

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

<u>No:</u>	BH2010/00692	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Outline Application Some Matters Reserved		
<u>Address:</u>	Land West Of Redhill Close, Westdene, Brighton		
<u>Proposal:</u>	Outline application for 31 dwellings (0.62 ha) with public open space (2.11 ha) and approval of reserved matters for layout, access and landscaping		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	19 March 2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 June 2010
<u>Agent:</u>	Genesis Town Planning, 26 Chapel Street, Chichester		
<u>Applicant:</u>	Braybon Holdings Ltd , C/O Genesis Town Planning, 26 Chapel Street, Chichester		

1 RECOMMENDATION

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

s106 Heads of Terms:

1. twelve (12) units of affordable housing (38.7%)
2. transfer of 2.11 hectares of open space to the Council for recreational use
3. implementation and laying out of infrastructure within the Open Space Land to an agreed specification (to include, landscaping, informal play space, footpaths/cycleways and sports pitches)
4. transfer of the scout hut and a portion of the Open Space Land to the Scout Association
5. Release of the land the subject of the application from the covenants contained in the agreements dated 11 October 1938 and 13 February 1939 under the Town & Country planning Act 1932 requiring the retention of the land for sport, play, rest, recreation and ornamental garden or pleasure ground.
6. Construction Environmental Management Plan
7. £25,000 Scout Hut
8. £151,000 Education Contribution
9. £37,000 Transport Contribution
10. £137,000 Open Space Maintenance Contribution
11. £25,000 Outdoor Recreation Space Contribution

Regulatory Conditions:

1. BH01.02 Outline Planning Permission. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. BH01.03 Reserved matters. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) scale;
 - (ii) appearance;b) The reserved matters shall be carried out as approved.
c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be carried out in accordance with the approved drawings no. Site Survey Ref S01/A, Location Plan Ref S02, Indicative Site Layout Ref P01, Indicative Site Sections Ref P02, and the following supporting documents, Design Statement: OSP Architecture; Sustainability Statement and Checklist: Blue Sky Unlimited; Ecological Assessment: Hankinson Duckett Associates; Landscape and Visual Impact Assessment: Hankinson Duckett Associates which includes drawing HDA5 – landscaping and ecological masterplan and HDA6 – playspace elements; Flood Risk Assessment: Monson Engineering; Tree Survey Report: Simon Pryce Arboriculture; Open Space and Recreation Assessment: Humberts Leisure; Transportation Assessment: Motion Consulting; Waste Minimisation Statement; Statement of Community Involvement: Nex Communications; received on 9 March 2009.
Reason: For the avoidance of doubt and in the interests of proper planning
4. BH11.02 Landscaping / planting (implementation / maintenance). No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
5. BH02.03 No permitted development - extensions and amenity. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and

re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. BH04.01A Lifetime Homes. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

7. BH06.01 Retention of parking area. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

Pre-Commencement Conditions:

8. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and
- b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

9. BH11.03 Protection of existing trees. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the

interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

10. No development shall take place until a Nature Conservation Report assessing current nature conservation interest and setting out a scheme to protect and enhance such interest as been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

Reason: In the interests of nature conservation and in accordance with policy QD17 of the Brighton & Hove Local Plan.

11. BH02.08 Satisfactory refuse and recycling storage. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

12. BH06.02 Cycle parking details to be submitted. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

Pre-Occupation Conditions:

13. BH05.02B Code for Sustainable Homes – pre-occupation new build residential. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4

of the Brighton & Hove Local Plan.

15. No development shall commence until a scheme to enhance the nature conservation interest of all of the land other than the open space land has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

Informatives:

1. IN.05.02A Code for Sustainable Homes. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
2. IN05.07A Site Waste Management Plans. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:
www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
3. IN05.10 Hardsurfaces. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. IN04.01 Lifetime Homes. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. There is currently inadequate capacity in the local network to provide foul sewage disposal to the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to serve the development. The applicants are advised to enter into formal agreement with Southern Water to provide the necessary

sewerage infrastructure.

6. This decision to grant Planning Permission has been taken:
7. In the absence of adequate turning space for fire appliances the applicants are advised to contact the Fire Safety Officer to discuss the possible need to provide an automatic sprinkler system.

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

The South East Plan – May 2009:

SP2	Regional hubs
SP3	Urban focus and urban renaissance
SCT1	Core strategy
SCT6	Affordable housing

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related difficulty
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Waste management
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
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning Obligations
HO1	Housing sites and mixed use sites with an element of housing

HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH16	Energy Efficiency & Renewable Energy

Supplementary Planning Documents:

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

Planning Policy Guidance Notes:

PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation

Planning Policy Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing; and

(ii) for the following reasons:-

The proposed development of private open space which is overgrown and not accessible to the public with a development of 31 dwellings, of which 12 are affordable, and the transfer of approximately two-thirds of the land to the Council, laid out as open space with a sport pitch, informal play areas and enhanced ecologic site, together with a maintenance contribution, represents a significant benefit to the local community. The proposal would achieve a high level of sustainability and is considered to be acceptable in terms of access and layout and impact on the amenities of surrounding properties and highway implications.

2 THE SITE

The application site forms a disused private sports ground of 2.73 hectares, located on a ridge on the northern outskirts of the city. It appears that the sports ground was last used for organised sport in 1992 and it has since become overgrown and neglected. It contains a number of trees and is partially covered by a Tree Preservation Order. There are three accesses into the site, from Millcroft, Redhill Close and Valley Drive, although the latter

two are currently closed off. The surrounding area is residential and the rear gardens of existing houses back onto the application site. Surrounding houses are generally at a lower level than the sports ground and have sloping rear gardens. There is a scout hut in the north west corner of the sports ground, which shares the access from Millcroft.

3 RELEVANT HISTORY

BH2006/01436: Outline application for residential development (1.13 hectares) & use of remainder of site as open space with community building, hard surface play area, junior sports pitch, children's play area, nature area, free play area & associated car, cycle & coach parking (1.6 hectares). Withdrawn 29/7/09.

BH2004/03591/OA: Amended outline application for informal public open space, shared use junior sports pitch, new school and centre for the blind, partially sighted and physically disabled. Refused 25/02/05 – Subject to appeal.

BH2003/03442/FP: Erection of 112 affordable residential units (including 14 disabled units), public open space, wildlife area, children's play area, recycling area together with vehicular access onto Redhill Close, pedestrian and cycle links to Valley Drive and Millcroft, associated road works and landscaping. Refused 26/02/04 –Subject to appeal.

BH2003/03369/OA: Outline application for the construction of a new community centre, car park and entrance road. Granted 19/12/03.

BH2003/02154/FP: Erection of 112 affordable residential units (including 14 disabled units), public open space, children's play area, recycling area together with vehicular access onto Redhill Close, pedestrian and cycle links to Valley Drive and Millcroft, associated road works and landscaping. Withdrawn 01/09/03.

BH1999/01118/FP: Erection of 45 detached houses and garages with associated access road and designation of 1.25 acres as public open space. (Duplicate planning application). Refused 11/11/99. Subsequent appeal dismissed 29/08/01. The Secretary of State (SOS) noted that the Council would be unlikely to meet its housing requirements wholly on brownfield sites. However he agreed that the ad-hoc release of Greenfield land was contrary to PPG3 guidance. There was inadequate evidence of an assessment against the PPG3 search criteria to justify this Greenfield proposal ahead of more sustainable development on a previously developed site. The SOS considered that the proposed density (21.42 dwellings) fell below the recommended minimum in PPG3. He recognised that the proposed 11 affordable dwellings would contribute towards meeting need but did not believe this to be an overriding consideration. The proposed parking provision (2.9 spaces per dwelling) would significantly exceed PPG3 guidance. The SOS noted Government policy protecting playing fields but also recognised that the Redhill Close site had no public access, was neglected and that Westdene ward did not have a shortage of recreational open space. A financial contribution to off site recreational space was proposed and the SOS felt that this could, subject to further clarification, be sufficient to compensate for the loss of most of the former playing field.

Conflicts with PPG3 and adopted and emerging local plan policies outweighed any benefits. The Secretary of State also dismissed applications to discharge or modify 1938 and 1939 agreements under the Town and Country Planning Act 1932 which restrict the use of the land.

BH1998/01913/FP: Erection of 45 dwellings and garages. Withdrawn 06/12/99.

BN89/2084/OA: Outline application for the erection of 44 detached houses and garages together with new access road off the north end of Redhill Close including pedestrian access between Nos. 142 and 144 Valley Drive. Withdrawn 12/12/89.

BN76/687: Erection of 2 detached houses, 6 detached bungalows, 8 garages and off street parking (Approval of reserved matters on 72/4227). Granted 06/07/76.

- **72/4227:** Outline application for layout of hockey, cricket and football pitches and tennis courts, social centre (Pavilion), instruction and test room (Scouts) and eight detached houses and one bungalow. Granted 07/08/73. This application and BN76/687 relate to Nos. 5-21 Redhill Close. The proposed social centre/pavilion would have been adjacent to No. 7 Redhill Close, but was never constructed.

Scout hut in north-east corner of site:

BH1998/02637/OA: Demolish existing scout hut and re-build using existing foundations where appropriate, a two storey headquarters. Undetermined.

BH1997/01107/OA: Demolish existing scout hut and re-build a two-storey scout headquarters. Refused 10/12/97 on grounds of bulk, design and relationship to adjoining properties, unneighbourly and incongruous development and out of character with locality.

66/1360: Westdene Scouts and Guides HQ with entrance from Millcroft. Granted 25/10/66.

4 THE APPLICATION

Outline planning permission is sought for the development of the southern part of the site for a residential development of 31 residential units and the northern part for recreation and community facilities. The development consists of:

Residential development (0.62 hectares):

- Total of 31 units, with vehicular access from Redhill Close. Density 50 units per hectare.
- Pedestrian access from Valley Drive and Millcroft.
- 19 units / 61.3% to be market housing, 12 units / 38.7% to be affordable.
- Open market units: 10 x 4-bed (2.5 storey) houses (106m²), 4 x 3-bed (2.5 storey) houses (93m²), 5 x 3-bed (2 storey) houses (88m²).
- Affordable housing: 4 x 1-bed flats (51m²), 5 x 2-bed flats (66m²), 3 x 3-bed houses (86m²).
- Each house has a private garden, flats are adjacent to open space and informal play area of 170m².
- Parking: 55 spaces – 1 per dwelling for 1 to 3 bed units, 2 spaces for the 11 4-bed units, plus 13 visitor spaces.

Community area – (2.1 hectares):

- This area set as open space, landscaping and woodland.
- Informal junior football pitch in centre of site - 68.25m x 42m.
- Informal play areas: 230m² and 1,800m².
- Enhanced ecological area: approximately 75m x 25m / 1,875m².
- The existing scout hut to the rear of Nos. 35-39 Millcroft is to be retained and upgraded.
- The land will transfer to the Council with a Section 106 contribution for maintenance.
- Lease of Scouts hut to be transferred to the Scouts.

5 CONSULTATIONS

External

Neighbours: A total of 32 objections have been received from **37 Dene Vale; 37 Eldred Avenue; 8, 40 Glenrise; 53 Hillcrest; 9, 19, 23, 29, 31, 39, 43 Millcroft; 1, 7, 9, 15, 21 Redhill Close; 15, 16, 17, 21, 28, 29, 30, 33, 34, 35, 41, 43, 45, 49 Redhill Drive; The Outlook Foundation (c/o 74 Redhill Drive)** , for the following reasons:

Principle / design:

- This is a Greenfield site. National and local planning policies state the Brownfield sites should be developed first and that private open space should not be built upon.
- There is a lack of easily accessible open spaces in Westdene, and no large play areas. This is the only site which is potentially suitable in the area for a sports field.
- The outline application is for 0.62ha of the field and 2.11ha public open space. This will create a precedent for further development on the site.
- The recreation part of the site should be protected by being gifted to “Fields in Trust” ensuring the land remains as a recreation ground in perpetuity.
- Restrict covenants on the land make the land a sports field for local residents in perpetuity.
- The gap between the two rows of houses could be developed with a road to serve further housing development.
- This is an isolated site for social housing with few amenities.
- Existing facilities - doctor’s surgery, schools, sewers, may not be able to cope with this large development.
- Do not agree to the fact that in a nice area you feel the need for council accommodation. It only takes one family to bring trouble to the area. Westdene has very little crime. Don’t want property values to be affected.
- A suburb, with few local shops and amenities, is not the best place for affordable housing. Families with young children and elderly people would prefer to be close to shops etc.
- Who will bear cost of maintaining open space.
- The proposed development is not the only way to bring open space into public use. The owners could take down fencing and allow local residents access to the land.

- Decimation of natural wildlife and habitats in the area. There is a badger sett located in the rear garden of 32 Redhill Drive (opposite Redhill Close) which were originally forced off the site when the properties were built in Redhill Close. Whilst the reports state that further investigation is needed is required to determine what actually lives on the site, feel that this will be inadequate.
- The terrace houses with small gardens are out of keeping with the character of the area. Town houses would be too high on this hill top; would dominate the area. Buildings with lower roof-lines and more clearance between existing and proposed properties would ameliorate this concern.
- Oppose the loss of any trees, as these take many years to replace.
- The previously proposed green corridor to the southern boundary intended to provide security to and protect neighbouring gardens has been removed to simply cram as many houses as possible on the site.
- The sports field is inadequate for use by local football / rugby teams as it is not a full size.

Traffic implications:

- No parking facilities for people who use the open space. This will increase parking and congestion in Millcroft.
- Increase in noise and disturbance from extra traffic.
- Inadequate site access. Access is from a busy road, near a dangerous junction. Hard to see how the extra traffic from the development can be accommodated.
- Car parking spaces to the rear of 9 Millcroft will cause disturbance with headlights shining into a first floor bedroom. Request trees be planted the whole width of the garden to protect privacy.
- Inadequate parking provision.
- Local bus services are poor. Residents in affordable housing may have problems getting to shops and will be heavily dependent on cars.
- Whilst cycle use is encouraged, people will rely on cars.

Impact on residential amenity:

- Concerned over security to the back of surrounding properties and anti-social behaviour.
- Who will be responsible for maintaining fence between the site and neighbouring properties. Locked gates should be provided in the fence so that surrounding residents can access public land directly.
- Can Southern Water give assurances that water services to surrounding properties are not going to be affected by the development of this high site.
- Noise and disturbance during construction, which will take some considerable time.
- Noise and disturbance from addition traffic and access road.
- The Human Rights Act 1998 provides that every person is entitled to the peaceful enjoyment of his possession, including his home.

- Proposed housing close to the perimeter of the site will overlook neighbouring properties. These properties should be moved further into the site.
- Heavy rain could cause surface flooding and give problems to houses below.
- The terraced houses above Redhill Drive will overlook gardens and being at a higher level will overlook upper storeys. Screening by trees will be ineffective in winter.
- Westdene has no Community Centre and the suggest use of the Scout hut will not provide a range of amenities.

Suggestions:

- Fewer and larger houses would be more in keeping with the area, which would mean less traffic in the area.
- The site should remain as open space.
- Would not object to a development of 10-12 houses.
- Management of the open space must be agreed before consideration is given to the development.

4 letters of support from 23 Copse Hill; 20, 40 Glen Rise; 66 Redhill Drive: Support the application for the following reasons:

- The proposal is a fair compromise and would provide an attractive and useful public area as well as an acceptable number of houses. Scheme must be implemented in full to transfer the ownership of the public space land with an appropriate contribution for maintenance.
- Congratulate the Westdene & Withdean Community Association for its 10 year negotiation for local interest and consider this scheme to be a reasonable balance to enable a development to proceed in everyone's interest.
- The site has been referred to as precious green space and a loss of amenity space; disagree with this view. The site is close to National Park which contains thousands of acres of green space and this site consists of mainly unused and uncared-for scrubland. The development seems very restrained leaving the bulk of the site as proper amenity space for public use which the area needs.

The Westdene and Withdean Association (c/o 49 Redhill Drive): Support the application on the following basis:

- The gifting of 2.11ha of land for recreational use in perpetuity, with an agreement for maintenance, is an exceptional benefit to the local community.
- The open space should be gifted to "Fields in Trust" (FIT), formerly the National Playing Fields Association, by Section 106 Obligation. Believe this would be the only way that the land would be safeguarded in perpetuity as recreational land.
- Do not support the gifting of the land to the Local Authority as there would be no guarantee that it would be protected from further development over

time. Promises and guarantees can be given by the Local Authority but political realities and central government policies change and the only watertight method of safeguarding is through transfer to FIT.

- It is essential that the recreational land is properly maintained and support the proposal for the Parks Department to take responsibility.
- This is an outline application and the Association will make further comment at the reserved matters stage on issues such as the capacity of existing drainage to cope with the development, proper boundary screening to prevent overlooking, increased in car journeys on the local road network, inadequate parking, potential for antisocial behaviour, capacity of Westdene School, restriction of contractors working hours.

Sussex Police: No objection. The location is in an average crime risk area compared to the rest of Sussex and do not identify any major concerns with the proposal. Pleased to note that the Design and Access Statement gives details of crime prevention measures. Detailed design comments have been made to the applicant, such as changes of colour or texture to road surfaces and positioning of windows for surveillance and to reduce anti-social behaviour, which should be taken into account in the final design stage of the application.

Environment Agency: No objection.

Fire Safety Officer: Plans do not indicate a satisfactory access for fire appliances as will be required by Building Regulations. Although this can be dealt with at Building Regulations stage and can be achieved this will require alterations to the site plan unless parts of the development are fitted with automatic sprinkler systems.

Southern Water: There is currently inadequate capacity in the local network to provide foul sewage disposal to the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to serve the development. Request conditions that the applicant enters into a formal agreement with Southern Water to provide the necessary sewerage infrastructure.

Sports England: No comment. The site is not considered to form part of, or constitute a playing field as defined in Article 16 (1) the Town and Country Planning (Development Management Procedure) (England) Order 2010.

District Valuer: We were advised that the provision of 40% affordable housing which achieves Code for Sustainable Housing (CSH) Level 5 and a tenure mix reflecting a split of 55% & 45% for social rented and intermediate homes is the baseline for a policy compliant scheme. Additionally the assessment allows for Section 106 contributions. We were asked to consider the scenarios for a range of housing mix (rented /intermediate) which meet Code Levels 4 and 5.

The land is subject to covenants which restrict its use to open space and impacts on the existing land value. Taking all factors into account it is considered that the scheme can deliver the policy requirements of the Council in terms of levels of contributions and attain Code for Sustainable Housing level 5, to produce an acceptable level of profit to motivate the landowner to bring forward the development.

Internal:

Sustainable Transport: No objection subject to a contribution of £36,450 towards sustainable transport measures.

- Car parking: The proposed level of general parking, which is a proposed total of 55 spaces including 3 disabled parking spaces, meets policy requirements.
- Cycle parking: A requirement of 31 spaces for residents and 10 for visitors should be met.
- Sustainable modes and contributions: The applicant's Transport Assessment includes limited consideration of local provision for sustainable modes. Cycle access to and from the site is good with lightly trafficked roads connecting to defined cycle routes/ lanes. There is scope for improvements to bus stops near the site. A contribution should be sought to enable the council to prioritise and implement measures to encourage the use of sustainable modes locally. The applicants on request have used the TRICS database to produce acceptable estimates of the number of 24 hour person trips likely to be generated by the development. Using these estimates in the standard contributions formula suggests that a contribution of £36,450 would be appropriate.
- Local traffic impact: The applicants have carried out local traffic counts and estimated and considered the potential impact of the traffic likely to be generated by the development. This demonstrates that the impact is very likely to be negligible. Accident records for the area surrounding the site have also been considered and there are no accident blackspots which will become more hazardous as a result of the proposal.
- Layout: The applicants propose that the site access road and footway and the footways across the site should become adopted highways/ public footpaths and a condition requiring them to enter into a S38 adoption agreement should be applied. As part of this adoption process the detailed layout will be subject to revision and the revisions made should include the widening of the access footway from 1.5m to 2m and the provision of coloured surfacing to demarcate the footway along the section driven across by vehicles accessing the visitors parking spaces in the north east corner of the site.

Planning Policy: Regard to PPS3 and the South East Plan should be given. The South East Plan currently forms part of the Development Plan however the Government has published the Localism Bill that confirms its intention to abolish Regional Spatial Strategies and thus regional housing targets. This is a material consideration however the South East Plan, regional housing target and PPS3 remain in place until replaced by the Localism Act (expected early

2012) and proposed National Planning Policy Framework respectively. In this context, the contribution of the proposal towards meeting housing targets is welcome but must be weighed up against loss of open space and the impending changes to national policy. It is considered that the provision of housing on this site is not sufficient in itself to override the open space policies. However where a proposal is finely balanced, as in this case, the benefits of housing help tip the balance. Additionally, regard should be given to the merits of retaining much of the land which will be improved and opened up for public use and transferred to the Council, together with a contribution to help secure the provision, and improvements to the Scout hut.

Whilst the loss of open space does not strictly accord with policy it is considered that provided all the benefits proposed by this scheme can be secured then an exception to policy can be justified.

Following consideration of the District Valuer's Report, the current status of the South East Plan (and housing targets) and all relevant issues, including the unique planning history of this site, it is considered that on balance the proposed loss in open space is acceptable in policy terms and this proposal as a whole can be considered favourably.

Sustainability Officer: This is a Greenfield site. Supplementary Planning Document SPD08 requires developments on such sites to achieve Level 5 of the Code for Sustainable Homes. The application proposes to achieve this level.

City Parks: The principle of preserving this space as public green space is welcomed and supported. Subject to terms and conditions (eg layout, maintenance contribution etc) the transfer of the open space at Redhill Close to the ownership/control of Brighton & Hove City Council would be accepted. In view of the nature of this proposal, it is considered a financial contribution (in accordance with SPG9) will be required to address the outdoor recreation space requirements of the proposed residents.

Housing Strategy: Welcome the provision of 12 affordable homes (38.7%) Would welcome one additional affordable unit to bring the percentage of affordable homes to 40% as sought by policy HO2. Understand that the feasibility of providing the additional unit on site is being considered by the District Valuer. Based on mixed tenure of 45% shared ownership/intermediate and 55 % rented, the scheme provides a 5 intermediate units and 7 units for rent, of which 10% should be to wheelchair standard

Arts Officer: Assessed against policy QD6 Public Art, the development which has an internal gross area of the development approximately 2,669m², should provide an arts contribution of £21,000. Welcome the applicant's agreement to secure a contribution by Section 106 Obligation.

Arboriculturist: No objection. There are lots of trees on the site, some of

which are covered by Tree Preservation Order (No 8a) 1976. In the vicinity of the development, there is one group of trees and one area of trees that are covered by TPO that may be lost should planning consent be granted. They have been surveyed by the arboricultural consultant, who found most are of low quality and value. The Arboricultural Section is in agreement with these findings and we would find difficulty in finding individual trees to place under Preservation Order. Any approval should be conditional that trees that are to remain on site are to be protected to BS 5837 (2005) Trees on Development Sites, the submission of a landscaping plan showing replacement trees with screening to be provided at the rear of numbers 19, 20 and side of 22. Any other properties that are bare of boundary screening should be planted up. The proposed new park gives scope for copious amounts of tree planting and I would expect to see this on any landscaping proposals.

An Arboricultural Method Statement should be provided showing temporary access to the site during the development to protect the root plates of trees at the Redhill Close entrance. A further AMS should be provided to show the final roadway / construction / wearing course etc in the vicinity of these tree

Ecologist: Policies QD17 and QD18 of the Brighton & Hove Local Plan apply to nature conservation and species protection. The site is not covered by a nature conservation designation and the application includes a preliminary ecological assessment demonstrating local nature conservation interests. Recommend that any approval be subject to a condition requiring a nature conservation report to be submitted with reserved matters including production of management plan for the area for a period of no less than 5 years including responsibilities for maintenance.

Capital Strategy and Development Planning: No objection subject to an education contribution of £151,330 towards the cost of providing educational infrastructure for the school age pupils the development would generate.

6 PLANNING POLICIES

The South East Plan – May 2009:

SP2	Regional hubs
SP3	Urban focus and urban renaissance
SCT1	Core strategy
SCT6	Affordable housing

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network

PLANS LIST – 16 MARCH 2011

TR18	Parking for people with a mobility related difficulty
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Waste management
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
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning Obligations
HO1	Housing sites and mixed use sites with an element of housing
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH16	Energy Efficiency & Renewable Energy

Supplementary Planning Documents:

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

Planning Policy Guidance Notes:

PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation

Planning Policy Statements:

PPS1 Delivering Sustainable Development

PPS3 Housing

7 CONSIDERATIONS

Background:

This is an outline application which seeks to establish the principle of development on the site for housing and open space. Details of the site layout, access and landscaping have been submitted. Matters pertaining to the appearance and scale are reserved for subsequent approval although preliminary details have been submitted to give an indication of the type of development proposed.

There is a long history of proposals to develop this land, usually for residential use, including a refused scheme in 2003 for 112 affordable residential units and associated open space, and a scheme withdrawn in 2009 for a residential development of 42 units with the remaining 1.6 hectares of as open pace with community building, play area and sports pitches and a nature area. The relevant planning history is detailed in Section 3 of this report.

The main issues for consideration in the determination of the application relate to the loss of a portion of the open space and the principle of housing on this unallocated Greenfield site, together with the impact of the development upon neighbouring residential development, ecological implications, traffic and transport issues.

Principle of development:

The site consists of a disused sports ground 2.7 hectares in size, which is surrounded by residential development. This is a Greenfield site which is privately-owned land and offers no recreational facilities to local residents since the former football pitch has been abandoned, become overgrown and closed to public access.

Regard in the determination of this application should be given to PPS3 and the development plan.

The South East Plan and regional housing target and PPS3 remain in place until replaced by the Localism Act (expected early 2012) and proposed National Planning Policy Framework respectively. In this context, the contribution of the proposal towards meeting housing targets is welcome but must be weighed up against loss of open space and the impending changes to national policy. It is considered that the provision of housing on this site is not sufficient in itself to override the open space policies. However where a proposal is finely balanced, as in this case, the benefits of housing help tip the balance. Additionally, regard should be given to the merits of retaining much of the land which will be improved and opened up for public use and transferred to the Council, together with a contribution to help secure the provision, and improvements to the Scout hut.

Policy QD20 of the Local Plan generally resists the loss of areas of public or private open spaces that are important to people because of their recreational, community, conservation, economic, wildlife, social or amenity value. The loss of such areas of open space will only be permitted in exceptional circumstances, for example where it can be demonstrated that the proposal is essential to meet social, environmental or economic needs which cannot be met elsewhere. Where such exceptional circumstances apply, alternative accessible open space provision of a suitable size and type will be required as part of the scheme.

Policy SR20 protects outdoor recreation space unless it can be demonstrated that the land is not an important open space as set out in policy QD20. Exceptions apply where there is not an existing deficiency in the locality, where the sports recreation and amenity facilities can best be retained and enhanced through the redevelopment of a small part of the site, and when the proposal is of benefit to the local community, provides similar community and amenity facilities and is in a suitable location so as to serve the original catchment area. Particular attention will be paid to the need to retain playing fields.

Current Local Plan open space standards are based upon the former National Playing Field Association (NPFA) standards. The emerging Core Strategy applies local standards recommended by Open Space, Sport and Recreation Study produced, in accordance with PPG17, by consultants for Brighton & Hove City Council. This PPG17 study assessed current provision and analysed the findings of consultation to assess local open space needs before recommending local standards for the city. The study did not identify any surplus open space and in view of the predicted increase in population additional open space was found to be needed to meet the recommended standards in future.

The application is accompanied with an Open Space and Recreation Study which examines the open space, sport and recreational requirements of the area in terms of both the current open space standards and the recommended local open space standards which indicates there are open space requirements within the area. It suggests how part of this site, which is currently inaccessible to the public, could help meet the requirements.

The applicants assessment identifies existing provision and concludes that there is a shortage of junior sports pitches, informal play areas for children between 4 and 6 (which should be a minimum of 100m²) and equipped play areas for the unsupervised use of children between 8 and 14 (which should be a minimum of 1,000m² and provide 8 types of play equipment). The proposal provides for a junior sports pitch and informal play areas.

Whilst the land forms open space, it is not usable by local people. This proposal therefore has merit in that the area retained as open space will be improved, opened up for public use and transferred to the council's ownership

to help secure the public access. The applicant has sought to minimise the amount of housing development necessary to 'enable' the proposed enhancements to the retained open space. The proposed open space enhancements are the result of detailed consideration of the open space requirements, the past use of the site, topography and have taken into account the ability of City Parks to adopt and maintain the site in future as well the resultant requirements that this would place upon the applicant. On this basis the proposal is considered to be within the spirit of policy SR20 (protection of public and private outdoor recreation space) and QD20 (urban open space) which seek to resist the loss of open space and recreational facilities in order to protect the general public's interests. The proposal is an enabling development which through the provision of housing on part of the site enables a genuine gain to the community. The public benefits include the provision of public access in perpetuity to the retained open space, which will be improved and made fit for purpose.

The land to be transferred for community use amounts to approximately 77% of the total land area and a financial contribution of £137,500 will be provided for maintenance. Contributions are also to be made towards improving sustainable modes of transport in the vicinity of the site, an education contribution towards the provision of primary and secondary education, and a contribution of £25,000 to upgrade the adjacent Scouts hut.

For these reasons it is considered that there are exceptional circumstances which make the scheme policy compliant and acceptable in principle.

Development mix and layout:

The site's last use is as a sports ground, although this use ceased many years ago. The site has never previously been developed and without any specific Local Plan designation, is not identified as a housing site. The site is to be developed for housing and open space. PPS3 Housing places a strong emphasis upon the effective and efficient use of urban land.

Local Plan policies QD3 and QD4 also encourage efficient use of urban land, permitting residential development where it can be achieved without detriment to surrounding development and the areas capacity to accommodate the proposal. The policies states that proposals for backland development will be rigorously examined in respect of its impact on nature conservation, amenity and the quality of spaces between buildings. HO4 permits residential densities at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and architecture, includes a mix of dwelling types and sizes, is well served by public transport and local services and respects the capacity of the local area to accommodate additional dwellings. The Urban Characteristic statement for Westdene and Withdean states that the neighbourhood is dominated by one an two storey detached and semi-detached residential development, much of it in large plots, with a smaller number of tree to four storey blocks of flats, resulting in a gross density of 10 dwellings per hectare.

Unlike application BH2003/03442/FP which was for 112 affordable houses, it is considered that whilst development of the entire site for residential purposes was not justified given the Council's allocation to meet housing needs, this application by providing much-needed community facilities is an exception permitted within policy.

Policy HO2 states that the Local Planning Authority will seek to secure a 40% element of affordable housing on proposals of 10 or more dwellings. The proposal is for a development of 31 units of which 12 or 38.7% would be social housing. A Registered Social Landlord has not been identified. The application has been assessed by the District Valuer who took into account the other contribution being sought and the cost implications of the development attaining Code Levels 5 and 4 of the Code of Sustainable Homes. The conclusion is that whilst the development could support the scheme at Code Level 5. On balance it is considered that 12 units of affordable housing is sufficiently close to the target proportion of 40% to be acceptable, given the other benefits that the development will deliver. This provision of approximately 39% of affordable housing on the site would have a beneficial impact upon the provision of affordable housing within the city and is supported by Housing Strategy.

The scheme incorporates a mix of 1 and 2 bed flats and 3 and 4 bed houses. Given the nature of the area which is primarily one of family housing, this balance is considered to provide an acceptable mix of unit size, which will encourage diversity in occupants and is in accordance with policy HO3. The proposed density of 31 units upon the housing site of 0.62 hectares is equivalent to 50 dwellings per hectare which makes efficient use of the site and is considered to be satisfactory in relation to the density of the surrounding area.

The layout is a mix of short terraces and two blocks a, mix of 2 and 2.5 storey in height. Housing Strategy welcome the tenure mix for the affordable housing of 55% rented and 45% intermediate.

PPG17 states that local authorities should seek appropriate open space and recreation/sporting facilities within new developments. The proposal incorporates an informal play area, and public open space within the housing site. The remaining open space, for use by the wider community includes an informal junior football pitch measuring 68.25m x 42m, and informal play areas which are to be laid out by the applicants, and an enhanced ecology area. Submitted plans show that the design of the play areas is for them to relate to nature with equipment such as earth moulding/play tunnels, play logs and braches, play boulders and rocks which would create an attractive and challenging play environment. These provisions are considered to be sufficient to meet the needs of new residents for local outdoor recreation space. .

The Scout hut, which is currently on a peppercorn lease would be transferred

to the Scouts and a contribution of £25,000 given for the improvement and maintenance of the building.

Access / layout / landscaping:

The site only vehicular access to the site is from Redhill Close; pedestrian accesses are from Valley Drive and Millcroft. The proposed site layout is for the western two thirds of the site to be laid out as open space with informal play areas, a junior football pitch, ecological area and general landscaping, for the eastern third of the site to form the housing area. The proposed access road is in the form of a cul-du-sac with turning head and adjacent parking areas. The two main terraces front the open space for provide a pleasant outlook and overlooking of the area for security. The access road, where it enters the site, is to be landscaped and existing trees retained. The Arboriculturist comments that many trees on site are of low quality and that replacements, particularly along the boundary of the site should be required. The application is accompanied with a Landscape and Visual Assessment which shows on the landscape and Ecological Masterplan indicated proposed species to include hornbeam, pear, cherry and rowan, footpaths to be have porous surfaces and ecological area to be planted with vegetation to create a refuge for reptiles and with “secret garden” opening within the scrub and meadow mosaic.

The Fire Brigade comment that the layout does not indicate a satisfactory access for fire appliances, as required by Building Regulations, although this can be dealt with at Building Regulations stage and can be achieved although this will require alterations to the site plan unless parts of the development are fitted with automatic sprinkler systems. The applicants have advised that automatic sprinkler systems are to be fitted to overcome this concern and an informative can be place on the decision notice to this effect.

Southern Water comment additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to serve the development and request conditions to ensure that the necessary sewerage infrastructure is provided. The applicants are advised of this need by informative.

For these reasons it is considered that the scheme would form an attractive housing development within a sylvan setting of high quality with immediate access to open space.

Impact on residential amenity/design:

Aspects relating to appearance and scale are matters reserved for subsequent approval. However cross-sections of the site have been submitted for illustrative purposes which show the scale of the proposed 2 and 2.5 storey buildings.

Policy QD27 aims to protect residential amenity of the occupiers of neighbouring development.

The site is situated on a hill and the pattern of development in the area is one with properties rising up the hill. The development site is at higher level than surrounding properties and the relationship of proposed dwellings to the existing would be similar to the surrounding streets. The Visual Impact Analysis which forms part of the application indicates that the proposed dwellings would be seen from adjacent houses to the west of the site from Glen Rise with views filtered through existing and proposed site boundary and internal tree planting. Properties in Millcroft, to the northeast of the site are at a substantially lower level and views of the site would be limited to the top floor and dormer windows of existing properties.

The proposed dwellings are a minimum of 40m from buildings in Redhill Drive and a minimum of 28 m from properties in Millcroft, and with adequate landscaping and careful consideration of the siting of windows, it is not considered that the development would adversely affect the residential amenities of adjoining occupiers.

Traffic Implications:

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

The only vehicular access to the site is from Redhill Close. The proposal is for 31 dwellings with 55 spaces, which is 1 per dwelling for the 1 to 3 bed units, 2 spaces for the 1 x1 4-bed units, plus 13 visitor spaces. The scheme includes 3 disabled parking spaces. The intention is to provide covered cycle storage to each of the properties.

