

**LIST OF MAJOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2011/01152</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Brighton Racecourse, Race Hill, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Proposed use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer.</b>		
<b><u>Officer:</u></b>	Kathryn Boggiano, tel: 292138	<b><u>Valid Date:</u></b>	20/04/2011
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	20 July 2011
<b><u>Agent:</u></b>	DMH Stallard, Gainsborough House, Pegler Way, Crawley		
<b><u>Applicant:</u></b>	Brighton & Hove Albion Football Club Ltd, Mr Martin Perry, Tower Point, 8th Floor, North West Suite, 44 North Road, Brighton		

**1 RECOMMENDATION**

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

1. BH01.01 Full Planning.
2. No other area at Brighton racecourse, apart from the 3 parking areas shown on plan number 5, referenced NI2034-03 submitted on the 13 June 2011, shall be used as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club. The parking within these 3 areas referred to above, shall not exceed 50 days in any 12 month period. Of these 50 days in any 12 month period the number of vehicles within these 3 parking areas shall not exceed 700 vehicles for a maximum number of 35 days, and shall not exceed 500 vehicles for a maximum number of 15 days.

**Reason:** To limit the capacity of parking and number of days in order to minimise disruption to the local highway network and to residents by reason of noise and disturbance and traffic pollution, and to comply with policies TR1, TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

3. Prior to the start of each football season, a Schedule of Events, which will include the dates and times of the days Brighton racecourse will be used as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club, along with the full details of any of events which are to be held at the racecourse on these days (including a description of the event, times of the day of the event, the anticipated likely capacity of people attending such an event, and number of parking spaces available for such an event), will be submitted to and approved in

writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority 14 days prior to any change, the parking for the park and ride to the football stadium shall only be permitted in accordance with the approved Schedule of Events.

**Reason:** To ensure that there is no clash of large scale events with park and ride at the racecourse in connection with the Stadium, which may cause disruption to the local highway network and to residents by reason of noise and disturbance and traffic pollution, and to comply with policies TR1, TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

4. Unless otherwise agreed in writing with the Local Planning Authority, all spectator traffic shall access and egress the site via the site entrance on Freshfield Road.

**Reason:** In order to prevent spectator traffic using the site access located to the north of the site near to the junctions of Warren Road, Elm Grove, Bear Road and Freshfield Road, for highway safety reasons and to comply with policy TR7 of the Brighton & Hove Local Plan.

5. Before the parking areas are first brought into use as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club, a Management, Monitoring and Maintenance Plan for the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details and timeframes for the porous surfacing work for the first 10 metres of each access point into each of the 3 parking areas, and shall include the timeframes for regular monitoring and maintenance of the condition of the grassed areas. Monitoring and maintenance information must be submitted to and agreed in writing by the Local Planning Authority on an annual basis by the end of each football season.

6. The maintenance work required by the Management, Monitoring and Maintenance Plan, required by condition 5, must be carried out in accordance with the agreed Plan and within the agreed timescales.

**Reason:** In order to maintain the grass in good condition for highway and visual appearance reasons and to comply with policies TR1, QD2, SR22 and NC6 of the Brighton & Hove Local Plan.

7. Prior to the start of the 2011-2012 football season, full details of the cycle parking to be provided at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details prior to the start of the 2011-2012 football season and retained as such thereafter.

**Reason:** To ensure satisfactory facilities for the parking of cycles and to encourage cycle and ride to the Stadium and to comply with policy TR14 of the Brighton & Hove Local Plan.

8. The development hereby permitted shall be carried out in accordance with the approved drawings no.NI2034-03 Rev B received on 13 June 2011, NI2034-05 received on 1 June 2011, NI2034-02 and NI2034-01 received on 20 April 2011.

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

Informatives:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR6	Park and ride
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise disturbance
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
SR22	Major sporting venues
SR23	Community stadium
NC6	Development in the countryside/downland

Supplementary Planning Guidance:

SPGBH4 Parking Standards; and

- (ii) for the following reasons:-

Park and ride at the racecourse enables the Football Club to meet their obligations to provide park and ride sites in connection with the American Express Community Stadium. The principle for the need for this park and ride site has been established. Subject to a condition to prevent any clash of park and ride with major events at the racecourse, the proposal would not have an adverse impact on the local highway network nor would it jeopardise highway safety. The proposal would not significantly harm residential amenity, and subject to the management and maintenance of the area, the proposal would not be of detriment to the visual qualities of the area.
2. The management of the park and ride site which includes stewarding and the routing of buses, is requirement of the Travel Management Plan, which is a conditional obligation of the original planning permissions for the Stadium BH2001/02418/FP and BH2008/02732.

## 2 THE SITE

The site comprises the land to the west of the racecourse stand and garden centre and to the east of Freshfield Road. The land is currently grassed with some areas of access routes which are hardsurfaced and some gravel areas. The application site itself is formed of 3 parcels of land. The area is used for varying amounts of parking for the racecourse, depending on the scale of the event being held. The land slopes up in an eastern direction from Freshfield Road.

Other areas utilised by the racecourse for parking include the triangular piece of land to the west of the garden centre car park, and the linear areas to the west of the racetrack and stand.

Brighton General Hospital is to the west of Freshfield Road.

## 3 RELEVANT HISTORY

### Stadium Site

**BH2010/03905:** Change of use of part of ground floor of East stand from educational space to medical centre. Approved 15/02/2011.

**BH2010/03817:** Reduction in height to the landscape bund adjacent to the east stand. (Part retrospective). Approved 11/03/2010.

**BH2010/02808:** Non material amendment to BH2008/02732 for external elevational changes to the north, east and west stands. Approved. 22/09/2010.

**BH2010/02013:** Non material amendment for the reduction in chalk spoil levels and amendment to profile of contours on land south of Village Way. Amendment to scheme approved under BH2008/02732 for community stadium. Approved 28/07/2010.

**BH2010/01976:** Proposed revision to the North stand approved under planning application BH2008/02732 to include increased floor area for the club shop, new staff restaurant, new floor area for club offices, new museum, new floor area for storage and minor revisions to the North stand elevations. Approved 05/05/2011.

**BH2008/02732:** Revision to stadium permitted under 2001/02418/FP including change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace. Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium. Granted 22 April 2009.

**BH2001/02418/FP:** A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. Granted July 2007.

### Racecourse site

**BH2007/03144:** Conversion of existing house into two flats for staff accommodation. Approved 12/10/2007.

**BH2003/02595/FP:** Refurbishment of existing storage building into offices, improve existing turnstiles, creation of new toilets. Approved 25/09/2003.

**BH2003/01199/FP:** Change of use of unit from hot food takeaway (A3) to offices (B1). Approved 03/06/2003.

**BH2001/01021/FP:** Use of land at east car park as a Sunday market/car boot sale between 09.00 and 18.00 hours, stall holders 07.00 to 19.00 hours. Withdrawn by the applicant.

**BH2000/00167/OA:** Demolition of existing Silver Ring grandstand and erection of a single storey multi-function hall. Approved 17/03/2000.

**BH1999/02359/FP:** Single storey extensions on west side to existing members and tattersalls enclosures in grandstand. Refurbishment of ground floor halls. Approved 16/12/1999.

**BH1999/01849/FP:** Renewal of BH1998/02436/FP to allow use of land as a Sunday market (for a period of 14 week, commencing 7/05/2000.). Approved 08/12/1999.

**BH1999/00554/FP:** Reconstruction of a parade ring (part retrospective). Approved 04/06/1999.

**BH1999/00299/FP:** Creation of a hardstanding area track on south side of racecourse (between 7 furlongs and 2 furlongs markers) for use by race day vehicles. Approved 31/03/1999.

**BH1998/02436/FP:** Use of land (between racecourse and running track and 'east car park') as a Sunday market and car boot sale. Market to open between 09.00 and 16.00 hours with stall holders on site between 07.00 and 19.00 hours. Approved 10/03/1999.

**BH1998/02339/FP:** New viewing gallery, refurbishment/re-cladding of part of main grandstand and various elevational alterations. Approved 22/10/1998.

**BH1998/01982/FP:** Erection of new entrance gates to main entrance and grandstand. Approved 22/10/1998.

#### **4 THE APPLICATION**

The planning application proposes the use of the land to the east of Freshfield Road and to the west of the racecourse stand and garden centre, as a park and ride site for events at the AMEX Community Stadium for up to 50 times per annum.

The application proposes parking for up to 700 vehicles for up to 35 times a year for the Club's league and cup match day events and outdoor concerts, and for other events at the Stadium on the remaining 15 times per year parking for up to 500 vehicles is proposed.

Park and ride at the race-course for the stadium should not take place when there is a race event or other large scale event taking place at the race-course.

Eight buses would run to and from the stadium at any one time. The route to the stadium would be via Warren Road to Woodingdean traffic lights where they would turn left and travel along the B2123 to the stadium. The route from the stadium back to the racecourse would be via Lewes Road and Elm

Grove. Buses would be brought onto the site from Freshfield Road and would egress onto Warren Road via existing access points.

The parking would open two and a half hours before kick off and the scheme finishes when the last vehicle has left the car parks. It is not proposed to hard-surface the parking areas.

The existing area is mainly grassed and is used for parking by the racecourse for large events. The route the buses would use within the race-course is already hard-surfaced.

The Club is required to provide a minimum of 1,300 parking spaces at park and ride sites. At the public inquiry into the original planning application for the Stadium, the racecourse site was identified as an additional park and ride site needed to fulfil the transport demands of the Stadium.

## 5 CONSULTATIONS

### External

**Neighbours:** Eleven letters of objection have been received from the residents of **Flat 1 104 Elm Grove, 90, Flat 3 122 Pankhurst Avenue, 289 and 291 Freshfield Road, 205 Queens Park Road, 10 and 41 The Causeway, 4 Hendon Street, 30 Carlyle Street and 26 Connell Drive.**

- The point of Park and Ride is to avoid bringing traffic into residential areas, however, this proposal will increase traffic in a residential area;
- Fans will park on the surrounding streets and will block residents' driveways;
- Fans are more likely to park on street due to queuing to get into car park and the parking areas being muddy;
- Traffic jams at Woodingdean crossroads due to the increase in traffic.
- There is already disruption to residents caused by race days and Sunday markets and this will make things worse;
- Air quality problems due to vehicle pollution;
- Lewes Road and Vogue Gyratory already suffer from normal traffic and the proposal will add to this;
- Noise and disturbance from fans;
- Children play outside and any increase in cars will cause safety issues;
- Events at the racecourse have already increased recently;
- Parking areas on a grassed slope, there will be pressure to hardsurface this area in the future which would be 'creeping urbanisation'.
- Providing car parking facilities encourages people to use cars, when they may have otherwise used public transport;
- Park & ride sites would be better located at the Marina or Woodingdean Industrial Estate
- There is no parking for disabled people;
- 50 events is too much;
- Toilets should be provided;
- There must be proper signage to ensure that cars do not use Craven Vale;

- Planning gain should be sought to improve the junctions at either end on Freshfield Road.
- Children play on the grassed area and people walk their dogs there.

**Craven Vale Community Association (24 Queensway):** Object on the grounds of increased pressure on parking spaces in Queensway, pressure on the narrow Queensway carriageway if around 25% of the 700 cars approach from this direction. Already have immense congestion problems on Bank Holidays due to the markets on Race Hill, and an additional 50 times per year would not be acceptable.

**Environment Agency:** No objections. Given the sensitivity of the location in respect to ground water quality (site lies over principal aquifer), recommend that no refueling or maintenance activities of vehicles should occur and fuel spill kits should be made available during the useage.

**Sussex Police:** No objections. Pleased to note that there will be stewards present within the parking loading and manoeuvring areas at all times. Satisfied that crime prevention measures for the scheme will be implemented as necessary.

#### **Internal**

**Environmental Health:** No objection. Recommend that there is a condition that no other large scale events will take place when there is a park and ride event taking place in connection with the Stadium.

**Sustainable Transport Team:** No objection. Recommended approval with conditions to protect the interests of the public using the roads and footways.

#### **Main Comment:**

As the number of spaces is fixed it is possible to establish with some certainty the numbers of vehicle movements that the proposal will generate throughout the periods of use, 700 inbound car journeys, 700 outbound car journeys, and roughly 52 bus journeys in total, with some ancillary journeys associated with stewards etc.

As the site is already used as a parking site, without limits on the number of vehicles using it and the times of use will be outside the traditional peak hours the Highway Authority do not believe that a recommendation for refusal of the planning application could be supported on highway safety and capacity grounds if appealed against. The use of the site to provided 700 P&R spaces will contribute to the club meeting its planning obligations for the stadium planning permission.

#### **Spectator Vehicle Movements:**

The number of vehicle movements and the associated distribution across the City's road network have been derived using standard mechanisms and as such are considered as representing an accurate assessment of the transport

implications of the proposal. The number of vehicles using the site will, it is assumed, be fixed by condition at 700 vehicles. The applicant has advised that data from the existing P&R facilities indicates that the P&R facilities currently used attract 2.6 spectators per car. This would equate to 1820 spectators using this P&R facility.

