider effects of demolition on the building's

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surroundings and on the conservation area as a whole should be taken into consideration and that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of the area. Policy HE8 of the Brighton & Hove Local Plan also states that buildings which make a positive contribution to the character or appearance of a conservation area should be retained.

The site lies within the Tongdean conservation area and the character appraisal for the area notes that its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with substantial boundary walls, mature street trees and dense planting. The steep pitched roofs, gables and prominent chimneys are an attractive characteristic of the area. The majority of properties within the conservation area remain in residential use, most as single houses, though some large houses have been sub-divided into flats.

Number 36 is a typical red brick and tile-hung Edwardian house with rendered canted bays and slate roof, but on a larger scale than most of the period. It originally stood in very large grounds, with an imposing boundary wall on two sides, but in the early 1960s the existing house at 36a was regrettably built within the original grounds and the plot divided. The Conservation Officer has stated that number 36a is architecturally undistinguished house built very close to number 36. The closeness of the two properties is uncharacteristic of the spacious layout of the area. Number 36a is located on a prominent corner site but is significantly screened by the high boundary wall and mature trees and does not compete with its neighbours. On the basis that the existing house is unworthy of retention, the principle of replacing the existing house is welcome.

The Conservation Officer has commented that the proposed density of the development is significantly higher than is typical of both the Conservation Area and the wider neighbourhood, but the reduction of 6 flats to 5 from the previously withdrawn scheme is an improvement. Unlike the previously withdrawn scheme for this site, the proposed building has been designed to have the appearance of a large Edwardian house that has been converted to flats, rather than as a purpose built block. Given that the adjacent original house has been converted to 5 flats and that the overall footprint size and height of the two are similar, the principle of a block of 5 flats is considered acceptable. The Conservation Officer also feels that the design and appearance of the proposed apartment block is acceptable subject to the submission of further details and samples of materials.

As the replacement building is deemed appropriate in terms of design and the existing building does not preserve the character and appearance of the conservation area, no objection is raised to the demolition of the existing building.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The existing building is of little architectural merit and detracts from the character and appearance of the conservation area. The building is not

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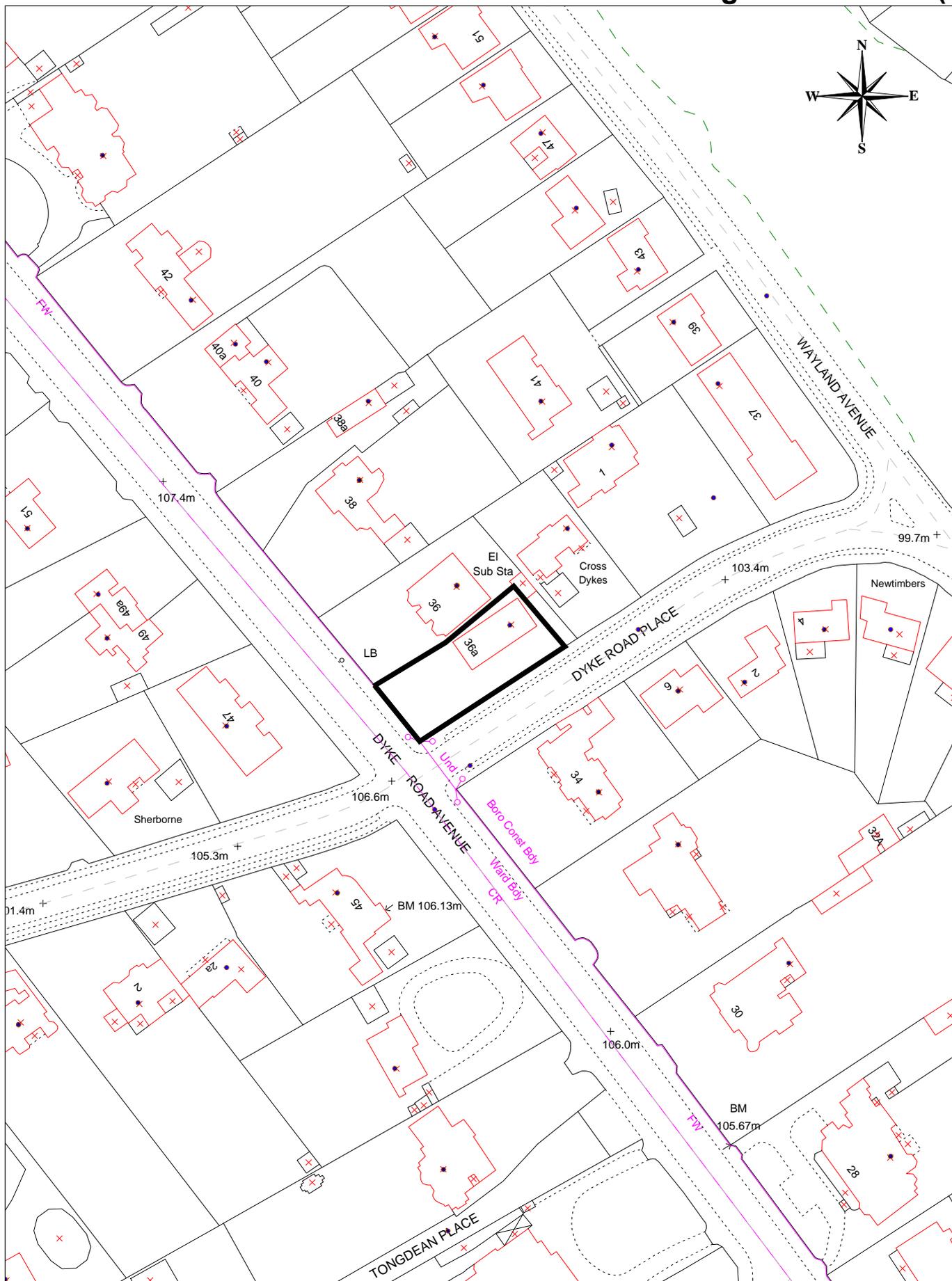
worthy of retention and the proposed building to replace it will improve the visual amenity of the conservation area.

9 EQUALITIES IMPLICATIONS

None.

LOCATION PLAN

Agenda Item 102(e)



BH2008/02415

SCALE 1:1250

36A Dyke Road Avenue



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