Despite public objections that the access is poor and the number of parking spaces is inadequate the Traffic Engineer considers the level of parking and cycle provision, and access to the site to be acceptable. A contribution of £36,450 is sought by Section 106 Obligation to enable the council to prioritise and implement measures to encourage the use of sustainable modes locally.

Environmental Impact Assessment/Ecology:

The proposal represents urban development on a site exceeding 0.5 hectares. However, despite the proposal falling within Schedule 2 of the Environmental Impact Assessment Regulations 1999, no significant effect on the environment has been identified and there are no recognised features of particular sensitivity in the surrounding area. The proposal does not fall within the criteria set out in Annex A of DETR Circular 02/99 Environmental Impact Assessment and an assessment is not required.

A preliminary Ecological Assessment forms part of the submission and the Ecologist recommends that any approval be subject to a condition requiring a nature conservation report to be submitted with reserved matters including production of management plan for the area for a period of no less than 5 years including responsibilities for maintenance.

Covenants and planning agreements:

There are private covenants affecting the site and long-standing planning agreements concluded in 1938 and 1939 and partially modified in 1974. These agreements are between the owners of the land and Brighton Borough Council and will be released as part of the proposed Section 106 Obligation.

Other Matters:

Many residents have raised concerns about the impact that the proposed development would have on local amenity including traffic and parking, local character, infrastructure capacity, security, wildlife and trees. The application is in outline and these points will be addressed as part of the submission of reserved matters.

Sustainability / District Valuer:

PPS1 and PPS3 place weight on the sustainability of new development in terms of energy efficiency, high quality inclusive design and the promotion of social cohesion and the consideration of people's diverse needs. Policy SU2 and SPGBH8 requires efficiency of development in the use of energy, water and materials. The Sustainability Assessment accompanying the application highlights the sustainability benefits of the proposal including that the homes will be built using a timber framed system and insulation and air tightness values will demonstrate a significant improvement over that required by the building regulations; the layout of the homes has sought to maximise their solar orientation; Photovoltaic panels will be installed to each home and will reduce CO2 emissions by in excess of 32%; the high thermal efficiency of the homes when combined with the installation of renewables will demonstrate a reduction in CO2 emissions of in excess of 45%; low water use fittings and appliances will be installed in the homes and rainwater collection devices will be provided for each property; preference will be given to materials with A or B ratings in the Green Guide to Specification. Over 50% (by mass) of materials will be sourced within a 50 mile radius of the site. The development will accord with the Council's policy on the provision of Lifetime Homes. Ecology on site will be enhanced through the creation of dedicated ecological areas. Recycling measures have been included on site to minimise waste production. These start with the selection of a construction system which can be predominantly manufactured off site but will also include provision of segregated recycling of waste materials from site.

The recommended standard within SPD08 for schemes on Greenfield sites is to achieve Code of Sustainability Level 5. The application has been referred to the District Valuer who has assessed the viability of the development and concludes that the scheme can achieve this standard and be financially viable. This level of sustainability is secured by condition.

Conclusions

The proposal represents the development of a Greenfield site for housing and open space, including the provision of a junior football pitch and informal play areas. Evidence suggests that the provision of recreational facilities within

the area is generally adequate although there is a shortage of junior sports pitches and local play facilities for children. The proposal also provides 39% affordable housing and general family housing. The proposal differs from the previously refused scheme in that open space, sports and community facilities are proposed within the majority of the site.

This is a very balanced case which has merit in that the area retained as open space will be improved and opened up for public use and transferred to the council which will allow greater control over optimising the open space use of this site. The Scout hall will also be improved. The proposal has been assessed by the District Valuer who concludes that the development can attain Code Level 5 for Sustainable Homes and be financially viable.

The proposal is considered acceptable in traffic terms, no significant ecological impact has been identified, and it is not considered that significant impact upon neighbouring dwellings would result.

Given the contribution that the scheme will make towards meeting the housing targets and the benefits of providing public open space and recreation facilities it is considered that the scheme is policy compliant.

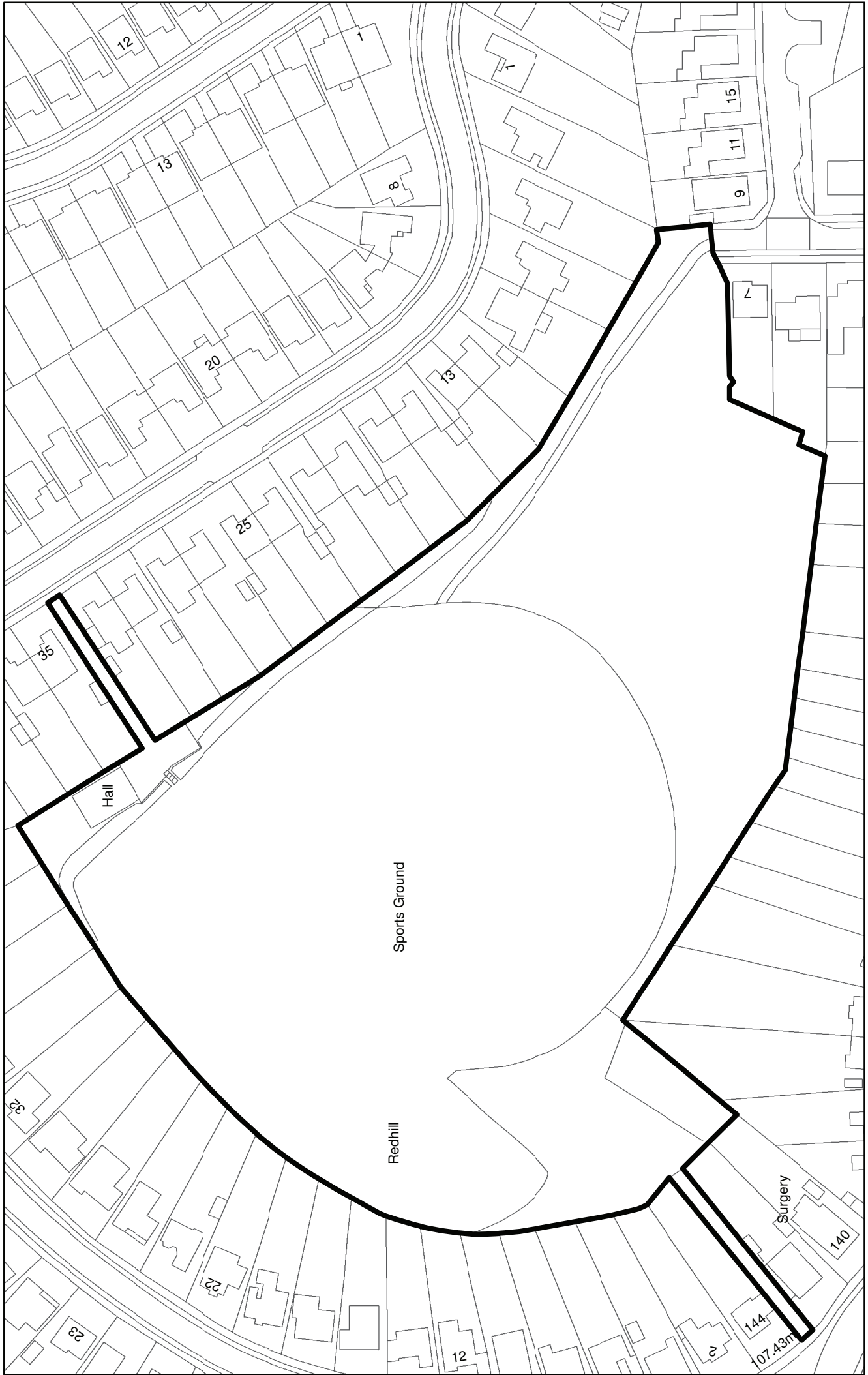
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development of private open space which is overgrown and not accessible to the public with a development of 31 dwellings, of which 12 are affordable, and the transfer of approximately two-thirds of the land to the Council, laid out as open space with a sport pitch, informal play areas and enhanced ecologic site, together with a maintenance contribution, represents a significant benefit to the local community. The proposal would achieve a high level of sustainability and is considered to be acceptable in terms of access and layout and impact on the amenities of surrounding properties and highway implications.

9 EQUALITIES IMPLICATIONS

The proposal provides 112 units of affordable housing for people unable to compete in the housing market. Properties would have to meet Part M of the Building Regulations and policy HO13 requires new residential units to comply with Lifetime Home Standards.

BH2010/00692 Land west of Redhill Close



Scale : 1 / 1250



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<u>No:</u>	BH2010/03540	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Flexer Sacks Site, Wellington Road, Portslade		
<u>Proposal:</u>	Change of use of all floors to mixed use development comprising ground floor-leisure (D2) first floor - part leisure (D2) part offices (B1) part parking area. Second floor offices (B1) and second floor extension to south section comprising vertical circulation core ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	13/01/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 April 2011
<u>Agent:</u>	Delavals Design, Heron House, Laughton Road, Ringmer		
<u>Applicant:</u>	City Gateway Ltd, C/O Delavals Design		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the receipt of no further representations, the applicant entering into a Section 106 Planning Obligation Agreement and to the following Conditions and Informatives:

S106

- To secure the refurbishment of the B1 office accommodation to shell and core standard prior to first occupation of the ground, first and second floor indoor leisure use (Class D2);
- A contribution of £32,400 towards the provision of sustainable transport infrastructure.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 10/11/02/001, 10/11/02/002, 10/11/02/003, 10/11/02/004, 10/11/02/005, 10/11/02/006, 10/11/02/007 & 10/11/02/008 received on 8th December 2010; drawing nos. 11/01/01 & 11/01/02 received 17th January 2011; drawing no. 10/11/02/009A, 10/11/02/010A, 10/11/02/011A & 10/11/02/012A received 24th February 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Unless otherwise agreed in writing by the Local Planning Authority the premises shall only be used as an indoor climbing centre and gymnasium and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987

(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to staff and visitors to the development hereby approved.

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

5. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site it shall be investigated. The Local Planning Authority shall 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.

Pre-commencement

6. BH03.02 Samples of Materials Non-Cons Area (extensions)
7. BH08.01 Contaminated Land
8. BH05.09A General Sustainability Measures

Pre-occupation

9. Notwithstanding the submitted plans the development hereby permitted shall not be occupied until further details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be fully implemented and made available for use prior to the occupation of the development and shall thereafter be retained for use at all times.

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

10. Notwithstanding the submitted plans the development hereby permitted shall not be occupied until a revised on-site car parking layout has been submitted to and approved in writing by the Local Planning Authority. The revised layout shall allow for the provision of accessible disabled parking spaces to recognised standards at ground and first floor levels. The on-site parking shall thereafter be implemented in accordance with the agreed details and made available for use prior to the occupation of the development, and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1, TR4 and TR18 of the Brighton & Hove Local Plan.

11. A Travel Plan shall be submitted to the Local Planning Authority prior to first occupation of the ground, first and second floor indoor leisure use (Class D2), and prior to first occupation of the first and second floor office accommodation (Class B1). The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and shall be subject to annual review.
Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1 and TR4 of the Brighton & Hove Local Plan.
12. Prior to their installation further details of the solar panels, as indicated on hereby approved drawing no. 10/11/02/009A shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the agreed details and be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
13. BH02.07 Refuse and recycling storage (facilities)

Informatives:

1. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU10	Noise nuisance
SU11	Polluted land and buildings
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
QD6	Public art
QD14	Extensions and alterations
QD15	Landscape design

QD27	Protection of amenity
EM1	Identified employment sites (industry and business)
EM12	Shoreham Harbour - mixed uses
SR17	Smaller scale sporting and recreational facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The proposed climbing centre would meet an identified need within Brighton & Hove and the wider surrounding area, and would bring a vacant and partly derelict building back into operational use. The indoor leisure use would facilitate the delivery of refurbished office accommodation on the site without causing harm to neighbouring amenity or surrounding transport infrastructure.

2. IN05.07A Informative - Site Waste Management Plans.
3. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) to discuss further.
4. The applicant is advised that the future installation of external ventilation, heating or extraction systems may require further planning permission.

2 THE SITE

This application relates to the eastern portion of the former Flexer Sacks building on the northern side of Wellington Road bounded by Middle Street to the west, North Street to the north and Camden Street to the east. The building is currently vacant having previously been in use primarily within Use Class B2 (general industry) but with ancillary elements of B1 (office) and B8 (storage) uses.

The site comprises single and two-storey production / distribution areas, a two-storey office, and first floor roof-top car park.

The site is located within the South Portslade Industrial Area and surrounded by predominantly B1 and B2 uses. On the southern side of Wellington Road is Shoreham Harbour.

3 RELEVANT HISTORY

BH2008/02479: Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music and rehearsal studios (B1) first and existing second floor - offices (B1). Additional second floor to south

section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations. Approved. This development could be commenced up until 14th April 2012.

BH2006/03339: Change of use from general industrial (B2) to motorcycle workshops and showrooms (Sui Generis) with changes to front elevation (Wellington Road) & roof line. Refused.

BH2006/01691: Certificate of Lawfulness for proposed use of part of site as a Cash and Carry operation. Refused.

BH2003/02334/OA: Outline application for part change of use to mix of B1 (office/light industrial) with ancillary showroom use and D2 (leisure) including new floor space and additional 3 storeys, parking provision for approximately 100 cars. Approved. This development was not commenced and has since expired.

BH2001/02406: Change of use of premises from general industrial (Use Class B2) to office (Use Class B1) and warehousing (Use Class B8) with new mezzanine floor and alterations to elevations. Refused (and subsequently dismissed at appeal).

Western part of site (currently occupied by Tates)

BH2003/01207/FP: Change of use of part of building (557m²) from B2 (general industrial) to B8 (Storage) and distribution. Approved.

4 THE APPLICATION

The application seeks consent for a change of use to a mixed use development comprising an indoor leisure use (Class D1) and office accommodation (Class B1).

The ground floor would provide a gym and climbing centre with associated ancillary facilities. The southern section of the building would be extended at second floor level to accommodate a vertical climbing wall to the full internal height of the building (i.e. from ground to second floor roof level) with walkways around a central void at each floor level.

The northern section of the building would be refurbished at first and second floor levels to provide modern office accommodation, self-contained from the proposed leisure use.

Associated external alterations relate to replacement windows to all elevations, which would also be rendered, and the installation of solar panels to the southern roofslope of the proposed additional storey.

The building would be accessed from North Road where a glazed lobby would be created in the existing recess. The existing first floor parking deck would provide spaces for approximately 51 vehicles accessed via a ramp off North Road, with a further 10 spaces provided at ground level.

Amendments have been received as part of the application to revise the form

of the second floor extension (to the south of the site) and to include solar panels on the new roof slope. Adjoining properties have been re-consulted on the amended plans and any comments will be reported on the Late Representations List.

5 CONSULTATIONS

External

Neighbours: 481 letters have been received from the addresses annexed to this report supporting the proposals for the following reasons:-

- The site has been vacant for 10 years and the proposal would transform a redundant site into a multipurpose sport facility;
- The proposal will help regenerate an area in significant need of investment and modernisation;
- The centre will bring energy to the area and create jobs;
- The climbing wall will be a fantastic resource for Brighton & Hove, attract people to the City and support the City's status as modern and exciting;
- The facility would allow young people to take part in sports that challenge physical and mental abilities;
- The centre would be a community interest company which would ensure it meets the needs of local residents;
- Existing nearby facilities are limited and cannot cope with the demand from climbers;
- The proposal would reduce car use as climbers currently travel outside the City to climb;
- The scheme incorporates sustainability features.

8 Popes Court, Freehold Terrace & 68 St Leonards Avenue have no objection to the proposal.

Adur Outdoor Activity Centre (AOAC): Comment that the application site is 3 miles from an existing facility in Shoreham. Although there is general support for the proposal for a larger scale climbing facility the close location to AOAC would potentially have a large detrimental effect on an existing business and outdoor education facility that serves not only West Sussex but also other neighbouring authorities and areas.

British Mountaineering Council (BMC): Support the application. The climbing wall industry has expanded at great pace in the last 10 years, and the number of climbing walls in the UK now number more than 450. In the past BMC used to produce facility strategies for each area of the UK detailing the demand for climbing walls.

Since the massive increase in people taking up the sport of rock climbing and the subsequent increase in the demand for climbing walls, commercially run climbing walls that satisfy this demand have taken over the need for regional strategies.

However, there are still areas around the UK that lack climbing walls and

climbing centres. Brighton is one such area and this application is therefore supported.

Environment Agency: No objection. The development has a low environmental risk.

Southern Water: No objection. Any new connections will require a formal application to be made by the applicant or developer.

Sussex Police: Recommend a number of measures relating to access control for the car park and security measures for windows and doors.

UK Power Networks: No objection.

Internal:

City Clean: No objection.

Economic Development: The site has been vacant since 2000 since when there have been a number of schemes proposed for the site in an attempt to bring the site back into operational use to no avail.

The application approved in 2008 allows for D2 use in part of the building and this will remain as part of the wider scheme. This application is to extend the D2 usage of the building to allow for a further tenant to take up space to provide an indoor climbing facility. The extended D2 use is required to provide the height required to maximise the potential of the facility.

The Brighton Climbing Centre has been looking for a suitable building to accommodate their use for some considerable time and the height of the building has always been a major hurdle for them. The applicant stated in a meeting held on 31st January that the proposal will provide employment for 12 jobs initially and it is anticipated that this will increase as the Centre becomes used. The applicant also stated at the meeting that as part of the scheme they will be providing training and volunteering opportunities to young people and unemployed for people looking to develop their sports leadership skills which are welcomed.

Since the approval of the previous application the applicant has actively pursued potential tenants for the site but due to the condition of the site in its current form this detracted from potential occupiers as those looking for high quality office require the space to be available before considering relocation.

The proposal brings a building back into operational use (albeit with reduced employment levels) and provides a facility that the city current does not enjoy.

Environmental Health: The site is a former industrial site and was a permitted process by the department for a number of reasons, as they manufactured printed flexible packaging and as such had a lot of industrial

processes, dyes, solvents etc. This ceased on 17th November 2000. The submitted report identifies from the walkover evidence of staining and bulk storage of industrial fluids. The file indicates large tonnages of solvent used at the site with up to 26 print stations.

The submitted report comments that the contamination potential remains uncertain and the former permitted process are not identified. The way to deal with uncertainty is typically to do further work which is which is hinted at in the report's recommendations, which also refers to an asbestos survey being carried out in advance of any refurbishment.

Whilst the proposal is to reuse the buildings without any significant excavation it still needs to be ensured that future users are not placed at risk and asbestos risks are listed as are observations of staining and former tanks etc.

The proposal should not proceed without further investigation being carried out and, given the high solvent turnover on the site, recommend indoor air monitoring also be considered to ensure that no individuals either workmen or members of the public are placed at risk.

Planning Policy: Whilst the loss of employment floorspace to leisure use (c. 600 sq m B1 office space compared to the extant planning permission) is contrary to Policy EM1 of the adopted Local Plan it is considered, that on balance, a number of material considerations outlined below would support an exception to the policy, subject to a number of clarifications by the applicant.

Firstly, the principle of D2 leisure uses and the need for enabling development / uses to bring the site into use has already been accepted by the LPA (BH2003/02334/OA and BH2008/02479). The application is seeking only to increase the amount of D2 leisure floorspace by c. 600 sq m in order to accommodate the particular requirements of the Brighton Climbing Centre (in order to facilitate vertical climbing to the full height of the building).

Secondly, it is recognised that the site has been vacant for a prolonged period of time following the closure of the Flexer Sacks factory in 2000. The applicant has indicated that there has been no interest shown in delivering the leisure/ office scheme since its permission in 2008.

Thirdly, the proposed scheme will still deliver c.1,360 sq m of office floorspace. However, a clearer statement is required to clarify how the two uses will operate successfully together and how the proposed refurbishment of the remaining and the proposed additional office space will be brought forward.

Fourthly, Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4) encourages proposals that secure sustainable economic growth. The applicant has provided information regarding the proposed business plan for the Brighton Climbing Centre and employment levels

expected: at least 9 full time jobs will be created in the first year and by year five more than 15 people full-time.

It is also appropriate to take into consideration that Brighton Climbing Centre has been actively looking for suitable premises in this area for four years. The Brighton Climbing Centre has not been able to find other suitable sites within the city with D2 permissions. The particular height requirements for an indoor climbing centre have also limited site options.

The proposal would provide for a large indoor climbing and bouldering centre which is currently lacking in the city with the potential to become a primary centre for indoor climbing in the south east. There have been a number of inquiries made to the council in recent years from different consortia interested in developing climbing wall facilities in the city and the Open Space, Sport and Recreation Study (2008/9) recommended that the council explore the provision of less conventional sports facilities in the city such as climbing / bouldering.

Sports Development: The applicant has demonstrated an enthusiasm for making the sport accessible and affordable and could work closely with the Sports Development Team in relation to our primary strategic objectives of increasing participation generally and specifically within certain target groups.

Statistics point to an increasing demand for more adventurous activities and our City Sports Strategy recognises this with an aspiration to make the city a destination for adventurous and alternative sports.

A concern is whether there is sufficient demand in the City for two climbing centres (*as an application has also been submitted for a centre on Newtown Road / Goldstone Lane, ref: BH2010/03937*). The two schemes do though offer different climbing opportunities, with this application focussed on roped climbing and BH2010/03937 a dedicated bouldering centre. We can envisage ways in which they could work together to complement each other and both expressed a willingness to do so, but essentially they will be competing for the same market and we would not wish to see them dilute each other.

On balance it is considered that there could be sufficient evening / weekend demand to justify two facilities, as their respective designs will offer different climbing experiences. Many cities of similar size have more than one climbing facility and factors such as two large university populations, a paucity of indoor and outdoor provision in this area and the willingness of climbers to travel some distance mean that the market should be sufficient for both.

Sustainable Transport: The transport issues raised in respect of the previous application, in particular the need for a Transport Assessment, remain relevant, but clearly transport issues arising from the current application must be assessed in the light of the extant consent. The conditions previously attached (e.g. the travel plan requirement) should be

carried forward to any new consent as appropriate.

Car parking

The approved application did not include parking numbers or layout so it is not possible to separate out the impact of the amendments now sought. For the total development now proposed, SPG4 suggests at most 45 general spaces and at least 14 disabled spaces for the B1 use, and at most 30 general spaces and at least 4 disabled spaces for the D2 use. (There are no standards for climbing walls in SPG4 so comparators and judgement have been used).

The applicants propose 57 general spaces in total which is appropriate and the dimensions of these bays are acceptable. They also propose a total of 6 disabled bays. This number is substandard and the layout of the bays is unacceptable. A condition is therefore proposed requiring a new parking layout which addresses the disabled parking problems. The scope for shared use at different times of the office and leisure uses can be considered and this may reduce the overall disabled parking requirement.

Cycle parking

SPG4 requires a minimum of 8 places for the B1 use and 13 for the D2 use. The applicants state that they will provide 12 cycle racks (i.e. 24 parking places) which is an acceptable number but the proposed facility on the first floor is not big enough to accommodate that number of places. A condition is therefore proposed requiring revised cycle parking arrangements for approval.

Contributions

The amendments now proposed- a change of 1200 sq. m. from B1 to D2 use- would be expected to increase the number of 24 hour person trips and application of the standard formula indicates that the contribution required for the overall development should be increased by £32,400 to £148,074. It is understood however that the extant consent includes no contribution requirement. This overall increase would not however be expected to cause peak hour congestion as the timing of trips would be different.

Urban Design: The front of the site is in a prominent position along the seafront road and the existing building provides a negative gateway to the city along this important route.

The application includes a second floor to part of the site and external refurbishments and alterations to all elevations; the overall form of the existing building remains. The applicant also owns other parts of the site, and particularly the buildings facing onto Camden Street, and there is an opportunity for a more comprehensive redevelopment.

The openings to the front elevation are an improvement which will add to the security of the road side. The proposals for the elevations are though considered to be poor, and are not of good design quality. The steel sun

louvres are unconvincing, and the extra storey extension is considered to be clumsy with a poor relationship to the rest of the building. This is not considered to be a quality proposal which will add value to the area.

The possibility of a more attractive and active frontage, with a pedestrian route through to North Street, have not been considered for this site. The proposal is not considered to make full and effective use of the site as required by policy QD3. The potential for a new structure, or series of structures, which makes better use of the location and provide an attractive frontage and gateway to the city has not been considered, nor met, with this application. A comprehensive re-development of the site, taking in the elevations to Camden Street, should be considered.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU10	Noise nuisance
SU11	Polluted land and buildings
SU14	Waste management
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD6	Public art
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
EM1	Identified employment sites (industry and business)
EM12	Shoreham Harbour - mixed uses
SR17	Smaller scale sporting and recreational facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application relate to:-

- i) Principle of a change of use

- ii) Amenity for adjoining properties / uses
- iii) Character and appearance
- iv) Transport
- v) Sustainability

Proposed change(s) of use

South Portslade Industrial Estate is identified as one of the city's strategic employment sites as part of policy EM1 which seeks to retain industrial and business uses. An Employment Land Study 2006 examined the existing allocated stock of industrial estates and concluded that this existing stock of sites should continue to be safeguarded.

The application site has been vacant since 2000 when the Flexer Sacks factory closed. It was accepted as part of an application in 2008 (see section 3) that the premises had been actively marketed for sale, long-term leasing and short-term flexible leasing of the whole building and parts of the site. At this time a local commercial agent also advised that 'the property has been fully exposed to the open market ensuring all potential tenants are aware of the available accommodation but unfortunately the property is proving difficult to let despite offering flexible lease terms'.

As part of this current application the Economic Development Team has confirmed that since the 2008 application the applicant has actively pursued potential tenants for the site but the current condition has detracted from potential occupiers (as those looking for high quality office require the space to be available before considering relocation). There is no evidence to suggest that the premises have not been offered under the broadest possible B1 / B2 related remit and it is apparent there are fundamental issues in the quality and type of accommodation on offer.

The proposal seeks consent for a D2 use at ground and part first and second floor levels (comprising climbing and general gym equipment) with self-contained office space at part first and second floor levels. An extension at second floor level is proposed to the front of the building to create additional height (rather than floorspace) for the climbing wall.

Leisure use

Planning permission was granted in 2008 for a mixed use development comprising ground floor health club, music venue and rehearsal studios with new and refurbished office accommodation at first and second floor levels (ref: BH2008/02479). This permission, which could still be implemented, took into account that the proposed uses would provide employment and bring a vacant site back into operational use. The principle of Class D2 uses on the site has therefore been established.

In order to facilitate vertical climbing to the full internal height of the building this proposal would entail the loss of office space which, as part of the 2008 application, would have been created at first and second floor levels within the

proposed extension (as opposed to an existing part of the building).

The extended leisure use would provide for an indoor climbing and bouldering centre run by the Brighton Climbing Centre (BCC). This type of facility is not currently available elsewhere in Brighton & Hove and there are no comparable major climbing walls within 20-30 miles of the City. The applicant has the stated aim of becoming the primary centre for indoor climbing in the South East and, based on the number of representations received and the applicant's business model, the proposal would meet growing demand for such facilities.

The application is accompanied by information outlining that the BCC has been actively looking for suitable premises in the City for approximately four years. The tenant has not though been able to find other suitable sites with existing Class D2 consent, or premises with potential for a climbing centre of the type proposed due to specific height requirements limiting site options. This has been confirmed by the Council's Economic Development and Sports Development Teams.

There have been a number of inquiries made to the Council in recent years from different consortia interested in developing climbing wall facilities in the city and the Open Space, Sport and Recreation Study (2008/9) recommended that the Council explore the provision of less conventional sports facilities in the city such as climbing / bouldering.

The application outlines that the BCC would be a Social Enterprise and promote climbing with local schools and community groups, and the Centre has also indicated how the centre intends to cater for people of different physical needs. The Council's Sports Development Team has advised that they would be able to work closely with the applicant in promoting their primary strategic objectives of increasing participation generally, and specifically within certain target groups.

The BCC would operate alongside, and in conjunction with, a ground floor gym. This element of the proposed use was approved as part of the existing planning permission on the site (see section 3). There would be no physical separation between the climbing and gym components of the proposal. It is not therefore considered necessary for the proposed plans to clearly define the precise location of the climbing and gym equipment. Taken as a whole the proposed use would fall within Class D2 and proscribing the internal layout would create a degree of inflexibility in the future operation of the facility.

Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4) encourages proposals that secure sustainable economic growth. The applicant has provided information regarding the proposed business plan for the Brighton Climbing Centre and there is an expectation that at least 9 full time jobs will be created in the first year, and by year five more than 15

people full-time.

Office use

In addition to the leisure use the development would provide approximately 1,360 sq metres of refurbished office space at first and second floor levels to the rear of the site. This aspect of the proposal would provide flexible accommodation that could be readily adapted to suit a variety of business needs.

The office accommodation would be accessed from North Street where a lobby, stair and lift core would provide independent access from the adjoining leisure use. The office accommodation would provide flexible space that could be marketed as either one or several units. The immediately abutting leisure space at first and second floor levels relates to viewing galleries and it is not anticipated that there would be conflict between both uses operating alongside one another.

It should be noted that this proposal would provide approximately 1200 sq metres less office accommodation than the previous planning approval on the site (ref: BH2008/02479). The reduction in space is a result of the first and second floors to the south of the building being integrated into the proposed climbing centre in order to provide additional height. Whilst less than the previous scheme the refurbished office space is welcomed and would provide the type of employment on the site sought by policy EM1. The provision of the office accommodation, to shell and core standard, would be secured through a s106 agreement: without such a clause, the applicant would be able to partially implement the permission without providing any Class B1 employment floorspace.

Conclusion

The proposal would entail the further loss of office space on a site allocated for B1 and B2 industrial and business use. The change of use is therefore contrary to the aims of local plan policy EM1. There are though a number of material considerations that weigh in favour of the proposal.

There is an extant approval which has established the principle of Class D2 uses on the site and the applicant has demonstrated that there has been no interest in the existing building over a prolonged period of time. The proposal would bring a vacant and partly derelict building back into a vibrant active use, and the leisure use would facilitate the delivery of refurbished office accommodation on the site, albeit less than planning permission BH2008/02479. The climbing centre would meet an identified need within Brighton & Hove and the wider surrounding area; has potential to increase participation in sport in Brighton & Hove; and would make a positive contribute towards the strategic aims of other teams within the Council.

It is considered that on balance these positive findings support an exception of policy EM1 and in this instance would outweigh the loss of office

floorspace.

Design and appearance

The site has been vacant since 2000 and this is reflected in the neglected appearance of the building to both Wellington Road and North Street. The proposal entails refurbishment of the existing building to all elevations with an extension at second floor level (to the south of an existing three-storey section of the building).

Additional storey

The additional storey is an appropriate scale in relation to the existing building and would not appear overbearing in relation to the wider surrounding area. There are though concerns that the roof form and fenestration of the additional storey relate poorly to the remainder of the building and that taken as whole the building would be dominated by unduly bulky sun louvers. These concerns have also been raised by the Council's Urban Design Officer who also considers that there is opportunity for a more comprehensive redevelopment of the site.

Despite these concerns the external alterations would improve the overall appearance of the building. In addition there is no evidence to suggest a more comprehensive redevelopment of the site would be possible in the immediate future, particularly given the recent history of the site where it has not been possible to find tenant(s) for the building. The proposed alterations should therefore be seen in the context of rejuvenating a semi-derelict site with a mixed leisure and office use, and this is considered to outweigh any design concerns.

It should also be noted that the proposed external alterations are comparable to those approved as part of an earlier application (ref: BH2008/02479) which could still be implemented.

Solar panels

The front roofslope of the extension would provide space for an array of solar panels measuring approximately 480 sq metres. It is anticipated that the solar panels would lie on the outer surface of the roof. This would minimise their projection and due to the height of the building and angle of the front roof slope the solar panels would not be readily visible in public views from street level. Whilst the panels would be visible in long-views east and west along Wellington Road they would not appear unduly dominant or incongruous features of the building. The sustainability merits of the panels are addressed in a later section of this report.

Landscaping

The building is set back from the Wellington Road by a grass verge, which is in the ownership of the Council and does not therefore form part of the application site. For this reason although the plans include an indicative landscaping scheme along this frontage it does not form part of the

application and only limited weight is therefore attached to this aspect of the scheme. The applicant would require a license / agreement from the landowner for any works along this frontage.

Impact on neighbouring amenity

As existing the building has unrestricted use within Class B2 (general industry). In principle having regard to the location of the application site on the Industrial Estate, which includes a mix of B1, B2 and B8 uses, the proposal would not be expected to generate harmful noise or disturbance to adjoining commercial users. There are no self-contained residential properties adjoining the site. The Council's Environmental Health Team has raised no objections to the proposal on noise grounds.

The applicant has advised that no plant or machinery for the leisure or office use is envisaged at the present time. An informative is recommended advising that further planning permission may be required for the future installation of such equipment.

The proposed second floor extension by virtue of its location at the front of the site, fronting Wellington Road, and nature of adjoining development, will not result in harmful loss of light or overshadowing. It is noted that the western part of the Flexer Sacks building, adjoining the application site, has south facing window openings which will abut the proposed extension. However, given the primary use of this building as a vehicle repair centre and the remaining outlook to the south / west the proposed extension will not harm the amenity or future viability of this unit.

It is considered that having regard to the nature of adjoining development and the height of the building any solar glare would not result in significant harm to the amenities of the surrounding area.

Sustainable Transport

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

The transport issues arising from the current application must be assessed in the light of the extant consent for mixed D2 and B1 use on the site (ref: BH2008/02479).

Sustainable modes of transport and infrastructure contributions

As part of the existing planning permission on the site it was determined that a contribution towards sustainable transport infrastructure was not necessary. This permission could still be implemented and is therefore a material consideration in the determination of this application.

This current application proposes a larger indoor leisure use than previously approved and this would be expected to increase the number of 24 hour

person trips to and from the site. It has been calculated that the contribution for this uplift (in relation to the already approved scheme) would equate to £32,400. It is recommended that this amount be secured as part of a s106 agreement for improvements to sustainable transport infrastructure in the vicinity of the site.

The overall increase in travel anticipated as a result of this application would not be expected to cause peak hour congestion as the timing of trips would be different.

Parking provision

The development would provide 57 parking spaces for both the leisure and office uses, and this compares to a potential maximum provision of 75 spaces as set out in SPGBH4. This level of provision is considered appropriate and the dimensions of the bays are acceptable.

The car park layout allows for disabled parking at ground and first floor levels, with 6 spaces proposed. This is though below the level required by adopted parking standards, which would require 18 spaces, and there are concerns that a number of the spaces would not be truly accessible. Despite these concerns given the available space for on-site parking there are no reasons why an acceptable amended layout could not be agreed and a condition is recommended to secure further details.

The site is within a commercial area where street parking is not restricted. The submitted business plan for the leisure use indicates the peak anticipated usage would be at evenings and weekends, and there is an expectation that demand at these times would not conflict with adjoining uses. On this basis the proposed provision of on-site parking is not expected to cause problems of displaced parking for existing businesses adjoining the site.

Cycle parking

The proposal identifies locations at ground and first floor levels for cycle parking, and the application suggests 24 spaces would be provided: this compares to an SPG4 minimum of 8 spaces. A condition is recommended requiring revised cycle parking arrangements for approval to ensure the cycle parking facilities are provided on-site.