Data for the distribution of vehicle trips has been derived from the post codes of previous ticket buyers and suggest the following;

Percentage traffic	Number of vehicles	Suggested Route
52%	364	Bear Road
20%	140	Wilson Avenue
20%	140	Elm Grove
8%	56	Warren Road

The Highway Authority is particularly concerned that 52% of traffic will use the Bear Road route. To get to the racecourse site vehicles will have to use Bear Road, turning right into Tenantry Down Road and across Elm Gove into the racecourse. This route will mean that in the hours when the site is operating there will be 365 inbound vehicle movements and 365 outbound movements through two junctions that have significant safety concerns, and this proposal will contribute to, and potentially worsen, these concerns.

A preferable route would be via Elm Grove, which is a classified road and as such will be better suited to accommodate the additional vehicle movements. Whilst it would prove difficult to enforce a conditional obligation to route members of the public via a particular road, given that all roads surrounding the site are public rights of way, it would be reasonable to require the Traffic Management Plan to include information advising spectators of the most suitable route to the site. This would overcome the Highway Authority's concern.

#### *Woodingdean Crossroads*

The data provided suggests that 49 vehicles will use the A27, onto Falmer Road, turning right into Warren Road with an additional 7 movements deriving from Woodingdean. Whilst it would seem highly unlikely that these routes would be used the Highway Authority consider that any vehicles using the A27 would head towards the P&R facilities at Mithras House & the spectators from Woodingdean have the option of using the new bus service from Rottingdean.

If however these vehicle movements do materialise they will not significantly affect the performance of the Woodingdean cross roads junction. The predicted times when these vehicle movements could be on the roads (at any time over the weekend between 09:30 am & 22:30pm depending on time of fixture or on a weekday evening between 17:30 and 22:30, again depending on time of fixture) would therefore not affect the weekday morning peak hour, which is 08:00 to 09:00, and is usually the busiest time on the road network.



The football club has advised that part of its strategy to minimise its detrimental transport affects is to provide entertainment facilities so that spectators can stagger their journeys to and from the stadium. This will mean that the 56 additional vehicles using the Woodingdean crossroads could be spread over two hours, or roughly one extra car every two minutes.

*Vogue Gyratory, Wilson Avenue & A259 Madeira Drive*

The data notes that 140 vehicles would use the P&R site via Wilson Avenue, with these distributed 100 from the west and 40 from the east along Madeira Drive. The remaining traffic will derive from the west of the city with 105 via Hollingdean Road and 260 vehicles using Lewes Road. Madeira Drive, Hollingdean Road, and Lewes Road carry an average of 24,000, 14,000 and 25,000 vehicle movements per day, respectively. Comparing the average daily traffic flows on these roads with the predicted traffic generated by the P&R proposal it can clearly be seen that it will not generate a significant traffic impact across the City's road network.

*Bus Journeys*

The number of buses taking spectators to the stadium has been noted in the draft Traffic Management Plan. The document advises that 8 double deck buses will take a circular route, via Warren Road, on to Falmer Road to the stadium and then on to the A27 and A2270 to Elm Grove. Assuming that roughly 70 people can use each bus this would suggest that in addition to the number of car journeys noted above there will also be 26 additional bus journeys to and from the stadium (both prior to the football match/event and after).

*Highway Authority view of Traffic Impacts*

Spread over the hours noted above this volume and distribution of traffic across the city's road network, even with a potential for a peak at the times closer to the start and ends of games does not generate a material concern for the Highway Authority.

*Localised Traffic Impacts*

There will inevitably be a traffic impact caused by the proposal on roads around the site. It will not cause safety or capacity impact to an extent that could justify a recommendation to refuse the application that, in the view of the Highway Authority, could not be supported at an appeal because this site is already used by various events at the race course for car parking.

Information provided by the applicant's agent notes that 700 parking spaces is based on their 'estimate' of the need, it is recommended that a condition is included if permission is granted that restricts the use of the site to a maximum of 700 vehicles. They have advised that spectators wishing to use the P&R facility will purchase vouchers to do so. It is therefore suggested by the agent that there will be no risk of vehicles parking on the surrounding roads and walking up to the race course. However, it is then suggested that spectators can walk & ride to the stadium using the racecourse site. This

raises the question of how does the club differentiate between the 'walk up' spectator and the spectator who has parked their car on local roads. No explanation has been offered to this question.

The Club are legally obligated to produce and maintain a Traffic Management Plan and establish a Travel Management Group (TMG), which is designed to be the forum where various stakeholders, including residents groups can raise issues with the Club for them to address in consultation with the TMG, of which the Council is party. It is considered that this is an appropriate way of controlling the risk of parking on streets around the site. It should also be noted the number of available buses will limit the number of people who can use the site and therefore minimise the risk of excessive numbers of spectators parking on the surrounding roads if they cannot get to the Stadium because the buses are full.

#### Design of Parking Area

It would be preferable for spectator cars to access and egress the site via the Freshfield Road entrance, leaving the entrance off Warren Road dedicated for buses only. This will minimise the risk of queuing on Freshfield Road caused by the proposal. As vehicles egressing the site can be stacked within the site rather than causing additional queuing at the Freshfield Road/Tenantry Down Road/Elm Grove junction.

The muster area, suggested number of stewards indicated in the clubs stewarding plan, and the circular routing of the buses indicates that the area will remain safe for spectators whilst waiting for transfer buses.

Whilst it is suggested that there will be no treatment of works to the parking area the Highway Authority recommend that some form of geo-textile is used at the entrances to the car parks, and say for the first 10m into the sites. The use of this site – if it receives planning permission – will be during the winter months when ground conditions would be wetter than in the summer months. This will mean that the grass and soil around the entrances will be damaged by the potential number of vehicle movements into and out of the parking areas. It is not inconceivable to think that cars could get stuck without suitable treatment of the access.

To avoid this risk it is recommended that a condition be include that requires a geo-textile membrane to be laid over the access points to protect amenity and safety of users.

#### Event Conflicts

The Highway Authority is particular concerned about the risk of the Club needing to use the racecourse P&R site whilst there is also another major event in the vicinity of the site, for instance car boot sales and race days when the car parking area and surrounding roads can be full of parked cars. Although there is limited chance of any conflict to occur because a majority of such events take place in the summer months when there will be no football

played, the club are intending to use the stadium for large scale out door events during the summer and there is a risk of conflict at the start and end of the football season.

It is assumed that the risk of such a conflict can be removed by the imposition of a condition that restricts use of the P&R to avoid days when there are other events taking place. Such a condition would overcome the Highway Authority's concerns.

Sustainable Transport Modes

The option to allow 'walk up' spectators is welcomed, subject to the comments above. Freshfield Road is well served by buses and benefits from bus stops within easy walking distance of the site. The Applicant has not provided cycle parking facilities. It is possible that some spectators may wish to cycle to the site and use the buses to get to the stadium. It is recommended that a condition be imposed that requires cycle parking facilities to be provided.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR6	Park and ride
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise disturbance
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
SR22	Major sporting venues
SR23	Community stadium
NC6	Development in the countryside/downland

Supplementary Planning Guidance:

SPGBH4 Parking Standards

**7 CONSIDERATIONS**

The main considerations relate to;

- the weight to be attached to the requirement for park and ride as identified

by the Inspector who considered the Stadium scheme at two public inquiries in 2003 and 2005;

- the principle of development and intensification of use;
- the transport impact;
- the amenity impact; and
- the visual impact.

#### Background

In 2007 planning permission was granted for the Community Stadium at Falmer, including road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School.

In 2009 (BH2008/02732), permission was granted to a revision to the stadium approved in 2007, including a change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace.

As part of the 2007 permission (BH2001/02418/FP), a minimum number of 1300 park and ride parking spaces are required by condition 22, which states that:

*“No use of the stadium shall take place for Outdoor Events unless and until park and ride facilities with a minimum capacity of 1,300 car parking spaces are available for use by persons attending Outdoor Events at the Stadium and such spaces shall be maintained for such use in accordance with the Travel Management Plan.”*

There are existing park and ride facilities at Mithras House, Lewes Road and Mill Road which were used in connection with games played at Withdean Stadium. These will also be used in connection with the new Stadium. At Mithras House, Cockcroft House and Watts car parks will also be used and the combination of these car parks can accommodate up to 350 cars in total at the University of Brighton site. Mill Road park and ride can accommodate up to 520 vehicles.

As part of this proposal 700 parking spaces are proposed. This would take the number of park and ride spaces provided up to 1570 which is 270 over the minimum requirement of 1300.

As part of the public inquiry into the original application for the Stadium, the racecourse site was accepted as being necessary as an additional park and ride site.

The number of Outdoor Events are limited to 50 per 12 months by condition 26 of permission BH2001/02418/FP, which states that:

*“The total number of Outdoor Events within the Stadium shall not exceed in any period of 12 months 50 of which not more than two shall be music concerts. Any proposed events in addition to these shall be subject to the prior written approval of the Local Planning Authority.”*

Condition 39 of permission BH2001/02418/FP and condition 35 of BH2008/02732 also requires between 2,000 and 2,200 parking spaces to be provided within 1.5 km of the Stadium, and state that:

*“The Stadium shall not be brought into use unless and until details of arrangements for car parking for a minimum of 2,000 and a maximum of 2,200 cars at Sussex University and Falmer High School or at alternative locations within 1.5km of the Stadium have been submitted to and approved by the Local Planning Authority and the said car parking provided. No outdoor Event for which these parking spaces are required in accordance with the Travel Management Plan shall take place unless such parking spaces are available for use by persons attending the said Outdoor Event. The total number of car parking spaces to be provided for Outdoor Event traffic shall not exceed 2,350 within 1.5km of the Stadium.”*

The Club are in the process of securing the car parking spaces. It is anticipated that 1,100 spaces will be secured at Sussex University, 35 at Cope Car Park and 100 on the access road to Falmer High School.

Once the old Falmer High School has been demolished, it is anticipated that parking spaces for the stadium would be provided as part of any redevelopment of the site. In the meantime, there is a shortfall in the number of parking spaces required by condition.

Therefore, a planning application for the temporary three year use of land to the north of the Stadium’s coach and bus park for 650 car parking spaces is currently under consideration by Lewes District Council. The planning application is due to be heard at Lewes District Planning Committee on the 22<sup>nd</sup> of June 2011. If this is approved, it would take the number up to 2,004 spaces when including the 119 spaces which are available at Park Wall Farm site (the VIP car park).

There is not the possibility of parking being permitted by Southern Water within their car park. The Southern Water site is located to the north of Falmer High School, in between the railway line and the A27. The Club were interested in using this site for approximately 300 spaces.

Condition 46 of permission BH2001/02418/FP required a Travel Management Plan (TMP), although the exact requirement of the TMP was later amended through condition 42 of permission BH2008/02732, which states that:

*“The Stadium shall not be brought into use unless and until a Travel Management Plan prepared in consultation with the Travel Management*

*Group has been submitted to and approved in writing by the Local Planning Authority. The Travel Management Plan shall include details of:*

- 1) Match ticket sales points;*
- 2) Provision of Transport Voucher or equivalent and journeys/modes to be covered by the same;*
- 3) Capacity location management and operational arrangements of Park and Ride sites and the Bus and Coach Park;*
- 4) Provision of Signage directing vehicles, pedestrians and cyclists to Stadium and Parking;*
- 5) Public Transport arrangements to be provided including (but not limited to) additional public transport capacity for indoor and outdoor events;*
- 6) A Parking Management Strategy for the Controlled Parking Zone as defined in Condition 48 below;*
- 7) Methodology for assessment of additional traffic impacts;*
- 8) Publicity arrangements in respect of parking restrictions within the Stadium complex and in the vicinity of the Stadium including (but not limited to) restrictions on parking on the Falmer Campus of the University of Brighton in Falmer Village and in the Stanmer Park and the use of non-car travel modes (to include away supporters);*
- 9) Pedestrian routing to and from the Stadium;*
- 10) Management of Pedestrian Routes.*
- 11) An Information Strategy for publicity of travel details and advice of spectator behaviour.*
- 12) Mechanism for monitoring and review of the Travel Management Plan;*

*No indoor or outdoor event(s) (which for the avoidance of doubt will include conferences and banquets) with an anticipated individual or cumulative attendance at any time of 250 or more shall take place at the Stadium other than in accordance with the Travel Management Plan or such separate Travel Management Plan as shall have been submitted to and approved in writing by the Local Planning Authority specific to that Event.”*

A draft TMP has been submitted to the LPA. A key element of the TMP is that it is a ‘living document’ that will change and adapt to any problems or issues which later arise. The Travel Management Group has been consulted on regarding the TMP, and their comments have been incorporated into the draft. The Travel Management Group will continue to meet quarterly, although any member of the Travel Management Group can call a meeting with one weeks notice if an immediate problem needs resolving. Members of the TMP include representatives from Brighton & Hove City Council, the Universities of Sussex and Brighton, bus and train companies, East Sussex County Council, Lewes District Council, Falmer Parish Council and Sussex Police.

The Transport Management Group will be the forum for raising and resolving issues and to identify any appropriate research or surveys to identify problems and to mitigate adverse traffic impacts.