Travel plan

An indicative travel plan has been submitted by the applicant and this would be secured through a recommended condition. The submitted plan indicates a number of measures to encourage the use of public transport and these include discounted entry on production of a valid bus / train ticket, as well as for cyclists; the provision of real time information in the main entrance lobby; and publicity of the site's location in relation to public transport routes / links. There are no reasons why the travel plan could not be prepared to formalise these measures.

The refurbished office accommodation is speculative and at present there is no end user. For this reason no measures have been proposed in relation to this use. However, the condition would require a travel plan prior to the first occupation of the travel plan and this would ensure measures are in place to encourage use of public transport.

Conclusion

The proposed level of on-site parking and cycling is appropriate in terms of the maximum standards outlined in SPGBH4, and any displaced parking would not cause undue nuisance for adjoining uses. In relation to the existing use of the site and the uses approved as part of BH2008/02479 the proposed development would not result in a harmful generation of vehicular movements to or from the site, which is relatively well located with regards public transport and amenities.

Sustainability

Local Plan policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials.

The front roofslope of the extended second floor level would incorporate south facing photovoltaic panels which would make a valuable contribution towards localised energy generation, and could be supported on policy grounds. It is understood that the installation would be operated by the Brighton Energy Co-op whose members would benefit from the feed in tariff scheme (if the installation is eligible).

There is extremely limited potential to minimise surface water run-off as part of the proposed development, and water use within the premises is restricted to relatively small-scale communal areas within the leisure and office areas. A condition is though recommended to secure details of measures to reduce the use of resources throughout the development.

The Site Waste Management Plans Regulation (SWMP) 2008 was introduced on 6 April 2008. As a result it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. The proposal represents a major development and is therefore required under the regulations to have a SWMP. An informative is recommended to advise the applicant of this.

Land contamination

The site was formerly in industrial use manufacturing printed flexible packaging with a number of processes involving dyes, solvents etc. As part of reports linked with previous applications on the site evidence of staining and bulk storage of industrial fluids have been identified: and the reports have commented that the contamination potential of the site remains uncertain.

Further investigation is therefore required in order to overcome this uncertainty and ensure that future users of the site are not placed at risk. A

phased condition is therefore recommended to require further investigative work and a scheme for remedial works and measures to be undertaken when the site is developed. This approach is consistent with the existing planning permission on the site.

Conclusion

It has been demonstrated that there is no demand for the existing building for office, general industrial, or storage uses (within Use Classes B1, B2 or B8).

The application site is part of the South Portslade Industrial Estate which is allocated by local plan policy EM1 for Class B1 and B2 uses. Whilst the indoor leisure use is contrary to the aims of this policy there are a number of material planning considerations which weigh in favour of the proposed use.

The proposed climbing centre would meet an identified need within Brighton & Hove, and the wider surrounding area, and bring a vacant and partly derelict building back into a vibrant and active use. The ground floor indoor leisure use would also facilitate the delivery of refurbished office accommodation on the site without causing harm to neighbouring amenity or surrounding transport infrastructure. These positive findings are considered to outweigh the identified conflict with local plan policy EM1.

The application is recommended for approval.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed climbing centre would meet an identified need within Brighton & Hove and the wider surrounding area, and would bring a vacant and partly derelict building back into operational use. The indoor leisure use would facilitate the delivery of refurbished office accommodation on the site without causing harm to neighbouring amenity or surrounding transport infrastructure.

9 EQUALITIES IMPLICATIONS

The proposal makes provision for dedicated disabled parking and the indoor leisure and office uses would be accessible for those with limited mobility.

1) Letters of support have been received from:-

Abinger Road (London)	60
Ambelside Avenue (Peacehaven)	24B
Appledore Road	46
Arundel Road	5
Ashburton (Newton Abbot)	Waterleat
Ashdown Drive (Crawley)	31
Ashton Rise	Ashton Lodge (flat 12)
Badger Drive (Hayward's Heath)	7
Barrington Road (Worthing)	119
Beaconsfield Road	29
Beaconsfield Villas	53, 65 (flat 2)
Beechwood Avenue	11
Bellamy Road (London)	4
Billington Gardens (Ashford)	4
Blatchington Road	37A (x2)
Bloomsbury Street	27
Bond Street	6A (x2)
Boundary Way (Croyden)	9
Bradford Street (Eastbourne)	77
Braemore Road	78A
Brighton Road (Croyden)	461
Brooker Street	20 (ground floor flat x 2)
Brookwood Avenue (Eastleigh)	50
Brunswick Square	17 (flat 3)
Bryn Hyfryd Terrace (Wales)	4
Buckingham Road	98
Buckingham Street	30 (basement flat)
Burnham Close	5
Byron Road (Worthing)	10 (flat 2)
Cambridge Road	13, 31 (flat 3 x 2)
Camden Park (Tunbridge Wells)	Overton
Campbell Road	3A
Canfield Close	15
Carden Avenue	77
Canterbury Road (Worthing)	1
Chailey Road	13
Chalky Road	59
Chanctonbury Road	9
Channings	76
Chesham Road	34
Chester Terrace	62, 96, 107 (x2)
Church Hill (Beaminster)	Riverside
Church Lane (Newington)	The Vicarage
Church Road	200A (flat 1)
Clermont Terrace	37 (flat 14)

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Coleman Avenue	7
College Lane (Hustpierpoint)	Wickham Corner (x2)
Colvin Avenue (Shoreham-by-Sea)	5
Connaught Road	14
Connaught Terrace	23
Coombe Road	46
Copthorne Bank (Copthorne)	The Hermitage
Corsica Street (London)	31 (flat 3)
Crescent Road (Caterham)	14
Crest Hill (Buckfastleigh)	3
Crown Road (Shoreham-by-Sea)	863
D'Aubigny Road	9
Denmark Road	22A (flat 4 x 2)
Devonshire Place	Devonshire Mansions (2A), 15
Ditchling Rise	95
Ditchling Road	108, 367
Donald Hall Road	230
Dorset Gardens	23
Downside	7
Downsview Cottages (Lewes)	6
Downsview Road	3
Down Terrace	4
Dyke Road	50 (flat 8), 136 (flat 2), 144-146 (flat 3)
Dyke Road Drive	27
East Drive	24
Edburton Avenue	33
Egginton Road	34
Elm Drive	6, 21
Empress Place (London)	14
Egremont Place	29
Essex Place	88
Eley Crescent	10
Erroll Road	43
Essex Place	67
Ewhurst Road	23
Fairlie Gardens	18
Findon Road	Holbrook (flat 1)
First Avenue	27
Fisher Street (Lewes)	19
Fletcher Way (Angmering)	5
Florence Road	Calmvale House (flat 6)
Foregate Street (Chester)	156 (flat 27)
Fourth Avenue	39
Foxhills Covert (Newcastle upon Tyne)	31
Frederick's Place	35 (flat 2)
Frenches Road (Redhill)	119

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Fulham Close (Crawley)	31 (x3)
Fullwood Avenue (Newhaven)	57
Furze Hill	Furze Croft (flat 24), Wick Hall (flat 59)
Ganger Road (Romsey)	42
Gladstone Place	57
Glebe Villas	9
Glynn Rise (Peacehaven)	12
Goffs Lane	15
Goldstone Lane	9
Goldstone Road	3A
Goldstone Villas	74 (flat 2)
Golf Drive	45
Grafton Street	2, 15
Granville Road	21 (flat 4)
Greenfield Crescent	30
Green Ridge	6
Hallyburton Road	10
Hangleton Gardens	8
Hangleton Lane	5
Harrington Villas	13B
Hart Close (Bletchingley)	13
Hazeldene Meads	25
Herbert Road	8
Highdown Avenue South	3 Mill Cottages
Highdown Road	27B, 34
Highdown Road (Lewes)	26
Hobbs Way (Rustington)	5
Holland Road	45 (flat 6)
Hollingbury Park Avenue	8
Hollingbury Rise	83
Hollingbury Road	2A, 6, 14, 66 (x2)
Hollycroft (Lewes)	13
Holton Hill	11
Hove Park Villas	Microscope House
Hove Street	17
Howard Terrace	2
Hythe Road	36
Ingram Crescent East	Lovegrove Court (flat 25)
Ingram Road (Steyping)	4
Inwood Crescent	11A (x2), 40
Islingword Street	61 (x2)
Kenmure Avenue	12
Kestrel Avenue (London)	34
King Edward Avenue (Worthing)	200
Kings Road	Embassy Court (flats 44x2 & 65)
Ladysmith Road	105

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Lashbrooks Road (Uckfield)	80 x 2
Lansdowne Place	6
Lansdowne Street	46-48 (flat 2)
Lauriston Road	11 (first floor flat), 27
Leicester Road (Lewes)	60
Leopold Street (Southsea)	12
Leslie Park Road (Croyden)	Chessington Court (flat 5)
Lillywhite Close (Burgess Hill)	17
Linchmere Avenue	13
Links Road	8
Lombard Street (Petworth)	Martlet House
London Road	Mandalay Court (flat 1)
Lovers Walk	3
Lucetta Lane (Dorchester)	10
Lychgate Green (Fareham)	2
Mackie Avenue	178
Madeira Drive	299 (Yellowwave)
Mallory Road	28
Manor Road (Lancing)	60
Maresfield Road	2, 101
Marine Parade	46-48 (flat 9), 51-52 (flat 7 x 2)
Medina Villas	43
Meyjes Road (Guildford)	Surrey Sports Park Climbing Centre
Middle Road (Shoreham-by-Sea)	103
Middle Street	75/76
Mile Oak Road	347
Mill Lane	64
Minstrels Close (Edenbridge)	Hemingford Court (flat 8)
Montpelier Road	21-24 (flat 36 x 2), 47 x 2 (flat 7), 55, 60 (flat 1)
Montreal Road	7
Mountside (Guildford)	10
Natal Road	37
Nevill Road	144 (x2)
New Church Road	175
New Road (Forest Green)	1 Redcap Cottages
Newport Street	12
Northeast Drive	33
North End (Ditchling)	26
North Gardens	14
North Street	City Coast Church
Norton Road	30, 38A
Nutley Avenue	39
Nutley Close (Worthing)	9
Ockleys Mead (Godstone)	1 Waterworks Cottages
Old Farm Road	12

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Old London Road	24-32 (flat 4)
Old Shoreham Road	90 x 3
Orchard Road (Southsea)	53
Osborne Road	109A (x2)
Overhill Gardens	16
Paddockhurst Lane (Balcombe)	The Oaks (x2)
Palmeira Avenue	28 (flat 3), Willow Court (flat 4)
Park Road (Banbury)	47
Park Village	44J
Paston Place	6 (flat 3)
Peel Road	1
Pembroke Avenue	1
Picton Street	11 (x2)
Pinehurst (Burgess Hill)	29
Poplar Avenue	106
Poppy Close (Horsham)	12
Portland Road	26, 173A, 389
Potters Lane (Burgess Hill)	27
Powis Road	10A
Powis Square	1 (flat 1)
Preston Road	113A
Prince Regent Close	45
Queens Park Road	261
Queens Place	6
Regency Square	65-66 (flat 10)
Regent Hill	15
Reigate Road	42
Richmond Road (Worthing)	52B
Ridgemont Avenue (Coulston)	40
Roderick Road (Peacehaven)	116
Rodmell Avenue	24
Roedale Road	66
Roman Way (Southwick)	61
Rose Hill Terrace	79A
Rowan Close	Rowan House (flat 9)
Rue de Meuves (Onzain, France)	45
Rugby Place	45
Rushlake Road	77
Rutland Gardens	18
Sackville Road	91A
St Catherine's Terrace	14 (flat 2)
St Helens Road	12
St Johns Road (Redhill)	27
St Leonards Gardens	56 (x2)
St Leonards Road	3
St Margarets Place	Sussex Heights (flat 14A)

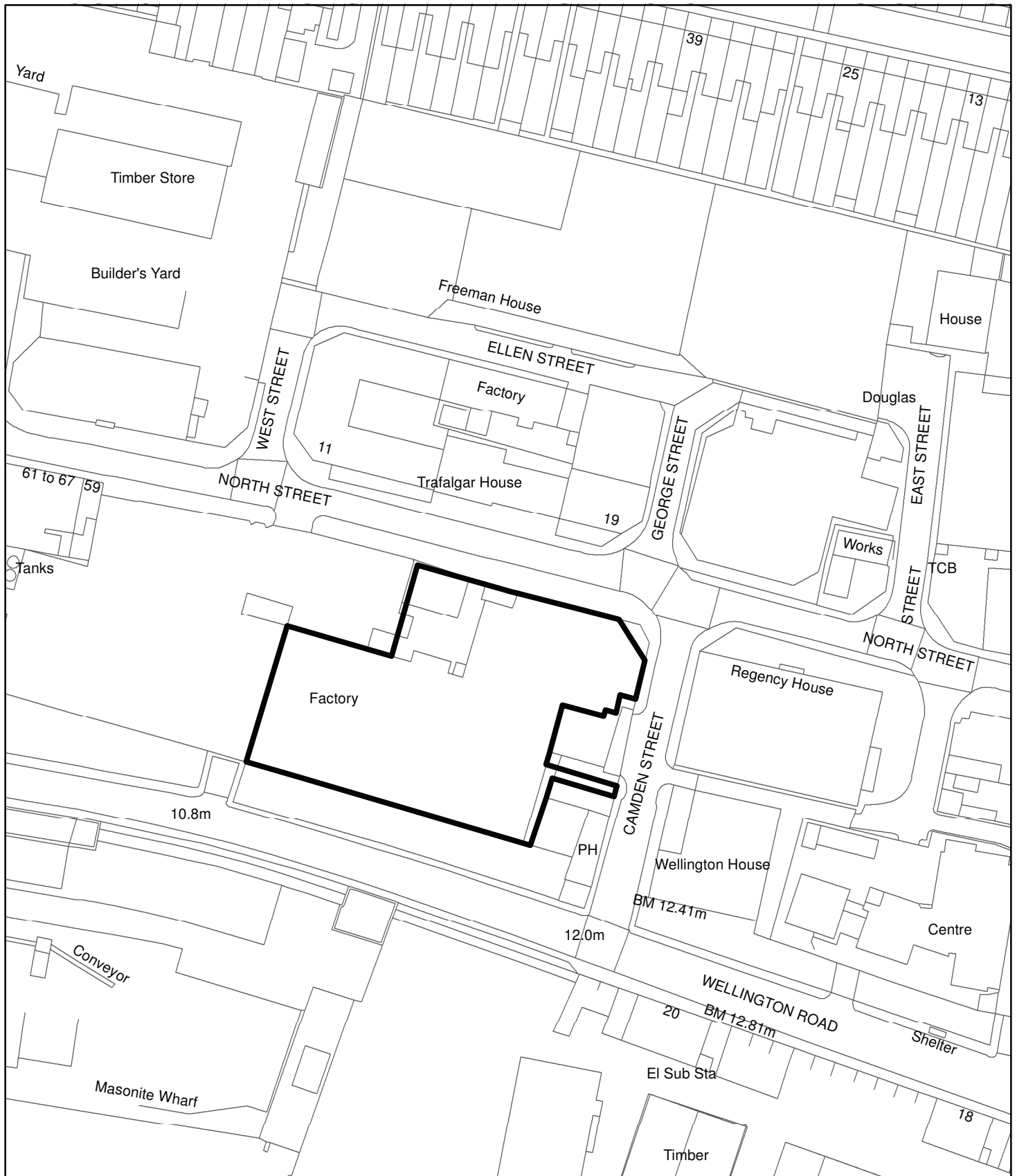
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St Martins Place	27
St Nicholas Road	7, 27
St Paul's Cray Road (Chislehurst)	Chesil House (1A)
St Richards Road	17
Sackville Road	81
Sea Lane (Worthing)	31
Seafield Road	24 (flats 1 & 13)
Second Avenue	9 (flat 6 x 2)
Shaftsbury Road	38
Shanklin Road	29 (flat 3)
Shelley Road	16 (x2)
Sheppard Way	46
Sherbourne Road	8
Sheridan Road (Richmond upon Thames)	84
Shirley Close (Worthing)	3
Shooting Field (Steyning)	16
Silverdale Avenue	16 (flat 7)
Sillwood Place	Osprey House (flat 1)
Solway Avenue	32
Southdown Mews	17
Southall Avenue	24
Southdown Road (Shoreham-by-Sea)	53
South Road (Guildford)	4
South Walk (Bognor Regis)	14
Southway (Guildford)	75
Springfield Road	99 (x2)
Stanford Avenue	94
Stansted Road (Portsmouth)	71
Stapley Road	16
Steyning Crescent (Storrington)	51
Stoneham Road	1A
Stonery Close	13
Stream Park (East Grinstead)	1
Sussex Mansions	39-41 (flat 11)
Sussex Wharf (Shoreham-by-Sea)	Newport - 21
Sutherland Avenue (Bexhill)	20
The Avenue (Shoreham-by-Sea)	51
The Broadway (Alfriston)	Down Laine
The Crescent	12
The Drive	57 (flat 6)
The Drive (Worthing)	25
The Droeway	55
The Gilligans (Burgess Hill)	9
The Ridings (Burgess Hill)	45
Tarragon Way (Shoreham-by-Sea)	10
Terminus Road	3 (basement flat)

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Theydon Street (London)	106
Thorbury Road (Isleworth)	78
Tidebrook (Wadhurst)	1 Eastfield Cottages
Tidy Street	41
Tisbury Road	10, 28 (top floor flat)
Tongdean Rise	4
Toronto Terrace	35
Upper Lewes Road	114
Vale Gardens	5 (x2)
Valley Drive	114
Ventnor Villas	21 (flat 3), 23
Viaduct Road	55
Victoria Road	9-10
Victoria Terrace	17B
Vines Cross (Heathfield)	2 Fern Flats
Wakefield Road	22
Walsingham Road	65
Warleigh Road	19 (basement flat)
Warwick Road (Thornton Heath)	23A
Washington Street	5, 13
Watermill Close (Maidstone)	4
Westbourne Gardens	49, 72
Westbourne Street	63, 81A
Westbourne Villas	44
Westdene Road (Worthing)	3
West End (Ebbesbourne Wake, Salisbury)	Ebbleside
Whitehawk Road	134
Wilbury Road	63
Williams Road (Shoreham-by-Sea)	94
Willow Drive (Seaford)	10
Withdean Road	Stowford
Winterbourne Gardens (Lewes)	54
Wivelsfield Road	55
Zion Avenue	16
Zion Gardens	15
109 letters of no address	

BH2010/03540 Former Flexer Sacks, Wellington Road, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03791	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	Saunders Glassworks, Sussex Place, Brighton		
<u>Proposal:</u>	Application to extend time limit for implementation of previous approval BH2005/00343/FP for the demolition of existing former glassworks. Erection of a five storey block of flats, 2 bungalows and 1 house comprising a total of 49 units, including 20 affordable units. Creation of 3 on-site disabled car parking spaces.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	15/12/2010
<u>Con Area:</u>	Adj Valley Gardens CA	<u>Expiry Date:</u>	16 March 2011
<u>Agent:</u>	Mr Gavin Howe, 3 Robinia Lodge, 4 Station Road, Brighton		
<u>Applicant:</u>	Kane and Co, 34 Lexsfield Road, London		

1 RECOMMENDATION

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

S106

- Provision of 20 affordable units, the details of which are to be submitted and approved in writing by the Local Planning Authority prior to commencement of development
- The funding and provision of a car club space within the local vicinity, details of which are to be submitted and approved in writing by the Local Planning Authority prior to occupation of development;
- A contribution of £75,876 towards enhancement and maintenance of existing outdoor space and/or outdoor sports facilities in the vicinity of the site;
- Public art works to the value of £35,000, the details of which are to be submitted and approved in writing by the Local Planning Authority prior to commencement of development and to provide, on completion of development, a breakdown of expenditure of the said public art works.

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. PL151 received 27 April 2005, PL104 Rev C, PL105 Rev C, PL106, PL107 Rev P, PL108 Rev L, PL109 Rev H, PL113 Rev E, PL130 Rev F, PL131 Rev E, PL109 Rev H, PL132 Rev A, PL109 Rev H, PL133 Rev A, PL134, PL140 Rev F, PL145 Rev H, PL150 Rev A, PL152, PL153, received 26 October 2005, and PL109 Rev H, received 4 November 2005,.

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

3. No development shall take place until a Method of Construction Statement to include details of:
 - a) Demolition and removal of materials;
 - b) Hours of work and deliveries;
 - c) Loading, unloading, storage and handling of plant materials;
 - d) Prevention of damage to, and mud on, highways and access road;
 - e) Control of dust, vibration and noise;
 - f) Parking for vehicles of site personnel, operatives and visitors;

Has been submitted to and approved in writing by the Local Planning Authority. Only approved methods and arrangements shall be implemented during demolition and construction period.

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

4. Notwithstanding the detail contained on the plans hereby approved, prior to commencement of development, samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. BH02.07 Refuse and recycling storage (facilities)
6. Notwithstanding information shown on the drawings, no development shall take place until full details of boundary treatment to the east and balcony screens and window positions at first floor level east, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7. Notwithstanding information shown on the drawings, no development shall take place until full details of fences, walls or other means of enclosure and window positions at ground floor level west, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

8. BH04.01A Lifetime Homes
9. Prior to commencement of development details of a scheme to provide a minimum of 3 residential units which are to be built to a wheelchair accessible standard, a minimum of 2 of these units shall available for

Affordable Housing, shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

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

10. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

11. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

12. BH06.02 Cycle parking details to be submitted
13. Prior to occupation of the development hereby approved the 3 on-site disabled car parking spaces and associated turning areas shown on the approved plans shall be completed. The spaces provided shall not be used otherwise than for the parking and manoeuvring of private vehicles belonging to the occupants of and visitors to the development.

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

14. BH07.11 External lighting

15. BH08.01 Contaminated Land.

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

with.

Reason: In the interests of the protection of controlled waters as the site overlies a principle aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

Reason: In the interests of the protection of controlled waters as the site overlies a principle aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

18. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing L90 background noise level. Rating Level and existing background noise levels shall be determined in accordance with the guidance provided in BS 4142:1997.

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

19. BH07.07 Soundproofing plant / machinery

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

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

Informatives:

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

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

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability

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TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes

SPGBH4	Parking Standards
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Planning Advisory Notes

PAN03	Accessible Housing and Lifetime Homes; and
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(ii) for the following reasons:-

Notwithstanding the above changes in respect to sustainability, no changes have occurred in the development plan or any relevant material considerations to indicate the proposal is no longer acceptable. In addition, the conditions imposed by the Inspector on the previous scheme BH2005/00343/FP are still relevant and meet the tests of Circular 11/95 and are therefore recommended to be imposed on the current approval. Environmental Health have recommended that an additional condition relating to contaminated land is imposed which is also considered to meet the tests of the Circular and has been imposed. The heads of terms to be secured in the Section 106 also remain the same.

2. IN.05.02A Informative: Code for Sustainable Homes.
3. IN04.01 Informative Lifetime Homes.
4. IN.08.01 Informative: Land Contamination.

2 THE SITE

The site is located to the east of Grand Parade and is accessed from the north via Sussex Place, a side road off Richmond Parade. The site, known as Saunders Glassworks, is a vacant, former commercial glassworks site containing a detached, 4 storey (including basement) building. The building is sited centrally on the site and has brick elevations and a flat roof, and there is a lift tower on the roof. The site is bordered by two storey houses in Ivory Place to the east, a blank wall of a two-storey building to the south, the rear of residential and commercial (mainly 4-storey) properties in Grand Parade to the west and a single storey and three-storey commercial building to the north.

The western boundary of the site is adjacent to the Valley Gardens Conservation Area. The site is allocated in the Brighton & Hove Local Plan for residential use.

3 RELEVANT HISTORY

BH2009/03038: Demolition of existing former glassworks and erection of a 7 storey student halls of residence providing 182 units and ancillary cycle parking. Refused 18/03/2010.

BH2009/00834: Demolition of existing former glassworks and erection of a 7-storey student halls of residence providing 196 units and ancillary cycle parking. Refused 12/08/2009.

BH2005/00343/FP: Demolition of existing former glassworks. Erection of a five-storey block of flats, 2 bungalows and 1 house comprising a total of 50 units, including 20 affordable units. Creation of 3 on-site disabled car parking spaces. Refused 08/06/2005 and subsequently allowed on appeal 20/03/2006.

BH2004/02637/FP: Demolition of existing former glassworks. Erection of a six-storey block of flats comprising 54 no. residential units including 18 no. affordable residential units. Withdrawn 11/01/2005.

4 THE APPLICATION

The application seeks consent for the demolition of the existing industrial building the erection of a 5-storey block of 46 flats, plus basement level. Two detached one-bedroom bungalows are proposed on the western boundary of the site, and a two storey (3-bedroom) house is proposed attached to the main block in the south-western corner of the site.

The total number of residential units proposed on the site is 49, comprising 19x1-bedroom, 27 x 2-bedroom and 3x 3-bedroom. 20 of the units (equating to 40%) would be affordable. The building would be of contemporary design with a curved roof.

For the avoidance of doubt the drawing reference numbers and received dates relate to a complete set of drawings received by the Planning Inspectorate as part of the appeal and not the original received dates as referenced on the original decision notice.

5 CONSULTATIONS

External:

Neighbours: One letter of objection has been received from the owner/occupiers of **13a Grand Parade**. The following grounds of objection are raised:

- Loss of light, overlooking and overshadowing to rear of the properties;
- Noise and disturbance due to the high number of proposed units;

Sussex Police: I have examined the detail within the application and I have no objection or further comment to this application that has not already been raised in my previous correspondence. (As below):

- A 24/7 concierge is proposed, which is probably the best crime prevention measure available for this type of proposal;
- Restrictors would need to be fitted to lower and upper ground floor opening windows;
- Presume that there will be CCTV and suggest the inclusion of movement detectors for use at night;
- Confirm that subject to comments being met in both responses or acceptable compromises being reached approval will be given for “Secured by Design” following a final inspection.

Environment Agency: No objection subject to a condition relating to the risks associated with contamination of the site.

Southern Water: No objection.

Internal:

Design & Conservation: No Objection as with the original scheme, repeated as below.

This revised application has complied with previous comments by reducing the overall height of the building by one storey and moving the lift shaft towers to the east. The ridge line would be approximately 400mm above the average ridge height of numbers 7-19 Grand Parade but due to its distance behind the ridges would not be visible. Although the height of the lift shaft towers will be almost 2.7 m above the ridge line of the lowest Grand Parade property (number 13), it is not considered that they will be visible above the historic roofline in any site lines from within Valley Gardens. The removal of the 'wing' from the west side of the building will also allow greater 'breathing space' between the development and the listed buildings. Therefore it is now considered that the development would preserve the appearance and character of the Valley Gardens conservation area and preserve the setting of the listed buildings.

Planning Policy: No objection.

The previous application BH2005/00343/FP was refused at planning committee and an appeal lodged. The previous reasons for refusal were that firstly: it was considered that the proposal would be overdevelopment and cause loss of outlook, privacy and light to existing residential properties (contrary to policy QD27) and secondly; that it was considered that the proposal failed to incorporate a satisfactory mix of dwelling types and sizes (contrary to policy HO3).

At appeal the Inspector felt that this proposal represented a high density residential use in a sustainable location and would remove commercial uses close to homes. The inspector also felt that the housing mix was reasonable and that the layout of these homes would not impact unreasonably on the living conditions of existing residents. The appeal was thus allowed.

It is considered that these original policy issues are addressed in seeking to renew the planning permission and an application for housing on part of this allocated housing site is welcomed, particularly 40% affordable housing in line with policy HO2.

New issues

Since the approval of the previous planning permission at appeal, the applicant should submit a Sustainability Checklist with the application. This does not appear to have been completed. The Sustainable Building Design SPD was adopted in 2008 and seeks to ensure that major developments of 10 or more residential units meet the following criteria;

- Zero net annual CO2 from energy use;
- Sustainability Checklist;
- Level 4 of the Code for Sustainable Homes (CSH);

- feasibility study on rainwater harvesting and grey water recycling systems; and
- Lifetime Home Standards.

It is unclear if these standards have been met. If the proposal cannot meet the criteria above then justification is sought. The council's Sustainability Officer can advise.

Housing Team: No comment.

Sustainable Transport: As the relevant policies have not changed since the consideration of application BH2005/ 00343/FP the advice given on that application remains appropriate. Also, it is understood that the inspector's report on the appeal remains binding on the Council as Planning Authority. The transport aspects are therefore acceptable. There are some detailed issues in the appeal decision and Unilateral Undertaking as follows-

- (1) The undertaking requires a 'Highway Agreement' under S278 of the Highways Act 1980 which would require the applicants to ensure that the prescribed works are carried out. However, they cannot do this completely as the works comprise the creation of new parking bays on the highway and the applicants cannot ensure that this is done. As there is a reference to a TRO contribution elsewhere in the decision this agreement need not be concluded literally as stated but it seems reasonable that that the modest cost of actually providing the bays if approved (i.e. signing and lining) should be required to be funded by the applicants under this agreement.
- (2) The undertaking does not include the requirement for the content of the travel pack to be approved. It is understood that this exclusion must be accepted.
- (3) Although it is not mentioned in the decision, it remains the case that a small section of highway must be stopped up under the Town and Country Planning Act. The applicants must fund the process required.

Environmental Health: Have no objections but recommend conditions to require the submission of a desk top study contamination study and if necessary a site investigation and remediation work.

Air Quality Officer: The site is adjacent to the Air Quality Management Area (AQMA). No part of the development resides within the AQMA. The nearest façade is at least 25 metres back from Grand Parade and the majority of units are proposed at a greater distance and or height allowing for favorable dispersion of the nearest traffic emissions.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes
SPGBH4 Parking Standards

Planning Advisory Notes
PAN03 Accessible Housing and Lifetime Homes

7 CONSIDERATIONS

The application seeks an extension to the time limit for implementation to the previous application reference BH2005/00343/F, which was allowed at appeal. The application was originally refused by Planning Sub-committee on 1 July 2005. The inspector considered the main issues relating to the appeal to be:

- The effect of the proposal on the aims of Development Plan policies which seek a mix of units.
- The effect of the proposal on the living condition of adjacent occupiers with particular regard to overlooking, privacy, daylight and sunlight, disturbance and out look.
- The effect of the proposal on the living conditions of prospective occupiers with particular regard to privacy.

With regard to housing mix, the scheme proposed the provision of 19 no. 1-bedroom flats, 27 no. 2-bedroom flats, 3 no. 3-bedroom flats and 1 no. three-bedroom dwelling. The Inspector concluded that *“Whilst I do not consider family housing inappropriate for this near-to-centre site, I find the site’s location particularly appropriate to the provision of smaller units. ... Whilst a greater number of larger units may be desirable, that would be at the expense of total numbers of units. On, balance, I conclude that the proposed mix is an acceptable response to Brighton & Hove’s housing needs...”*

In terms of the schemes impact upon the existing neighbouring residents, the application proposed a five storey building which would be located from the rear elevations of the properties fronting onto Grand Parade by approximately 16m, and from the rear elevations of the properties fronting onto Ivory Place by approximately 13m. The Inspector considered that these separation distances *“would not be likely to seriously erode the daylight to the existing dwellings or significantly harm their outlook.”* He concluded *“that the building has been designed and arranged to limit the effect on the privacy, outlook and access to light of the existing nearby residents, workers and user of local facilities, in line with the requirements of Local Plan Policy QD27.”*

With regard to the living conditions of the future occupiers and prospective residents, the Inspector considered two areas of possible concern, this being the view form the 1-bed units on the east side to the south and back toward the main block and the view form the balconies on the west side of the main block onto the separate 1-bed and 3 bed units on that side. On the first point

the Inspector concluded that a suitable screen could be secured by condition to overcome this issue. Whilst in regard to the second issue he felt that mutual overlooking was not an unusual situation within developments such as this and concluded that *“the design of the development has mitigated the harm through the lack of privacy and hence would accord with the aims of Development Plan policies which seek an acceptable standard of design.”*

The Inspector concluded his report stating *“The development would provide a high standard of residential use in a sustainable location, and would occasion the removal of commercial uses close to homes. The housing mix represents a reasonable balance between numbers and larger units within an overall building envelope and layout that does not unreasonably impact on the living condition of existing occupiers. The design would provide an acceptable standard of accommodation for prospective residents, subject to the agreement of minor details.”* The Inspectors decision is material consideration in this case.

The Inspector considered that the development was judged to be acceptable in principle and the allowed consent will expire on 20 March 2011. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now render the proposed development unacceptable.

A site visit has revealed that there have been no material changes to the site. No notable structural alterations have occurred to the buildings on the site and no subsequent planning applications have been commenced. Therefore issues relating to the principle, the design and appearance of the development, as well as the impact on amenity, landscaping and traffic remain identical to the previous application, which the Inspector deemed acceptable. There has been no change in local or national policy, with the exception of SPD08, that would affect these issues and planning conditions would be used to ensure the development remains acceptable on these issues.

Sustainability

The Local Plan Policy on Sustainability, Policy SU2, is now supplemented by an adopted Supplementary Planning Document on Sustainability Building Design (SPD08) which supersedes the previously adopted SPGBH 16: Renewable Energy & Energy Efficiency and SPGBH 21: Brighton & Hove Sustainability Checklist. SPD08 was adopted in 2008 and was not a material consideration when the original consent was approved. The extension to the time scale for this application must therefore be assessed in light of the adopted guidance.

SPD08, Sustainable Building Design, requires the scheme to meet ‘Level 4’ of the Code for Sustainable Homes. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and

grey water recycling systems.

The applicant has submitted a Code for Sustainable Homes pre-assessment which has been completed by JPA Sustainability Consultants, which suggests that the development will be able to achieve 'Level 4', and is therefore secured via condition.

An informative has also been recommended to advise the applicant to undertake feasibility studies into rainwater harvesting and grey water recycling and in consultation with the LPA and where appropriate should be integrated into the scheme.

Other Issues

The Environment Agency and Environmental Health have recommended a number of additional conditions relating to the potential contamination to the existing site and the protection of groundwater resources. These conditions are considered to meet the tests of the Circular and have therefore been imposed.

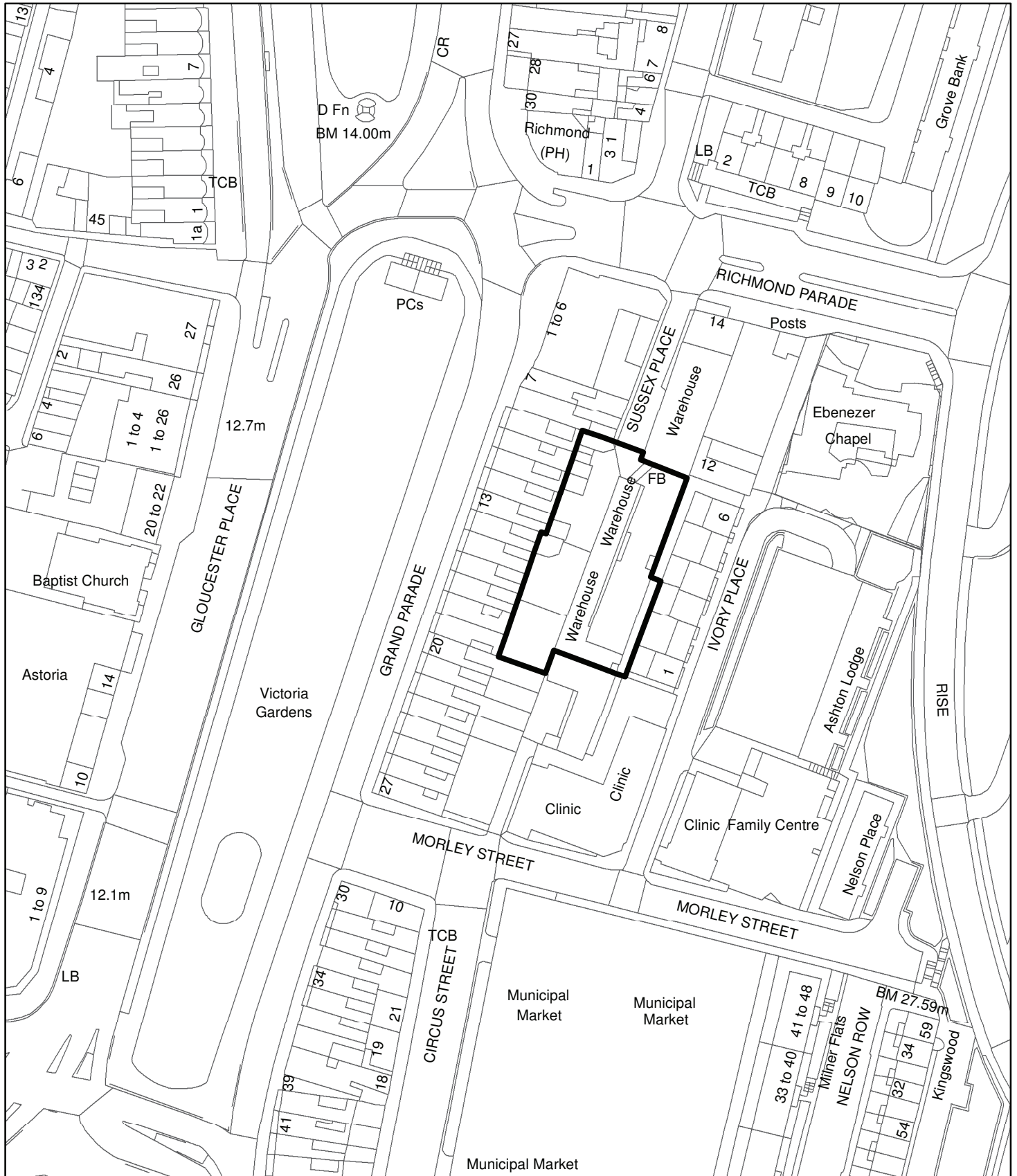
8 CONCLUSION

Notwithstanding the above changes in respect to sustainability, no changes have occurred in the development plan or any relevant material considerations to indicate the proposal is no longer acceptable. In addition, the conditions imposed by the Inspector on the previous scheme BH2005/00343/FP are still relevant and meet the tests of Circular 11/95 and are therefore recommended to be imposed on the current approval. The heads of terms to be secured in the Section 106 also remain the same.

9 EQUALITIES IMPLICATIONS

Three wheelchair units are proposed and all units would meet Lifetime Homes standards, in accordance with policy HO13. Three disabled car parking spaces are proposed on site, and the applicants have agreed in principle to fund the creation of a 2 new disabled parking spaces on Sussex Place, which meets minimum standards.

BH2010/03791 Saunders Glassworks, Sussex Place



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00255	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Woodingdean Business Park, Sea View Way, Bexhill Road, Woodingdean		
<u>Proposal:</u>	Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	07/02/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 May 2011
<u>Agent:</u>	Michael Cook Associates, 11 Goring Road, Worthing		
<u>Applicant:</u>	St Modwen Developments, 180 Great Portland Street, London		

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full Planning Permission.
2. BH02.07 Refuse and recycling storage (facilities).
3. BH03.01 Samples of Materials Non-Cons Area (new buildings).
4. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to, and approved in writing by, the Local Planning Authority.
A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
5. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied

until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

6. BH05.10 Hardsurfaces.
7. The car and motorcycle parking spaces and loading areas shall be permanently marked out as shown on the approved plans prior to the first occupation of any of the units hereby approved, including the designation of disabled spaces, and shall thereafter be retained and used for such purposes only.
Reason: To ensure adequate parking provision and the effective provision for the needs of those with mobility impairment, and to comply with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan.
8. BH06.02 Cycle Parking facilities to be submitted.
9. Notwithstanding the details shown on the approved drawings (specifically drawing no. 103 N), there shall be no bollards located on the outside corners of the vehicle parking bays and provision shall be made for a dropped kerb at the pedestrian entrance to the site.
Reason: To ensure a safe development and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.
10. BH07.03 Odour control equipment.
11. BH07.04 Odour control equipment (sound insulation).
12. BH07.05 No open storage.
13. BH07.06 Control of outside activity.
14. BH07.07 Soundproofing plant/machinery.
15. The use of the premises shall not be open to customers except between the hours of 07:00 to 19:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
16. The openings to the B1(c), B2 and B8 parts of the development hereby approved must be kept shut when not in use.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. No deliveries nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 – 19.00 on Monday to Friday, 08.00 – 13.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton &

Hove Local Plan.

18. The combined rating noise level of all plant and equipment associated with the proposed development, shall be 5dB below the typical background noise level when assessed in accordance with BS4142:1997 “Method for Rating industrial noise affecting mixed residential and industrial areas” or $L_{Aeq,T}$ 35dB whichever is higher. Noise levels shall be assessed at 3.5m from the window of a habitable room in the façade of any neighbouring residential property over a time period (T) of 1-hour during the day and 5 minutes at night.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
19. The free-field noise level from the installation must not exceed L90, 10min 35dB(A) up to wind speeds of 10m/s measured at 10m above ground level at the turbine. The noise limits apply at 3.5m from the window of a habitable room in the façade of any neighbouring residential property. The measured noise level from the wind turbine should be corrected for the effects of background noise to give a free-field noise level which is not influenced by other noise sources in the vicinity. The above noise limit includes the noise effects of blade modulation but a penalty for tonal noise based on ETSU-R-97 Figure 16 should be added to the measured level if an audible tone is identified in accordance with the Joint Nordic Method described in ETSU-R-97.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
20. Unless otherwise agreed in writing by the Local Planning Authority, the bottling plant hereby approved (Block 2) shall only use plastic bottles.
Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
21. BH07.10 No panel beating/paint spray.
22. BH07.11 External Lighting.
23. The premises shall only be used for B1(c), B2 and B8 uses and for no other purpose (including any other purposes in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) except ancillary facilities.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of protecting the Identified employment sites and to safeguard the amenities of the area and to comply with policies EM1 and QD27 of the Brighton & Hove Local Plan.
24. The Class B8 buildings (Blocks 3 and 4) hereby approved, may only be used for such use in connection with the main occupier of the site, as ancillary accommodation to B1(c) and B2 uses.
Reason: The Local Planning Authority would wish to retain control over

any subsequent change of use of these premises in the interests of protecting the Identified Employment Sites and to safeguard the amenities of the area and to comply with policies EM1 and QD27 of the Brighton & Hove Local Plan.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

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

Reason: This site lies on the chalk a principal aquifer a valuable groundwater resource and it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of groundwater and to safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

27. BH11.01 Landscaping/planting scheme.

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

29. BH15.01 Surface water drainage.

30. BH15.02 Use of clean uncontaminated material.

31. BH15.04A Method of piling.

32. BH15.05 Infill material.

33. BH15.06 Scheme for surface water drainage.

34. BH15.07 Storage of oils, fuels and chemicals.

35. Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing how public art can be incorporated into the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in strict accordance with the approved details and retained as such.

Reason: In order to provide adequate public art provision proportional to the works taking place and to comply with Policy QD6 of the Brighton & Hove Local Plan.

36. Prior to first occupation of the site, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame which shall have been agreed with the Local Planning Authority. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. The travel plan shall make reference to the travel plans produced for the earlier phases of development. Should the travel plan reviews indicate a need for

additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.

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

37. No development shall commence until full details including feasibility study, of the proposed wind turbine and windcatcher/passive ventilation system has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details.

Reason: To ensure adequate protection of the amenities of the adjoining occupiers, a sufficient level of sustainability and to comply with policies QD27, SU10 and SU2 of the Brighton & Hove Local Plan.

38. The development hereby approved shall not be occupied until the wind turbine and windcatcher/passive ventilation system have been installed within the development.

Reason: To ensure the scheme has an acceptable level of sustainability and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08: Sustainable Building Design.

39. No development shall commence until confirmation has been submitted to and approved in writing by the Local Planning Authority that the scheme has been registered with the Considerate Constructors Scheme.

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

40. No development shall commence until full details of a scheme to improve the biodiversity of the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved scheme prior to the occupation of the buildings and thereafter retained as such.

Reason: To ensure the scheme achieves an acceptable level of biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.

41. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 103N, 104M, 105F, 106K, 107F, 108F, 109G, 110D, 111B, 112A, 113, 07/709/01, 202, 203, 03B, 04A, LLD295/01/02 and LLD295/02/05 received on 28/01/11.

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

Informatives:

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

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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR4	Travel Plans

PLANS LIST – 16 MARCH 2011

TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD 20	Urban open space
QD25	External lighting
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
EM1	Identified employment sites (industry and business)
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design; and

ii) for the following reasons:

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

properties. It is considered that potential contamination issues can be adequately controlled by conditions. The proposal is considered to be in accordance with Development Plan policies.

2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
6. It is noted that the two car parking spaces closest to the entrance to the building (Block 1) are of standard width which could make manoeuvring into and out of these difficult to achieve, and consideration should be given to increasing their width including a run over strip of 1.2m (half the bay width) to address this issue.

7. The applicant should note that the grant of any potential planning consent does not guarantee against the department investigating the site/plant should complaints be received. Action could be taken under the Environmental Protection Act 1990, if the local authority were satisfied of a statutory nuisance.

2 THE SITE

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

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

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

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

3 RELEVANT HISTORY

Previous development

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

Original Outline Proposals (Whole Site)

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

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

Phase 1

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

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

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

Phase 2

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

Church Proposals

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

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

Phase 3

BH2010/01454: Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. Approved 23/08/2010.

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

BH2006/03649: Full application for the erection of 8 x 2 storey office buildings was refused 08/02/07, for reasons of unrelieved layout, lack of pedestrian route within the site, inadequate separation to the neighbouring property, provision for sustainable travel alternatives, wheelchair user car parking, cycle parking provision, sustainability measures, detail of contamination, refuse storage access, and security measures.

Phase 4

BH2011/00362: Application for removal of condition 25 of application BH2010/01923 (Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes)) which states that no more than 50% of the total floor space of the development shall be occupied by Class B8 users. Not yet determined.

BH2010/01923: Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes). Approved 08/09/2010.

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

4 THE APPLICATION

This application seeks consent for the development of Phase 5 of the business park, comprising the erection of 4 no. industrial buildings together

with associated refuse and cycle stores, a wind turbine, vehicular parking and landscaping.

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

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

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

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

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

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

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

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

There is also an extensive landscaping scheme proposed.

This application follows a previous application (BH2010/01454) for the same development, but now includes a re-sited Block 1.

5 CONSULTATIONS

External:

Neighbours: One letter confirming no objection from the occupiers of **38 Downsway**.

South Downs National Park Authority: (from application BH2010/01454)

As you will be aware, the site is outside the National Park, but visible from within it to the north. The proposed buildings would also be visible, but due to

the changes in ground level and the location behind the existing Castle House, only part of the very top of the buildings would be visible. I do not consider, therefore, that the proposed building would have an unacceptable impact on the park. Also, given the clear relationship of the site to the built up area, I do not consider that the proposed building would have an unacceptable impact on the setting of the park. The proposed turbine would be more visible, but given its relative lack of bulk and perceived low height due to the change in ground levels between the park and the site.

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

Environment Agency: Our previous comments are still relevant.

(from application BH2010/01454)

We consider that planning permission should only be granted to the proposed development as submitted if conditions are imposed. These are:

1. Unsuspected contamination.
2. Surface water drainage system
3. Use of soakaways

Natural England: No objection.

Sussex Police: I have had the opportunity to examine the detail within the application. The only change to this application from previously commented applications is the layout of buildings within the compound.

As such from a crime prevention viewpoint my previous comments remain extant and at this stage have nothing further to add.

(from application BH2010/01454)

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

East Sussex Fire and Rescue Service: The development would appear to satisfy the requirements of B5 of Approved Document B as regards vehicle access for fire appliances.

The provision of fire hydrants is not known from the plans.

It is not possible to determine if the means of escape from all areas satisfy B1 of Approved Document B.

These matters will be enforced at the Building Regulations Approval stage.

It is recommended that sprinkler systems are installed.

Lewes District Council: (from application BH2010/01454)

No objections to this proposal.

EDF Energy: (from application BH2010/01454)

No objections to the proposed works.

UK Power Networks: No objections.

Southern Water: (from application BH2010/01454)

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

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

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

Internal:

Economic Development: Previous comments still stand.

(from application BH2010/01454)

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

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

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

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

Planning Policy: Planning permission was granted 23rd August 2010 (BH2010/ 01454) for the erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. It is understood that the site layout has been altered to re-site Block 1 of the permitted scheme 3 metres to the west; revising the site boundary. All other areas remain as previously consented. Therefore it is considered that no additional policy comments are required.

(from application BH2010/01454)

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

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

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

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

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

Sustainable Transport: (from application BH2010/01454)

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

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

Regarding on-site works, that is within this applications' red line a condition is required to provide a dropped kerb pedestrian crossing facility with out tactile paving (because the dropped kerbs will not line up with another set of dropped kerbs) on the access road next to the site entrance to improve

pedestrian movement particularly for the mobility impaired (for example people in wheel chairs and electric scooters, people with buggies, dismantled cyclists using the pedestrian gate to get to the cycle parking facility).

Regarding parking and vehicle movement on-site, there is concern regarding the proposed installation of bollards on the corners of parking areas and would respectfully advise that on safety grounds these are not installed. The vehicle tracking does not appear to show vehicles hitting anything though it might be advisable for any maximum legal length articulated vehicles accessing and egressing Block 4 to park parallel to the building to avoid blocking the site entrance. There are concerns regarding the width of car parking spaces closest to Block 1 and would advise that an over-run area is constructed alongside the parking spaces to make the parking spaces accessible. Car, cycle and motorcycle parking is acceptable subject to conditions to retain these areas for the sole use of and that full cycle parking details are to be submitted.

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

Arboriculturist: (from application BH2010/01454)

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

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

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

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

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

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

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

As ever, the final contribution will be a matter for the case officer to test against requirements for S106 contributions for the whole development in relation to other identified contributions which may be necessary.

Environmental Health: (from application BH2010/01454)

Noise readings have been established to facilitate a further understanding of the noise climate in the area. These have also been used to address likely levels for the proposed wind turbine and building services plant. These indicate a very low night time level which could prohibit operations. Therefore a sensible approach has been taken to ensure that the levels are appropriate and indeed achievable.

My concerns with regards to noise may be overcome through appropriate conditions as below.

I understand also having read documents produced by Stuart Magowan of CEP that my comments and observations in respect of potentially contaminated land have also been addressed. Having discussed these with Stuart I am satisfied that whilst areas examined reflected appropriate areas for examination and past uses, the analytical suite chosen still did not include hydrocarbon analysis. There seems to be some uncertainty of whether there are in fact any underground tanks still remaining. I consider that there is limited benefit of any further site investigation and as such, a discovery strategy would be more appropriate given that the slab area is to be removed in its entirety when construction takes place. A condition would therefore secure this.

RECOMMENDATION: Approval subject to conditions to cover free-field noise, plant noise, hours of operation of the units and land contamination.

Sustainability Officer: (from application BH2010/01454)

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

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

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

passive ventilation system.

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

BREEAM 'excellent' (with 60% score in energy and water sections) for non residential development; submit a feasibility study of rainwater harvesting and greywater recycling; implement Considerate Constructors scheme; and minimise Heat Island Effect.

Through SU2 the development is expected to:

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

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

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

Energy and carbon reduction

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

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

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

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

BREEAM

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

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

Water minimisation

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

Sustainable materials

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

Minimising Urban Heat Island

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

Composting

No information.

Considerate Constructors Scheme

This scheme will be implemented during construction.

Cityclean: No comments to make on this application.

6 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance

SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD 20	Urban open space
QD25	External lighting
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
EM1	Identified employment sites (industry and business)
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design

7 CONSIDERATIONS

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

Planning History

Planning application BH2010/01454 was approved on 23/08/2010 for the “Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping”.

This application seeks to re-position Block 1 of the application by 3.5m to the west compared to the previous approval requiring an amended retaining wall structure and a revised landscaping strip to the western boundary, with Falmer Road.

Other than this minor alteration, the application is identical to that previously approved.

Principle of Development

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

The principle of development was previously considered as acceptable in application BH2010/01454, and the uses have not altered. As such the previous comments remain valid, which are set out below.

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

1. Block 1 - Main Reflex Building – 2,211sqm of floorspace including manufacturing, storage and ancillary offices. It is considered that the main use of the building is a mixture of Class B1c and Class B8. The B1c relates to the manufacturing element which is taking place and the B8 the storage warehouse. On balance, it is considered that these uses could probably be supported, despite the large element of B8 floorspace.
2. Block 2 - Bottling Building – Reflex – 303 sqm of floorspace. This is Class B2 incorporating some storage Class B8 and as such the uses are considered to be acceptable.
3. Block 3 – Warehouse unit – 390sqm of floorspace. The use class of this would be B8 which could be supported due to its limited size, which Policy EM1 exceptionally allows for within allocated employment sites. A condition is recommended to tie in this B8 floorspace to the wider Reflex development.
4. Block 4 - Warehouse unit – 482sqm of floorspace. The use class of this would be B8 which could be supported due to its limited size, which Policy EM1 exceptionally allows for within allocated employment sites. As above, a condition is recommended to ensure they cannot be sold off to a separate occupier.

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

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

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

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

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

Impact on street scene and wider area

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

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

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

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

The design of the buildings remain unchanged from that previously approved and thus their impact on the street scene is similar as to that previously considered.

That said, the main building, block 1, is situated 3.5m closer to Falmer Road. A significant strip of landscaping is to remain, and thus it is not considered to result in an unduly prominent structure and thus this amendment is acceptable without causing harm to the wider area.

For clarity, the impact on this matter as previously considered is set out below.

The main Reflex building is proposed on the western boundary of the site, adjacent to Falmer Road. It is a two storey building, although, due to the terracing of the site would appear single storey when viewed from the north.

The building is orientated south, and incorporates a glazed feature entrance, with a brick base, panels above and a low curved roof profile. The building also incorporates a square column which projects slightly higher than the main roof and is situated adjacent to the Falmer Road boundary. This range of materials is considered to be acceptable in principle, subject to a condition requiring full samples to be submitted and approved.

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

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

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

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

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

- a. Adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
- b. The proposal includes suitable open space provision;
- c. High quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
- d. Effective use has been made of existing landscaping features;
- e. Where appropriate, existing nature conservation features have been retained and new suitable ones created; and
- f. If the location is appropriate, the site contributes to the Brighton & Hove Greenway Network.

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

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

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

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

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

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

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

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

Amenity Issues

For Neighbours

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

The amenity issues are the same as previously considered, which do not give rise to any concerns which cannot be controlled by condition. Again, the previous analysis on this matter is set out below.

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

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

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

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

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

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

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

Transport

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

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

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

The level of parking and manoeuvrability within the site have not altered by the repositioning of Block 1, as such the matters remain as per the previous approval, which are set out below.

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

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

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

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

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

Public Art:

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

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

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

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

The location of the site is also a key consideration, within the middle of an

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

Site contamination

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

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

Contamination issues were addressed during the course of the previous application, subject to a number of conditions which form part of this recommendation for approval.

As such there are no adverse contamination issues.

Sustainability

The proposed building must meet the BREEAM standards set out within the SPD08. These are as follows:

Buildings between 236-999sqm

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

Buildings above 1000sqm

- 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and
- Feasibility study on rainwater harvesting and grey water recycling systems.

The total floor space is 3479m² therefore the latter criteria applies. In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to

minimise overall energy use have been incorporated into siting, layout and design. This would be particularly prudent in relation to all bathroom/kitchen/lighting fittings.

As per the previous application, a package of sustainability information has been submitted with the application which demonstrates that the scheme would meet 'Very Good' and not 'Excellent'.

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

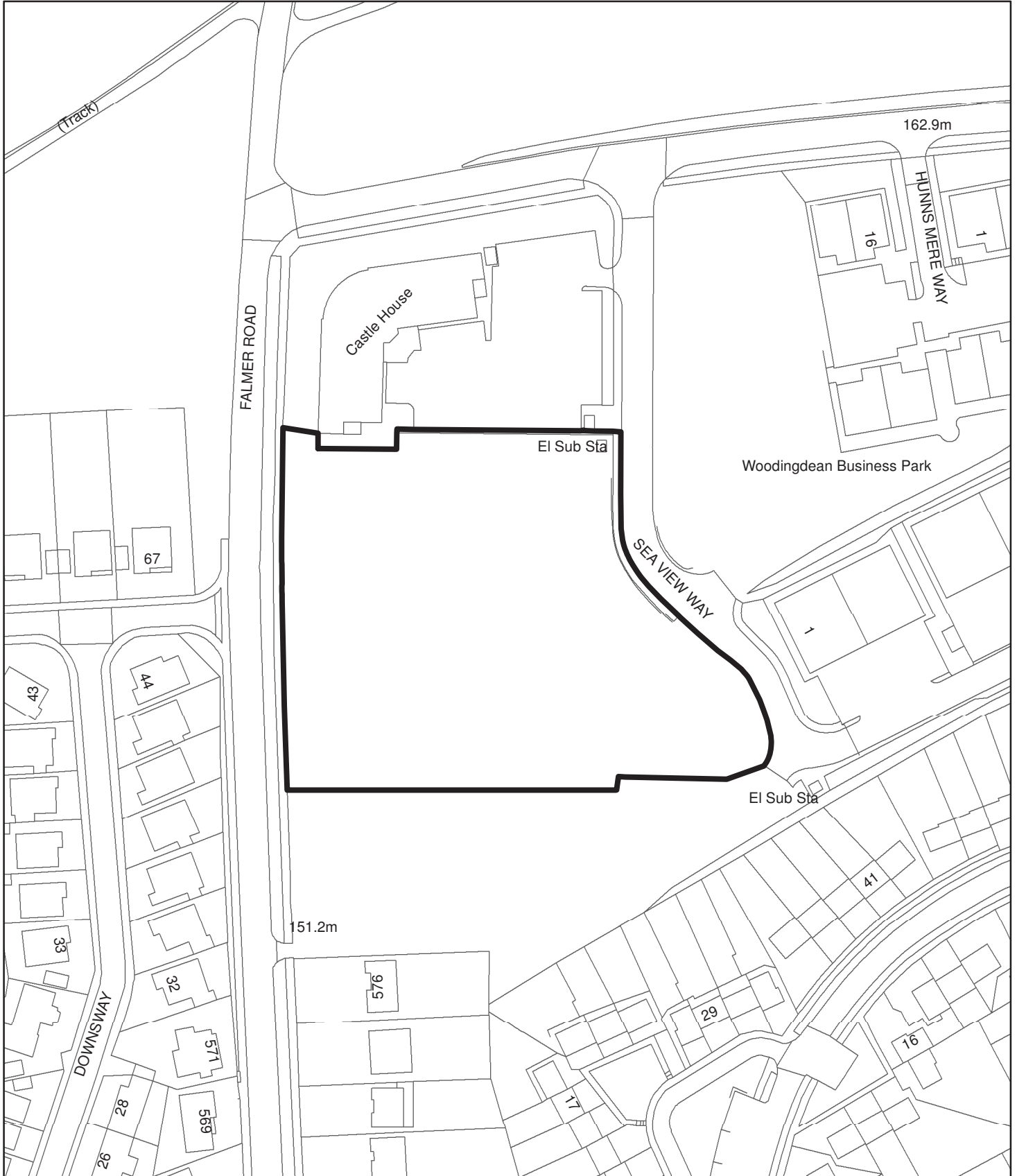
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

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

BH2011/00255 Woodingdean Business Park, Sea View Way, Bexhill Road, Woodingdean



**Brighton & Hove
City Council**



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/03911	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	52 Downland Road, Brighton		
<u>Proposal:</u>	Hip to gable loft extension with front and rear dormers and rooflights to front elevation (Part retrospective)		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	06/01/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 March 2011
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Mark Bean, 26 Park Road, Brighton		

This application was deferred at the last meeting on 23/02/11 for a Planning Committee site visit.

1 RECOMMENDATION

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

1. The proposed front dormer window would be out of character with the street scene, and would not relate well to the existing fenestration within the north facing elevation of the property and would include large areas of cladding either side of the window and as a result would be of detriment to the visual amenities of the parent property, the Downland Road street scene contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
2. The proposed rooflights, in conjunction with the proposed front dormer window and existing front projecting hipped roof form, would result in visual clutter to the front roofslope of the property. In addition the eastern sited rooflight would be sited in close proximity to the proposed front dormer window. As a result the proposal would have a detrimental impact upon the visual amenities of the host property and the Downland road street scene contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
3. The proposed rear dormer window, by virtue of its excessive size and design, which includes large areas of cladding, is considered to be overly bulky, oversized, poorly designed and poorly related to the existing building and therefore of detriment to the character and appearance of the existing property and the wider area. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informatives:

1. This decision is based on drawing nos. 05 and 08 received on the 20th December 2010 and drawing nos. 01 and 04 received on the 24th January 2011.

2 THE SITE

The application relates to a detached bungalow located on the southern side of Downland Road. Originally a detached garage was located to the south-west of the property however recently this structure has been demolished and a new detached building constructed in the south-western corner of the site.

The northern side of Downland Road comprises uniform detached bungalows which are paired as a result of connecting garages. The southern side of Downland Road does not have a uniform appearance and provides an array of dwelling type, designs and forms.

3 RELEVANT HISTORY

BH2010/02791: Hip to gable loft extension with front and rear dormers and rooflights to front elevation (Part-Retrospective). Refused 21/10/2010.

BH2010/02370: Certificate of lawfulness for proposed hip to gable loft extension with rear dormer and rooflights to front elevation. Refused 21/10/2010.

BH2010/01768: Erection of hip to gable roof extension with front and rear dormers. Withdrawn 21/07/2010.

BH2010/00652: Erection of single storey extension to rear. Alterations and extension to roof including hip to gable ends, rear dormer and rooflights. Approved 21/05/2010.

4 THE APPLICATION

Planning permission is sought for a hip to gable roof extension on the eastern side of the property, the insertion of a front and rear dormer window on the eastern side and the insertion of rooflights. Whilst on site it became apparent that the hip to gable roof extension and part of the rear dormer window had been constructed, the application is therefore part-retrospective.

As part of the current application 5 letters of support from neighbouring properties and a letter of support from the Ward Councillor were submitted. However as these letters were submitted as part of the application and not received during the consultation period the Local Planning Authority are unable to take them into consideration.

5 CONSULTATIONS

External:

Neighbours: Six (6) letters of support from the occupiers of **8, 49, 50 and 54 Downland Road and 15 and 49a Channel View Road**, on the following grounds:

- the area is very unique and whilst properties are similar they are also unique in their own way,

- the property was becoming rundown and was in need of modernisation, as time has gone on the improvements of the house have certainly benefited the house and the street,
- other properties have dormers and gables ends, the designs of which would be questioned,
- great consideration has been taken to ensure that the property is in keeping with other properties within the area, and the actual building works carried out to date have certainly been of a high standard which have certainly enhanced the property and the area,
- there are many surrounding properties that have gable ends and also large dormers, in fact the dormer is one of the better looking dormers in the street, most dormers are not symmetrical,
- the works out enhance the street scene and is in keeping with Downland Road, and
- the opposite side of the street are all uniform but every single house on the other side is a different shape/size/materials etc.

A letter has been received from **Councillor Geoff Wells** in support of the application (copy of letter attached).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations and Extensions

7 CONSIDERATIONS

Background

Under application BH2010/00652 approval was granted for the erection of a single storey extension to the rear of the property, a hip to gable roof extension on both sides of the property, the insertion of rooflights and the creation of a dormer window within the centre of the rear roofslope. The hip to gable roof extensions and the rear extension have been completed.

The applicant then sought a proposed Certificate of Lawfulness, reference BH2010/02370, for a western hip to gable loft extension with a large rear dormer window and rooflights to front elevation. However during the case officer's site visit it became apparent that the works to which the certificate related had commenced but have not yet been completed and an eastern hip to gable roof extension, approved under application BH2010/00652, had already been commenced, adding further volume to the roof. As a result this certificate was refused on grounds that the total volume of all roof additions to the property exceeded the volume limit of additions allowed under permitted development, namely 50m³.

A concurrent application to the above certificate of lawfulness, reference

BH2010/02791, sought planning permission for a hip to gable roof extension on the eastern side of the property, the insertion of a dormer window on the eastern side of the front roofslope, the creation of a dormer window on the eastern side of the rear roofslope (to connect with the dormer proposed in the certificate of lawfulness application) and the insertion of rooflights. During the application it became apparent that the hip to gable roof extension had been completed with regards to the structure. In the determination of this previous application the Local Planning Authority considered it imperative to assess all of the extensions to the property. This application was refused on grounds of the design and the excessive size of the proposed rear dormer window, the design, positioning and principle of the proposed front dormer, the positioning and principle of the proposed front rooflights, in conjunction with the proposed front dormer window and existing front projecting hipped roof form, resulting in visual clutter to the front roofslope of the property and the Downland Road street scene.

Within the current application, planning permission is sought for a hip to gable roof extension on both sides of the property, the insertion of a dormer window on the eastern side of the front roofslope, the insertion of a large rear dormer window and the insertion of two rooflights within the front roofslope. The application is part retrospective as the hip to gable roof extensions and part of the rear dormer window have been constructed. In addition 3 rooflights have been inserted within the front roofslope of the property, however only two rooflights are shown on the proposed plans submitted and in different positions within the roofslope.

The main considerations in the determination of this application relate to the impacts of the development upon the character and appearance of the host property, the Downland Road street scene and the wider area. In addition the impacts upon the amenities of the neighbouring properties must also be assessed.

Visual Amenities

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

The hip to gable side roof extensions have increased the ridge of the main roof of the property by approximately 4m on each side, resulting in a total ridge length of approximately 10.3m.

A majority of the rear dormer window has already been constructed. The completed flat roof rear dormer window would measure approximately 9.5m in width, approximately 2.3m in height and would project from the rear roofslope by approximately 2.8m. It will be set down from the ridge of the property, as extended, by approximately 0.9m.

The proposal also includes the insertion a dormer window within the front roofslope, as extended, towards the eastern side. This hipped roof dormer window will measure approximately 2.6m in width, a maximum of approximately 2.5m in height and will project from the roofslope by a maximum of approximately 3.1m. The ridge of the proposed front dormer window will be level with the ridge of the main roof of the property, as extended.

The proposed dormer windows fail to accord with guidance set out in the Council's Supplementary Planning Guidance on Roof Alterations and Extensions for the following reasons;

- a front dormer window is proposed as part of the proposal,
- the dormer windows are not positioned well with regards to the window arrangements on the elevations below,
- the ridge of the front dormer window is level with the ridge of the main roof of the property.
- the width of the dormers, they comprise large areas of cladding either side of and below the related windows, and therefore are of a poor design, and
- the rear dormer window cill does not sit just above the related roofslope.

Three rooflights, of two different sizes, have already been inserted within the front roofslope of the property. The plans submitted as part of the current application show the insertion of two front rooflights, both measuring approximately 0.6m by 0.7m. The positioning of these two rooflights differs to the positing of the rooflights already inserted within the front roofslope of the property.

The proposed eastern sited rooflight, as shown on the plans submitted and not as inserted on site, would be inserted very close to the proposed front dormer window. It is considered that the positioning of this rooflight in context with the proposed front dormer window is undesirable. In addition, the proposed front dormer window and the two front rooflights, in conjunction with

the existing projecting front hipped roof section of the property, would result in clutter to the front roofslope of the property. The proposal would therefore be of detriment to the visual amenities of the host property, the Downland Road street scene and the wider area.

Despite the extensions to both sides of the roof a visual gap has been maintained between the host property and the neighbouring properties. The southern side of Downland Road does not provide a uniform appearance with regards to style, design and type of properties or roof forms, although one generic characteristic is the presence of pitched roof slopes, which the proposal will retain. The northern side contains detached bungalows with gable end roof forms, each pair linked by flat roofed garages.

Given the existing character and appearance of the southern side of Downland Road it is considered that the hip to gable side roof extensions have been of detriment to the character or appearance of the host property, the Downland Road street scene or the wider area. In addition it is concluded that the insertion of front rooflights is acceptable in principle. However for reasons set out above it is considered that the rooflights proposed are not acceptable and would be of detriment to the character and appearance of the host property, the Downland Road street scene and the wider area.

The principle of the insertion of front dormer window is considered to be inappropriate for this dwelling. There are no examples of well designed front dormers in Downland Road, which comply with SPG on roof alterations and extensions and considered to have set a precedent for such developments. It is acknowledged that there is a front dormer window located at number 22 Downland Road, however this dormer is overly large and bulky, and does not comply with the current planning policies or supplementary planning guidance. This dormer was granted consent in 1983, prior to the requirement of planning permission for front dormer windows. The other example of a front dormer window within the immediate street scene is at number 60 Downland Road, which is also overly large and bulky. This dormer window does not appear on the planning records, and was more likely to have been built prior to requiring permission.

Under application BH2005/00672/FP, the Local Planning Authority refused the insertion of a front dormer window at no. 50 for reasons including being out of character with the street scene. The development was however allowed at appeal as it was concluded that “Due to the diversity in the street scene on the same side of the road, the dominance of the 2-storey houses nearby, and the comparatively small scale of the appeal dwelling, the modest front dormer window would have a relatively little impact in the street scene..”. The Local Planning Authority does not give significant weight to this appeal decision in the determination of this current application as the front dormer allowed at no. 50 is of a different design and style to that proposed at no. 52 and there are no rooflights within this neighbouring front roofslope. In addition the front roofslope related to no. 50 is different to that at no. 52 as it does not comprise

a projecting hipped roof section.

The above poor examples do not equate to a precedent, in line with the Council's Supplementary Planning Guidance on Roof Alterations and Extensions, which states that 'the presence of a small number of inappropriate roof alterations in the street will not be accepted as evidence of an established precedent'. There are a few other dormer windows which face onto Downland Road, but they are rear dormer windows for properties located in Channel View Road, and once again are bulky and dominant. On these grounds, the proposed front dormer window is considered to be inappropriate and out of character with the street scene. In addition the position of the proposed front dormer window relates poorly to the windows on the elevation below.

A new window has also been inserted within the western elevation of the property. In addition a new door has been inserted within the western facing elevation of the property however the insertion of this door is not shown on the plans submitted. It is not considered that these developments have had an adverse impact upon the visual amenities of the host property or the Downland Road street scene.

Impact Upon Neighbouring Properties

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The rear dormer window will face onto the rear garden of the host property and beyond towards the properties located on Channel View Road. The south facing roofslope of no. 52 is set further to the north than the adjacent properties, nos. 50 and 54 Downland Road. Views to the east and west of the dormer window will be oblique as a result of the positioning of the property in relation to the neighbouring properties.