Subsidised travel for season ticket holders is available for the park and ride buses, using a voucher system which is similar to the system which has been used for Withdean Stadium. There is not a separate fee for parking. The voucher covers travel on park and ride. A management plan for all of the park and ride sites has been submitted as part of the TMP, which includes information on stewarding, signage and the routes the buses will take, which is considered to be satisfactory by the LPA. The bus company have indicated that the number of buses and routes, can be altered if this is deemed necessary once the park and ride sites are operational. The number of buses at each park and ride site have been predicted by the bus company as being the correct number needed in order to serve the projected capacity of each park and ride site.

Other relevant conditions require the submission of a Green Travel Plan and the requirement to restrict events at the Stadium to no more than 22,250 people. Indoor events or events in the conference/banqueting facilities are restricted to no more than 2510 people.

The Section 106 agreements and subsequent Deed of Variation require a parking management strategy and the monitoring of parking in Moulsecoomb. Parking will be controlled in Falmer Village though a Controlled Parking Zone (Lewes District Council).

The first home game is likely to be the 6<sup>th</sup> of August 2011. The fixture list is due to be issued for the Championship League on the 17<sup>th</sup> of June 2011. The Sussex Senior Cup Final will be held on the 16<sup>th</sup> of July (maximum capacity of 10,000) and a pre-season friendly (v Tottenham Hotspurs FC) is due to be held on the 30<sup>th</sup> of July (maximum capacity of 17,000).

#### Principle of the use

The application site at the racecourse is within the countryside/downland as designated by policy NC6 of the Local Plan.

Policy NC6 states that *“development will not be permitted outside the built up area boundary as defined on the Proposals Map. Exceptions will only be made where there will be no significant adverse impact on the countryside / downland and at least one of the following criteria apply:*

- a. the proposal is specifically identified as a site allocation elsewhere in this Plan, the siting of which is shown and complies with the Proposals Map;*
- b. a countryside location can be justified, - for example, proposals are reasonably necessary for the efficient operation of farms, horticulture or forestry including the diversification of activities on existing farm units which do not prejudice the agricultural use;*
- c. in appropriate cases and where enhancements to the countryside / downland will result, proposals for quiet informal recreation e.g. walking, horse riding and cycling; or*
- d. proposals for the change of use of existing buildings which are in keeping*

*with their surroundings and are of a sound and permanent construction.”*

The area which is the subject of this application, is already used as a parking area in connection with race days and other larger scale events at the racecourse. The site is located between the racecourse stand and the garden centre, and is therefore viewed against the backdrop of these buildings along with the car park of the garden centre. Therefore, it is not considered that the further use of this site for park and ride in connection with the Stadium, would have a significant adverse impact on the countryside/downland, and that its location within the countryside is justified. In any case, the site is already used as a parking area in connection with events at the racecourse.

The site is also covered by policy SR22 which identifies the racecourse as a major sporting venue and prevents the redevelopment of the site for non-sporting uses. The policy also states that planning permission will be granted for improvements to the existing playing and spectating facilities at these venues and other related uses which would improve the attractiveness of these sporting venues, provided that it is not detrimental to the amenities of the local area.

The impact on the amenities of the local area is discussed in more detail later on in this report. However, the use of site for park and ride in connection with the Stadium would not occur on race days or other significant events at the racecourse. Therefore, it is not considered that the proposal could compromise the use of the overall racecourse site as a major sporting attraction.

The racecourse is not within the National Park.

#### Sustainable Transport

##### ***The justification for park and ride***

The background to the application has been discussed earlier in this report. The Club are required to provide a minimum of 1300 parking spaces for park and ride. In total, 1570 park and ride parking spaces are proposed at Mithras House (including Cockcroft and Watts car parks), Mill Road, and as part of this application.

As previously mentioned, the racecourse site was accepted as an additional park and ride site needed to meet the transport demands of the Stadium, during the public inquiry and subsequent Secretary of State’s decision. However, the park and ride condition does not specify the location of park and ride sites or the number of parking spaces at each of the sites.

The anticipated modal share was predicted as part of the 2001 application, which is included below:

Modal share	%	Numbers of spectators
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PLANS LIST – 29 JUNE 2011

Walking/cycling/bus and walk	16	3600
Rail	14	3150
Stage carriage bus services	3 – 4	675 - 900
Park and ride	16 – 18	3600 - 4050
Football special coaches (home)	5 – 6	1125 - 1350
Football special coaches (away)	10	2250
Taxi drop off/kiss and ride	3	675
Park and walk	29-32	6525 - 7200
<b>TOTAL</b>		<b>22,500</b>

As part of this current application, the applicant has estimated that there will be an average of 2.6 people per car using the parking spaces at the racecourse. Based on the predicted modal share when the original application for the Stadium was granted, this would equate to the need for between 1384 and 1558 car parking spaces to be provided for park and ride over all of the sites.

The Football Club has carried out a survey of season ticket holders. The survey asked fans how they expect to travel to the Stadium. This survey highlights that a greater number of fans expect to travel to the stadium by park and ride than originally anticipated. The survey results indicate that 29% (6447) of fans said they would prefer to travel by park and ride.

However, the survey results are being treated with caution for a number of reasons. Firstly, the questionnaire did not give fans the option of travelling by car and parking near the stadium (the 2,000 to 2,200 spaces within 1.5km), and secondly it did not outline the available travel options in any detail. If an assumption is made that some of the fans who preferred the park and ride option, would actually park near the stadium when the choice is offered, this would reduce the figure back down to 14% (3260). This is based on an average of 2.5 people per car using the parking spaces within 1.5 km. The 1901 members who are corporate club members have access to 725 of the 2,000 – 2,200 parking spaces, however, this would still leave between 1275 and 1475 parking spaces available within 1.5km (based on the number of parking spaces required by condition).

Notwithstanding the above, the condition requiring 1300 park and ride parking spaces is a minimum. Based on the projection that on average 2.6 people will travel per car using the park and ride, even based on the 2001 predicted modal share, there would be the requirement that between 1384 and 1558 car parking spaces would be needed, which is over the minimum 1300 required by condition.

It is recognised that it is difficult to predict exactly how fans will travel to the Stadium, and that the Club's survey results must be treated with caution.

However, the total number of parking spaces currently proposed at 1570 for park and ride, would not be a great deal over the projected levels anticipated when the original 2001 application was approved. In addition, it was accepted at the Public Inquiry that the racecourse would form the additional park and ride site needed. It is therefore considered that there is the need and justification for the park and ride facilities at the racecourse.

***Traffic impact on road network***

The impacts on the local highway network from both spectator traffic and from the park and ride buses must be assessed.

***Spectator traffic***

Data for the distribution of vehicle trips has been derived from the postcodes of ticket buyers and suggest the following:

Percentage traffic	Number of vehicles	Suggested Route
52%	364	Bear Road
20%	140	Wilson Avenue
20%	140	Elm Grove
8%	56	Warren Road

The Sustainable Transport Team have commented that they are particularly concerned that 52% of traffic will use the Bear Road route, and will turn right into Tenantry Down Road and across Elm Grove into the racecourse. This would equate to 365 inbound vehicle movements and 365 outbound vehicle movements, which would pass through two junctions which have significant safety concerns, and that this proposal could contribute to and potentially worsen these concerns.

The Sustainable Transport Team has commented that a preferable route to Bear Road would be Elm Grove, which is a classified road and as such would be better suited to accommodate the additional vehicle movements. The Sustainable Transport Team recognise that it is not possible to condition what route spectator traffic take to the racecourse, however, they have suggested that the Elm Grove route is publicised to season ticket holders through the Transport Management Plan (TMP). This would remove their concerns.

The forum for raising operational concerns is the Transport Management Group, the Group can request monitoring and remediation work and promote publicity to fans. It is considered that publicity material regarding the use of Elm Grove rather than Bear Road can be issued via the TMP and Transport Management Group.

However, the data from ticket purchases has been taken as a whole and has not been split down further into analysing those which are estimated to use the park and ride at the racecourse. Therefore, some of the vehicles that are predicted to be travelling on Lewes Road, may instead use the park and ride facilities at Mithras House on Lewes Road, which would reduce the numbers

of vehicles which are predicted to use Bear Road.

The submitted data suggests that 49 vehicles will use the A27, onto Falmer Road, turning right onto Warren Road with an additional 7 vehicles deriving from Woodingdean. Again, it seems unlikely that vehicles using the A27 would use the racecourse park and ride and it is considered that they would be more likely to carry on the A27 and use the facilities at Mithras House, Lewes Road. In addition, it also seems unlikely that people would drive from Woodingdean, as there is a new bus service being provided by the bus company from Rottingdean, through Woodingdean to the Stadium.

However, if these vehicle movements do materialise, the Sustainable Transport Team have commented that they will not significantly affect the performance of Woodingdean cross roads junction. The predicted times when these vehicle movements could be on the roads is outside of the traditional week day morning peak hour of 08:00 to 09:00, which is normally the busiest peak of the day. The Sustainable Transport Team has estimated that if the 56 vehicles are spread over two hours, it would equate to approximately one extra car every two minutes. It is not considered that these additional trips if they do coincide with part of the week evening peak, would cause significant harm to the performance of the crossroads.

The submitted data also highlights that 140 vehicles would use Wilson Avenue. It is not anticipated that this would cause any traffic flow problems. Other vehicles would use Madeira Drive (40), Hollingdean Road (105) and Lewes Road (260). Given that average daily flows on these roads are 24,000, 14,000 and 25,000 vehicles respectively, it is not considered that the additional vehicles would generate a significant traffic impact across the City's main road network.

When considering the impact of the 700 vehicles on the local highway network, it is important to remember that these 3 parking areas are currently used as parking for existing large scale events at the racecourse for example race days, car boot sales and markets. Therefore, the impact of the spectator traffic on the road network is not a new impact, although the frequency of occurrences would be increased.

As well as the race days, the racecourse also holds events such as other park and ride events, car boot sales, markets, exhibitions, fairs, firework displays, circuses, rallies and property auctions.

A large event at the racecourse would not take place when it is to be used as a park and ride site in connection with the stadium. A condition is recommended (condition 3) to require the Football Club to submit a Schedule of Events prior to the start of the football season, which will include the days/times the site will be used as park and ride. In addition, the Schedule of Events must also include full details of any of events which are to be held at the racecourse on these days, including a description of the event, times of

the day of the event, the anticipated likely capacity of people attending such an event, and the parking areas available for such an event. This will ensure that there will be no clash of large scale events permitted. Smaller events, for example indoor exhibitions, may be permitted.

After the league fixture list is announced, there may be some games which will end up being playing on a different day due to televised rights, with the TV company changing the date and time. Some degree of flexibility has been built into condition 3, by allowing changes as long as 14 days prior notice to the LPA is given, whilst still ensuring there would not be a clash of large scale events. This flexibility is also needed for racecourse events, and new events would be added to the racecourse's schedule at shorter notice, and the next 12 months events are not always known. The racecourse operators have indicated that they are willing to give a list of events to the Local Planning Authority on a 2 monthly basis.

The 50 outdoor events at the Stadium are permitted by condition. Of these no more than 2 shall be music concerts. Taking all league fixtures, and successful runs in all cup competitions, there would be no more than 33 competitive home games played at the Stadium. Including the 2 concerts which are permitted, this would take the events to 35. Since the application was submitted, the Club has stated that the 700 vehicles will be needed for these 35 events, however, the remaining 15 outdoor events will need a lower number of parking, for 500 vehicles rather than 700. The remaining 15 events could include football friendly games, and football matches involving other teams, plus non football events.

Given that the site can already be used as a parking area, along with other sites at the racecourse, as the spectator traffic generated by the Stadium park and ride would always be outside of peak traffic times, and as a clash of large scale events is prevented through the recommended conditions, it is considered that the proposal would not cause an adverse impact on the local highway network nor would it jeopardise highway safety.

However, if a future problem does arise with any road junctions or road capacity, the Transport Management Group can identify any monitoring to be carried out in order to assess and mitigate for any additional transport impacts.

#### *Bus traffic*

The Draft Travel Management Plan outlines the routes the buses will take. They will travel to and from the stadium on a circular route, leaving the racecourse by turning right onto Warren Road, travelling to the Woodingdean crossroads and turning left onto Falmer Road travelling to the Stadium. On leaving the Stadium they will turn left out of Village Way to access the A27 travelling westwards onto the A2270 turning left onto Elm Grove. It is anticipated that 8 double decker buses will be needed (this number can be amended if necessary through the TMP and Travel Management Plan). If

these carry approximately 70 people, based on an average of 2.6 people per car, this would equate to 26 bus journeys to and from the Stadium (both before and after the game). So this would be 52 bus journeys in total.

The 26 bus journeys before and after each game is anticipated to spread over a maximum of 2 to 2.5 hours. The buses are travelling along existing bus routes on main roads. Therefore, they are not considered to adversely impact on the capacity of the road network nor jeopardise highway safety.

*Parking on surrounding residential streets*

Concerns by neighbours have been raised regarding the possibility of fans parking on surrounding neighbouring streets.

The management, stewarding and publicity arrangements for the park and ride site are detailed through the Transport Management Plan, and if a problem does arise with on street parking in the area, it is anticipated that it can be tackled through the Transport Management Group, and through amended management of the park and ride site or increased publicity to fans. However, it is recognised that it would be difficult to distinguish between people turning up to the facilities who have parked in surrounding residential streets and those who have walked from their nearby home. The Club have been asked to further clarify how this would be managed if a problem arises.

However, given the capacity of the overall park and ride sites, and the availability of up to 700 spaces at this site on match days and for concerts, it is not considered that there would a significant overflow of parking onto surrounding residential streets.

*Access/egress points*

The buses will access the site via the Freshfield Road site entrance and will egress the site via the entrance on Warren Road. This allows a circular route inside the site and there is no highway objection to this.

The preferred option for spectator traffic is for it to access and egress using the entrance to the site on Freshfield Road. This would avoid conflict with the junctions of Warren Road with Tenantry Down Road.

It is not considered that the single access and egress point would result in significant queuing on Freshfield Road, as the cars can be dispersed to their parking spaces quickly when they enter the site, and on leaving the site, stewards can control the egress so that queuing takes place on site rather than on Freshfield Road at the junction with Elm Grove. Therefore, a condition is proposed to require spectator traffic to use the Freshfield Road entrance point.

*Walk and ride*

The option to allow walk up spectators is welcomed, subject to the further clarification from the Club on how this will be managed. This clarification will

be reported directly to the meeting of the Planning Committee.

*Design of the parking areas*

Concerns have been raised by local residents about the poor condition of the grass in winter months and possible future pressure for the area to be hardsurfaced.

The Sustainable Transport Team have also commented that some form of geotextile should be used at the entrances to the car parks, and for the first 10 metres into each of the parking areas, as these will be areas used by the most number of cars, and therefore the areas most likely to become muddy in winter months. This could affect the safety of users.

However, there are areas of hardstanding and gravel at the two access points into the largest parking areas (parking areas 1 and 3). In addition there is a hardsurfaced route running along the western boundary of parking area 3. There may be the need for some additional material to be placed within parking area 2, and to maybe extend the access gravel slightly within parking areas 1 and 3.

Condition 5 is recommended which will require a Management, Monitoring and Maintenance Strategy for the parking areas, and shall include details and timeframes for the surfacing work for the first 10 metres of each access point into each of the 3 parking areas, and shall include the timeframes for regular monitoring and maintenance of the condition of the grassed areas. It also requires monitoring and maintenance information to be submitted to the LPA on an annual basis by the end of each football season. This will allow an assessment of the condition of the grass over the first winter, and if necessary require further maintenance work to be carried out in order to protect and improve the condition of the grass and also to protect the safety of users.

*Cycle and ride*

The Club is seeking information on the cycle parking facilities currently available at the racecourse. However, a condition is proposed in order to require either existing facilities to be utilised or to require improved facilities at the racecourse.

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.

Possibly impacts on neighbouring amenity are noise and disturbance and pollution from increased traffic.

To the west of the site is Brighton General Hospital, which is opposite parking

areas 2 and 3. Opposite a section of parking area 1 is a block of relatively new flats on the corner of Pankhurst Avenue and Freshfield Road. The former reservoir site is opposite the rest of parking area 1.

Again, it is important to recognise that these parking areas are currently utilised by the racecourse for event day parking, but also to acknowledge the intensification of the existing use.

Given the separation between the residential properties and the site and the presence of Freshfield Road in between, it is not considered that manoeuvring on the parking areas would give rise to a significant adverse impact in terms of noise and disturbance.

It is not considered that the impact on neighbouring amenity, as a result of the associated vehicle trips, would be materially different to that which currently exists due to existing parking at the racecourse, especially as the vehicle trips in connection with the Stadium will be outside peak hours.

#### Visual Impact

The site is within open downland and is protected by policy NC6 of the Local Plan. However, the site is currently used for parking, although this use would be intensified. The site is open with timber railings on the perimeter. It is considered that the site is always viewed with buildings such as the racecourse stand, garden centre and parking to the garden centre in the backdrop. These existing buildings provide a break between the grassed parking areas and the openness of the countryside to the east. Given this, and the fact that the areas can currently be used for parking, it is not considered that the proposal would cause any more harm to the visual qualities and openness of the countryside to the east.

The Management, Monitoring and Maintenance Strategy for the parking areas should ensure that the parking areas are maintained to an acceptable level and should address concerns that in winter months the area may become muddy which would harm the visual qualities of the immediate surrounding area.

#### Other issues

An objector has expressed concerns that no disabled parking is to be provided at the racecourse. There is disabled parking provided within the vicinity of the Stadium. Therefore, it is considered that it is not necessary to provide dedicated disabled parking at this park and ride site.

## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

Park and ride at the racecourse enables the Football Club to meet their obligations to provide park and ride sites in connection with the American Express Community Stadium. The principle for the need for this park and ride site has been established. Subject to a condition to prevent any clash of park and ride with major events at the racecourse, the proposal would not have an

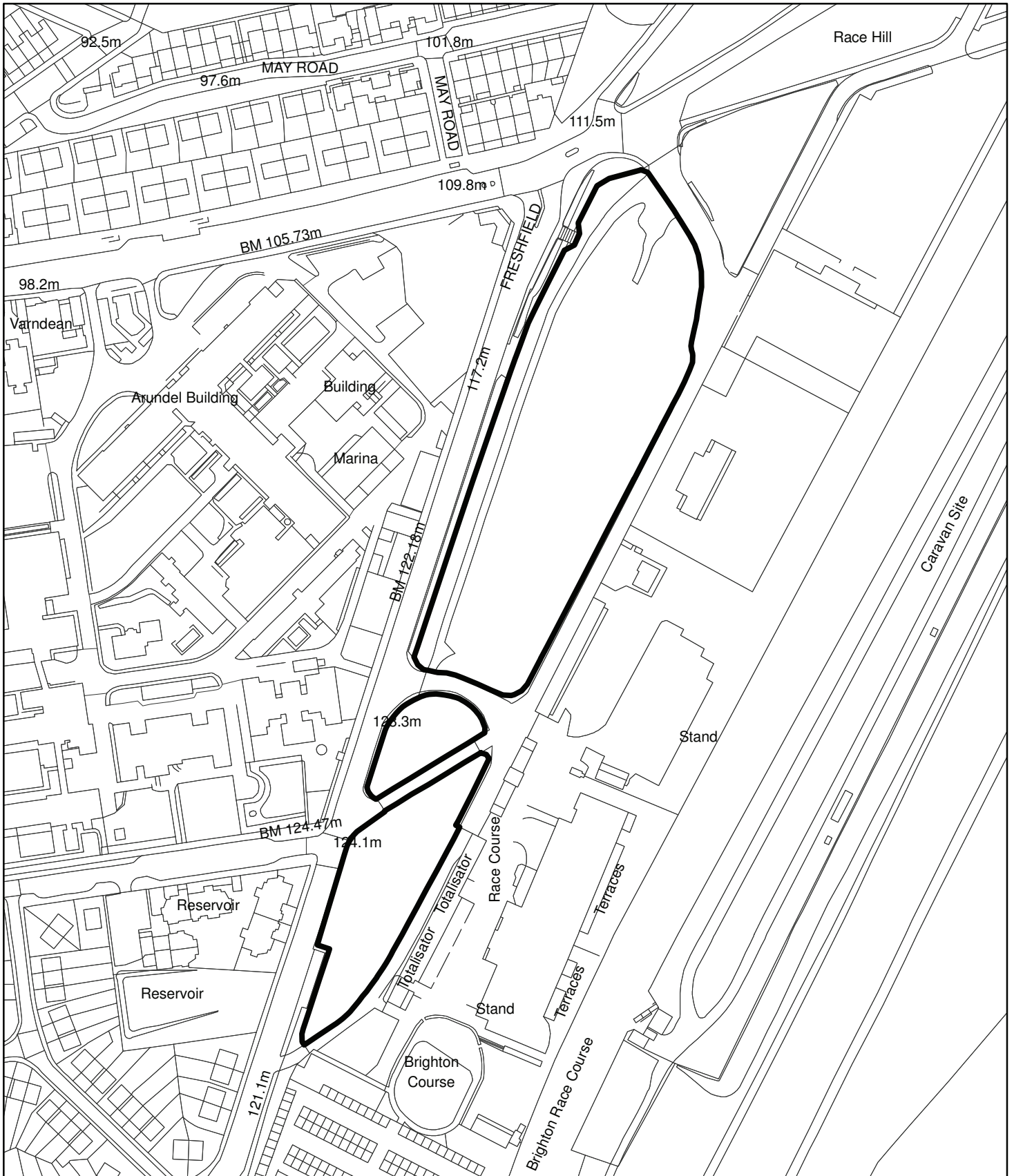
adverse impact on the local highway network nor would it jeopardise highway safety. The proposal would not significantly harm residential amenity, and subject to the management and maintenance of the area, the proposal would not be of detriment to the visual qualities of the area.

**9 EQUALITIES IMPLICATIONS**

None identified.



# BH2011/01152 Brighton Racecourse, Race Hill, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:2,000**

<b><u>No:</u></b>	<b>BH2011/00806</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Extension to Time Limit Full Planning</b>		
<b><u>Address:</u></b>	<b>Buxton, 27 - 33 Ditchling Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application to extend time limit of previous approval BH2008/00535 for the demolition of existing building. Proposed change of use to mixed use development comprising (D2) Gym, (A1) Retail and (C3) 28 apartments.</b>		
<b><u>Officer:</u></b>	Sue Dubberley, tel: 293817	<b><u>Valid Date:</u></b>	16/03/2011
<b><u>Con Area:</u></b>	Adjoining Valley Gardens	<b><u>Expiry Date:</u></b>	15 June 2011
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Zise Limited, David Dalton, Curtis House, 34 Third Avenue, Hove		

## 1 RECOMMENDATION

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

- (i) The completion of a Section 106 obligation to secure the following:
  - Affordable housing, comprising 6 flats for rent and 5 flats for shared ownership (5x 1-bedroom, 5 x 2-bedroom and 1x 3-bedroom);
  - Public art works to the value of £29,000 the details of which to be submitted and approved in writing by the Council prior to commencement of development and to provide, on completion of development, a breakdown of expenditure of the said public art works;
  - A contribution of £47,135 towards open space provision;
  - A contribution of £14,000 towards sustainable transport improvements in the vicinity of the site;
  - A contribution of £37,639 towards education facilities;
  - 10% of the units shall be fully wheelchair accessible (Units 6 and 7) as identified on the plans submitted; and
  
- (ii) The receipt of amended plans to show access to the roof terrace and balustrading for the roof terrace.

and 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. D.01, D.03, D.04, D.09, D.13, D.14, D.15, D.16, received on 14<sup>th</sup> February 2008, drawing no.D.12 submitted on 15<sup>th</sup> February 2008, drawing nos. A.02, A.03, A.04, D.10 submitted on 28<sup>th</sup> February 2008, drawing nos. D.05A, D.07A submitted on 4<sup>th</sup> April 2008,

drawing nos. D-02B, D.08 submitted on 24<sup>th</sup> April 2008.

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

3. BH02.06 No cables, aerials, flues and meter boxes.
4. BH04.01A Lifetime Homes.
5. BH06.03 Cycle parking facilities to be implemented.
6. BH06.01 Retention of parking area.
7. If, during development, contamination not previously identified in the Site Solutions Geologic Report received on 06/06/2008 is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy approved as part of this application, detailing how this unsuspected contamination shall be dealt with.  
**Reason:** To protect the groundwater quality in the area and to comply with policy SU3 of the Brighton & Hove Local Plan.
8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
**Reason:** To protect the groundwater quality in the area and to comply with policy SU3 of the Brighton & Hove Local Plan.
9. BH15.01 Surface water drainage.
10. BH12.02 Use of clean uncontaminated material.

Pre-Commencement Conditions:

11. BH12.01 Samples of materials
12. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and improved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason:** To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan
13. BH0208 Satisfactory refuse storage
14. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed highway works, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.  
**Reason:** In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.

15. Prior to commencement of development large scale drawings (1:10 or 1:20) of each type of window and door to be inserted into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development in accordance with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
16. BH07.07 Soundproofing plant/machinery.
17. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting, finished floor levels and ridge heights of the proposed building and neighbouring development have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.  
**Reason:** To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, and to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.
18. BH05.01B Code for Sustainable Homes – Pre-commencement (new build residential) Code level 4.

Pre-Occupation Conditions:

19. The development hereby permitted shall not be occupied until the roof terrace hereby approved, is laid out and made available for use as a communal area for occupiers of all of the flats hereby approved. The external area shall be retained for use as a communal garden at all times.  
**Reason:** To ensure that adequate external amenity space and to comply with policy HO5 of the Brighton & Hove Local Plan.
20. 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 60% in energy and water sections of relevant BREEAM assessment within overall 'excellent' 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.
21. BH05.02B Code for Sustainable Homes – Pre-occupation (new build residential) Code Level 4.