A distance of approximately 23m is located between the original rear elevation of the property and the rear common boundary with properties located to the south of the site on Channel View Road. As a result it is considered that the proposed dormer window, despite providing elevated views from the current bungalow, will not have an adverse impact upon the amenities of the neighbouring properties.

Nos. 50, 52 and 54 Downland Road are all of a detached form, although no. 54 comprises two storeys. It is not considered that the hip to gable side roof extensions have had a significant adverse impact upon the amenities of the side neighbouring properties, although if the proposal was overall considered acceptable it would be recommended that a condition be attached to remove the householders permitted development rights to insert additional windows in

the western elevation of the new gable end in order to protect the amenities of no. 50 from future developments as a result of the presence of an existing rooflight within the east facing rooflight of this neighbouring property.

Due to the nature and positioning of the proposed rooflights it is not considered that their insertion will have a significant adverse impact upon the amenities of the neighbouring properties with regards to overlooking or loss of privacy.

The proposed front dormer window will face towards Downland Road and properties opposite. As a result of the distance between the host property and the northern neighbouring properties it is not considered that the insertion of a front dormer will have a significant adverse impact upon the amenities of the opposite neighbouring properties.

It is not considered that the insertion of a door and window within the western elevation of the property has had a significant adverse impact upon the amenities of the western neighbouring property.

Conclusion

For the reasons set out above it is concluded that the proposal fails to accord with policies of the Brighton & Hove Local Plan, refusal is therefore recommended.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/03911 52, Downland Road



Scale: 1:1,250

Liz Arnold
Planning Officer
Hove Town Hall

22-01-2011

Dear Liz

With Reference to planning application
BN2010/03911 at 52 Downland Road Woodingdean. BN2 6RQ

As the ward councillor covering the aforementioned address, I have made a site visit, and inspected the plans and I could see no problems with the work that has so far been done there and what is proposed.

I therefore ask that this application should it not meet with your approval, be decided by the planning committee and would strongly suggest that a site visit be made, so that the committee can see the many properties the like of this application, that can be seen in Woodingdean and in particular the immediate area and that alterations to the said address will not be out be keeping.

I would ask that this letter is attached to the agenda.

Yours Sincerely


Geoff Wells

No:	BH2010/03843	Ward:	BRUNSWICK AND ADELAIDE
App Type:	Full Planning		
Address:	Amber Court, 38 Salisbury Road, Hove		
Proposal:	Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear.		
Officer:	Jason Hawkes, tel: 292153	Valid Date:	24/12/2010
Con Area:	Adjacent Willet Estate	Expiry Date:	18 February 2011
Agent:	Leo Horsfield Surveying, 9 Clifton Hill, Brighton		
Applicant:	Mr Vic Marchant, 269 Kingsway, 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.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.LH10-209-101, 102, 103, 104A, 105A, 201A, 202, 203, 204, 205A and 206 received on 13th December 2010 and 23 February 2011.

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

Pre-Commencement Conditions:

3. BH03.02 Samples of materials – non cons area.
4. BH02.08 Satisfactory refuse and recycling storage.
5. BH05.09 General sustainability measures.

Pre-Occupation Conditions:

6. The screening for the approved terraces, as indicated on drawing nos.LH10-209-201A, 205A, 206 and 204 shall be obscure glazed to all sides and installed before the flats are occupied. The screens shall be retained as such thereafter.

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

7. BH04.01 Lifetime Homes.
8. BH06.03 Cycle parking facilities to be implemented.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local

Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

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

- (ii) for the following reasons:-
- The proposed development has addressed the Inspector's concerns raised in the previous appeal and the proposal would not have an adverse impact on the character and visual amenity of the host building or surrounding area. Subject to planning conditions, the scheme would have no material detriment on the amenity of adjacent properties and is appropriate in terms of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
 3. IN05.04 Informative: Ecohomes Refurbishment.

2 THE SITE

The application site relates to a flat-roofed purpose built three-storey block of 12 flats on the eastern side of Salisbury Road, with parking at basement level to the rear for up to 12 vehicles. The parking spaces to rear (excluding the garage spaces) and front are all used for commercial purposes (privately owned pay and display spaces). The building features extensive brickwork with UPVC windows and includes a small front extension with a stepped entrance. The block of flats dates from the 1960's.

The eastern side of Salisbury Road is predominantly relatively recent flatted development, with the western side historic semi-detached houses within the Brunswick & Adelaide Conservation Area. The site directly adjacent to the south (formerly 39 Salisbury Road) is currently undergoing works for the construction of a four storey block of nine residential units and a community use. The application site is not within a Conservation Area. The site is adjacent The Willett Estate Conservation Area which is on the opposite side of the Salisbury Road (west side).

3 RELEVANT HISTORY

There is an extensive planning history for the application site and the adjoining site to the south, no. 39. Of relevance to the application site are three recent refusals for the construction of an additional floor:-

BH2008/03885: Following this an application was submitted for the formation of an additional storey to create 2 no. 2 bed flats in December 2008. This application was also refused for the following reasons:

1. The development by reason of an overly dominant front stairwell and discordant fenestration would relate poorly to the remainder of the building and appear an incongruous feature detrimental to the character and appearance of the building and surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
2. There is insufficient information to demonstrate that the proposed development will not result in harmful loss of light and overshadowing of adjoining gardens to the rear of the application site on Palmeira Avenue. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan which seeks to protect residential amenity.

This decision was appealed by the applicant and the appeal was dismissed in December 2009 (appeal ref: APP/Q1445/A/09/2105147). The Inspector's reason for refusal related to the unacceptable harm the fenestration of the scheme would have on the character and appearance of the building and surrounding area.

BH2007/04032: An application was submitted in October 2007 for the formation of an additional storey comprising four flats. This application was refused in July 2008.

BH2007/04032: Planning permission was then refused for a revised scheme for the formation of an additional storey comprising four flats in July 2008.

4 THE APPLICATION

Planning permission is sought for the construction of an additional storey on top of Amber Court to form 2 flats. The flats include balcony areas to the rear. The scheme includes a cycle store to the front elevation.

5 CONSULTATIONS

External:

Neighbours: Eight (8) letters / emails has been received from **Ground Floor Flat, 15, (Flats 1, 2, 3, 4 & 5) 13 Palmeira Avenue, 5, 9, 12 Amber Court, Flat 1 36 and First Floor Flat 8 Salisbury Road** objecting to the proposal for the following reasons:-

- Amber Court is a sixties style building with little architectural merit and an additional storey will make it stand out even more and will create an even bigger eye sore. The building should be knocked down and replaced with a new structure;
- loss of light and overshadowing;
- loss of outlook;
- loss of privacy;
- the development does not address the housing needs of the area;
- increasing the density of the area will have a negative impact on the existing residents;
- how can the flats be wheelchair accessible when the flats themselves are accessed via front steps;
- existing refuse and recycling storage is badly managed and no further facilities have been provided;
- noise and disturbance during building works, which would also affect the existing access to the stairs which is the only means of escape. The residents are already being disturbed by the works at the adjacent property.
- it is believed the works will be of 'shoddy' standard;
- question whether the structure is strong enough to withstand the development;
- note that this site has been the subject of numerous previous application for roof extensions that have been refused. It is believed the previous reasons for refusal are still valid;
- Current parking is inadequate in the area (due to the setting up of the pay and display parking at Amber Court) and the provision of cycle parking is inadequate;
- emphasis is given to the local transport facilities and yet the rear of Amber Court has recently been made a pay and display car park with big ugly signage. It seems that cars are acceptable when providing revenue;
- the scheme does not accurately illustrate the difference between the appearance and condition of Amber Court and that of neighbouring buildings.

Internal:

Sustainable Transport: No objections subject to the following:

- The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details and thereafter retained.

Environmental Health: No adverse comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

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

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the impact of the additional storey on the character and appearance of the building and surrounding area and residential amenity for occupiers of adjoining properties; the standard of accommodation created by the development; and transport and sustainability.

The recent appeal decision for the application for the formation of additional storey to create 2 no. 2 bed flats (BH2008/03885) is also a material consideration in the determination of this application.

Character and appearance

Amber Court is approximately a storey lower than the immediately adjoining buildings to the north, Salisbury Court and Hatfield Court. The proposed additional storey, which is flat roofed and set back from the main outside walls of the building, would result in an additional 2.6m on top of the building. This results in an overall height of 12.15m for the building. The scheme includes a front stairwell extension which comes up to the front of the building and is 3.8m wide. To the rear are inset balconies with glazed balustrades. Externally, the extension would have a rendered finish and include white UPVC windows.

In the previous scheme (BH2008/03885) it was considered that the scale and height of the proposed additional storey was acceptable and would not be out of character with the area. Since this application, planning permission has also been granted for the development of 39 Salisbury Road for a four storey block of flats which is currently being constructed. This block is shown on the submitted drawings and is comparable in height to the overall proposed height of Amber Court with the additional flats.

Notwithstanding the acceptance of the height of the scheme, the previous application was refused on design grounds. The reason for refusal states that the development would be detrimental to the appearance of the building and surrounding area by reason of an overly dominant front stairwell and discordant fenestration.

In the following appeal, the Inspector stated the following:

'The Council does not object in principle to the additional storey, but does, however, object to the front stairwell and fenestration'.

'In my opinion this forward projection would not be unduly prominent in the street scene and would not be harmful to the character and appearance of the building or the area, particularly given what I saw to be the varied character of the area and building.'

Turning to the fenestration, Policy QD14 of Brighton & Hove Local plan requires development that is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. I am of the opinion that the fenestration, particularly on the front elevation of the proposed extension relates poorly to the proportions, alignment and rhythm of the windows on the lower floors. Although the windows have been aligned vertically on one side or the other of the windows below in my view the lack of complete alignment would be harmful to the character and appearance of the building and the area.

Although I have found the stairwell to be acceptable, overall, on the first main issue, I conclude on this issue that the proposal would be unacceptable because of the harm caused by the window design. The proposal would not

comply with Local Plan Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.'

To address the decision of the Inspector, the current scheme has retained the same bulk and scale of the proposed additional storey as previously proposed and has amended the window design. The front windows have now been amended so that they match the scale, design and size of the UPVC windows below on the existing building. Having regard to the current window design, it is considered that the scheme has addressed the Inspector's reason for refusal. As appeal decisions are material considerations in the determination of applications, it is therefore considered that the scheme is acceptable in terms of its appearance and a reason for refusal on design cannot be justified.

Standard of accommodation

As part of this application the development proposes 2 two-bedroom units with rooms of an adequate size throughout and comparable to that existing at lower levels of the building. A lifetime homes checklist has been submitted outlining where standards have been met in the proposed design, and having regard to the size of the units there are no apparent reasons why policy HO13 could not be met by the proposal.

The proposed flats would have access to private amenity space in the form of rear roof terraces. This provision, notwithstanding any impact on neighbouring amenity, is considered appropriate to the scale and character of the proposed development. The scheme is therefore considered appropriate in terms of the standard of accommodation.

Impact on neighbouring amenity

Loss of light, overshadowing & outlook

The additional storey has been set-back approximately 3 metres from the main rear elevation of the existing building. This arrangement is comparable to the fourth-storey of Salisbury Court, to the north.

There is only limited separation between Amber Court and adjoining buildings on Palmeira Avenue. The previous scheme raised concern that the flats would result in a loss of light and overshadowing of the adjoining gardens to the rear of the application site on Palmeira Avenue. The application was refused on these grounds. The Inspector addressed these concerns and found that the scheme was appropriate in terms of loss of light, overshadowing and outlook. His comments are outlined below:

'A number of interested parties from Palmeira Avenue have expressed concern about overshadowing, privacy and a loss of light, indeed I viewed the appeal site from a number of flats in Palmeira Avenue. Policy QD14 of the Brighton & Hove Local plan requires account to be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships and how overbearing the proposal would be.'

While I note that the levels shown on the drawings are not representative of the actual levels, I was able to visit a number of the adjacent properties and was able to make a full assessment of the proposal taking into consideration the actual ground levels. I saw that garden levels in Palmeira Avenue were significantly higher than those at the appeal site and at the time of my visit I saw that properties in Palmeira Avenue were not being overshadowed by Amber Court.

Although the appeal building is visible from the rear gardens and rooms of properties in Palmeira Avenue I am satisfied that the roof level addition and privacy screen with their respective setbacks from the rear elevation would not significantly affect the daylight and sunlight of neighbouring residents to the extent that would warrant refusal of permission. The appeal proposal would be setback by about 3m from the rear elevation of the building. A privacy screen would be erected at roof level and would be approximately 1.5m high and setback from the rear elevation by about 0.8m. In my opinion this configuration would be sufficient to ensure minimal harm with regard to daylight and sunlight to the properties that back onto the appeal site in Palmeira Avenue.

With regard to privacy I am satisfied that the proposed privacy screen would be sufficiently high to avoid overlooking and a loss of privacy. I conclude on this issue that the proposal would comply with Local Plan Policies QD14 and QD27 of the Brighton & Hove Local Plan.'

The scheme also includes Sunlight and Overshadowing study which concludes that the impacts caused by the proposed development on the existing dwelling in Palmeira Avenue would be minor and that the scheme would not adversely affect the light receivable by the neighbouring properties.

In line with the Inspector's comments a condition is recommended that the privacy screen is obscure glazed and in place prior to the occupation of the flats. It should also be noted that the applicant has submitted amended drawings showing the correct land levels. The amended plans do not alter the impact of the scheme on the amenity of the adjacent properties.

Noise

The requirements of Building Regulations with regards soundproofing are considered adequate to ensure the proposed flats do not harm neighbouring dwellings through increased noise or disturbance.

It is noted that concerns have been raised from residents in Amber Court about noise and disturbance during the construction period.

Transport

Amber Court has limited parking for residents with the car parking spaces to the rear and front being managed through a pay and display system. The Design and Access Statement states that the site is within close proximity to

good public transport and to local amenities therefore encouraging a sustainable car-free development.

Although it is likely the development will create an increase demand for parking in the area, there is no convincing evidence to suggest the development would be significantly harmful in terms of additional vehicular movements or the creation of highway hazards or dangers to justify refusal. The scheme also includes a cycle store for the flats which is positioned to the front of the building in a pay and display parking space. As such the Traffic Manager has not objected to the application.

Sustainability

Policy SU2 requires development demonstrates a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 8 on Sustainable Building Design also requires developments of this scale to include suitable sustainability measures, including reduction in water consumption. In line with SPD08, the scheme includes a Sustainability Checklist stating the scheme meets the minimum BREEAM requirements.

It is appreciated that as an extension to an existing building the potential to incorporate sustainable elements of design is somewhat restricted. Based on the measures to reduce the use of resources outlined in the submitted Design & Access Statement, it is considered that further details of measures to reduce the use of resources as part of the development can be submitted for approval by the Local Planning Authority prior to commencement of works.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. The development is likely to generate limited amounts of waste and a suitable statement has been submitted outlining appropriate waste minimisation measures.

Conclusion

The proposal has addressed the Inspector's reason for refusal which related to the fenestration of the building. The scheme is therefore appropriate in terms of design and is also acceptable in terms of its impact on residential amenity, transport measures, sustainability and provides a suitable standard of accommodation.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

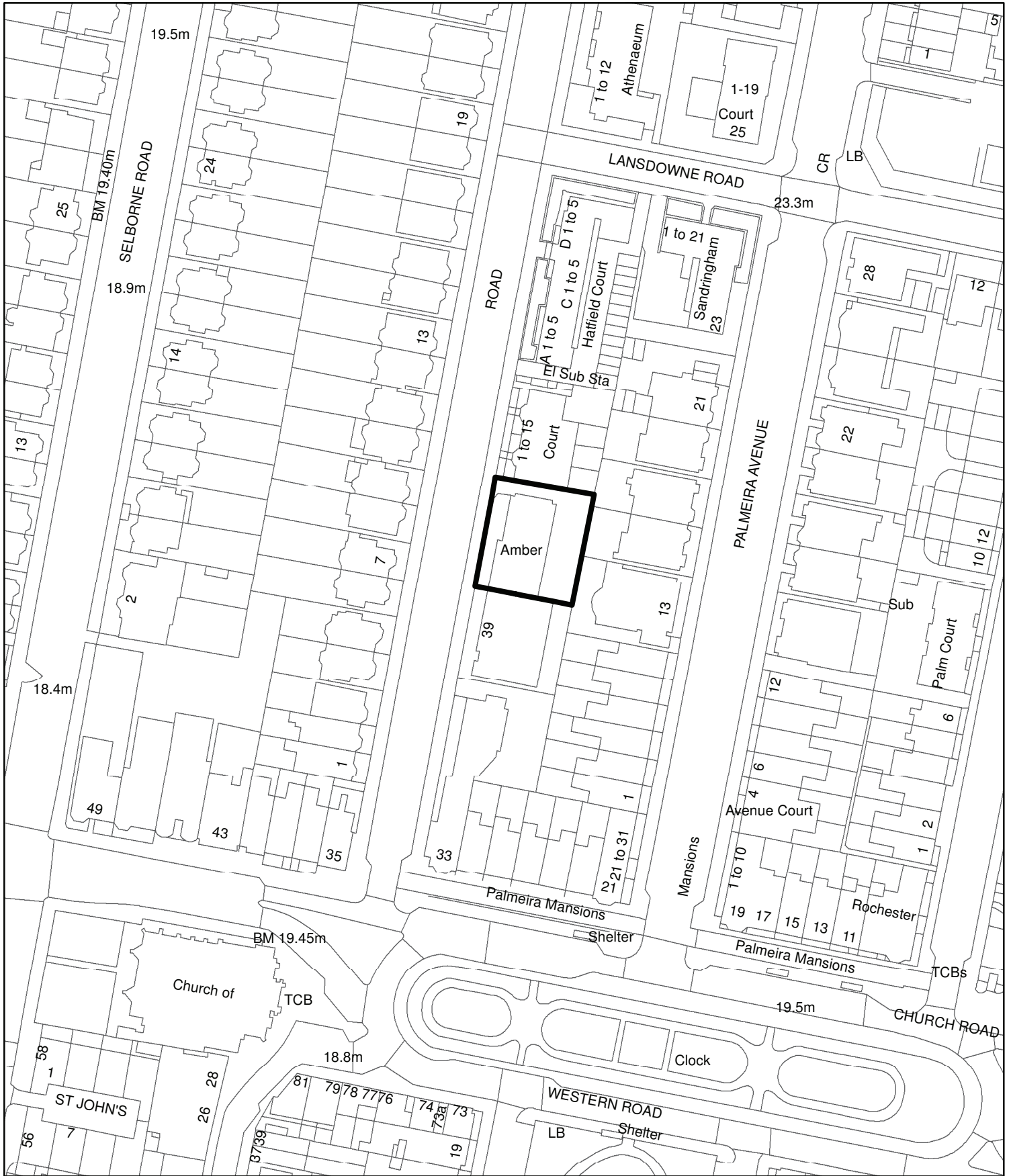
The proposed development has addressed the Inspector's concerns raised in the previous appeal and the proposal would not have an adverse impact on the character and visual amenity of the host building or surrounding area. Subject to planning conditions, the scheme would have no material detriment on the amenity of adjacent properties and is appropriate in terms of sustainability, transport measures, lifetime homes and refuse and recycling

facilities. The development would be in accordance with the policies of the adopted local plan.

9 EQUALITIES IMPLICATIONS

The development should be built to meet Lifetime Home standards.

BH2010/03843 Amber Court, 38, Salisbury Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00083	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	5-6 Western Road, Hove		
<u>Proposal:</u>	Application for removal of condition 1 of BH2007/02454 (Part retrospective application for the erection of a four storey building over an existing basement level nightclub, comprising a ground floor bar (A4) and six flats over the floors above, and including alterations to existing elevations) which states that the ground floor bar hereby permitted shall not be used in connection with the basement nightclub at any time.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	11/01/2011
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	08 March 2011
<u>Agent:</u>	Turner Associates , 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Esgghi-Nikkah, 5-6 Western Road, Hove		

1 RECOMMENDATION

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

1. Policy SR12 of the Brighton & Hove Local Plan seeks to resist the formation of large A4 drinking establishments where the premises would be within 400m of another establishment falling into the above category; the premises would operate within, or abutting, premises containing residential accommodation; or where the use would cause nuisance or an increase in disturbance to nearby residents by reason of noise either from within the premises or as a result of people leaving the premises late at night. Policies SU10 and QD27 seek to protect the amenities of residential occupiers from noise disturbance. The proposed removal of the condition and the installation of an internal door to connect the two units would result in the creation of a single large drinking establishment in close proximity to an existing large drinking establishment, thereby significantly harming the amenities of adjacent residents by way of late night noise disturbance in an area identified as being prone to late night disturbance and anti-social behaviour, contrary to the above policies.

Informatives:

1. This decision is based on the site plan, block plan and drawing nos. TA570/1 & TA570/10 received on the 11th January 2011.

2 THE SITE

The application relates to an A4 (drinking establishment) premises located on the south side of Western Road, Hove, within the Brunswick Town

Conservation Area. The premises is formed of a ground floor A4 bar, a nightclub at basement level (independently accessed), and upper floor residential units.

3 RELEVANT HISTORY

BH2005/00772/FP: Use of ground and basement as nightclub. Amendment to approval BH2001/02307/FP (removal of self-contained A3 hot food use at ground floor level). Refused 05/05/2005 for the following reason:

The premises are situated in a commercial parade with residential properties in close proximity, including within the upper floors, adjacent to the rear and within surrounding streets. It is considered that to enlarge the nightclub would be contrary to policy SR16 (now policy SR12), leading to a concentration of large licensed premises in the area to the detriment of the residential amenities of the locality.

BH2007/02454: Part retrospective application for the erection of a four storey building over an existing basement level nightclub, comprising a ground floor bar (A4) and six flats over the floors above, and including alterations to existing elevations. Amended plans including omission of ramped entrance to Farman Street and elevational alterations. Approved 05/09/2008.

4 THE APPLICATION

Planning permission is sought for the installation of an internal door connecting the ground floor bar and basement nightclub via the removal of condition 1 attached to the above 2007 consent. This condition states:

1. *The ground floor bar hereby permitted shall not be used in connection with the basement nightclub at any time.*

Reason: for the avoidance of doubt, so as to retain adequate control of the use of the premises in accordance with policy SR12 of the Brighton & Hove Local Plan, in the interests of the amenities of occupiers of neighbouring properties.

The internal door is required to allow the passage of customers between the premises without causing disturbance to neighbouring residents through the continual opening/shutting of external doors.

5 CONSULTATIONS

External:

Neighbours: Fifty four (54) letters of support have been received in the form of standard letters individually signed and addressed. The addresses of the objectors are listed in Appendix A. The reasons for supporting the scheme are as follows:

- The internal door will allow customers to move freely between the two units without having to go out onto the pavement.
- This internal positive pavement-protection plan is a plus for the customers who use this professionally run, trouble-free, focal-point leisure centre, where there is no anti-social behaviour or negative noise emissions.
- The internal door will not increase the size of the licensed area of both bar and club.

Nine (9) letters of objection have been received from the residents of Nos 5 Farman Street, 5 Cross Street; and the Lansdowne Area Residents Association, Friends of Palmeira and Adelaide Residents Association, Friends of Brunswick Square and Terrace, and East Brunswick Residents Association. The reasons for objecting to the scheme are as follows:

- If the basement nightclub and ground floor of this establishment are combined, the result will be an even larger establishment for the sale of alcohol in an area where there are already problems. The Police have had to launch Operation Cobra to patrol and police the area on Friday and Saturday nights due to anti-social behaviour inflamed by alcohol
- The combination of the ground floor and basement will result in nightclub use of the ground floor which opens onto the pavement in Western Road
- There will be an increase in alcohol related behaviour problems, intimidation of passers-by, late night noise affecting local residents to add to the established late night problems in Brunswick Town. Residents are increasingly concerned about the proliferation of late night licensed premises and the social problems these produce
- There is the risk of an increase in noise disturbance when people are entering or leaving the premises, smoking on the pavements, from increased traffic, or from increasingly inebriated people who have drunk more whilst inside
- There is already noise disturbance from crowded pavements in the summer, customers urinating in Farman Street etc
- The residents of this area already suffer from many incidences of anti-social behaviour from many sources surrounding this street (eg bars, pubs and takeaways without adding more).

Councillor Elgood has objected to the application (letter attached).

Sussex Police: Objection

There have been numerous instances of anti social behaviour reported within the immediate area of the above location. This occurs in the majority from the early evening to the small hours of the morning, Thursday to Saturday. The main cause of complains is in the Farmer Street cut through location. Op marble Sussex Police Anti social behaviour operation has been extended to facilitate this area.

The application for removal of condition 1 will in effect combine the basement level nightclub and ground floor bar at the above location into a single premises with a floor space of more than 150 square metres. This action would conflict with Brighton & Hove City Council's Local Plan Policy SR12, paragraphs a & b. In support of the Local Plan and with respect to the above stated reasons Sussex Police object to the removal of condition 1.

Internal:

Planning Policy: Objection

It is recognised that there is a relationship between the bar and the nightclub

with some customers of the bar going on to use the nightclub. Whilst this part of Western Road does not lie within the Cumulative Impact Zone (an area within which the council has greater powers to control the number of licensed premises in the city centre), the recently adopted Council Licensing Policy does indicate that this premise lies within an area of special concern (Special Stress Area) in terms of the levels of crime and disorder and public nuisance experienced within them.

The imposition of the condition was to safeguard amenity and mitigate against cumulative impact. It is considered that by connecting the two separate planning units through an internal door a single planning unit would be created which could lead to a more intensive use of the premise as bar/nightclub. Depending on the nature of the operation created this triggers the requirements of either SR12 or SR13 of the adopted Brighton & Hove Local Plan. The policy tests (of either SR12 or SR13), in particular a) and b) have not been addressed by the applicant and given the comments of Environmental Health and Sussex Police it is considered that the application will be contrary to SR12/SR13 parts c) and d) in relation to likely increase in nuisance and disturbance. It is therefore recommended that this application be refused.

Environmental Health: Objection

Examining the records and information held by the Team, the ground floor bar and basement nightclub named Caps & Sarasota, at 5-6 Western Road are both covered by the same premises licence which restricts the opening hours to 10.00hrs to 02.30hrs every day.

From 2010 to now, 5 individual complaints regarding noise from people outside the club have been received by this department. Noise from people outside the premises appears to be caused at times when groups of patrons who have been in the ground floor bar wish to gain entrance to the basement nightclub. Therefore, solely from a noise nuisance point of view, any measure which will help with regards to this would be encouraged.

Initially therefore, with regards to preventing further noise nuisance complaints, it appears to be desirable in order to tackle the continuing complaints from local residents that they are being disturbed by the late night noise from people outside the bar. However, examining the proposal long term, the potential for noise nuisance from the number of customers who could attend the premises should it double in size, outweighs the current concerns about noise created by groups of people moving outside from the bar to the nightclub.

In summary, from a noise nuisance point of view, at first thought the use of an internal door would seem to be a measure which would be of benefit in reducing people noise outside the premises. However, this is outweighed by the potential for even more disturbance to local residents, as of greater concern would be the noise caused by the premises becoming or having the

potential to become a single unit. Controlling large numbers of drinkers on busy Friday and Saturday nights outside premises, is something that has proven to be difficult at many licensed premises across the city.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance
- QD27 Protection of Amenity
- SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
- SR13 Nightclubs

7 CONSIDERATIONS

The main considerations in the determination of this application relate to whether the installation of an internal door would materially intensify the use of the building contrary to policy SR12 of the Brighton & Hove Local Plan, and whether such intensification would result in harm to the amenities of adjacent occupiers.

Planning Policy:

Policies SR12 and SR13 of the Brighton & Hove Local Plan states that new cafes, restaurants, bars, public houses or nightclubs with a total resultant public floorspace in excess of 150sqm will be permitted provided the following criteria are met:

- a) the premises would not be within 400m of another establishment falling into the above category;
- b) the premises do not, or will not, operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises;
- c) that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the Local Planning Authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;
- d) that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the Local Planning Authority, the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations.

The subtext to both policies refers to consultations with Sussex Police which have indentified the negative impact of a dominance of drinking establishments in confined areas on actual and perceived levels of crime. The close consultation with Sussex Police has helped define the above policy and

the desire to dilute and spread out the location of pubs and bars in order to minimise the potential for public disorder. It also refers to Section 17(1) of the Crime and Disorder Act 1998 and Government Circular 5/94 ('Planning out Crime') which require local authorities to consider the impact of crime and safety as planning issues in the consideration of applications.

Policy SU10 of the Brighton & Hove Local Plan requires developments to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. This policy links with policy QD27 which states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The building as existing is formed of a basement nightclub and a ground floor bar, with residential units above occupied under the same ownership. It is located within the regional shopping centre but outside prime retail frontage. Although in a designated shopping street, it is noted that there are very few retail units in the immediate vicinity of the site, with A4 bars and A5 takeaway units predominant. Immediately opposite the site is the 'Providence' bar, a large A4 unit with a floor area in excess of 150sqm, whilst takeaway units sit to the west with a further pub/bar ('The Bee's Mouth') beyond. Both the ground floor bar and basement nightclub are covered by the same premises licence which restricts the opening hours to 10.00hrs to 02.30hrs every day.

Condition 1 of BH2007/02454 was attached to ensure that the pre-existing basement nightclub and proposed ground floor bar could not amalgamate to form one single large nightclub or drinking establishment. This followed the refusal of an application in 2005 to extend the nightclub into the ground floor to form a single 164sqm nightclub. The presence of a similar large drinking establishment opposite and the numerous residential units in the vicinity of the site (many commercial premises in the area have residential above, and neighbouring streets off Western Road, including Farman Street to the rear, are primarily residential) was such that an amalgamation was considered to be harmful to the amenities of residents in the area and therefore contrary to Local Plan Policy SR12.

In the intervening years since the 2007 permission was granted, there has been no significant change in the mix of non-retail units in the surrounding area. The large drinking establishment remains opposite whilst a further small drinking establishment ('The Bee's Mouth') has opened at 10 Western Road, four units to the west (BH2005/05385). This, in conjunction with the existing clustering of non-retail units, has resulted in the character of this section of the regional shopping centre being dominated by late night eating and drinking establishments.

The applicants seek to install an internal door to connect the ground and basement levels in order to reduce late night noise associated with customers

exiting the ground floor site and entering the basement separately. This necessitates the removal of condition 1 to the 2007 permission. Whilst it is accepted on face value that the inclusion of this door would indeed reduce external noise associated with customers moving between the premises, it would also serve to effectively amalgamate the two premises into a single large unit. This resultant unit would have a public floor area of approximately 157sqm, above the 150sqm tolerance afforded by policies SR12 and SR13. The location of an existing large drinking establishment opposite is such that subsection a) of both policies SR12 and SR13 is clearly compromised. It is accepted that the owners of the building (who own both the basement nightclub and ground floor bar) may manage and operate the internal door with moderation, and that the numbers of clientele may not significantly increase in the short-term as a result of this alteration, however this does not guarantee that future owners of the site would operate with equivalent sensitivity or that a material intensification of use would not likely occur.

In this regard, the unit would in effect become more of a 'destination' venue with the potential for customer volumes to significantly increase, particularly given the other complimentary drinking establishments and late night takeaway units in the vicinity of the site. This would have a knock-on effect on the potential for late night disturbance by way of noise and anti-social behaviour and would be particularly harmful to the amenities of the numerous residents adjacent and to the rear of the site. Considerable concern has been raised by these residents over both existing and future levels of disturbance that would result from this proposal (see above). It is noted that these concerns relate to disturbance external to the premises, and not from music or any other noise coming from within either the basement nightclub or ground floor bar which are currently controlled under conditions attached to the 2007 consent. No evidence has been provided to suggest that noise from within the premises is causing undue disturbance.

Although this part of Western Road does not lie within the Cumulative Impact Zone (an area within which the council has greater powers to control the number of licensed premises in the city centre), the recently adopted Council Licensing Policy does indicate that this premises lies within an area of special concern (Special Stress Area) in terms of the levels of crime and disorder and public nuisance experienced within them. Sussex Police have identified that there have been numerous instances of anti-social behaviour reported within the immediate area of the site, occurring in the majority from the early evening to the small hours of the morning between Thursday and Saturday. Furthermore, the Council's Environmental Health and Licensing officers have recently received several individual complaints over noise from people outside the premises (Nb there is no indication that these disturbances relate directly to the premises in question). The Environmental Health and Licensing officers have also stated that a licensing application to extend the opening hours of both units, install the internal door, and allow longer outside drinking hours was withdrawn in late 2010 due to the number of concerns raised by local residents, whilst a subsequent application for a minor variation to the existing

premises license to allow access between the unit via an internal door was also refused due to significant concerns over the increase in crime, nuisance and disorder that a larger venue would likely cause. Whilst the immediate benefit of the internal door in reducing people noise outside the premises is recognised, the Environmental Health officers consider this to be outweighed by the potential for even greater disturbance to local residents by way of noise caused by the premises becoming in effect a single large drinking establishment.

Additional considerations:

To support their case, the applicants have submitted photographs of No.10 Western Road ('The Bee's Mouth' public house) to demonstrate that the majority of noise disturbance in the area comes from the numerous customers who congregate on the pavement outside this premises drinking and smoking until the early hours (Nb the premises shut at 1am Mon-Thurs and 2am Fri-Sat). Whilst it is accepted that this arrangement is indeed harmful to the amenities of residents in the area, it does not set a worthy precedent or absolve the potential for the applicant's premises having a similar impact, either under the current ownership or any future ownership. The application proposes no mitigations to reduce such disturbances other than staff management of the internal door, whilst there are no further conditions that could reasonably be imposed to assist in the management of external noise disturbance and behaviour to a satisfactory degree.

Conclusion:

Having regard the potential for the unit to operate as one single large drinking establishment and the subsequent detrimental impact of this on the amenities of residents within the vicinity of the site, the proposed removal of condition 1 of planning permission BH2007/02454 is recommended for refusal. In reaching this recommendation, it is not considered that further conditions to secure the proper management of the internal door, the hours of its operation, or the conditioning of its installation for the benefit of the current owners only would be reasonable or enforceable solutions to the identified concerns.

8 EQUALITIES IMPLICATIONS

None identified.