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
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Street frontages
QD6	Public art
QD10	Shopfronts
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR1	New retail development within or on the edge of existing defined shopping centres
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Notes:  
SPGBH4: Parking Standards

Supplementary Planning Documents:

SPD02: Shop Front Design  
SPD03: Construction and Demolition Waste  
SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The principle of the development has been accepted under BH2008/00535; the site has not significantly changed since permission was granted in 2008. There were some changes in local planning policy guidance relating to sustainability in 2008 and these issues can be controlled by suitably worded conditions. The development remains acceptable in principle.

2. The applicant is advised that a formal application for connection to the water supply is required in order to service this development. To initiate this, the applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. The applicant is advised that any demolition of the existing building will constitute commencement of development for the purposes of implementing this planning permission. Therefore all pre commencement conditions must be discharged prior to any demolition of the existing building.
4. The applicant is advised that this permission does not give consent for the erection of any advertisements which may require express consent in their own right.
5. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non - residential floorspace (new build))  
The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: [www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and [www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html)
6. IN.05.02A Informative: 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](http://www.planningportal.gov.uk)), on the

Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

7. IN05.06A Informative: BREEAM

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](http://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](http://www.brighton-hove.gov.uk)).

8. The proposed development site is adjacent to the existing Brighton & Hove Air Quality Management Area, declared as a result of local traffic emissions. The area was declared in December 2004 based on estimated exceedences of the NO<sub>2</sub> annual average seen at this time. In recent years monitoring in the area of the proposed site has also shown exceedences of the NO<sub>2</sub> annual objective, however has shown a downward trend since 2004, with the most recent data showing an annual average of 41.1µg/m<sup>3</sup> for 2006. Therefore given that the EU limit value is 40µg/m<sup>3</sup> it is considered unreasonable/unnecessary to impose specific ventilation conditions for the residential units. However, the applicant should be aware of the recent NO<sub>2</sub> annual averages and exceedences for this area.

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

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

Concentrations given in µg/m<sup>3</sup> (micrograms per meter squared).

**2 THE SITE**

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

In a wider context this site lies in an area of mixed character, within the London Road Town Shopping Centre. In the immediate surroundings there are commercial properties at ground floor level with office and residential accommodation above. Somerfield supermarket and car park adjoins the site to the northwest. The buildings fronting Ditchling Road and the southern side

of Oxford Place are of varying height ranging typically between 2 - 3 storeys. The buildings to the west of the site (London Road) are larger in scale (3 + storeys).

### 3 RELEVANT HISTORY

**BH2008/00535** Demolition of existing building. Proposed change of use to mixed use development comprising (D2) Gym, (A1) Retail and (C3) 28 apartments. The application was approved on 6 June 2008 subject to Amended plans to show access to the roof terrace and balustrading for the roof terrace and a Section 106 obligation to secure the following:

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

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

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

### 4 THE APPLICATION

Consent is sought for a new planning permission to replace planning permission BH2008/00535 in order to extend the time limit for implementation. The previous permission expired on 6 June 2011; however the application was received and valid on 16/03/2011 whilst the consent was extant.

The previously approved scheme was for redevelopment of the site for a gym (D2), retail (A1) and 28 apartments.

### 5 CONSULTATIONS

#### External

**East Sussex Fire and Rescue Service:** No comments to make.



**Environment Agency:** No objections subject to conditions regarding contaminated land, protection of controlled waters, surface water disposal and no piling without written consent.

**Southern Water:** No objections to extension of time to planning application.

**Southern Gas Networks:** No objection provided access to our apparatus is maintained throughout the duration of building works and safety procedures are carried out.

**Sussex Police:** No objections.

**UK Power Networks:** No objections.

### **Internal**

**Planning Policy:** The principle of this development has already been accepted on BH2008/00535 and the site was not significantly changed since consent was granted in June 2008. Approve subject to clarification of the sustainability standards being met through this proposal.

**Environmental Health (Housing):** No comments under the Housing Act.

**Environmental Health (pollution control):** Requires a noise assessment to determine whether mitigation measures required to ensure that traffic noise is not a problem for future residents. Would also recommend contaminated land discovery strategy due to past history of development around the proposed building.

**Housing Strategy:** Previous comments still stand as there have been no material changes in this application (i.e. support the scheme).

**Sustainable Transport:** Do not wish to restrict grant of consent subject to any transport related condition/obligations being included with the new permission.

**CYPT Capital Strategy and Development Planning:** Given that so much time has passed without this consent being implemented, the cost of providing additional pupil places has risen and therefore request that the previously agreed contribution is revised upwards from £33,908 as requested in 2008 to £37,639.

**CAG:** Not consulted as there are no changes to the previous approval. CAG recommended refusal of the 2008 application.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

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

## PLANS LIST – 29 JUNE 2011

TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Street frontages
QD6	Public art
QD10	Shopfronts
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR1	New retail development within or on the edge of existing defined shopping centres
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance Notes:

SPGBH4: Parking Standards

### Supplementary Planning Documents:

SPD02: Shop Front Design

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

## 7 CONSIDERATIONS

The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The extant consent expired on the 6 June 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 other material changes to the site. Therefore issues relating to the design and appearance of the development, the impact on amenity, landscaping and traffic remain identical to the previous application. There has been no change in local or national policy that would affect these issues and planning conditions would be used to ensure the development remains acceptable on these issues.

### Sustainability

The Local Plan Policy on Sustainability, Policy SU2, is now supplemented by an adopted Supplementary Planning Document on Sustainability Building Design (SPD08). This was adopted in 2008 and was not a material consideration when the original consent was approved. The extension to the time scale for this consent must therefore be assessed under adopted guidance. SPD08 requires that development of this kind meets Code for Sustainable Homes Level 4.

The 2008 application was accompanied by a BREEAM/Ecohomes Pre Assessment Estimator completed by an accredited BRE Assessor as well as a sustainability checklist. The proposed sustainability features include solar panels/solar heating system which is anticipated to provide 10% of the development's energy needs, the installation of energy efficient lighting and appliances, sunpipes, separate water and energy meters for each apartment, rain/grey water harvesting, dual flush toilets, communal laundries, external drying areas for most of the flats, high insulation standards, A-rated materials for construction and a green roof. The assessment showed that the development would achieve a BREEAM rating of 'excellent'.

SPD08 requires that development of this kind meets Code for Sustainable Homes Level 4 with regard to the residential flats and for the commercial element of the scheme the requirement is for a minimum overall BREEAM rating of 'excellent' and a rating of 60% in energy and water sections of relevant BREEAM assessment. Appropriate conditions are recommended to ensure CSH level 4 and a BREEAM rating of 'excellent' is achieved. The standard approach to secure the relevant rating is now to impose a pre-commencement condition and a post occupation condition to ensure that standard is met. Conditions will be imposed for the Code for Sustainable Homes. However in the case of the non-residential element of the scheme the first pre-commencement condition has already been complied with a BREEAM report from an accredited assessor having been submitted with the current application and considered to be satisfactory. Therefore only the post

occupation condition is now considered necessary for the non residential element and forms part of the recommendation.

S106

The agreed contribution towards education facilities has increased upwards from £33,908 as agreed in 2008 to £37,639 to take into account the fact that the cost of providing additional pupil places has risen.

Other issues

The comments from the Environment Agency are noted. These comments were made previously and appropriate conditions attached to the 2008 consent which are recommended again.

Environmental Health have requested a noise assessment to determine whether mitigation measures are required to ensure that traffic noise is not a problem for future residents. However this issue was not raised when comments were made on the 2008 and it is not considered that there have been significant material changes to the site which would warrant a noise assessment now.

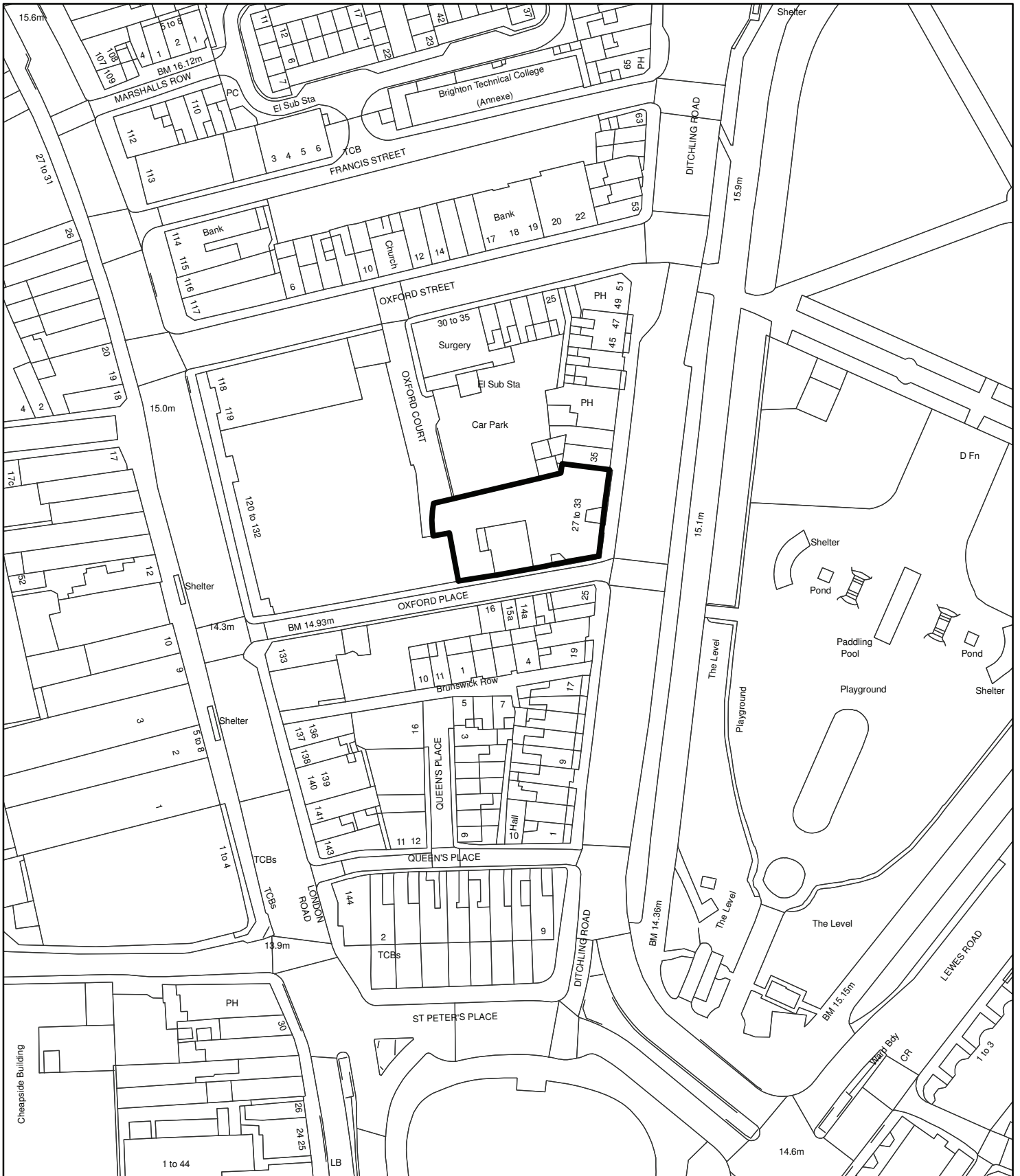
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The principle of the development has been accepted under BH2008/00535; the site has not significantly changed since permission was granted in 2008. There were some changes in local planning policy guidance relating to sustainability in 2008 and these issues can be controlled by suitably worded conditions. The development remains acceptable in principle.

**9 EQUALITIES IMPLICATIONS**

The development would be required to meet Lifetime Homes standards.

# BH2011/00806 Buxton 27 - 33, Ditchling Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

**LIST OF MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2010/03422</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>5 Bedford Place, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of railings around rear second floor roof terrace and reduction in size of roof terrace.</b>		
<b><u>Officer:</u></b>	Christopher Wright, tel: 292097	<b><u>Valid Date:</u></b>	02/11/2010
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	28 December 2010
<b><u>Agent:</u></b>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Portland Road Hove		
<b><u>Applicant:</u></b>	Ms Alison Kinsley-Smith, 5 Bedford Place, Brighton		

This application was deferred by the Planning Committee at the meeting of 08/05/11 for a 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 reason:

1. The formation of a roof terrace above the mansard roof, together with the siting of the balustrades, which would be readily visible from Sillwood Mews, would not be appropriate to the form and character of the host building and would have an incongruous appearance detrimental to visual amenity and the historic character and appearance of the Regency Square Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof Alterations and Extensions.

**Informatives:**

1. This decision is based on drawing nos. 790/01, 790/02, 790/07/A and 790/08 received on 1 November 2010; and drawing nos. 790/8, 790/9, 790/10, 790/11 and 790/12 received on 20 January 2011.

**2 THE SITE**

The application relates to a 4-storey terrace building dating back to the 19<sup>th</sup> Century. The building has rooms in the roof space and is situated in the Regency Square Conservation Area.

**3 RELEVANT HISTORY**

**BH2010/00356:** An application for the approval of details reserved by

condition 4 of application BH2009/00403 was refused on.