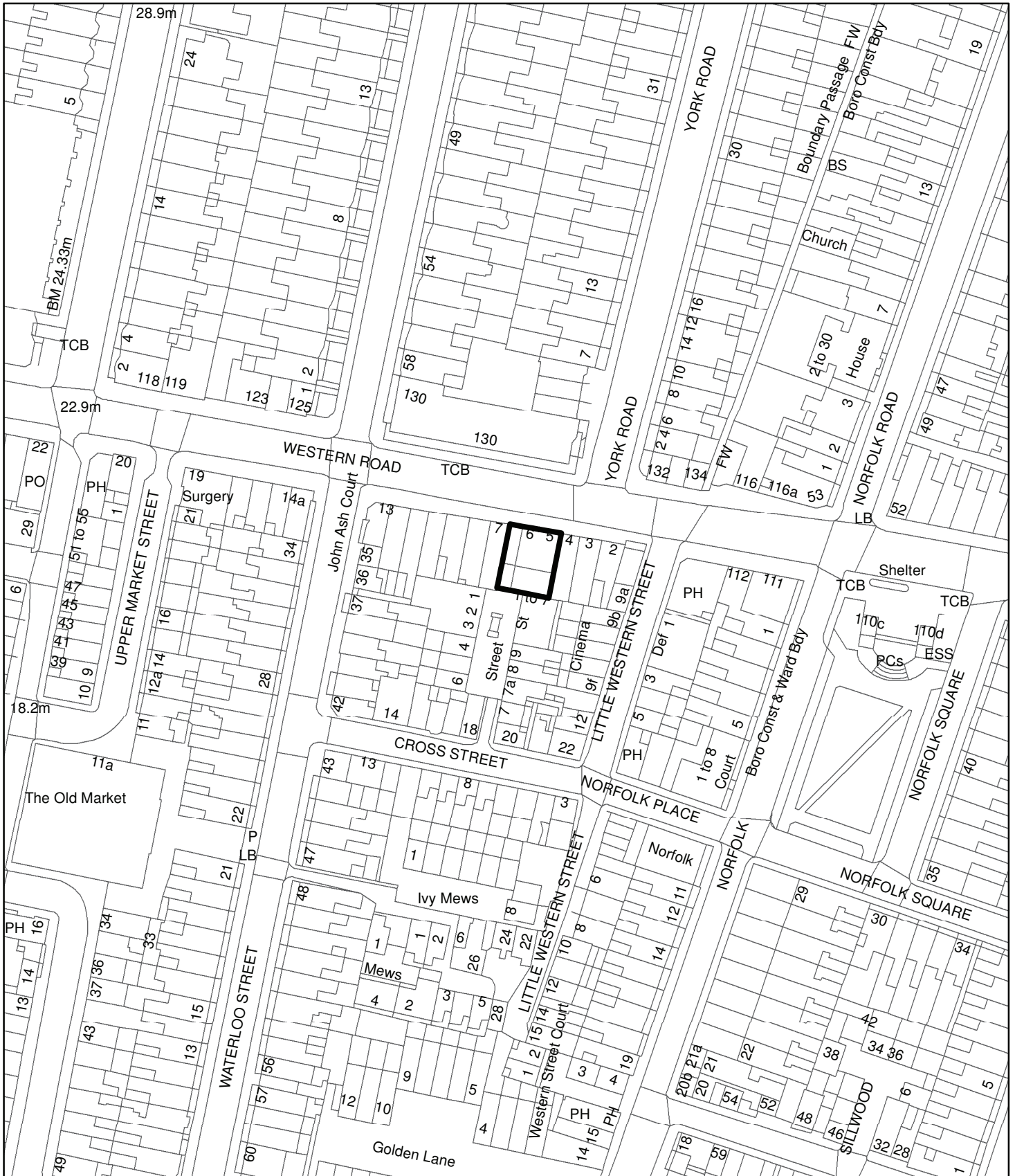
Appendix A BH2011/00083

Addresses of respondents to public consultation:

Letters of support received from standard letter

7	Argyle Road
Basement flat	Bedford Square
35	Broadway, Coventry
F1, 4	Brunswick Road
F5, 58	Brunswick Street
3	Cavendish Mews
Unknown	Church Road
16B	Clarendon Villas
66	Cowfold Road
13	Cross Street
38	Denmark Villas
13	Dukes Court
F1, F2, F7 St Patricks House	Farman Street
41	Freshfield Road
34 Furze Croft; 2 Furze Hill Court	Furze Hill
40 Wish Court	Ingram Crescent West
21-24 (2); 49A	Montpelier Road
13	Nevill Road
F1, 1-3	Norfolk Place
21-25; 49	Norton Road
144	Sackville Road
169 Downlands Court (3)	Stonery Road
Aubrey House	The Green
51-52	Unknown
20B	Upper Market Street
2A	Vale Road
F6, 32	Vernon Terrace
8; 24; 44; 51A	Waterloo Street
20A	Wellington Road
70	Westbourne Gardens
3-4; F4, 6; 13; 18 Mill House, 53; 124; 130	Western Road
12A	Western Street
19	West Park Crescent, Burgess Hill
26	Wilbury Road
F4, 31	Wilbury Villas
86	Wordsworth Street
49; F3, 54	York Road

BH2011/00083 5-6, Western Road



**Brighton & Hove
City Council**



Scale: 1:1,250



PLANS LIST – 16 MARCH 2011

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

From: Paul.elgood@brighton-hove.gov.uk
Sent: 08 February 2011 22:38
To: Planning Comments
Subject: Planning Application BH2011/00083 - comment

Planning Application - BH2011/00083

I object to the Planning Application

Sender's details

Cllr Paul Elgood
BHCC
BN3 2LS

Paul.elgood@brighton-hove.gov.uk

A. Smith ✓

Comment

As ward councillor, residents have asked me to object to the application over fears that the work will enable the premise to be used as a much larger club/bar. As a result of concerns have been expressed that it will increase the potential for late night disturbances, anti social behaviour and community safety fears. Cllr Paul Elgood Brunswick and Adelaide ward

<u>No:</u>	BH2010/03648	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	149-151 Kingsway, Hove		
<u>Proposal:</u>	Demolition of 2no semi detached houses and erection of 4no 3 bed apartments and 1no 2 bed apartment with basement car park.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	29/11/2010
<u>Con Area:</u>	Pembroke and Princes	<u>Expiry Date:</u>	24 January 2011
<u>Agent:</u>	Landivar-Architects Ltd, The Former Ironworks, Cheapside, Brighton		
<u>Applicant:</u>	Stanmede Ltd, C/O Landivar-Architects Ltd		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to be **MINDED TO GRANT** planning permission, subject to the applicant entering into a s106 agreement no objection from Access Consultant and subject to the following Conditions and Informatives:

S106

- A contribution of £3750 towards Sustainable Transport Infrastructure.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no A.01, A.02, A.03, D.04 received on the 23rd November 2010, D.05, received on the 29th November 2010, D.08, D.09 received on the 29th December 2010, D.01b, D.03a D.02b, D.06b, received on the 9th February 2011
Reason: For the avoidance of doubt and in the interests of proper planning.
3. BH02.05 Obscured glass Kitchen windows rear elevation.
4. BH04.01A Lifetime Homes.
5. BH02.07 Refuse and recycling storage (facilities).
6. Access to the roof area to the rear of the penthouse flat shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area except for the area shown as a roof terrace on the approved plans.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

7. BH12.01 Samples of Materials – Cons Area.
8. BH12.08 No demolition until contract signed.

9. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) (Code 3).
10. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) (Code 3).
11. BH06.02 Cycle parking details to be submitted.
12. BH11.01 Landscaping / planting scheme.
13. BH11.02 Landscaping / planting (implementation / maintenance).
14. BH16.01 Biodiversity Measures.
15. Prior to commencement of external finishes of the building, full details of the glazing to the balcony areas, including samples, have been 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 a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
16. Prior to development commencing, full details of all glazing panels, windows and doors including samples and 1:20 Joinery details, opening methods and screening detail shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions

17. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and comply with Local Plan policy TR19
18. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In the interest of highway safety, to protect the footway and comply with Local Plan policies TR1 and TR14.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
Brighton & Hove Local Plan:
HE6 Development within or affecting the setting of Conservation

PLANS LIST – 16 MARCH 2011

Areas	
HE8	Demolition within Conservation Areas
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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

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

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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(ii) for the following reasons:-

The proposal is considered to offer an acceptable design for a new building in this prominent location. The standard of accommodation is acceptable. Further details will be required to ensure high quality detail and materials are used on site. The development would have an impact on neighbouring properties by way of outlook and sense of enclosures, however impact is not considered to be so significant to warrant refusal. Levels of daylight to habitable rooms of neighbouring properties would be adequate and significant loss of privacy would not occur. Subject to conditions the development is considered to be acceptable

2. IN.05.02A Informative: Code for Sustainable Homes.
3. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))

4. The new crossover must be constructed, and the unused crossover is reconstructed as footway, in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager.

2 THE SITE

The application relates to two semi detached properties on the north side of Kingsway, which are positioned 60 metres from the junction with Hove Street and are within the Pembroke and Princes Conservation Area. The site is currently vacant and in a poor state of repair. To the east of the site, is a semi-detached properties, very similar to that of the application site. To the west is Princes Marine Hotel which is 5 storeys of accommodation.

The building has now been vacant for a number of years and is looking derelict.

3 RELEVANT HISTORY

BH2009/02986: Demolition of existing semi-detached houses and construction of a five storey building with flat roof, comprising of 3no self contained flats, basement parking and cycle store. Refused 05/08/2010 for the following reasons:

The proposed building by virtue of it's utilitarian design, height, profile, footprint and bland elevational treatments, would result in a poor design which would fail to respect the context of its setting. The building would visually dominate the existing buildings to the east and west and fail to contribute to a cohesive street scene for this section of the Kingsway. The proposal would harm the character and appearance of the surrounding area to the detriment of the Pembroke and Princes Conservation Area and contrary to policies QD1, QD2, and HE6 of the Brighton & Hove Local Plan.

The proposed development by reason of its height, layout and scale would result in an unacceptable outlook, significant overbearing effect and increased sense of enclosure to neighbouring properties, to the detriment of the living conditions of adjoining occupiers. In addition occupiers in 147 Kingsway would experience a loss of privacy. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

BH2008/02107: Demolition of existing dwellings and erection of 8 apartments with associated parking and gardens. Refused 15 September 2008 for the following reason:

The proposed development would by reason of its height, layout and scale lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties, to the detriment of the living conditions of adjoining occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

BH2008/02108: Demolition of existing dwellings refused 10/10/2008 for the following reasons:

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified could have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan.

The 2008 applications listed above were the subject of an appeal which was dismissed on the 9th March 2009. The Inspector found the impact of the building from in terms of outlook and sense of enclosure on the neighbouring occupiers on 147 Kingsway to the east, and Viceroy Lodge to the north of the property. The Inspector did not consider overshadowing or loss of privacy was sufficient to warrant refusal. The Inspector also found that the demolition of the existing building would be premature if there was not an acceptable scheme to redevelop the site.

BH2009/02987: Demolition of existing semi-detached dwellings refused 19/03/2010 for the following reasons:

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified would have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan

4 THE APPLICATION

Planning permission is sought for the redevelopment of the site to form five storey block flats with communal gardens to the rear and basement level car parking. Penthouse accommodation would be set back from the elevations. The palette of material consists of white pre-cast concrete, frameless glass winter gardens, and white brick.

The accommodation is proposed as a 3 bed apartment on ground floor, 3 bed apartment on first floor, 3 bed apartment on the second floor, 3 bed apartment on the second floor and 2 bed apartment on the top floor.

5 CONSULTATIONS

External

Neighbours:1 (x2), 17 (x2), Princes Court Princes Avenue, 31 Shelley Road, 45 Viceroy Lodge, 52 Viceroy Lodge, flat 14, 52 New Church Road, 147 Kingsway (x2), Inglebrook Rusper Road Ifield, Bayshill Great Rissington Cheltenham, object to the application for the following reasons:

- the development does not respond to the Inspectors' comments on the previous application,
- outlook to the neighbouring properties would be significantly harmed,
- the footprint issue has been addressed but the height has not been reduced from the previous scheme,
- the height cannot be justified by the Princes Marine Hotel which does not have a building behind,
- the penthouse flat appears fully glazed and would result in a loss of privacy,
- the use of the communal garden would cause noise and disturbance to neighbouring properties,
- the level of activity would be increased by the flats
- the building is too high and should be limited to the height of the existing building,
- residents will suffer overshadowing, loss of light and loss of privacy as the new building will be too close,
- it is an overdevelopment and neighbours will experience a feeling of enclosure,
- the traffic will be a problem due to a new access close to and existing junction on Kingsway,
- there are too many flats on the seafront and more houses should be kept,
- the development would result in a loss of view of the sea,
- it would result in a reduction in the value of neighbouring properties,
- the development would be too close to neighbouring boundaries,
- excavation of the basement would harm the structural integrity of the neighbouring boundaries,
- excessive glazing and large roof terraces would result in an unacceptable loss of privacy,
- the location of the pedestrian route and bin storage would cause noise and disturbance to neighbouring properties,
- there are restrictive covenants which apply to this property,
- noise and disturbance during construction,
- pressures on existing roof tiles through wind tunnelling,

Princes Square, 1 Hove Place, 19a Osbourne Villas, 26 Sackville Gardens, 108 Sackville Road support the application for the following reasons:

- we need more development in Hove,
- the architecture is appropriate,
- the building is modern and interesting,
- the development addresses the recent appeal decision
- a sensible number of units are proposed,
- the existing houses are derelict,
- this should be start of new development along Hove Seafront,
- parking is provided,
- the height and footprint are appropriate for the site,
- this is gateway in to Hove and will set an important benchmark,
- in difficult economic times the Local Authority should be encouraging development
- there is a lack of apartments sand penthouses with sea views in the area.

Conservation Advisory Group (CAG) Recommend refusal

The group would like to see clearer drawings and some large scale perspectives to understand better the architectural concept. They advised that a more ordered treatment to the façade as reflected in the developments either side was preferable. They queried the proposed materials and particularly the use of so much glazing, which will weather and date very quickly. Concern was raised over the relationship with the house to the east and the group expressed a preference for a comprehensive development of the two sites. The group suggest urban design guidelines be prepared to ensure a coherent approach to future redevelopments along the Kingsway.

The group recommended this application be refused.

Further comments

Having considered further perspectives the group welcomed the use of render and in querying the proposed use of materials they would seek a measure of control over the cleaning of the glass element which could easily deteriorate in appearance. Concern was raised over the relationship with the house to the east and the group expressed a preference for a comprehensive development of the two sites. The group suggest urban design guidelines be prepared to ensure a coherent approach to future redevelopments along the Kingsway.

Internal

Conservation and Design Comment:

This site falls within the Pembroke and Princes conservation area. The Princes part of the conservation area consists of large detached and semi-detached houses dating mainly from the interwar period in a typical suburban layout of wide tree-lined road, the houses having steep, tiled, hipped roofs, brick and rendered elevations, some half-timbering and tile-hanging on the elevations. The centrepiece is the 1930s Art Deco house (now nursing home) at 157. On Kingsway either side of this however, redevelopment from the 1960s onwards has resulted in a fragmented townscape with little of the

original appearance. Numbers 149-151 are remaining interwar houses of modest quality now divorced from their original context. The relevant policies are HE6 and HE8 of the Local Plan. Policy SA1 of the draft Core Strategy.

The Proposal and Potential Impacts

Policy SA1 – The Seafront of the emerging Core Strategy Preferred Options includes, for the Western Seafront, an aim "to enhance and improve the public realm and create a more coherent townscape through greater consistency of scale, height and roofline along the north side of Kingsway". The background to this policy envisages that there is potential to redevelop some sites at greater density where the existing buildings are of no particular architectural merit and where the proposal would create a more coherent townscape. In view of the nature of individual land ownership in the area it is inevitable that achieving this aim will be a long-term approach and that progress will be incremental.

In principle it is considered that the current proposal is in line with the aim of this policy. The existing building is not considered to be of any great architectural merit and the creation of a more consistent scale of development on this block is considered desirable, as it would enhance the townscape generally whilst preserving the appearance and character of the conservation area.

This proposal has been subject to pre-application advice and it is considered that the design has evolved positively in response to the advice given. The height, massing and building line of the proposed building are considered to be appropriate within the context of this block of properties and, subject to more detail, the design is considered to provide a high level of visual interest and a suitable response to the seafront location. The front elevation has a degree of formality to reflect the prevailing formality of neighbouring buildings, whilst allowing for asymmetrically placed balconies that provide modelling, and overall strikes an appropriate balance between horizontal and vertical emphasis. The west flank elevation has been acceptably broken up to avoid a blank expanse of wall. The strong front boundary treatment would ensure a clear demarcation between private and public realm and continue the strong boundary treatment typical of the area. The separate pedestrian entrance on the opposite side to the vehicular entrance ensures a legible ground level to the development.

Whilst the overall palette of materials is considered acceptable in this area of mixed townscape, it is not entirely clear what materials are proposed for each surface as there is no set of annotated elevations and it is further unclear as to what the vertical lines to the rear kitchen windows are intended to be. Such details could be secured by condition. Large scale (1:20) sample elevations and sections should also be required by condition, including of the inset brick panels to the flank elevations, together with samples of all materials, to ensure that design quality is carried through to construction.

Environmental Heath Team: No comment.

Sustainable Transport Team (Comments summarised). No objection.

For the sake of clarity the above noted plan shows a vehicle turning space with the dimensions 10400 by 7088 within the underground car parking area.

To comply with policies TR1 and QD28 the Applicant will be expected to make a financial contribution in-line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The level of this contribution is set at £200 per person-trip. The requirement for a financial contribution is no longer linked to the provision of car parking spaces. This linkage is no longer valid as it had the adverse affect of encouraging developers to provide unnecessary car parking to avoid making contributions toward providing for the wider accumulative transport impacts of smaller developments. Therefore the Highway Authority has adopted an alternative approach to securing contributions, on longer linked to the provision of car parking.

TR1 notes that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking, and cycling. The narrative supporting this policy notes that it has strong links with other policies in the local plan and makes particular reference to policy, among others, QD28. QD28 states that the achievement of public transport infrastructure enhancements, contributions towards pedestrian and cycle route infrastructure, and off-site highway improvements/traffic calming schemes will be sought by means of planning obligations when planning permission is granted.

For this proposal the contribution should be £3750

The Hove Street junction with the Kingsway has recently been upgraded to make it more accessible to mobility & visually impaired members of the public. This contribution will help construct dropped kerbs and install tactile paving at junctions leading to the Hove Street junction to improve accessibility in the wider area.

Access Officer (comments summarised)

The Lifetime Homes standards require level or gently sloping access to all entrances. The proposed pedestrian access at the side of the building is at a gradient of around 1:13.

1. The maximum length for a ramp is 10m but the proposed ramp is 17.5m.
2. The maximum length for a ramp at 1:13 would be 3m.

The good practice recommendations to Criterion 2, however, suggest 1800mm wide and, again bearing in mind that this is a new build, it is difficult to see why that could not be achieved, particularly where the only constraint seems to be a new garden wall.

The approach to the lift lobby at Level -1 is partially obstructed by the foot of the stairs. The landings at the bottom of the stairs rising from floor levels 0, 1 and 2 appear to be around 750mm long but Part M requires 1200mm. That will be made even worse when the handrail is fitted because, as mentioned above, it will have to project 300mm beyond the bottom riser. That will leave a clear landing of around 450mm which is clearly unsatisfactory.

There is also a problem with the landing at level 3 because Part M requires the 1200mm to be unobstructed and the door swing cuts into it on the proposed plan.

The lift landings should be at least 1500mm x 1500mm clear.

The lift car should be at least 1400mm x 1100mm with controls accessible for a wheelchair user.

The required 300mm nib at the leading edge has not been provided on some doors. (e.g. master bedrooms, master bedroom en-suites)

Revised comments will be reported in the late list.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE6	Development within or affecting the setting of Conservation Areas
HE8	Demolition within Conservation Areas
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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Planning Policy Statements:

PPS3	Housing
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7 **CONSIDERATIONS**

The key issues relate to whether the proposed design is considered acceptable in particular in relation to the need to preserve the character and appearance of the Pembroke and Princes Conservation Area; whether the proposal will have a detrimental impact on neighbouring occupiers, whether the development would meet Sustainable Building Design objectives and finally, the impact the proposal will have on traffic and transport.

Furthermore there has been a recent appeal decision for the site (ref BH2008/02107). The appeal is relevant to the current scheme.

Background

The application has been subject to pre-application advice due to the lengthy planning history and a recent appeal decision for the site. There has been some recent involvement from the Planning Enforcement Team as the elevations of the existing buildings have suffered degradation and fallen into disrepair over the last couple of years. A Section 215 amenity notice came into affect on the 1st December 2010 which requires the works to improve the front elevations to be completed by 1st May 2010.

Policy Framework

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. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore, the tests for this proposal in terms of design, are:

- whether it would be integrated with and complimentary to the area;
- whether it would compromise the quality of the local environment;
- whether it would be inappropriate in its context; and

- whether it would fail to improve the character and quality of the area.

These matters are all considered under the heading of conservation and design issues below.

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposal includes five residential units, all of which are two bedroom flats. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. This development provided 4x3 bed apartments and 1x 2 bed apartment. However there is no objection to the provision of larger units in this location. Whilst there is local and national planning policy which promotes effective use of sites for housing which can lead to increased density, there is no local policy which would prevent the construction of larger units on a site. Furthermore in previous applications for a larger number of units on the site, there have been problems with for neighbouring properties with positioning of windows and sense of overlooking.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. All of the units would benefit from balconies to the front and rear. The provision of private amenity space is considered appropriate to the scale and character of the development. Communal gardens are located to the rear.

Design and Appearance:

It has long been the preference of the Local Planning Authority to consider the redevelopment of this site in conjunction to the other semi-detached pair immediately to the east of the application site. The sites are in different ownerships and the comprehensive redevelopment has not come forward in practice. Therefore it is necessary to consider this application in isolation to the redevelopment of the site immediately adjacent.

The design and approach for this site has evolved with the input from the Conservation and Design Team. There has been a long-standing recognition that in order to provide a more cohesive scale to the seafront development in this part of Kingsway, the redevelopment of this site is likely to require a taller building. The current proposal has responded to the advice from the conservation team and is considered to be an acceptable building in terms of overall design approach height, and building line. In addition there was no objection to the overall design approach to the 2008 scheme which had a similar front building line and the same number of storeys.

Although significantly taller than the semi-detached dwellings to the east, the top floor of accommodation would be set back from the elevations and

therefore would be visually subservient rest of the building and provide some visual relief. Nevertheless, the comments received from the Conservation Advisory Group have not been favourable and the group have confirmed the desire for comprehensive redevelopment of this site together with the site immediately to the east. This is addressed above. The architect has submitted additional plans which have been before the Conservation Advisory Group and which have addressed the initial concerns which were raised on the use of render for this property. Drawing number D.08 shows the detail in relation to the glazing, winter gardens and balconies. This is considered broadly acceptable subject to the submission of the samples of the details and further sections to be controlled by condition.

The side elevation of the building has been articulated with panelling to ensure the elevation is given some relief, without using glazing.

The rear elevation would appear functional. The lift shaft is proposed to be a green wall. There is some doubt over the potential success of this on the north elevation of the building and in permanent shade, however the success is likely to depend on the species and maintenance of the proposed planting. This can be controlled by condition. The top floor of accommodation would be set back and sloping to prevent a block-like termination of the sky.

Indicative landscaping scheme has been submitted with the application (drawing D.7). This indicates a good degree of landscaping for the site, including a good degree of planting for the rear garden including fruit trees, firs for screening and climbing plants along the eastern boundary walls. There is a need to secure and retain levels of planting in the rear of the property.

To the front elevation it is necessary to secure the height of the front boundary and the pedestrian and vehicle access points. This shall be secured by the additional details submitted through the landscaping conditions.

Overall the design approach has followed the advice from the Conservation and Design Team and the proposal is considered to offer a positive addition to the Kingsway street scene which would preserve the character of the Pembroke and Princes Conservation Area.

Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The challenge in developing this site has been to provide an acceptable scale of development from a design viewpoint, whilst protecting the amenity of neighbouring occupiers. The previously refused application in 2008 which was the subject on an appeal was refused for impact on the outlook and sense of

enclosure of neighbouring properties. The planning Inspectorate concluding that the development, by reason of its size and siting would significantly harm the living conditions of neighbouring occupiers. A key consideration is how this scheme addresses the previous concerns.

Outlook and sense of enclosure

The properties most affecting lies to the rear of the site and is an annex building to Viceroy Lodge. These flats, have a principal outlook to the rear of the existing building on site. The upper floors of the building also benefit from expansive sea views over the top of the existing two storey building.

In terms of height, the proposed building would have a maximum height of 15.2. This is a reduction of 1 metre from the previously refused scheme in 2008. Furthermore, there has been general reduction in the size of the building, compared to the scheme assessed by the Inspector in 2008. This is demonstrated by drawing number D.06. This shows that the reduction in rear line of the proposed property as well as an overall reduction in the height of the new building.

Presently the existing rear elevation projects to the same extent as the neighbouring houses to the east, 145 – 147 Kingsway. As previously proposed, the structure would project a further 3 metres into the rear garden than the rear elevation of 147 Kingsway with additional projections at ground and first floor level. In the current application, the rear building line is established on the rear building line of the existing house. The stair well and bedroom on the north western corner project approximately 900mm beyond the rear building line. The revised building line means that the proposed development would have a negligible impact on the rear windows of no.147 Kingsway.

Outlook would still be affected from the side windows of 147 Kingsway, however none of these windows appear to be primary sources of outlook to habitable rooms.

The rear building line has been reduced by approximately 3 metres from the previously refused scheme which the Inspector dismissed. This is considered to represent a demonstrable reduction to the building bulk in relation to the flats directly to the rear in Viceroy Lodge. This significant reduction in footprint of the building is considered sufficient to retain an acceptable degree of openness between the buildings.

A distance of approximately 15 metres would separate the proposed rear elevation and the northern boundary with an additional 5 metres separating the boundary and the southern elevation of the flats to the north, which is located in the grounds of Viceroy Lodge. Viceroy Lodge is three storeys in height. Given the separation distance, together with the increased height of the proposed structure, there is potential for the proposed structure to result in an overbearing impact on the occupiers of the flats to the north

Still in regard to the positioning of the building, this has been moved away from the boundary to 147 Kingsway by 1 metre. This helps to provide some relief to the building bulk when viewed from the windows in the side elevation of 147 Kingsway whilst also providing a relief in building bulk when viewed from the rear properties.

Daylight

Concerns have been raised by neighbouring occupiers in respect of loss of light. This was not a reason for refusal on the 2008 application which was a larger building. However a daylight assessment accompanied the application, which is based on the Building Research Establishment publication 'Site layout planning for daylight and sunlight: A guide to good practice.' Paragraph 3.06 of the daylight assessment states the general criterion of the Guide is that a building will retain the potential for good internal diffuse Daylighting, provided that on all of its main faces:

- i) no obstruction, measures in a vertical section perpendicular to the main face, from a point 2 metres above ground level subtends an angle of more than 25 degrees to the horizontal or
- ii) if i) is not satisfied then all points on the main face on a line 2 metres above ground level are within four metres (measured sideways) of a point which has a Vertical Sky Component of 27 degrees or more.

The application is the subject of an Assessment by Gould Surveyors. Three windows on neighbouring properties would not meet the required Vertical Sky Component.

Paragraph 5.02 states that the "proposed development has been designed in order to ensure compliance with the 25 degree rule where possible and all but three window positions comply with that rule. Of those three windows, one VSC falls marginally below the recommended level of 27% and the other two VSC's fall significantly below that level".

Paragraph 5.05 further advises that "the BRE guide specifically acknowledges that where Daylight is affected in existing buildings, loss of light will not be noticeable to occupants if the amount of light is 80% or more than its former level. Whilst an east facing window in the block to the rear of Princes Marine Hotel to the west of the application site would not retain a VSC of at least 27%, but would suffer a reduction of 2% which is not considered noticeable.

Two of these windows would have a noticeable deterioration in the levels of light received. These windows are located in the western elevation of no.147 Kingsway.

However, it is important to note that window 1 is a circular obscure glazed window which serves a bedroom at first floor level. This window is a secondary window with an additional window positioned in the south facing elevation. Window 2 is split, with half serving a hall, which is classed as a non habitable room and half serving a bedroom. The bedroom is, however,

served with a dormer window in the south facing roof slope.

It is not considered that the development would result in a significant loss of light to neighbouring properties.

Privacy

With regard to privacy, the redevelopment of the site involves a significant number of windows and terraces to the front elevation to take advantage of the open southerly aspect. These windows project further forward than this existing windows on no.147 Kingsway. Screening details are required to prevent the views back in to this property. With all of the living areas directed towards the front (south) of the property, the perception of overlooking is reduced with general activities located to the front.

The clear glazed windows on the rear of the property have been reduced down to two per unit. The kitchen glazing which is in the north elevation of the proposed building is proposed as a glass fixed panel. An aluminium frame panel system is proposed and the architect has confirmed that this is to be sandblasted. This will allow light into the kitchen areas whilst preventing views out. It has also been confirmed that the glazing on the rear of the penthouse flat would be obscured glass.

There are no windows proposed for the side elevation of new building.

Representations have also been received from neighbouring properties regarding the potential for noise and disturbance because of the additional activity associated with the flats and the use of the communal facilities. Five units are proposed which is not considered excessive for this site. It is not considered this would result in a significant increase in noise levels.

Overall it is considered that the positioning of the building combined with the minor reduction in height and reduction in the number of windows on the rear elevation of the new building offers an adequate response to the Inspector's concerns on the previous scheme. Whilst the properties to the rear would experience some increase sense of enclosure, the separation distances between the buildings area considered acceptable and the loss in the outlook, privacy, light from neighbouring properties is not considered to be so significant as to warrant refusal of the scheme.

Sustainable Transport:

Objections have been received from neighbouring properties regarding the access arrangements and the additional transport movements which would be created by additional units of accommodation on-site.

The Sustainable Transport Team initially objected to the application due the layout of the basement car parking arrangements. Amended plans have been received which have addressed these concerns.

In regard to the increases transport movements created, this development

would provide 1 car parking space per unit and cycle parking. This meets the requirements current policy. It is acknowledged that the number of units on site would increase and therefore, in line with current policies for development of this scale it is considered necessary to seek a financial contribution towards the mitigating the addition impact on the highways network. This would need to be secured through a section 106 agreement. The amount sought is £3750. It has been identified that the Hove Street junction with the Kingsway has recently been upgraded to make it more accessible to mobility & visually impaired members of the public. This contribution will help construct dropped kerbs and install tactile paving at junctions leading to the Hove Street junction to improve accessibility in the wider area.

Sustainability and Lifetime homes:

The Local Plan Policy on Sustainability, policy SU2 is supplemented by an adopted Supplementary Planning Document on Sustainable Building Design (SPD08).

SPD08 requires a development of Brownfield development site which creates new residential dwellings to meet Code for Sustainable Homes Level 3. Level 3 of the Code for Sustainable Homes (CSH); and Lifetime Home Standards. The proposal would involve a negligible amount of development in the garden but is considered essentially Brownfield development.

In regard to Lifetime Homes, the general layout of the flats is spacious with good levels of circulation space. The Access Consultant commented on the initial drawings and initially there were concerns over the length and gradient of the pedestrian access ramp which is proposed to run down the eastern elevation of the building and the stair case and lift access. Amended drawings have been received which have addressed these points satisfactorily. Although not ideal, the amended drawing addresses this concern by using a number of level thresholds. To ensure compliance with policy HO13 of the Brighton & Hove Local Plan, the standard lifetime homes condition is necessary.

Additional Considerations:

Some of the neighbours have commented on the potential issues which might arise during construction including issues relating to safe excavations/ subsidence and noise and disturbance through construction. These are not material planning considerations. Should planning permission be granted the development would need to be constructed in accordance with Building Regulations and make invoke the Part Wall Act. Furthermore, private covenants which may apply to the site are a private legal matter to be negotiated outside of planning legislation. Loss of view is not a material planning consideration.

Conclusion

The proposal is considered to offer an acceptable design for a new building in this prominent location. Further details will be required to ensure high quality

detail and materials are used on site. The development would have an impact on neighbouring properties by way of outlook and sense of enclosures, however impact is not considered to be so significant to warrant refusal. It is considered that this proposal adequately addresses the views of the Inspector on the previous scheme. Levels of daylight to habitable rooms of neighbouring properties would be adequate and significant loss of privacy would not occur. Subject to conditions, the development would accord with current policies and approval is recommended.

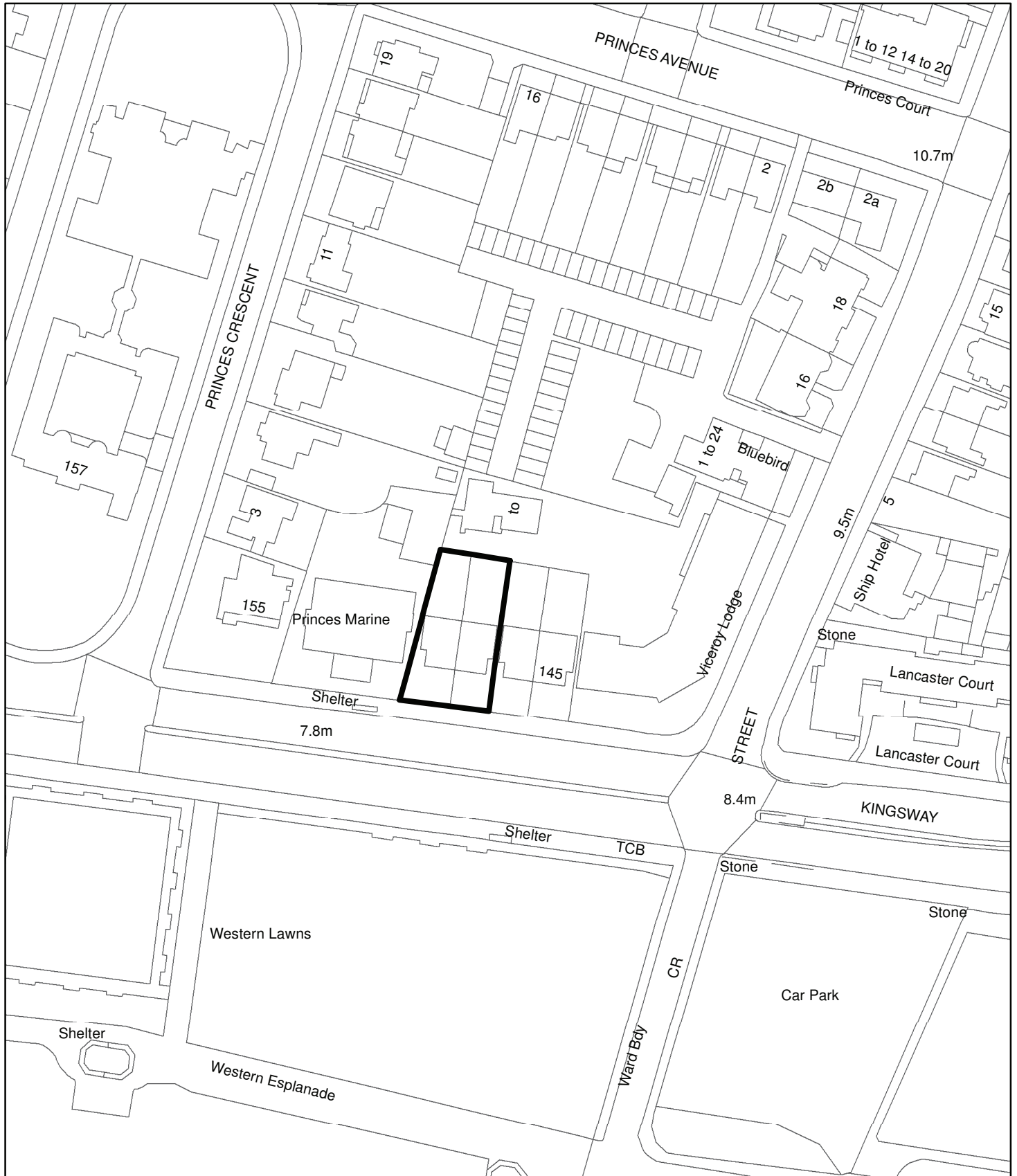
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal is considered to offer an acceptable design for a new building in this prominent location. The standard of accommodation is acceptable. Further details will be required to ensure high quality detail and materials are used on site. The development would have an impact on neighbouring properties by way of outlook and sense of enclosures, however impact is not considered to be so significant to warrant refusal. Levels of daylight to habitable rooms of neighbouring properties would be adequate and significant loss of privacy would not occur. Subject to conditions the development is considered to be acceptable.