**BH2009/00403:** On 24 April 2009 permission was granted part retrospectively for the conversion of the four storey maisonette into a ground floor flat and an upper maisonette over.

**BN75-251 & BN74-2225:** On 9 January 1976 permission was granted for the conversion to form basement flat and one residential unit on the upper floors .

**73-2887:** In 1973 permission was granted for the conversion of the building into four self-contained flats.

#### 4 THE APPLICATION

The application seeks approval for the reduction in size of a second floor roof terrace at the rear of the building and for new balustrades around the terrace. The proposal involves removal of an existing unauthorised timber decking, fencing and support stanchions.

A second application has been submitted to run alongside and seeks permission for additional development by way of replacement railings to the top floor roof terrace as well (**ref. BH2010/03423**).

#### 5 CONSULTATIONS

**External:**

**Neighbours:** Three letters of representation have been received from **La Pompe (Guernsey); Top Flat, 24 Bedford Place; and 5A Bedford Place, in support** of the application for the reasons summarised below:-

- Revised railing design fits well with tone of area.
- Design in keeping with area.
- Enhances appearance of property.
- Good idea to have railings for safety.

**Councillor J. Kitcat** has submitted a representation in support of the application. Copy attached.

**Internal:**

**Design and Conservation: Objection.**

The drawings are sketchy, small scaled and lack detail. The revised proposal is to completely remove the deck structure that over-sails the pitched roof and replace the timber balustrades with metal ones. This is a significant improvement over the existing situation.

However, whilst on a flat roof building some form of simple metal balustrade would be acceptable, in design terms it would look incongruous on top of a slated mansard roof. This incongruity would be accentuated by the presence of garden furniture and plants. It is concluded that any balustrade would be out of character and contrary to the SPG on Roof Alterations and Extensions and Local Plan policies HE6 and QD14.

Mitigation and conditions

There is no architectural precedent to follow for a roof terrace and balustrades on top of a pitched roof mansard roof so there is no recommended appropriate alternative, as any balustrade would look out of place and incongruous.

A condition could be attached prohibiting the positioning of permanent furniture, plant pots, trellises, umbrellas and other clutter on the roof, but this would not overcome the fundamental objection.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of a Conservation Area

Supplementary Planning Guidance:

SPGBH1: Roof alterations and extensions

**7 CONSIDERATIONS**

The main considerations in the determination of this application relate to the design and appearance of the development including the relationship with the character of the host building, particularly the mansard roof projection at the rear, and also the character of the Conservation Area. The rear elevation of the building is visible from Sillwood Mews.

Planning history

Permission was granted, for the conversion of the building to a self-contained flat on the ground floor with a 3-storey maisonette above (**ref. BH2009/00403**). At this time an unauthorised roof terrace was identified and the matter passed to Planning Investigations since which time an Enforcement case has been open.

The applicant places considerable weight on the roof terrace having been approved under application BH2009/00403 but this is not correct.

Both existing and proposed plans submitted in 2009 showed a terrace at second floor level to the rear. As such the approval of the application does not include the roof terrace because it was shown as existing. The plans approved did not show any balustrades or railings and it is the case that planning permission is not needed to sit on the flat roof. Permission was not granted for the railings and therefore the Local Planning Authority can assess the impact of the railings. The unauthorised roof terrace found to be in existence is larger than the terrace shown on the 2009 plans and the timber decking, timber balustrades and timber support stanchions are not shown on the drawings.



Design:

The removal of the unauthorised timber fence/balustrade, timber decking and support stanchions attached to the pitched roof of the mansard to support the over-sized terrace is welcomed. The proposal is to reduce the size of the terrace to the flat roof area of the mansard roof, surface the terrace with tiles and to erect a painted metal balustrade with verticals spaced at 100mm. The balustrade would be 1.1m in height.

The application site lies within the Regency Square Conservation Area and policy HE6 of the Local Plan applies. Proposals within or affecting the setting of a Conservation Area should preserve or enhance the character or appearance of the area. Criteria a, b, c and e of policy HE6 are relevant. Proposals should show:-

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b. the use of building materials and finishes which are sympathetic to the area;
- c. no harmful impact on the townscape and roofscape of the Conservation Area;
- e. where appropriate, the removal of unsightly and inappropriate features or details.

Proposals that are likely to have an adverse impact on the character or appearance of a Conservation Area will not be permitted.

Policy QD14 of the Local Plan is also relevant and states that planning permission for extensions or alterations to existing buildings 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.

The design guidance in SPGBH1: Roof Alterations and Extensions, also applies to the application. The SPG states that roof extensions, terraces or dormers must respect the particular character of the building and be carefully related to it, and that altering a roof's basic form would not be appropriate in a Conservation Area.

The Design and Conservation Team has raised an objection to the proposal because there is no architectural precedent for having a roof terrace and balustrade on top of a pitched mansard roof. Furthermore, it is considered

that the balustrades would appear out of place and incongruous on a mansard roof. The design and materials of the proposed balustrades in themselves could be considered appropriate to a roof terrace, but this does not overcome the objection in principle to a roof terrace on top of a mansard roof.

For these reasons the proposal would be incongruous with the form and character of the host building and would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area, contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof Alterations and Extensions.

Impact on Amenity:

The reduced size of the roof terrace and the siting in the middle of the rear elevation, together with the separation distance with the small number of windows on the rear of adjoining buildings, means neighbour amenity is unlikely to be adversely affected. In the event planning permission was to be granted, a condition could be imposed to secure details of screening if considered necessary. The terrace would not give rise to the overlooking of neighbouring properties in Sillwood Mews. These buildings are side on to the application site, and there are no windows or other openings in Sillwood Mews which could be liable to overlooking and consequent loss of privacy.

Accordingly it is considered the proposal raises no conflict with policy QD27 of the Local Plan.

Additional matters

On 3 June 2011 the applicant submitted a letter and photographs showing some existing roof terraces and railings near to the application site. As previously mentioned the 2009 permission did not authorise a roof terrace and railings and notwithstanding the assertions made by the applicant, there is no firm basis for the railings having been in existence for four or more years at the time the application was submitted. Furthermore the applicant has not sought a Certificate of Lawfulness to confirm this.

The photographs of other railings in the vicinity of the application site have been looked into. Not all of these railings are visible from a public viewpoint from the street and the applicant has not provided details of the properties shown in the photographs. Of those that can be identified, some were approved some time ago between the 1960s and 1980s and several others have no planning history. The rear terraces shown on the photographs are mostly on flat roofs which are integrated more effectively into the form of the host buildings in visual terms, and which are less prominently visible than the application site.

Conclusion

The proposal would be an alien and incongruous feature on the top of the mansard roof, and would relate poorly with the form and character of the host

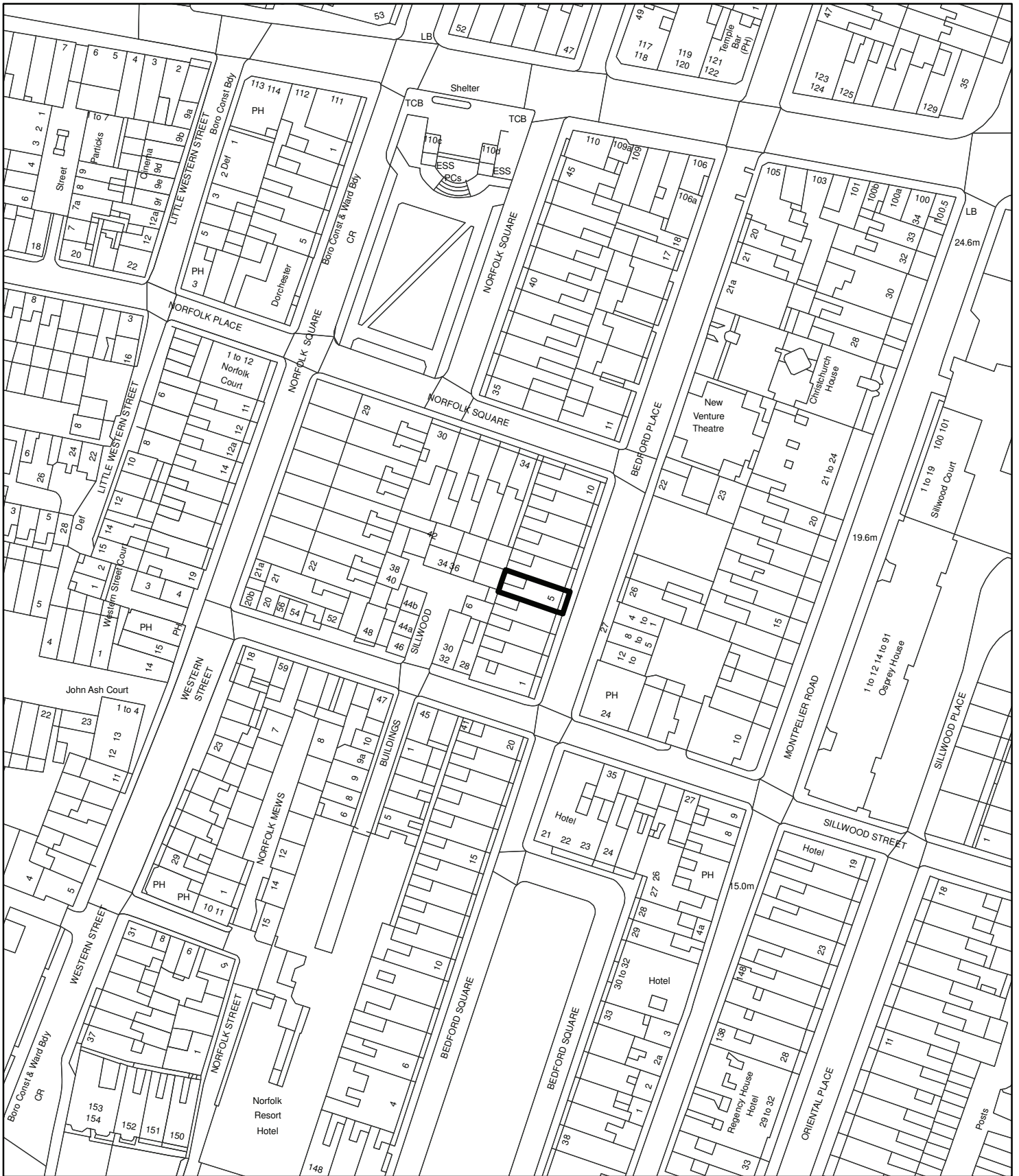
building. As such the development would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area, contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof alterations and extensions.

For these reasons the application is recommended for refusal.

**8 EQUALITIES IMPLICATIONS**

None identified.

# BH2010/03422 5, Bedford Place



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



PLANS LIST – 29 JUNE 2011

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

From: Jason Kitcat [<mailto:jason.kitcat@brighton-hove.gov.uk>]  
Sent: 13 December 2010 10:38  
To: Christopher A Wright  
Cc:  
Subject: Applications for 5 Bedford Place refs: BH2010/03422 and  
BH2010/03423

Dear Mr Wright

I am writing with regards to the applications by Ms Alison Kinsley-Smith to modify the roof terraces at her property, 5 Bedford Place.

I have met with Ms Kinsley-Smith, her planning advisor and the council's planning enforcement officers to discuss this matter. I believe the applications before you address the concerns raised by the planning enforcement officers and the case history for the site whilst retaining a useful amenity for the property.

I support these applications and hope that you will approve them. If they are recommended for refusal I ask that the applications go to committee for consideration. Please let me know if this happens.

Sincerely,  
Cllr Jason Kitcat

--

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

<http://www.jasonkitcat.com>  
+ 44 (0) 7956 886 508

Group spokesperson on Finance and Waste/Recycling issues

<b><u>No:</u></b>	<b>BH2010/03423</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>5 Bedford Place, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of railings around rear second floor roof terrace and reduction in size of roof terrace. Erection of replacement railings to top floor roof terrace.</b>		
<b><u>Officer:</u></b>	Christopher Wright, tel: 292097	<b><u>Valid Date:</u></b>	02/11/2010
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	28 December 2010
<b><u>Agent:</u></b>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Portland Road Hove		
<b><u>Applicant:</u></b>	Ms Alison Kinsley-Smith, 5 Bedford Place, Brighton		

This application was deferred by the Planning Committee at the meeting of 08/05/11 for a 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 formation of a roof terrace above the mansard roof at the rear of the building at second floor level, together with the siting of the balustrades, which would be readily visible from Sillwood Mews, would not be appropriate to the form and character of the host building and would have an incongruous appearance detrimental to visual amenity and the historic character and appearance of the Regency Square Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof Alterations and Extensions.
2. The proposed balustrades around the top floor roof terrace would, by reason of their design, materials, scale and siting along the front roof edge and close to the rear roof edge, break the skyline and be readily visible from both Sillwood Mews and Bedford Place and would have an incongruous and alien appearance in the roofscape, to the detriment of the existing building and to visual amenity and the historic character and appearance of the Regency Square Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof alterations and extensions.
3. The top floor roof terrace would, by reason of its extent and elevated position in relation to the neighbouring properties, introduce a new source of overlooking which would cause loss of privacy for neighbouring occupiers to the detriment of residential amenity and contrary to the aims

and objectives of policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 790/07 and 790/08 received on 1 November 2010; 790/8, 790/9, 790/10, 790/11 and 790/12 received on 20 January 2011; and 790/05A and 790/06A received on 26 January 2011.

**2 THE SITE**

The application relates to a 4-storey terrace building dating back to the 19<sup>th</sup> Century. The building has rooms in the roof space and is situated in the Regency Square Conservation Area.

**3 RELEVANT HISTORY**

**BH2010/00356:** An application for the approval of details reserved by condition 4 of application BH2009/00403 was refused on.

**BH2009/00403:** On 24 April 2009 permission was granted part retrospectively for the conversion of the four storey maisonette into a ground floor flat and an upper maisonette over.

**BN75-251 & BN74-2225:** On 9 January 1976 permission was granted for the conversion to form basement flat and one residential unit on the upper floors.

**73-2887:** In 1973 permission was granted for the conversion of the building into four self-contained flats.

**4 THE APPLICATION**

The application seeks approval for the reduction in size of an unauthorised second floor roof terrace at the rear of the building and for new balustrades around terrace. The proposal involves removal of an existing unauthorised timber decking, fencing and support stanchions.

Permission is also sought for the replacement of unauthorised glass and metal balustrades around a roof terrace on the top of the building.

A second application has been submitted to run alongside and seeks permission for the railings around the rear roof terrace alone (**ref. BH2010/03422**).

**5 CONSULTATIONS**

**External:**

**Neighbours:** One representation has been received from **32 Norfolk Square**, objecting to the application for the following reasons:-

- Out of character for a Conservation Area.
- Balcony will create more noise.
- Roof terrace is very intrusive.
- Roof terrace is visible from the road.
- Balcony will interfere with neighbours' right to privacy and family life.

Four representations have been received from **Flat 2, Evelyn Court, 27 Bedford Place; La Pompe, Ruelle de la Pompe (Guernsey); 5A Bedford Place; and Top Flat, 24 Bedford Square**, in support of the application for the

following reasons:-

- The roof terrace has been clearly visible since 2000 from Bedford Square.
- View from Bedford Square will improve.
- Railing design in keeping.
- Revised railing design will fit in with tone of area.
- Enhance appearance of property.
- Good idea for safety.

**Councillor J Kitcat** has submitted a representation in support of the application (copy attached).

**Internal:**

**Design and Conservation: Objection.**

The deck and balustrade is clearly visible from the ground in the residential cul-de-sac to the rear (Sillwood Mews). The built out deck and supporting posts, together with the balustrades, are inappropriate modern and alien features of this building that detract from the character of the area.

There is also an unauthorised balustrade on top of the false mansard of the main part of the building around the edge of its flat top. This is also the subject of enforcement investigations. This is of glass set in a frame. It is visible from Bedford Square to the south and also slightly visible from the south end of Bedford Place. However, from the square it is read against the background of a party wall chimney and is at a distance and so not very prominent. It is much more prominent from close up in Bedford Place, and especially in oblique views from the north, where it breaks the skyline. It is also visible, breaking the skyline, in views from the cul-de-sac at the rear. Whilst of clear glass, it is still readily visible due to its framing and the reflections off it, depending on the angle of the sunlight and dirt on the glass. This looks alien and incongruous on the building and in the roofscape and street scene.

The proposal for the top roof terrace is to replace the unauthorised glass balustrade with metal railings painted grey. These would be set on the front edge of the flat roof but would be set back about 1 metre from the back edge. These would still be visible from the front and would look alien and incongruous on the building and in the roofscape and street scene.

The revised proposals for the second floor rear roof terrace are the same as for application BH2010/03422.

There is no architectural precedent for roof top balustrades of any kind on top of the roofs of buildings of this character and style. It would look alien and incongruous to the building and the roofscape, detracting from the character and appearance of this part of the Conservation Area. It is contrary to policies QD14 and HE6 of the Local Plan, and SPGBH1: Roof alterations and extensions.



Mitigation and conditions

It may be that an alternative scheme of frameless glass balustrades set well back from the front and rear edges of the roof might not be visible from the street, although any garden furniture and plants may still be. However, it would still be visible from the upper floors of surrounding buildings and the shiny glass also would be out of character with the roofscape. In view of the above there are not considered to be any mitigation measures that can overcome the objections to a roof terrace on the top of this building.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of a conservation area

Supplementary Planning Guidance:

SPGBH1: Roof alterations and extensions

**7 CONSIDERATIONS**

The main considerations in the determination of this application relate to the design and appearance of the development including the relationship of the balustrades with the character of the host building, particularly the mansard roof projection at the rear and the roof top skyline, together with the visual impact on the wider Conservation Area.

Planning history

*Rear terrace:-*

Permission was granted, for the conversion of the building to a self-contained flat on the ground floor with a 3-storey maisonette above (**ref. BH2009/00403**). At this time an unauthorised roof terrace was identified and the matter passed to Planning Investigations since which time an Enforcement case has been open.

The applicant places considerable weight on the roof terrace having been approved under application BH2009/00403 but this is not correct.

Both existing and proposed plans submitted in 2009 showed a terrace at second floor level to the rear. As such the approval of the application does not include the roof terrace because it was shown as existing. The plans approved did not show any balustrades or railings and it is the case that planning permission is not needed to sit on the flat roof. Permission was not granted for the railings and therefore the Local Planning Authority can assess the impact of the railings. In addition, the unauthorised roof terrace found to be in existence is larger than the terrace shown on the 2009 plans and the timber decking, timber balustrades and timber support stanchions are not shown on the drawings.

*Roof top terrace:-*

With respect to the roof top terrace, the applicant contends that the roof has been used as a terrace for several years. A Building Control Officer who visited the site in 2009, for reasons unconnected with the roof terrace, pointed out the metal railings in place at the time were inadequate for meeting Building Regulations.

At the time of the 2009 planning application there were no railings on the roof top and this is shown by the site photographs. The applicant cannot therefore argue that some form of balustrade on the roof is lawful as their existence has not been continuous and the impact of the balustrade can be assessed.

Subsequently glass and metal panel balustrades were erected around the edges of the roof top and these can be seen clearly from Bedford Place and from Sillwood Mews. The balustrades are prominent and break the skyline and have an incongruous and alien appearance within the roofscape, which is characterised by more traditional features including dormers and chimney stacks.

The applicant does not require planning permission to sit on the roof top of their property. However, the construction of the glass and metal balustrades, which were not in existence at the time of the last application does require planning permission. Whilst the use of the flat roof does not require planning permission to satisfy Building Regulations requirements the construction of a 1.1m balustrade is necessary and this operational development does require planning permission.

Design:

With regards to the rear roof terrace, the removal of the unauthorised timber fence/balustrade, timber decking and support stanchions, attached to the pitched roof of the mansard to support the over-sized terrace, is welcomed. The proposal is to reduce the size of the terrace to the flat roof area of the mansard roof, surface the terrace with tiles and to erect a painted metal balustrade with verticals spaced at 100mm. The balustrade would be 1.1m in height.

With regards to the top floor roof terrace the proposal is to remove the existing glass and metal balustrades, which are unauthorised, and this is welcomed. The proposal is to replace these with grey painted metal railings similar to those proposed around the rear terrace. The railings would be constructed along the front edge of the roof but at the back, would be brought back from the roof edge by 1.4 metres.

The application site lies within the Regency Square Conservation Area and policy HE6 of the Local Plan applies. Proposals within or affecting the setting of a Conservation Area should preserve or enhance the character or appearance of the area. Criteria a, b, c and e of policy HE6 are relevant. Proposals should show:-

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b. the use of building materials and finishes which are sympathetic to the area;
- c. no harmful impact on the townscape and roofscape of the Conservation Area;
- e. where appropriate, the removal of unsightly and inappropriate features or details.

Proposals that are likely to have an adverse impact on the character or appearance of a Conservation Area will not be permitted.

Policy QD14 of the Local Plan is also relevant and states that planning permission for extensions or alterations to existing buildings 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.

The design guidance in SPGBH1: Roof Alterations and Extensions, also applies to the application. The SPG states that roof extensions, terraces or dormers must respect the particular character of the building and be carefully related to it, and that altering a roof's basic form would not be appropriate in a Conservation Area and that an historic roof profile should be retained.

The Design and Conservation Team has raised an objection to the proposed terrace and balustrades at second floor on the rear elevation because there is no architectural precedent for having a roof terrace and balustrade on top of a pitched mansard roof. Furthermore, it is considered that the balustrades would appear out of place and incongruous on a mansard roof. The design and materials of the proposed balustrades in themselves could be considered appropriate to a roof terrace, but this does not overcome the objection in principle to a roof terrace on top of a mansard roof.

The Design and Conservation Team also objects to the proposed balustrades around the top floor roof terrace. It is considered that the presence of the balustrade railings which are not a historic feature of the roof top would not respect the more traditional roofscape features and would appear incongruous.

Notwithstanding the siting of the replacement balustrade railings 1.4m back

from the edge of the roof, the top parts of the railings would still be visible from Sillwood Mews behind the property. On the front elevation, the replacement railings would, as per the existing glass balustrade, be positioned along the front edge of the roof. As such the railings would remain readily visible from Bedford Place and would break the skyline. Railings are not features traditionally associated with the existing roofscape, which comprises dormers, chimney stacks and aials. As such the railings would have an unduly dominant and incongruous presence which is detrimental to the roofscape of the existing property and the wider terrace and detrimental to visual amenity and the character of the Conservation Area.

For these reasons the proposals would be incongruous with the form and character of the host building and would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area, contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof Alterations and Extensions.

Impact on Amenity:

Due to the distances from the windows in neighbouring properties, sound levels from the roof top terrace are not likely to be harmful to amenity. However, whilst there is already a degree of mutual overlooking between the upper floor windows of neighbouring buildings, the top floor roof terrace does enable overlooking of neighbouring properties from a new and heightened vantage point. This impact on residential amenity is considered materially greater than the overlooking from existing roof top dormers adjoining the application property because the roof terrace is a larger and more open area and is above the height of these existing dormers.

Notwithstanding that the use of the terrace by residents to sit out on does not need planning permission in itself because it is not a change of use, the construction of balustrades formalises and enhances the amenity space such that its use may be intensified which justifies the above amenity concerns.

The reduced size of the roof terrace on the back of the building at second floor level, together with the siting in the middle of the rear elevation, and the separation distance with the small number of windows on the rear of adjoining buildings, means neighbour amenity is unlikely to be adversely affected. In the event planning permission was to be granted, a condition could be imposed to secure details of screening if considered necessary. The terrace would not give rise to the overlooking of neighbouring properties in Sillwood Mews. These buildings are side on to the application site, and there are no windows or other openings in Sillwood Mews which could be liable to overlooking and consequent loss of privacy.

In summary the top floor roof terrace is considered harmful to amenity because it would create a new dimension of overlooking and is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

Additional matters

On 3 June 2011 the applicant submitted a letter and photographs showing some existing roof terraces and railings near to the application site. As previously mentioned the 2009 permission did not authorise a roof terrace and railings and notwithstanding the assertions made by the applicant, there is no firm basis for the railings having been in existence for four or more years at the time the application was submitted. Furthermore the applicant has not sought a Certificate of Lawfulness to confirm this. The photographs taken during the site visit for the 2009 application show that on the roof top there were no balustrades and therefore the existence of railings around the roof top terrace has not been continuous and the development proposed does not constitute repair or maintenance of existing railings, the proposal is to erect new balustrades.

The photographs of other railings in the vicinity of the application site have been looked into. Not all of these railings are visible from a public viewpoint from the street and the applicant has not provided details of the properties shown in the photographs. Of those that can be identified, some were approved some time ago between the 1960s and 1980s and several others have no planning history. The rear terraces shown on the photographs are mostly on flat roofs which are integrated more effectively into the form of the host buildings in visual terms, and which are less prominently visible than the application site. In addition, many of the railings shown on the front elevations of the buildings sit behind parapet walls and are in front of dormers and as such are materially different to the application proposal which is for balustrades on the top of the roof of the building.