9 EQUALITIES IMPLICATIONS

The development would be required to meet lifetime homes standards.

BH2010/03648, 149-151, Kingsway



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03649	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	149-151 Kingsway, Hove		
<u>Proposal:</u>	Demolition of 2no semi detached houses.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	29/11/2010
<u>Con Area:</u>	Pembroke and Princes	<u>Expiry Date:</u>	24 January 2011
<u>Agent:</u>	Landivar-Architects Ltd, The Former Ironworks, Cheapside, Brighton		
<u>Applicant:</u>	Stanmede Ltd, C/O Landivar-Architects Ltd		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to be **MINDED TO GRANT** Conservation Area Consent subject to planning permission being granted to redevelop the site under application BH2010/03648 and subject to the following Conditions and Informatives.

Regulatory Conditions:

1. BH01.04 Conservation Area Consent.

Pre-Commencement Conditions:

2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision to grant Conservation Area Consent is based on drawing no. A.01 received on the 29th November 2010

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

Brighton & Hove Local Plan:

HE6 Development within or affecting the setting of Conservation Areas

HE8 Demolition within Conservation Areas; and

- (ii) for the following reasons:-

The existing semi-detached houses are of no particular architectural merit and are not important to the character of the Pembroke and Prince Conservation Area. Should consent be granted for the redevelopment of the site, there is no justification to resist the demolition of these buildings. The proposal would thereby accord with policy HE8 of the Brighton & Hove Local Plan.

2 THE SITE

The application relates to two semi detached properties on the north side of

Kingsway, which are positioned 60 metres from the junction with Hove Street within the Pembroke and Princes Conservation Area.

3 RELEVANT HISTORY

BH2009/02987: Demolition of existing semi-detached dwellings refused 19/03/2010 for the following reasons:

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified would have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan

BH2008/02108: Demolition of existing dwellings refused 10/10/2008 for the following reasons.

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified could have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan.

The 2008 applications listed above were the subject of an appeal which was dismissed on the 9th March 2009. The Inspector found the impact of the building unacceptable in terms of outlook and sense of enclosure on the neighbouring occupiers in 147 Kingsway to the east, and Viceroy Lodge to the north of the property. The Inspector also found that the demolition of the existing building would be premature if there was not an acceptable scheme to redevelop the site.

4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the existing two storey, semi-detached dwellings.

This application is linked with application BH2010/03648 which is the application to redevelop the site with a block of residential flats.

5 CONSULTATIONS

External

Neighbours: **1 (x2), 17 (x2), Princes Court Princes Avenue, 31 Shelley Road, object** for the following reasons:

- it is and overdevelopment and neighbours will experience a feeling of enclosure,
- the traffic will be a problem due to a new access close to and existing junction on Kingsway,
- the level of activity would be increased by the flats
- the building is too high and should be limited to the height of the existing building,
- residents will suffer overshadowing, loss of light and loss of privacy as the new building will be too close.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE6 Development affecting the setting of conservation on areas
HE8 Demolition in Conservation Areas

Planning Policy Statements

PPS 5 Planning for the Historic Environment

7 CONSIDERATIONS

The sole issue for consideration is whether the loss of the existing buildings on the site would adversely affect the character and appearance of the Old Hove Conservation Area.

Representation has been received from residents concerned about various aspects of the redevelopment of the site. These considerations are addressed under the report for the full planning application.

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
- b) viable alternative uses cannot be found; and
- c) the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract

exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.

The semi-detached houses are sited adjacent to an identical pair to the east and the five storey Princes Marine Hotel to the west. These two storey houses are considerably lower than by the Princes Marine Hotel and Viceroy Lodge to the east.

The houses do not relate in scale, design or appearance to many of the buildings along this section of Kingsway and are of no particular architectural merit. It is not considered that they make an importance contribution to the character of the Pembroke and Princes Conservation Area.

A scheme has been submitted to replace these buildings with a block of five flats, (BH2010/03648) which is currently under consideration. Although there is no objection to the loss of the houses in line with policy HE8 above, it is considered expedient to secure their demolition only once the agreed scheme to re-develop is imminent. This is to avoid the risk of the houses being demolished and the site being left in an unkempt state for lengthy period of time, thereby protecting the appearance of the Old Hove Conservation Area.

Subject to application BH2010/03648 to redevelop the site being approved and to the imposition of commencement condition to ensure works are started in a timely manner, no harm is identified and the proposal is considered to accord with policy HE8 of the Brighton & Hove Local Plan and approval is recommended.

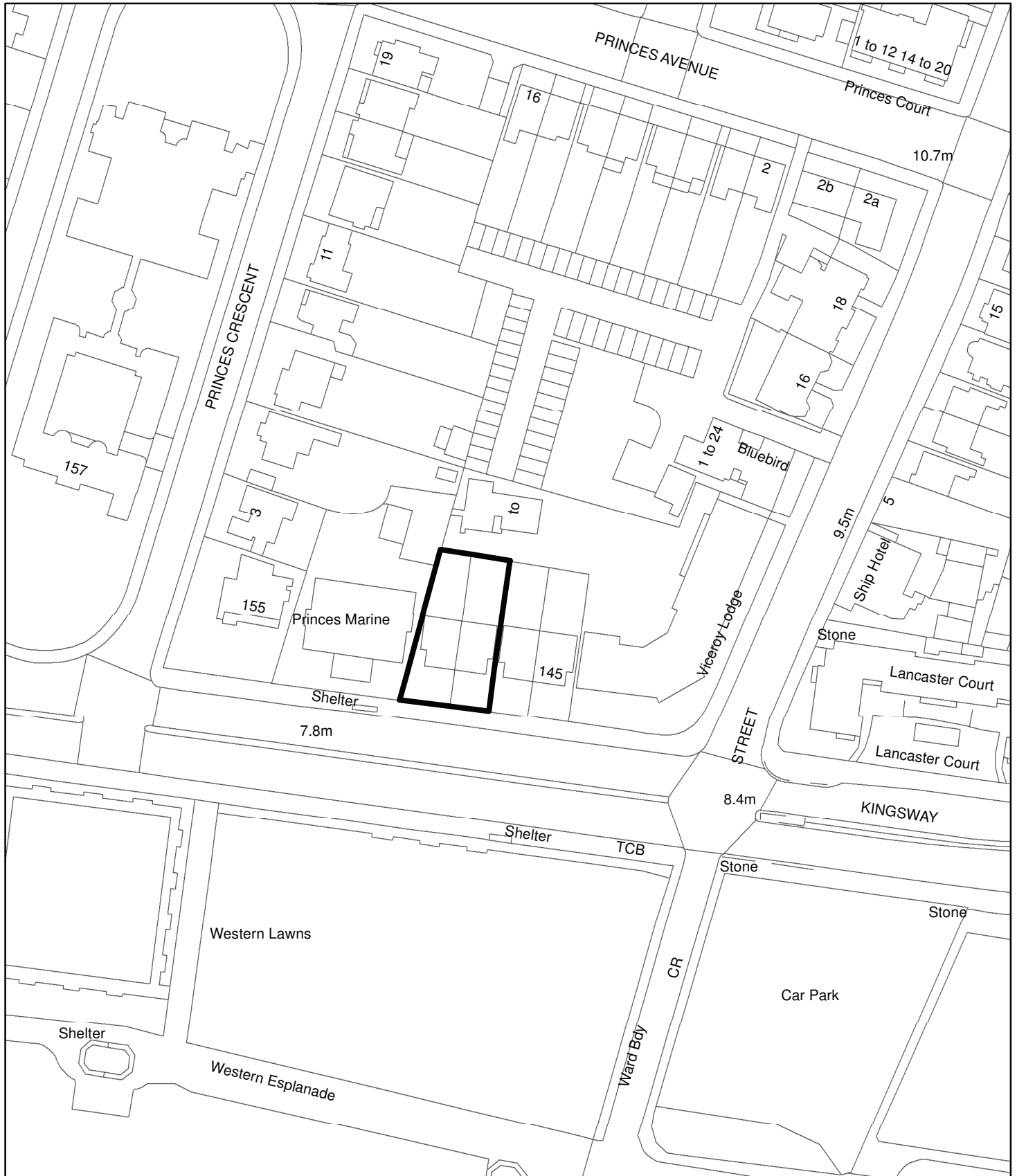
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The existing semi-dated houses are of no particular architectural merit and are not important to the character of the Pembroke and Prince Conservation Area. Should consent be granted for the redevelopment of the site, there is no justification to resist the demolition of these buildings. The proposal would thereby accord with policy HE8 of the Brighton & Hove Local Plan.

9 EQUALITIES IMPLICATIONS

N/A.

BH2010/03649, 149-151, Kingsway



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/00529	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	68 Western Road, Brighton		
<u>Proposal:</u>	Demolition of existing rear three storey section of the property and erection of 1 no four storey residential block (4 residential units) fronting onto & with access via Stone Street. Refurbishment of existing retail unit and refurbishment of residential unit above.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	19 March 2010
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	14 May 2010
<u>Agent:</u>	Farmiloe Architects, 102 Trafalgar Street, Brighton		
<u>Applicant:</u>	Mr & Mrs Yau, C/O Farmiloe Architects, 102 Trafalgar Street, 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.

Regulatory Conditions:

1. BH01.01 Full planning.
2. BH07.05 No open storage.
3. BH02.06 - No cables, aerials etc.
4. All existing timber sliding sash windows on the original Western Road frontage building shall be retained unless otherwise prior approval has been given in writing by the local planning authority and all new and replacement windows shall match exactly the original windows.
Reason: To safeguard the appearance of the building and the visual amenities of the locality to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.
5. BH01.06 Approved drawing No. 20941/100a received 26 February 2010, 20941/100a received 16 March 2010, 302e & 305b received 1 September 2010, 20941/101a received 14 January 2011, and 20941/301G received 1 March 2011.

Pre-Commencement Conditions:

6. BH12.01 Sample of materials.
7. BH05.01B Code for Sustainable Homes - Level 3 - Pre-commencement
8. BH04.01A Lifetime Homes.
9. Sample elevations and sections at 1:20 scale of the building including, windows, doors, parapets, balustrades, copings, fascias and all other features, shall be submitted to and approved by the local planning authority before works commence and the works shall be carried out in strict accordance with the approved details and maintained as such

thereafter.

Reason: To safeguard the appearance of the building and the visual amenities of the locality to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

10. Sectional profiles at 1:1 scale of new window and door frames, shall be submitted to and approved by the local planning authority before works commence and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

Reason: To safeguard the appearance of the building and the visual amenities of the locality to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

11. Elevational drawings of the facades of the buildings facing into the central courtyard at 1:50 scale, shall be submitted to and approved by the local planning authority before works commence and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter. Reason: To safeguard the appearance of the building and the visual amenities of the locality to comply with policies QD1 and BH08.01 Contaminated land

Pre-Occupation Conditions:

12. BH05.02B Code for Sustainable Homes – Level 3 – Pre-occupation.
13. BH06.03 Cycle parking.
14. BH02.07 Satisfactory refuse storage.
15. BH08.01 Contaminated land.

Informatives:

1. IN.05.92A Code for Sustainable Homes.
2. IN04.01 Lifetime Homes.
3. IN05.07A Site Waste Management Plans.
4. IN08.01 Land contamination
5. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU13	Minimisation and re-use of construction industry waste
SU15	Waste management
SR4	Regional shopping centre
QD1	Design – quality of design
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of sites

QD4	Design – strategic impact
QD5	Design – street frontages
QD27	Protection of amenity
QD28	Planning obligations
EM6	Small industrial and warehouse units
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of outdoor recreation space in housing schemes
HO6	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within a conservation area
HE8	Demolition in conservation areas

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards.

SPGBH16: Renewable Energy & Energy Efficiency in New Developments

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The proposed building reflects the character and grain of the facades of the historic buildings opposite, would contribute positively to the character of the area, and would not adversely affect the residential amenities of neighbouring properties. The site is well served by public transport and the development is to be car-free. The provision of additional housing is to be welcomed.

2 THE SITE

The application relates to a mid-terraced property on the south side of Western Road, which extends through to Stone Street. Western Road is at a higher level than Stone Street; the ground floor to Western Road forms the first floor to Stone Street and consists of a retail unit with storage to the rear. The first and second floors above the shop form a maisonette which is in a very poor state of repair. This unlisted building is within the Regency Square Conservation Area, as extended.

3 RELEVANT HISTORY

BH2006/3887: Demolition of rear 3 storey property and construction of residential block of three flats and conversion of upper (front) floors into 2 self-contained flats. Approved 5.4.07.

BH2005/6534: Demolition of rear 3 storey property and construction of residential block of four flats with refurbishment of existing flats and shop on Western Road. Refused 10.2.06.

4 THE APPLICATION

The proposal is for:

- Demolition of building fronting Stone Street, retaining the original building to Western Road (Conservation Consent for demolition subject of application BH2010/530).
- Construction of four storey building fronting Stone Street to form 4 x 1 bedroomed flats and existing maisonette above shop fronting Western Road to remain, to form a total of 5 units within the development.
- Extension to measure 19m deep x 5.1m wide x 11.6m in height.
- Lightwell to separate main new build from existing property. Main section of new build to measure 12.3m deep x 5.1m wide x 11.0m high.
- Access to all 5 residential units: 4 x 1 bedroom, 1 x 2 bed maisonette, from Stone Street.
- Lower ground floor: 1 x 1 bedroomed flat 35m² floorspace. Garden area 9.3m². Internal bin and cycle store.
- Ground and First floors: 1 x 1 bedroomed flat per floor - 50.0m² floorspace. Balcony – 4.5m² floorspace.
- Second floor: 1x 1 bedroomed flat - 40.0m² floorspace. Terrace 14.5m².
- First and second floors: 1 x 2 bedroomed maisonette fronting Stone Street to remain 76.0m² floorspace. Terrace at first floor level – 8.4m² floorspace.
- Form: Four storey fronting Stone Street, second floor set back 3m behind terrace. Central lightwell.
- Materials: brick & render, powder coated aluminium windows, tiles and single ply membrane roof.
- Western Road frontage – 3 storey. Shop at ground floor level (existing ground floor retail floorarea 57m² with storage to rear and within basement 104m² – proposed ground floor retail floorarea approximately 53m² and storage/retail in basement 50m²).
- Existing shopfront to be replaced like-for like.

5 CONSULTATIONS

External:

Neighbours: saveHove: There is no indication of the age of the building. Western Road is high profile and contains remnants of original buildings above shops of importance. Photographs of the existing building to be demolished are required to give context; demolition should not be undertaken lightly. This is a paucity of information which makes the application one which should not have been registered.

CAG: The Group welcome the principle of redevelopment, but disappointed that it does not involve improvements to the Western Road facade and felt that the quality of apartments facing Stone Street were substandard in terms

of space and light and thus an overdevelopment of the site. A mix of unit sizes should be accommodated.

It is suggested that regard should be had to the possibility of the neighbouring site being developed and this should be taken in to account with this scheme. It was also considered that a mix of unit sizes should be accommodated and that more interesting elevations would follow from maisonettes with different levels having different functions.

Request that the application be determined by Committee should officers be minded to approve.

Have considered the revisions following the original submission but feel the concerns have not been adequately addressed.

Internal:

Sustainable Transport: No objection subject to conditions to ensure that the property is not occupied until the cycle parking has been provided and to seek a contribution of £2,000 towards improving accessibility to bus stops, pedestrian facilities and cycle infrastructure in the area.

Conservation and Design: The application has been subject to considerable discussion and amendment, including a reduction in height. The applicant has demonstrated that the proposed extension will not adversely affect views along the street or the appearance of the conservation area.

Adult Social Care: The original layout to the bedroom in the lower ground flat was with access to the bedroom via the living space. The amended layout of the provides access from the hallway which is now acceptable.

Planning Policy: No objection. The amount of retail and storage space to be retained is of acceptable size to ensure a viable unit.

Environmental Health: Records indicate that the site was a former coal and coke merchant's names Watkins and Sons dated 1878 at 16 Stone Street. Whilst the application site is not obviously 16 Stone Street, historic mapping shown below indicates that the site was 16 Stone Street historically in 1878. It is therefore appropriate that a potentially contaminated land condition be applied.

Sustainability Officer: The submitted Sustainability Checklist demonstrated the development would meet Code Level 3, as required by SPD08.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- | | |
|-----|---|
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU3 | Water resources and their quality |

SU13	Minimisation and re-use of construction industry waste
SU15	Waste management
SR4	Regional shopping centre
QD1	Design – quality of design
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD27	Protection of amenity
QD28	Planning obligations
EM6	Small industrial and warehouse units
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of outdoor recreation space in housing schemes
HO6	Provision of private amenity space in residential development.
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within a conservation area
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Supplementary Planning Guidance Notes:

SPGBH4: Parking standards.

SPGBH16: Renewable Energy & Energy Efficiency in New Developments

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

This application follows the approval of planning application BH2006/03887 for the redevelopment of the rear of the site with a four storey extension which fronts Stone Street. The approval expired on 5 April 2010 and was allowed to lapse. The approval followed refusal BH2005/6534 in February 2006 for a five storey building which was considered too tall, out of scale with surrounding development and would detract from the street scene and character of the conservation area.

The main considerations in the determination of the application relate to the principle of redevelopment, loss of existing uses, impact of the proposal on the appearance and character of the conservation area and residential amenity, and traffic implications.

This is an unlisted building within the Regency Square Conservation Area. The front of the building faces Western Road and has a retail unit at ground

floor level which forms part of the prime retail frontage of the Regional Shopping Centre. The proposal is for the demolition of the existing three storey rear extension which fronts Stone Street and for the construction of a 4 storey extension for residential use.

Retention of retail use:

The existing building consists of a shop at ground floor level which is trading, with storage at lower ground level, and maisonette within the first and second floors above. The rear of the lower ground floor contains a bedsit. The building is in a very poor state of repair and the residential units are in a derelict condition. The proposal is to reduce the shop unit from 57m² floorspace to 50m² and storage from 104m² to 53m². Proposed basement storage is considered sufficient to ensure the continued viability of the retail use and will not have an adverse effect on this part of the Regional Shopping Centre. Indeed, investment in the building, including the upper floors, will improve the appearance of the property and have a beneficial effect on the shopping centre. This part of the proposal is almost identical to the previous approval and the small reduction in retail floor space is acceptable.

Proposed residential accommodation / Lifetime Homes Standards:

Policy HO3 promotes a mix of units with development. The proposal is to form a total of 5 units consist of 4 x 1 bedroom units and a two bed roomed maisonette suitable for family occupation. The proposed units are of similar size to those previously approved and all have private amenity space.

The proposal has been amended to enlarge the internal lightwell, which is deeper than previously approved, and bedrooms facing this area are not as wide as on the approved scheme. Natural light to the bedrooms facing the courtyard is adequate and an improvement on the approved scheme. The layout of the lower ground floor unit has been amended so that access to the bedroom is not from the livingroom and is now satisfactory.

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations.

Corridor widths meet minimum standards and bathrooms could be adapted to facilitate side transfer. A stair lift could provide access to the upper floors. It is considered that the units would meet lifetime homes standards and have adequate circulation space.

Demolition of existing building:

The rear building fronting onto Stone Street, appears to be a 19th Century building that has been altered and extended upwards. It is in a very poor state of repair does not make a positive contribution to the street scene in this part of the conservation area and its demolition is acceptable in principle.

Conservation Area Consent for demolition is considered under application

BH2006/3986.

Form of proposed development:

Policies QD1 and QD2 aim to ensure that new development emphasise and enhance the positive qualities of the area by taking into account local characteristics including height, scale, bulk and design of existing buildings. Policy HE6 states that proposals within a conservation area should preserve or enhance the character or appearance of the area.

The proposal is for alterations to the rear of the building which is in a poor state of repair and of little architectural merit. No alterations are proposed to the front of the building, fronting Western Road. Whilst CAG have expressed disappointment that the scheme does not incorporate improvements to the Western Road façade, it is the intention of to be applicants to paint and repair the shop front which will be an improvement.

The existing rear extension is three storeys in height, within a terrace of three and four storey properties. The proposed building is four storey and 1.1m higher than the adjoining property to the west and 0.4m higher than the previous approval. The top floor is set back 3m from the front of the building, which is 0.5m closer to the front than the approved scheme. The application has been amended to take into account of concerns about height, relationship of the new build to the original building, light and unit mix. The lightwell has been increased in size and the new build is visually more separated from the original building to be retained. The conservation officer considers that a modern rendered building would be acceptable here, that the window and door proportions and sizes and ration of solid to void of the façade sympathetic to other modern development within the street, and that the new build will not disrupt views along the street or be detrimental to the character or appearance of the conservation area. The design of the building is similar to the approved scheme with large glass windows, rendered walls, recessed balconies at first and second floors and glass balustrades, and to a recently constructed block at 15 Stone Street

Effect on residential amenity:

Policy QD27 aims to safeguard residential amenity. The site adjoins a residential unit within the second and third floors of the property to the east, No.17 Stone Street. Windows facing the lightwell are behind the existing boundary wall and the proposed rear window at second floor level has been substantially reduced in size from the approved scheme. It is considered that development would have less effect on neighbouring properties than the previous approval and is acceptable.

Sustainability:

Policy SU2 requires development to demonstrate a high standard of efficiency is the use of energy.

The application is accompanied by the Sustainability Checklist which

indicates that the scheme would achieve Code level 3 for Sustainable Homes, which is the recommended standard within SPD08.

As with the previously approved scheme bathrooms are internal and do not benefit from natural light and ventilation. However, with the form of the building, which is long and narrow, it is not possible to produce a layout which would provide all rooms with a window. Given the limitations of this part of the site this is considered acceptable.

Minimisation and re-use of construction and industry waste:

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner through the preparation of Site Waste Plan. The proposal requires clearance of the site. A Waste Minimisation Statement accompanies the application which states that demolition waste will be crushed and used as hardcore for the new dwellings and waste arising will be sorted and recycled. Further details will need to be provided with regards to how the applicant has addressed the criteria set out in the policy SU13, for example through following the DTI guidance on formulating a full Site Waste Management Plan as indicated in the Construction and Demolition Waste Supplementary Planning Document. This could be addressed by condition.

Adequate refuse storage is provided within the building.

Environmental Health note that the site formed a coal and coke merchants in 1878. To ensure a safe development, a condition relating to potential contaminated land which requires a desk top survey, is required.

Traffic Implications:

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

The site is situated within the city centre, well served by public transport. Secure cycle parking is provided within the building. The Traffic Engineer raises no objection to the principle to a car-free development subject to a contribution of £2,000 towards improving accessibility to bus stops, pedestrian facilities and cycle infrastructure in the area as part of the Council's Sustainable Transport Strategy. However, as part of the Council's measure to assist the development industry such contributions are not currently being sought. Cycle storage is provided within the building and it is required by condition that the provision is available for use before the units are occupied.

Conclusions:

This proposal is very similar to the scheme approved in 2006 for which approval expired on 5 April 2010 in terms of bulk and form, appearance and type and size of unit. This amended scheme improves internal circulation with

a single internal staircase serving all units, rather than by two internal staircases on the previous approval.

The development primarily relates to the rear of the building which fronts Stone Street. This side of the street primarily consists of the rear of commercial buildings in Western Road, with some redevelopment, including a similar scheme for the demolition of 15 Stone Street and erection of a four storey building consisting of 4 flats (approval BH2007/3241 – granted 22.1.08). It is considered that the proposed development would add to this improvement to the appearance of the street scene, enhancing the conservation area, providing accommodation of an acceptable standard which would make a welcome contribution to the housing stock.

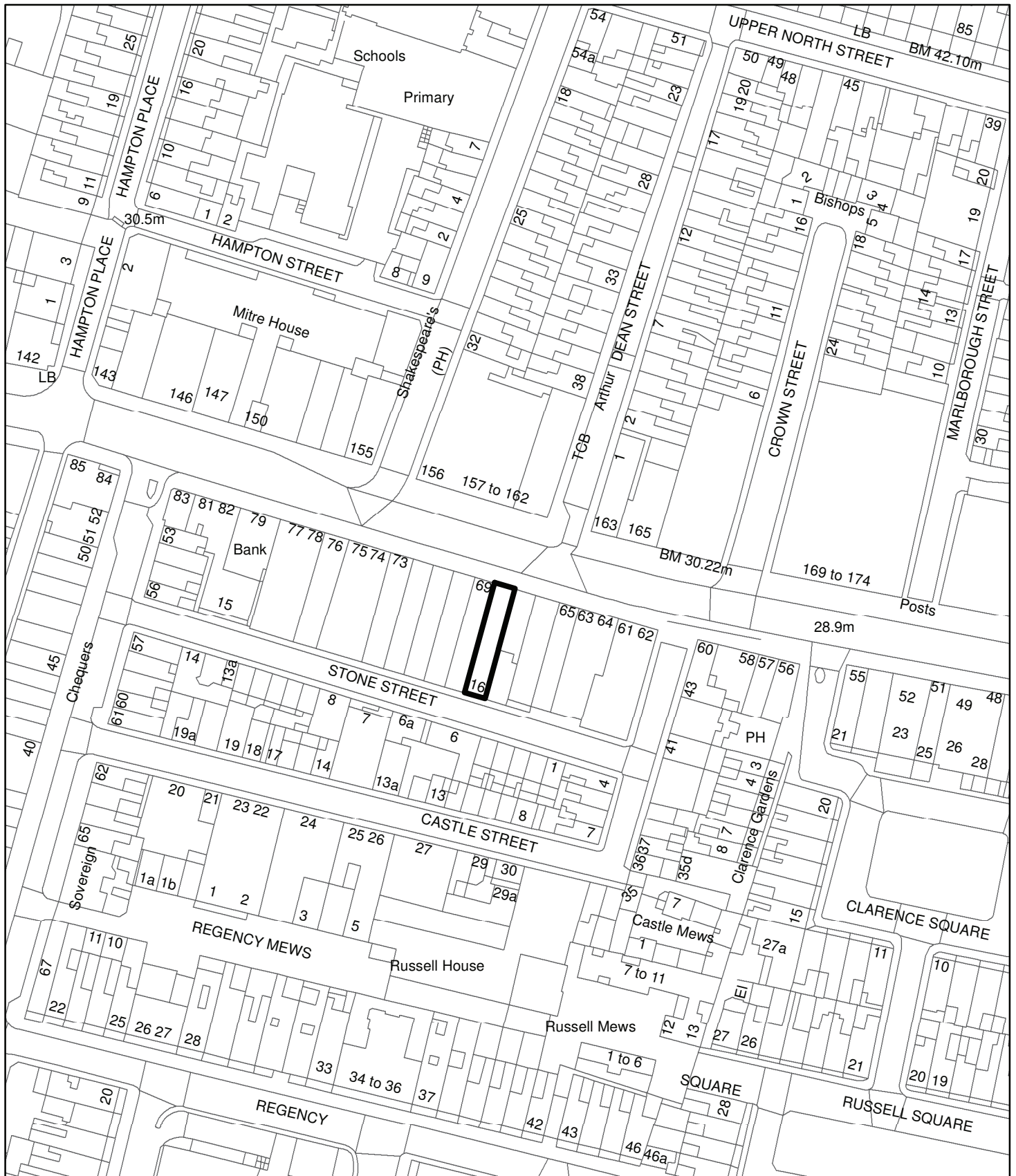
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed building reflects the character and grain of the facades of the historic buildings opposite, would contribute positively to the character of the area, and would not adversely affect the residential amenities of neighbouring properties. The site is well served by public transport and the development is to be car-free. The provision of additional housing is to be welcomed.

9 EQUALITIES IMPLICATIONS

The development is required to meet Part M of the Building Regulations and would be built to a lifetime home standard.

BH2010/00529, 68, Western Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/00530	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	68 Western Road Brighton		
<u>Proposal:</u>	Demolition of rear 3 storey section of property facing Stone Street.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	16 March 2010
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	11 May 2010
<u>Agent:</u>	Farmiloe Architects, 102 Trafalgar Street, Brighton		
<u>Applicant:</u>	Mr & Mrs Yau, C/O Farmiloe Architects, 102 Trafalgar Street, 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** Conservation Area Consent subject to the following Conditions and Informatives.

Conditions:

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision is based on drawing nos. 20941 / 100a received on 16 March 2010, and 20941 / 101, 102 received 26 February 2010, and 20941/101a received 14 January 2011.
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, including Supplementary Planning Guidance:
Brighton & Hove Local Plan:
HE8 Demolition in Conservation Areas
 - (ii) for the following reasons:-
The building does not make a positive contribution to the area and its demolition and replacement with a building more sensitive to the surrounding area will enhance the character and appearance of the Regency Square conservation area.

2 THE SITE

The application relates to a mid-terraced property on the south side of Western Road, which extends through to Stone Street. Western Road is at a higher level than Stone Street; the ground floor to Western Road forms the first floor to Stone Street and consists of a retail unit with storage to the rear. The first and second floors above the shop form a maisonette which is in a

very poor state of repair. This unlisted building is within the Regency Square Conservation Area.

3 RELEVANT HISTORY

BH2010/00529: Demolition of existing three storey property and erection of 1 no four storey residential block fronting onto & with access via Stone Street. Refurbishment of existing retail unit and refurbishment of residential unit above. Tandem application of this application.

BH2006/3887: Demolition of rear 3 storey property and construction of residential block of three flats and conversion of upper (front) floors into 2 self-contained flats. Approved 5.4.07.

BH2005/6534: Demolition of rear 3 storey property and construction of residential block of four flats with refurbishment of existing flats and shop on Western Road. Refused 10.2.06.

4 THE APPLICATION

The application seeks conservation area consent for demolition of the building fronting Stone Street and abutting the rear wall of historic buildings fronting Western Road. The building which is three storey, measures 5m wide x 18.2m in length x 10.2m in height. The floorspace forms a bedsit and storage to the retail unit fronting Western Road.

5 CONSULTATIONS

External:

Neighbours: 7 Stone Street: Would like full consultation when building works take place and want to know how the developers will pay for cleaning up dust left by internal demolition.

CAG: Welcome the principle of proposed redevelopment.

Internal:

Conservation and Design: The scheme involves the retention of the frontage buildings on Western Road and the demolition of the rear building fronting onto Stone Street. The latter building is of no architectural or historic interest and redevelopment with a better quality building would be welcome.

6 PLANNING POLICIES

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

7 CONSIDERATIONS

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

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building

and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
- b) viable alternative uses cannot be found; and
- c) the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.

The Stone Street building is in a poor state of repair of no architectural or historic interest. The façade is plain with a variety of obscure glazed windows and constructed from unpainted render. The conservation officer considered that its removal and replacement with a new building sympathetic to the character of the conservation area would be welcomed. A scheme for the site's redevelopment has been recommended for approval, ref: BH2010/00529, and on this basis demolition of the existing building is considered acceptable. A condition is recommended to ensure a contract exists for the construction of the replacement building.

Whilst the occupier of the neighbouring property has requested details of when the works will take place and what measures would be taken to control dust, these are not matters which can be taken into account in this application.

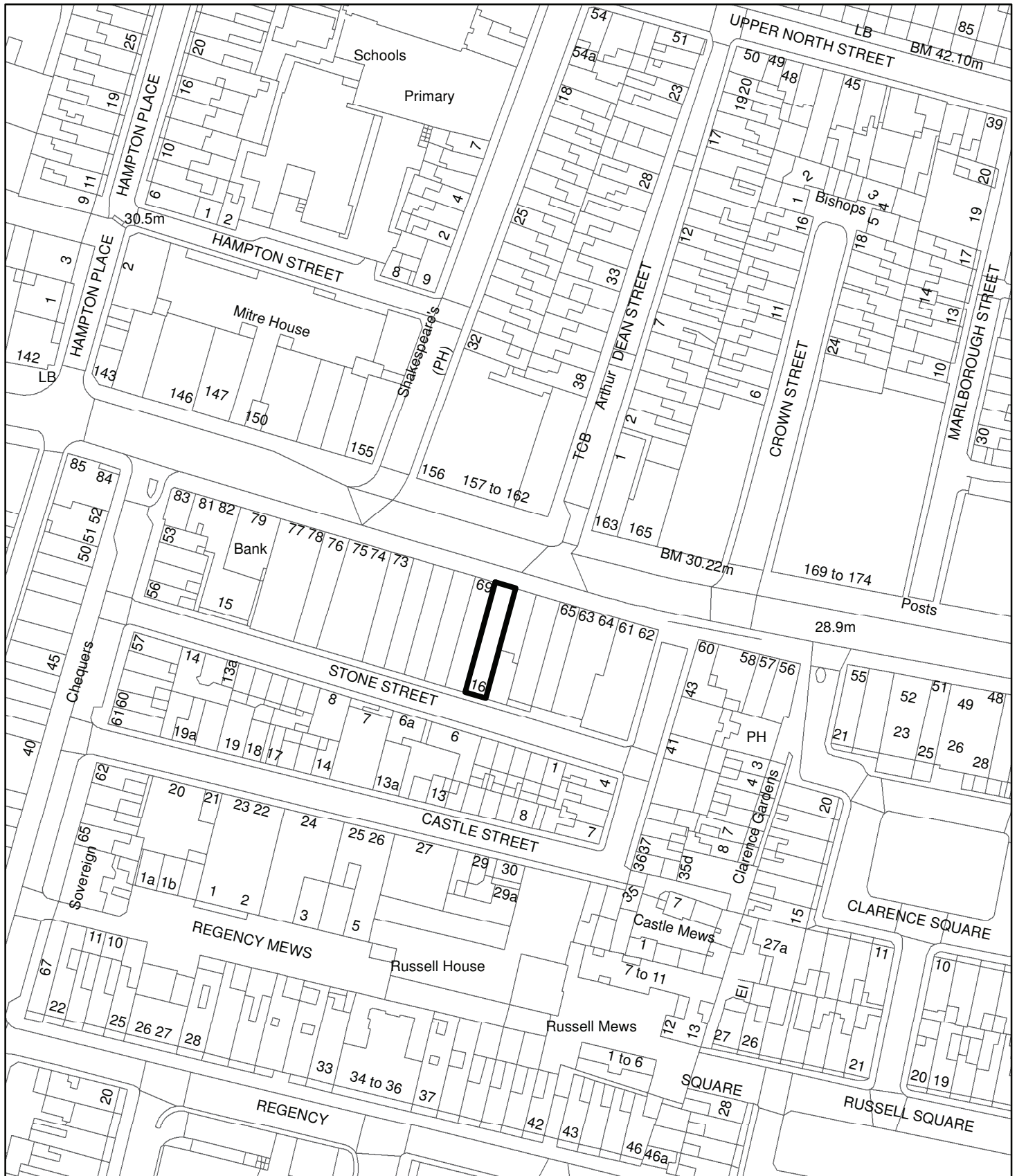
8 REASONS FOR RECOMMENDATION TO GRANT CONSERVATION AREA CONSENT

The building does not make a positive contribution to the area and its demolition and replacement with a building more sensitive to the surrounding area will enhance the character and appearance of the Regency Square conservation area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/00530, 68, Western Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00248	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	36 Hollingdean Terrace, Brighton		
<u>Proposal:</u>	Replacement and enlargement of timber platform incorporating steps and glazed screens (Part retrospective).		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Valid Date:</u>	27/01/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 March 2011
<u>Agent:</u>	Steven Seear RIBA Architect, Curtis House, 34 Third Avenue, Hove		
<u>Applicant:</u>	Mr Paul Cullen, 36 Hollingdean Terrace, Brighton		

1 RECOMMENDATION

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

1. Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The raised decked structure and proposed contrived screening option is an inappropriate addition to the rear garden area by reason of its highly prominent and incongruous appearance, resulting in a detrimental impact on the character and appearance of the existing building and a dominant and overbearing visual impact on the residents of neighbouring properties. The scheme is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.
2. Policies QD14 and QD27 state that planning permission will not be granted for alterations which would cause material nuisance and loss of amenity to existing / future residents. Use of the raised terrace area would result in unacceptable levels of overlooking of neighbouring gardens and the rear elevations of neighbouring dwellings, causing significant harm to the privacy of neighbouring residents. The scheme is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on drawing nos. OS/01, 01, 02, 03, 04, 05revA, 06revA received on the 27th January 2011.

2 THE SITE

The application relates to a mid-terraced property located on the eastern side of Hollingdean Terrace. The rear of the property has three storeys. There is a raised timber terrace to the rear. There are doors at first floor level which lead out onto the terrace.

3 RELEVANT HISTORY

BH2010/03054: Replacement and enlargement of timber platform incorporating steps and glazed screens (Part retrospective). Refused 26/11/2010.

4 THE APPLICATION

The application seeks consent for the replacement and enlargement of the timber platform incorporating steps, glazed screens and trellising. The application is part-retrospective. The previous smaller timber structure has been removed and the new structure has been built. The privacy screens are not yet in place. The application is a resubmission of a recent application BH2010/03054 which was refused on design and overlooking grounds. This application has been altered from the previous scheme in that the privacy screen has been pulled in 0.8 metres from the southern boundary, effectively reducing the width of the usable platform. As well as 1.8 metre glass privacy screens, trellis has been added to the front of the platform along with planting boxes to reduce overlooking.

5 CONSULTATIONS

External:

Neighbours: No. 34 Hollingdean Terrace have written and object to the scheme on the grounds of lack of safety from the unprotected stair access, and overlooking despite the proposed trellis, which has little permanence or robustness.

Six (6) standard letters of support have been received from nos. **43a, 45, 47 Roedale Road** and nos. **28, 38, 67 Hollingdean Terrace**.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

7 CONSIDERATIONS

The main considerations relate to the visual impact of the development upon the character and appearance of the property and surrounding area and any impact on neighbouring amenity.

Appearance

The application seeks consent for the replacement and enlargement of the timber platform incorporating steps, glazed screens and trellising. The application is part-retrospective. The previous smaller timber structure has been removed and the new structure has been built. The privacy screens are not yet in place. The application is a resubmission of a recent application BH2010/03054 which was refused on design and overlooking grounds. This application has been altered from the previous in that the privacy screen has been pulled in 0.8 metres from the southern boundary effectively reducing the width of the usable platform. As well as 1.8 metre glass privacy screens, trellis

has been added to the front of the platform along with planting boxes to reduce overlooking.

The structure projects 1.9 metres from the property and is almost the full width of the property. The floor is 2 metres above the garden ground level. This structure is highly prominent when viewed from the rear facing rooms and rear garden areas of neighbouring properties. The structure has a dominant and overbearing visual impact, and is considered to have caused harm to the appearance of the property and the outlook of neighbouring occupiers. The glazed privacy screens and trellising (1.8 metres in depth and 0.9 metres in height from the balustrade) will add to the incongruous appearance of the structure.

It is noted that there are enclosed raised structures at nos. 38 and 40 Hollingdean Terrace, however neither of these structures has planning consent but may have been in place for sometime.

Neighbouring Amenity

Whilst it is acknowledged that there will always be some mutual overlooking of neighbouring windows and gardens in a suburban location, use of the existing terrace constructed would cause a level of overlooking over and above that normally expected and, due to the size of the deck, occupiers would be likely to sit out on it for extended periods. The existing deck therefore causes a significant loss of privacy to neighbouring occupiers, particularly to no. 34 Hollingdean Terrace where there is clear overlooking into the whole of the garden. However the applicant has proposed pulling the decking away from the southern boundary and erecting glass privacy screens and trellising. It is conceded that this may well go some way in reducing the impact upon the neighbouring properties in terms of overlooking, however there is still considered to be a significant level of overlooking of the adjacent gardens and particularly of the properties to the rear. The screening appears contrived and makes the structure even more visually incongruous.

It is acknowledged that there was previously a raised platform, however this was much smaller, projecting only 1.1 metres and being 1.8 metres wide. It appears that this would have been used more as a platform to access the steps to the garden, rather than an amenity area used for extended periods of time. It is noted that along with a neighbour objection to the scheme, there have been several letters of support. It is however the duty of the Local Planning Authority to protect the amenity of present and future occupiers. Use of the terrace would cause material and demonstrable harm to neighbouring occupiers by way of overlooking and loss of privacy, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

On visiting the site it was noted that at least two properties have raised enclosed decks and steps down to the garden, specifically at nos. 38 and 40 Hollingdean Terrace. There is no planning history relating to these structures. It is considered that a precedent has not been set for the approval of raised

decking with this type of birds eye view in this location. It is accepted that in some cases a raised deck area may be considered acceptable providing significantly increased overlooking would not result. However in this case the terrace and proposed screening causes significant material and demonstrable harm to amenity in terms of overlooking and visual impact. The approval of such a structure may set an unwelcome precedent for the approval of similar harmful developments in these circumstances.

Refusal of the application is recommended.

8 EQUALITIES IMPLICATIONS

None identified.

BH2011/00248 36 Hollingdean Terrace, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03477	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	42 George Street, Brighton		
<u>Proposal:</u>	Addition of second floor and internal and external alterations to first floor to create student accommodation (Sui-generis) and retention of 160sqm of Retail (A1) to ground floor together with cycle and bin storage.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	11/11/2010
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	06 January 2011
<u>Agent:</u>	Dowsettmayhew Planning Partnership, 102 Trafalgar Street, Brighton		
<u>Applicant:</u>	Meadowbridge Properties Ltd, C/O Dowsettmayhew Planning Partnership		

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.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.TA505/01A, 02A, 03A, 04A, 05A, 06, 07, 10B received on 05/11/2010 and no.TA505/11E, 12E, 13F, 14A, 15D, and 16C received on 02/02/2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. BH04.01A Lifetime Homes.
4. Access to the flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. BH02.06 No cabled, aerials, flues and meter boxes. (**add** 'expansion joints, bell mouldings, metal leads and stops'.)

Pre-Commencement Conditions:

6. Prior to commencement of development a Discovery Strategy shall be submitted and approved in writing by the Local Planning Authority detailing what action will be taken if unsuspected contamination findings are discovered whilst developing the site. Development shall be undertaken in strict accordance with the approved strategy.
Reason: Previous activities within close proximity of this site may have caused, or had the potential to cause, land contamination and to ensure

that the proposed site investigations and remediation will not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

7. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating of 'very good' for all units have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating of 'very good' for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

8. No development shall take place until 1:20 scale elevations and 1:1 scale joinery profiles of the external windows, glazing bar/ frame dimensions and the opening arrangement have been submitted to and approved in writing with the Local Planning Authority. The works shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

9. BH12.01 Samples of materials – Cons Area.

10. No development shall take place until detailed drawings, including floor levels and roof heights to OS Datum of the proposed building, the approved building at No. 43 George Street and other neighbouring buildings have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

Reason: In order to ensure the accuracy of the development and to comply with policy QD1, QD2, QD27 and HE6 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

11. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating of 'very good' has been submitted to, and approved in writing by, the Local Planning Authority. Reason: To ensure that the development is

sustainable and makes effective use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable building Design.

12. BH06.03 Cycle parking facilities to be implemented.
13. BH02.07 Refuse and recycling storage (facilities).

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO6	Provision of outdoor recreational space in housing schemes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Documents

SPD02 Shopfronts
SPD08 Sustainable Buildings

Planning Advisory Notes

PAN03 Accessible Homes and Lifetime Home Standards; and

- (ii) for the following reasons:-

The proposal would not be of detriment to the character and appearance of the street scene or the conservation area and would not materially

harm the amenity of surrounding residents. The standard of accommodation is acceptable and the scheme would not jeopardise highway safety or lead to parking problems.

2 THE SITE

The site contains a two storey flat roofed building. The ground floor is occupied and in retail use while the upper floor is vacant having last been used as student accommodation with 5 bedrooms and a communal kitchen and living area.

The surrounding area is a mixture of commercial and residential. Two storey terraced properties with dormers are opposite the site on George Street, which are mainly all in residential use. Properties on the same side of George Street to the south of the site include a row of three storey bay fronted terraces with retail/commercial on the ground floor. To the north of the site are a mixture of unattractive large two storey buildings which again are in retail and commercial use.

To the rear of the site is Dorset Gardens a small park. Situated around this park are a number of residential and commercial buildings, some of which contain balconies fronting onto the park. The site lies within the East Cliff conservation area.

3 RELEVANT HISTORY

None directly relate to the site, however the adjoining site has recently been granted approval for redevelopment;

BH2010/00367: Demolition of existing vacant vehicle workshop and erection of 1No three storey building comprising of offices at ground floor and 2No two bed flats and 2No one bed flats on the first and second floors. Approved 07/07/2010.

4 THE APPLICATION

Planning permission is sought for the addition of a second floor and internal and external alterations to first floor to create student accommodation (Sui-generis) and retention of 160sqm of Retail (A1) to ground floor together with cycle and bin storage. A total of 18 bedrooms with individual bathrooms (9 per floor) are proposed with communal kitchens on each floor.

5 CONSULTATIONS

External:

Neighbours: 18, 19, 26 (x 2), 33 George Street - Object for the following reasons:

- Windows are out of character with the area and conservation area.
- Concerned over height of building and blocking of light.
- Development will impose high density living in an area which suffers from parking shortage and noise.
- Building may be non-smoking and this will lead to groups of smokers congregating in the street.

- George Street has become increasingly residential in character with some house in multiple occupancy causing late night noise and disturbance. A student Hostel will add to these problems.
- Profile of the building should not be raised but should remain 2 storey with a maximum of 2 flats on the first floor.
- Overlooking from additional windows at first floor, currently 4 windows and 5 are proposed.

Internal

Conservation and Design:

Original Comments

This scheme involves the re-configuration of the first floor and the addition of a second floor. It is considered that in view of the strong consistent eaves/parapet line the additional height would have a detrimental effect on the skyline and affect the uniform scale of the street at this point, particularly the second floor bay that is proposed to be built in the same plane as the first floor. Additionally, if the approved scheme for no 43 is built, the whole of the top floor proposed for no 42 would be highly visible from the south, as the first and second floors at no 43 are proposed to be set back in line with no 44. This is not the way that the elevation is represented in drawing TA 505/13 which indicates that the roof of no43 is forward of the new second floor with a heavy shadow line.

The asymmetric design of the first floor bay windows fronting George Street are new elements of design not previously used in George Street, however it is considered that this part of the road can accommodate this as a contemporary approach to the bays otherwise present in the street, however the traditional bays do not protrude beyond the ground floors as these would, and it is felt that this would give the triangular bays excessive prominence in the street scene which would not be welcome.

The general form of the proposed rear elevation is considered acceptable.

It is considered that an additional floor would only be acceptable if it was to be set back sufficiently to have no negative impact on the roof line of George Street.

Amended plans

Satisfied that the amendments have reduced the impact on the skyline and that the improvements to the first floor are significant enough to justify supporting the application.

Environmental Health: Initially concerned as the site is identified as being potentially contaminated land through its historic uses. These were coachbuilders and wheelwrights in 1902, 1908 and 1914, a paint manufacturers in 1956 and a motor vehicle use in 1974. A derelict tank register also identifies potentially historic underground tanks at 43/45 George Street. However, given that the application does not propose external

breaking of the ground and merely internal extensions, satisfied that the uses will not require a full potentially contaminated land condition. However, given the past uses, a discovery condition is appropriate to deal with any unexpected findings.

Private Sector Housing: On the basis of the information submitted it would appear the premises would need to be licensed as a 'house in multiple occupation' under the Housing Act 2004. Have sent a letter to the agent for further information.

Sustainable Transport: No comments to make.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel;
TR2	Public transport accessibility and parking;
TR14	Cycle access and parking;
TR19	Parking standards;
SU2	Efficiency of development in the use of energy, water and materials;
SU10	Noise nuisance;
SU13	Minimisation and re-use of construction industry waste;
QD1	Design – quality of development and design statements;
QD2	Design – key principles for neighbourhoods;
QD3	Design – efficient and effective use of sites;
QD5	Design – street frontages;
QD14	Extensions and alterations;
QD27	Protection of amenity;
HO3	Dwelling type and size;
HO4	Dwelling densities;
HO7	Car free housing;
HO13	Accessible housing and lifetime homes;
HO6	Provision of outdoor recreational space in housing schemes;
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance

SPGBH4 Parking standards.

Supplementary Planning Documents

SPD02	Shopfronts
SPD08	Sustainable Buildings

Planning Advisory Notes

PAN03	Accessible Homes and Lifetime Home Standards
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7 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact on the character and appearance of the East Cliff Conservation Area, the impact on the amenity of surrounding residents/occupiers and future

occupants, traffic issues, sustainability and contaminated land.

Design

Whilst 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. The site falls within the East Cliff Conservation Area, therefore policy HE6 of the Local Plan is also relevant, this policy requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area.

This property is within the East Cliff Conservation Area. It is part of the mixed frontage of George Street and also the setting of Dorset Gardens to the East. This side of George Street has a mix of 2 and 3 storey buildings, however due to the varying storey heights the eaves/ parapet are very consistent for most of the length of the street. It is considered that the existing building is of utilitarian design and makes a neutral to negative contribution to the character of the conservation area. It is therefore considered that there is scope for improvements to the existing building on this site.

This scheme as originally submitted involved the re-configuration of the first floor and the addition of a second floor. However it was considered that in view of the strong consistent eaves/parapet line the additional height would have a detrimental effect on the skyline and affect the uniform scale of the street at this point, particularly the second floor bay that was proposed to be built in the same plane as the first floor. Additionally, if the approved scheme for no 43 was built, the whole of the top floor proposed for no 42 would be highly visible from the south, as the first and second floors at no 43 are proposed to be set back in line with no 44.

The proposed asymmetric design of the first floor bay windows fronting George Street would have introduced new elements of design not previously used in George Street. Although it was considered that this part of the road could accommodate a contemporary approach to the bays in this part of the street the traditional bays do not protrude beyond the ground floors as these would, and it is felt that this would give the triangular bays excessive prominence in the street scene, therefore the window design was not acceptable. There were also objections to the window design received from neighbours.

The general form of the proposed rear elevation is considered acceptable.

Following negotiations the first floor has now been set back and the windows redesigned. The windows are now flush with the elevation and are considered acceptable, subject to a condition requiring further details of the glazing bar/frame dimensions along with the opening arrangement, as this will change their appearance. The set back at first floor has reduced the impact on the skyline and this aspect of the scheme is now acceptable.

The revised elevations indicate the relationship to neighbouring buildings although no roof heights or floor levels are shown. These are therefore proposed to be required by condition.

Impact on amenity of surrounding residents/occupiers

Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties. While the objections regarding the use for student accommodation are noted, the property has previously been used for students and the existing flat roof was also used as a roof terrace by the occupants and the application will remove this facility.

Although the use of the site will intensify as a result of the development it is not considered that refusal of a residential scheme on the grounds of noise and disturbance would be justified. The street and the surrounding area consists of a mixture of commercial and residential properties in a fairly central location in the City Centre where some degree of noise is to be expected.

In terms of overlooking the balconies and windows at the rear will look onto the Dorset Gardens open space, whilst those at the front will face properties on the opposite side of George Street where there would be distance of some 9m which is considered a normal and acceptable relationship.

Amenity of future occupants

Local Plan policy QD27 also requires that new residential development provides suitable living conditions for future occupiers. Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development. Policy HO5 of the Local Plan specifies that private useable amenity space should be provided in new residential development appropriate to its scale and character.

It is considered that the development provides satisfactory accommodation for students with a reasonable sized bedroom private bathroom facilities and communal kitchens. A total of 12 balconies are provided for the 18 student rooms in the scheme. Given the location of the site within an area where private outdoor amenity space is limited, and as Dorset Gardens is immediately to the rear the provision is considered that this is acceptable.

Sustainable Transport

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

No off-street car parking can be provided and the site is located within a Controlled Parking Zone. Secure cycle storage with 18 cycle parking is proposed in accordance with policy TR14 of the Local Plan. The traffic engineer has raised no objections to the application.

Sustainability

A sustainability checklist has been provided which states that a minimum of CSH level 3 will be achieved on the site and a BREEAM 'very good'. Conditions to this effect are recommended which the applicant has been consulted on and agrees to. A green roof and PV roof panels are also proposed.

Contaminated land

Environmental Health were initially concerned as the site is identified as being potentially contaminated land through its historic uses. These were coachbuilders and wheelwrights in 1902, 1908 and 1914, a paint manufacturers in 1956 and a motor vehicle use in 1974. A derelict tank register also identifies potentially historic underground tanks at 43/45 George Street. However, given that the application does not propose external breaking of the ground as the ground floor will remain and merely internal extensions, Environmental Health are satisfied that the uses will not require a full potentially contaminated land condition but recommend a discovery condition is appropriate to deal with any unexpected findings.

Conclusion

The recommendation is for approval for the reasons stated above.

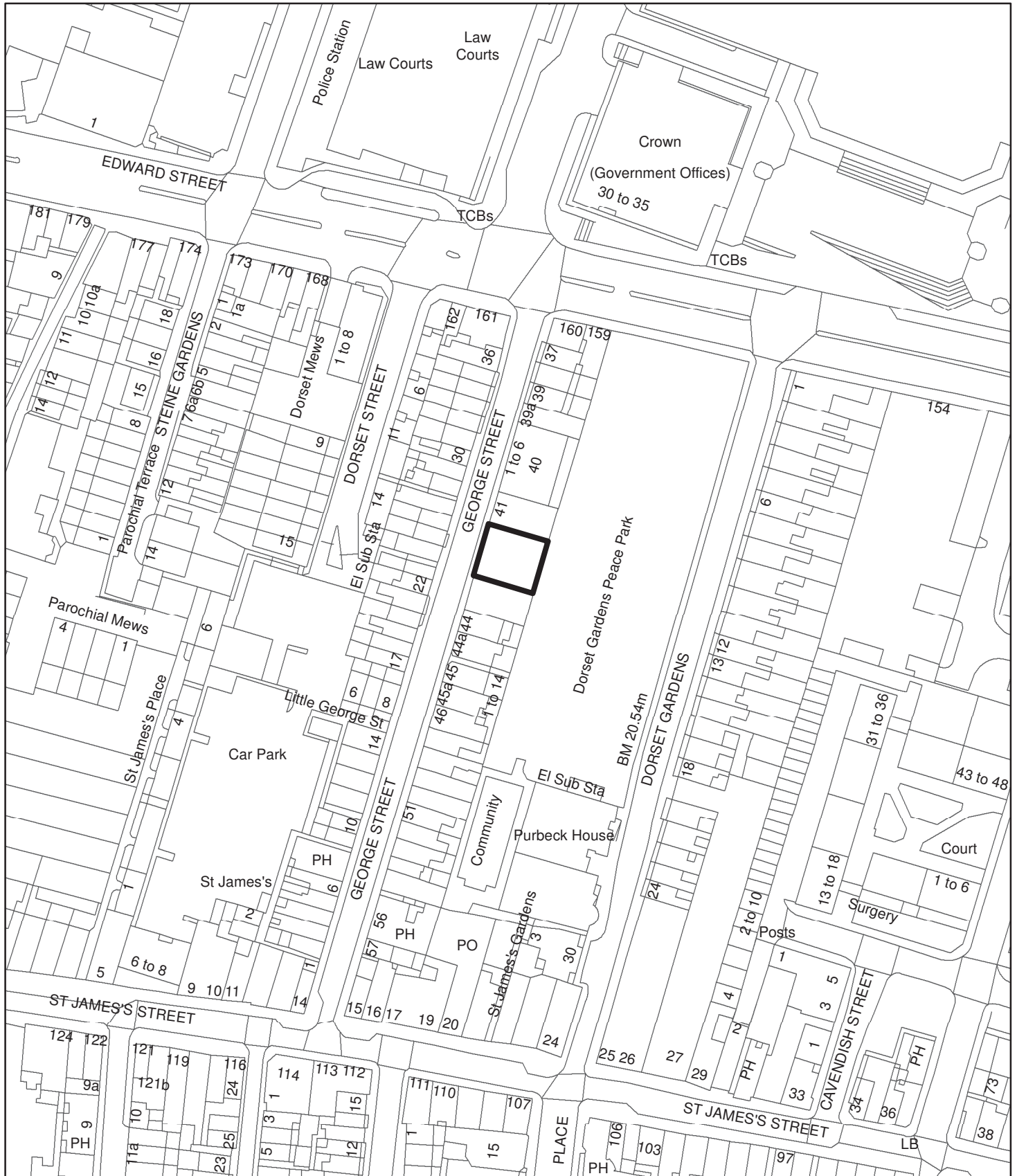
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal would not be of detriment to the character and appearance of the street scene or the conservation area and would not materially harm the amenity of surrounding residents. The standard of living accommodation is acceptable and the scheme would not jeopardise highway safety or lead to parking problems.

9 EQUALITIES IMPLICATIONS

Where possible lifetime homes standards have been incorporate into the design.

BH2010/03477 42 George Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/01338	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5 Steine Street, Brighton		
<u>Proposal:</u>	Alterations to frontage (Retrospective)		
<u>Officer:</u>	Louise Kent, tel: 292198	<u>Valid Date:</u>	25/05/2010
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	20 July 2010
<u>Agent:</u>	Bryceson Shaw Associates, 2 Wellesley Court, Fitzalan Road, Littlehampton, West Sussex		
<u>Applicant:</u>	S & M Leisure Ltd, 83 Victoria Road, Chislehurst, Kent		

This application was deferred from the 22nd September 2010 Planning Committee to allow further details of the acoustic glazing to be submitted by the agent. Updated information from Environmental Health now responds to the requirement for further information.

1 RECOMMENDATION

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

Informatives:

1. This decision is based on drawing nos. 1016/01/02 and 1010/01/03 submitted on 25/05/10 and 1016/01/01/A submitted on 06/09/10.

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

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

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD5 Design – street frontages

QD10 Shopfronts

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD02 Shop Front Design; and

(ii) for the following reasons:-

The shop front as constructed does not cause any significant detrimental impact to the appearance of the building, the surrounding East Cliff conservation area, or the surrounding residential amenity.

2 THE SITE

The site is a two storey commercial property on the western side of Steine Street. A single storey shop is adjacent to the south, and an empty space currently used as a car park adjoins the site to the north. Steine Street is located between St James's Street to the north, which is a District Shopping centre, and Marine Parade to the south. There are a number of public houses and nightclubs in the neighbourhood, the nearest being a public house to the north adjacent to 9 Steine Street, and another to the south at 6 & 7 Steine Street. However, the majority of the street is residential. The site is currently used as a nightclub, and is within the East Cliff Conservation Area.

3 RELEVANT HISTORY

BH2008/01188: Internally illuminated hanging sign (retrospective). Granted 12/12/08.

BH2008/01183: Alterations to frontage (retrospective). Refused 12/12/08. The current application is a re-submission seeking to address this previously refused 2008 application. The 2008 application was refused for the following two reasons:

1. The first was that the bland façade would fail to preserve the character and appearance of the building within the conservation area, contrary to policies QD5, QD10 and HE6 of the Brighton & Hove Local Plan, and the SPD02 on Shop front design.
2. The second reason was that insufficient evidence has been provided to demonstrate that potential noise breakout from the ground floor façade will be effectively contained and not adversely affect local residents, contrary to policies SU10, QD14 and QD27 of the Local Plan.

4 THE APPLICATION

The application is for retrospective planning permission for alterations to the frontage. The proposed works involve creating recessed 'window' openings at first floor level, restoring the fascia panel, installing a new shopfront and doors and repairing and rendering the stall riser. The amended drawing 1016/01/01Rev. A submitted on 6 September 2010 states that the glazing comprises 42dB (decibel) sound attenuation sealed double glazed units.

5 CONSULTATIONS

External:

Neighbours: A total of **nine (9)** duplicate letters of objection have been received from **Nos. 108 Dolphin Mews, Manchester Street and No. 8 Steine Street**. The letters state:

"Changes to the façade of the building have caused considerable noise/music breakout, that affect this property, and we are objecting to the aforementioned application for the following reasons:

1. the acoustic glass is not rated sufficiently to prevent music escape. The glass is rated 42db and the internal sound limiter on the music system is set considerably higher, if not double this amount.
2. the double doors are not supported by an inner lobby to suppress noise escape.

Suggest planning permission is granted providing the following conditions are attached:

1. The rating of the acoustic glass is increased to 10db higher than the sound limiter, and maintained at all times, with all windows fixed closed at all times and on a permanent basis.
2. Opaque screening to the ground floor window must be maintained at all times and on a permanent basis.
3. An inner lobby properly acoustically rated, must be built to help suppress noise/music, with inner and outer doors operated alternately to prevent noise escape. (The Licensing Panel recently commented on this measure being adopted during a review of the premises licence on 12th May 2010.)

The letters from Dolphin Mews residents also state that screening from the side ground floor window has been removed, which allows patrons to look into their residential properties.

Environmental Health: (*initial comments, 20 August 2010*): The bar has installed noise limiting devices on the ground and first floor and the Environmental Health team is satisfied that these can manage the music noise. We have not received complaints relating to customer noise breaking out from the ground or first floor bar. The window installed and detailed in the planning application is a double glazed sealed unit, which the applicant stated is a 42dB (decibel) sound attenuation sealed double glazed unit. However, there is no technical information supporting this statement.

[NB: Further information about the acoustic glazing was requested several times from the applicant by the planning officer since the last Planning Committee in September 2010, but was not received.]

Environmental Health has no reason to recommend refusal. There is no evidence that a noise nuisance exists, either from music noise or people noise coming from the premises. Noise limiting devices are managing the noise from the amplified music system.

Later comments, 20 January 2011: The initial comments above remain the same, and further complaints have been received since the previous comments.

18 September 2010: Noise from music.

25 September 2010: Noise from people outside the Club and noise from music coming from inside the Club.

17 October 2010: Music noise and noise from customers outside.

These cases were investigated, and under the provisions of the Environmental Protection Act 1990 at no time was a statutory noise nuisance identified. However, the levels of the noise limiters were reviewed in cooperation with the owners of the business and the complainants on 1 October 2010.

On 29 November 2010 we met with a representative of the residents who confirmed a big improvement, and no further problems.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU9	Pollution and nuisance control
SU10	Noise nuisance
HE6	Development within or affecting the setting of conservation areas
QD5	Design – street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Document

SPD02 Shop Front Design

7 CONSIDERATIONS

The main considerations for this application are the visual effect of the new shopfront on the appearance of the building, the surrounding street scene and East Cliff conservation area and the implications for neighbouring residents, particularly with regard to amenity.

The application has been submitted in order to respond to the previous refusal BH2008/01183. The refusal reasons related to design and amenity.

Policy QD10 also advises that replacement shopfronts will be permitted provided that the proposed shopfront and fascia respect the style, proportions, detailing, colour and materials of the parent building and surrounding shopfronts and buildings, and also retain a visible means of support to the buildings above and do not interrupt any architectural details.

The Supplementary Planning Document 2 on Shop Front Design (SPD02) was adopted in September 2005. It gives *“detailed policy guidance on ... new shop fronts throughout the city, in order to raise the standard of design quality and enhance the attractiveness and local distinctiveness of the city’s shopping centres.”* The application is expected to show *“a clear improvement in design quality over the existing shop front”*.

SPD02 also states that the key to achieving a good shop front design is proportion, and replacement shopfronts should represent a clear improvement in design quality over the existing shop front. This will be achieved by careful consideration of the relationship between the five elements of a shop front, which are: the pilasters, the fascia, the stall riser, the shop window and the entrance.

The first submitted drawing of the front elevation contained several differences from the shopfront installed on site. The window had a transom bar and vertical glazing bar within it, which were not shown on the drawings. The stall riser also appeared to be higher than shown on the submitted drawing. An amended drawing was submitted on 6 September 2010 to rectify this.

The ground floor has double doors with a large metal logo, and the stall riser has been rendered since the previous application, appearing to match the pilaster to the south of the adjacent empty shop. The upper floor is the same as the previous application, apart from the addition of a projecting central sign which has Advertisement Consent. A street lantern is positioned on the northern side of the front elevation at first floor level, one of three in Steine Street.

The alterations to the frontage are a sufficient improvement in the design from the previous refusal in 2008. The shopfront now has a traditional appearance in keeping with its surroundings. As a result of these alterations, the new shop front is considered to have overcome the previous refusal in so far as design is concerned.

Residential amenity

The second reason for the previous refusal BH2008/01183 was the lack of evidence showing that potential noise breakout would be contained. This issue is now considered to have been overcome.

The initial comments from Environmental Health were that following the licensing review, the noise limiting devices were installed on the ground and first floor in July 2010. The Environmental Health Team are satisfied that these adequately manage the music noise and that there is no noise nuisance as a result. These electronic devices use an internal locking device to prevent the music from going beyond an agreed volume.

Following further noise complaints in September and October, the noise limiter was reviewed on 1 October 2010. A meeting with the residents' representative and Environmental Health on 29 November confirmed that there had been a great improvement, and there were no further problems.

The windows installed are double glazed sealed units and the applicant states that they are 42dB sound attenuation sealed double glazing. There is no technical information supporting this statement, but as Environmental Health stated that they are satisfied with the noise limiting device in their comments of 20 January 2011, they do not require further evidence with regard to the insulation properties of the glazing. Requests have been made for more technical information about the acoustic glazing, but no details have been received.

The drawing entitled "Floor plans as built" shows an inner lobby. The inner foyer or lobby was requested by all the residential objectors, in order to contain noise from the premises. Again though, whilst the lobby may offer some protection against noise breakout, the Environmental Health team are satisfied that the issue has been addressed through the review of the noise limiter.

The objectors and Environmental Health have commented that a Licensing

Panel hearing on 12 May 2010 considered the application for the review of a premises licence for the Om Bar, 5 Steine Street. They recognised that residents were experiencing noise disturbance. However, Environmental Health had said that noise from the premises was not considered to be of a volume to cause a statutory noise nuisance.

The panel requested that Environmental Health conduct a review on the sound limiter settings, especially in relation to the bass from within the premises and neighbouring properties, and that further glazing and sound proofing works were carried out within six months. It is not clear whether the applicant intends to pursue these works, but it is not considered that there is a valid planning reason to object on noise grounds, given Environmental Health's comments.

Objection letters have been received from nine nearby residents, for the reasons set out above. They suggest a number of conditions be imposed on any permission to address noise and overlooking. Given the comments from Environmental Health in relation to noise and the appropriate window relationship it is not considered the scheme is causing a material nuisance or loss of amenity. In overall terms this scheme is now considered to be acceptable in design and amenity terms.

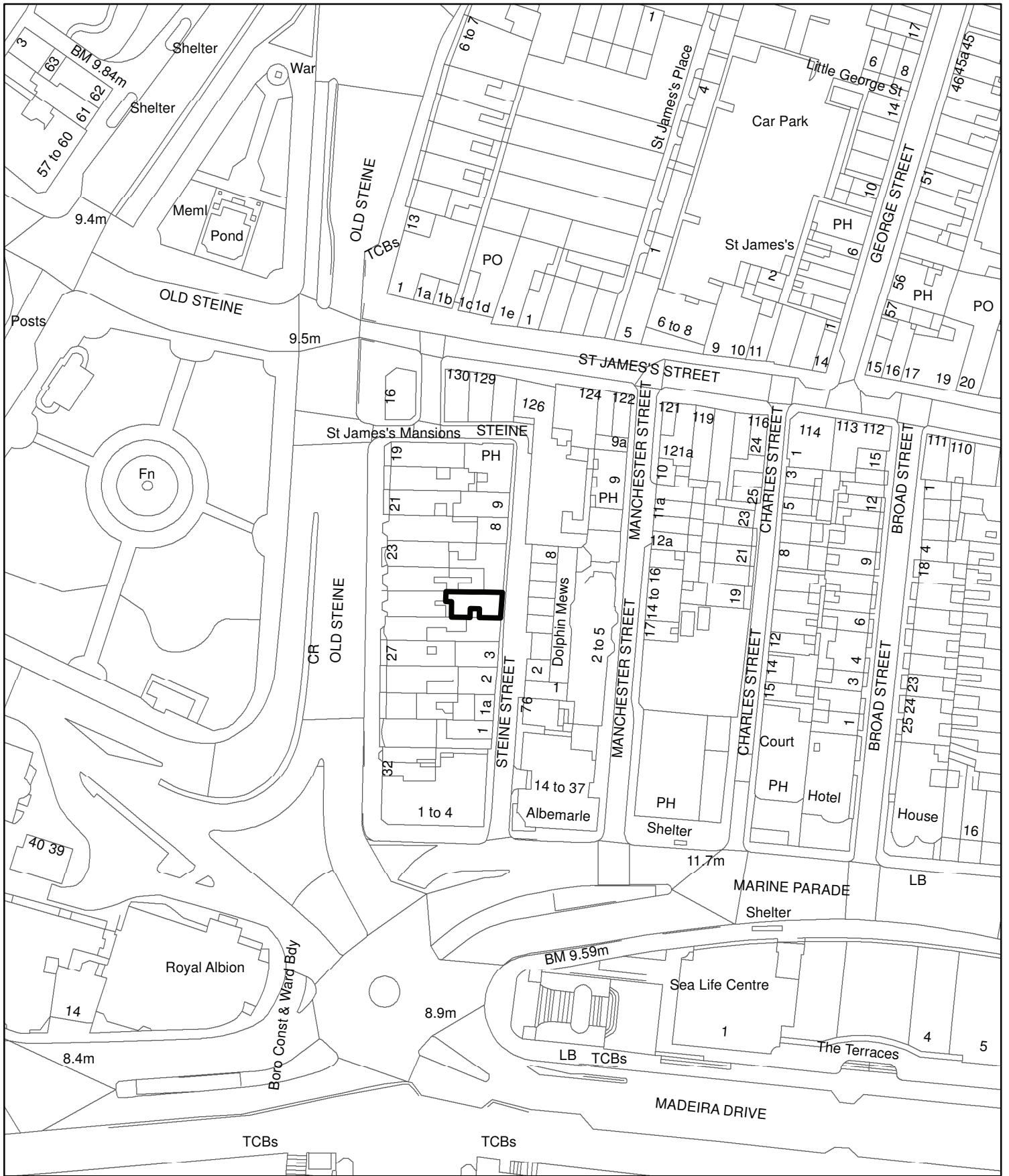
Conclusion

The application is recommended for approval, as it is considered that the shop front design has overcome the reasons for refusal in the previous application. The Environmental Health officer is satisfied that the noise limiting device adequately addresses noise issues.

8 EQUALITIES IMPLICATIONS

There is a step up from the pavement to the existing shopfront. The doorway consists of double doors, with an inner lobby with a doorway 0.9m wide which is adequate for wheelchair access.

BH2010/01338 5, Steine Street



**Brighton & Hove
City Council**



Scale: 1:1,250