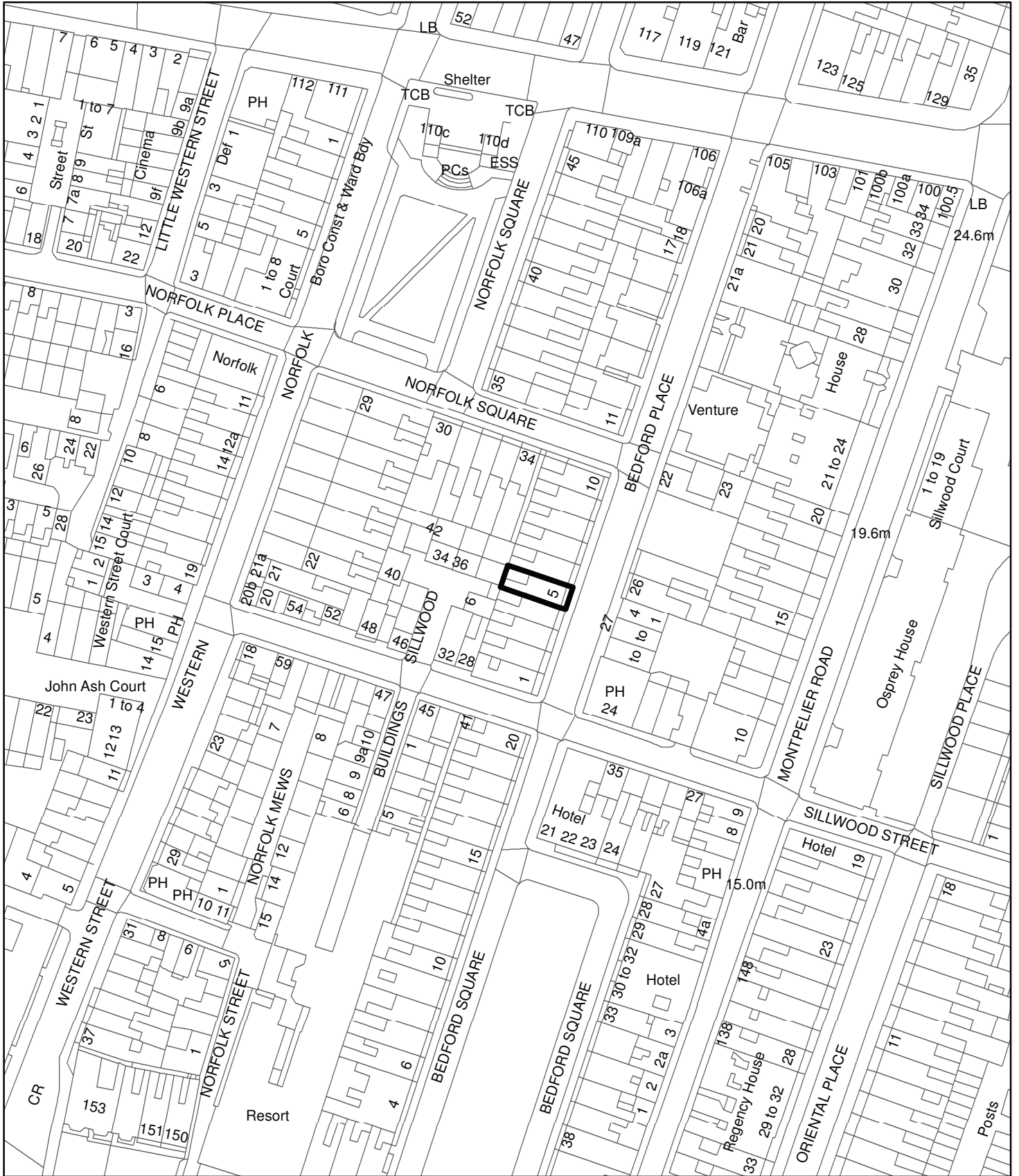
Conclusion

The proposals would be an alien and incongruous feature on the top of the mansard roof at the rear of the building and also on the roof top. The balustrades proposed, due to their height, design, materials and siting, would relate poorly with the form and character of the host building. As such the development would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area, contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof alterations and extensions. In addition, the balustrades proposed around the top floor roof terrace would facilitate more intensive use of the roof top which would lead to an additional aspect of overlooking for neighbouring residents, to the detriment of amenity and contrary to policy QD27 of the Local Plan. For the reasons outlined the application is recommended for refusal.

**8 EQUALITIES IMPLICATIONS**

None identified.

# BH2010/03423, 5, Bedford Place



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



PLANS LIST – 29 JUNE 2011

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

From: Jason Kitcat [<mailto:jason.kitcat@brighton-hove.gov.uk>]  
Sent: 13 December 2010 10:38  
To: Christopher A Wright  
Cc:  
Subject: Applications for 5 Bedford Place refs: BH2010/03422 and BH2010/03423

Dear Mr Wright

I am writing with regards to the applications by Ms Alison Kinsley-Smith to modify the roof terraces at her property, 5 Bedford Place.

I have met with Ms Kinsley-Smith, her planning advisor and the council's planning enforcement officers to discuss this matter. I believe the applications before you address the concerns raised by the planning enforcement officers and the case history for the site whilst retaining a useful amenity for the property.

I support these applications and hope that you will approve them. If they are recommended for refusal I ask that the applications go to committee for consideration. Please let me know if this happens.

Sincerely,  
Cllr Jason Kitcat

--

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

<http://www.jasonkitcat.com>  
+ 44 (0) 7956 886 508

Group spokesperson on Finance and Waste/Recycling issues

<b><u>No:</u></b>	<b>BH2011/00849</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land at the Rear of 8 Locks Hill, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey 3no bedroom detached residential dwelling incorporating rear dormer and associated landscaping.</b>		
<b><u>Officer:</u></b>	Adrian Smith, tel: 290478	<b><u>Valid Date:</u></b>	30/03/2011
<b><u>Con Area:</u></b>	Grade II	<b><u>Expiry Date:</u></b>	25 May 2011
<b><u>Agent:</u></b>	Mr Edmund Mahony, 32 Hampstead Road, Brighton		
<b><u>Applicant:</u></b>	Mr Ian Dodd, 8 Locks Hill, Portslade		

This application was deferred by the Planning Committee at the meeting of 08/05/11 for a 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. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan require proposals for new buildings to demonstrate a high standard of design that emphasises and enhances the positive qualities of the local neighbourhood by taking into account the local characteristics, including the height, scale, bulk and design of existing buildings. Policy HE3 seeks to protect the setting of Listed Buildings from inappropriate or poorly designed development. The proposed dwelling, by virtue of its scale, design and close proximity to the listed building, represents an inappropriate and poor standard of development that fails to reflect the general character of the area and the setting of the Grade II Listed Building, contrary to the above policies.
2. Policies TR1 and TR7 of the Brighton & Hove Local Plan require all new development to provide for the travel demand it creates without increasing the danger to users of pavements, cycle routes and roads. The proposed development, by virtue of the lack of designated parking provision, fails to adequately demonstrate that it can cater for the traffic demand it would create without detriment to existing limited parking provision in the area, and public highway and pedestrian safety, contrary to the above policies.
3. Policy SU2 of the Brighton & Hove Local Plan, including SPD08 'Sustainable Building Design', requires new residential development on land not previously developed to achieve Level 5 of the Code for Sustainable Homes. The applicant has failed to adequately demonstrate that measures of sustainability have been considered or incorporated into the design of the dwelling, and has failed to demonstrate that Level 5 of the Code for Sustainable Homes can reasonably be achieved without significant alterations to the design and appearance of the dwelling. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local



Plan, and Supplementary Planning Document 08 ‘Sustainable Building Design’.

Informatives:

1. This decision is based on the design and access statement, waste minimisation statement, biodiversity checklist and drawing nos. 171/1/A and 171/2/A received on the 21<sup>st</sup> March 2011; and the sustainability checklist received on the 30<sup>th</sup> March 2011.

**2 THE SITE**

The application relates to overgrown land to the rear and side of 8 Locks Hill, a Grade II listed two storey detached single dwelling house on the west side of the street, close to the junction of Old Shoreham Road. The land forms a vacant plot which appears to have been used until the mid 1970’s for industrial/storage use, but is now an extension to the garden of No.8 Locks Hill.

The surrounding area to the north and west (rear) is formed of residential flats and terraces, with a training centre to the south, and two schools and a Teachers Training College opposite the site.

**3 RELEVANT HISTORY**

**BH2010/03505:** Erection of two storey 3no bedroom detached residential dwelling incorporating associated landscaping. Withdrawn 11/01/2011.

**BH2009/00855 (LBC) & BH2009/00854 (FP):** Widen driveway to plot at the rear of 8 Locks Hill. Widen main access and demolish and rebuild section of front boundary wall and build new wall of flint cobbles. Withdrawn 08/07/2009.

**BH2007/00626 (LBC) & BH2007/00851 (FP):** Demolition of part of existing boundary wall, construction of new flint boundary wall and new garage. Refused 25/05/2007: Appeal dismissed 14/07/2008.

**BH2005/06095 (FP):** Outline application for the erection of 2 semi-detached houses and alterations to the access. Withdrawn 18/01/2006.

**BH2003/02136 (OA):** Two no. two storey houses at rear and alterations to garden walls and access. Withdrawn 30/07/2004.

**4 THE APPLICATION**

Planning permission is sought for the erection of a three-bedroom detached dwelling in the rear section of the plot, set perpendicular to the main dwelling at No.8. Access would be via the existing side driveway to No.8, but would be for pedestrians only. There would be no provision for the parking of vehicles for this property onsite.

**5 CONSULTATIONS**

**External:**

**Neighbours:** Eight letters of representation have been received from the residents of **10 Locks Hill, 293 Hangleton Way, 29 Fairway Crescent, 31 Withdean Crescent, 158 Carden Hill, 3 Station Approach East**

**(Hassocks), 76 College Lane (Hurstpierpoint) & 15 Kings Barn Lane (Steyning)** supporting the proposed development on the following grounds:

- The development is more in keeping with the area, would enhance the area and the adjacent properties.
- The smaller single storey chalet bungalow is an improved proposition and will enhance the site and provide a housing unit so needed in this area and the City as a whole.
- The site is overgrown and serves no real purpose. The conversion of the site to a habitable site would benefit the area and the listed building.

**Internal:**

**Environmental Health:** No comment.

**Conservation and Design:** Objection

The proposal is for a two storey building with a footprint that is larger than that of the Listed Building. The building would be 5.2 m tall. Its ground level would be excavated out by about 1.1m at its deepest point. Whilst this latest proposal is significantly lower than the listed building, it is nevertheless a substantial building in relation to the size of the plot and in terms of its comparative footprint and site coverage.

It would be visually intrusive in views of the Listed Building from the street and its garden, as well as views from the listed building and from its garden. A new dwelling at the rear would detract from the informal, spacious and historically rural character and setting of the listed building. It would result in a loss of its remaining spacious verdant setting and remaining rural character. The form, style and detailing of the building is poor and is neither that of a traditional rural outbuilding or a traditional small cottage and does not relate to the original building. It would detract from the visual amenities of the area and the setting of the listed building.

Its roof form is a crown roof with a flat top. Whilst this roof form reduces the building's height, its false ridge nature is clearly visible on its gable ends with the western one being visible from the street. It results in an odd shaped building with a non-traditional roof profile.

Its ridge lines would be set at right angles to the orientation of the ridge of 8 Locks Hill so that it would present a blank gable end wall to the rear garden and windows of that building, which is only relieved by a low narrow strip of high level windows.

Its north elevation has a large flat topped dormer window which projects almost to the eaves. This dormer is neither like a traditional window dormer or a hayloft door and is over bulky and poorly detailed.

The proposal would fail to preserve or enhance the setting of the listed building, but would detract from it contrary to Policy HE3 and a poor standard of landscape design contrary to Policy QD15 of the Local Plan.

The site is not considered appropriate for an additional dwelling or any other building of any substantial size. Any development on this site should be confined to small outbuildings serving 8 Locks Hill such as a summer house or garage. The materials should match those of the main house, i.e. flint and clay tile, or dark stained lapboarding.

**Sustainable Transport: Objection**

It is recommended that this Planning Application be refused due to the increased risk to users of the public highway and the additional stopping turning and reversing traffic that would be created.

Whilst the application is suggesting that the proposal will be car free there is no mechanism that could be used, either legally or physically that would restrict the use of the access serving this site in perpetuity. There are a number of examples of development around the city that during the planning application process applicants have professed a desire to make a site car free, but when the site is sold on to either owner occupiers or a lettings company this desire is ignored by the new tenants/owners, which in turn leads to public safety concerns by way of blocking footways and restricting visibility.

This site is such a site. Although the applicant is suggesting that the site would be car free there is no way we can ensure that will be the case, in the medium to longer term future. This in turn leads to a risk that the access design to serve no. 8 Locks Hill could end up accommodating 4 cars, it is 22m long and the average length of a car in the UK is 4.2m.

Without suitable turning facilities this will lead to cars reversing on the classified road Lock Hill, (the C31). Given the proximity of the school and junction it is the Highway Authority's considered view that this proposal should be refused for the reasons set out above.

**Sustainability Officer: Objection**

The proposed development does not meet SU2 and SPD08 policy standards for sustainability and no justification has been provided to explain this. There is nothing in the application that would imply that minimum standards can be met under proposals as they are.

Under SPD08 Code for Sustainable Homes (CSH) level 5 would be the minimum standard expected on a small householder development. In the sustainability checklist submitted with the application, the question referring to CSH standards was marked by the applicant as 'not applicable'. There is no other information anywhere else in the application referring to those elements of SU2 that need to be met, therefore refusal is recommended.

Whilst in some cases it might be sufficient to apply a condition requiring CSH level 5, the lack of any information about sustainability in this application may mean that proposals needed to be redesigned to meet this standard.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
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
HE3	Development affecting the setting of a listed building

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

**7 CONSIDERATIONS**

This application follows refusal of application BH2007/00851 for the construction of a pair of semi-detached cottages and alterations to the access and boundary wall. This application was dismissed on appeal with the Inspector determining that the proposed dwelling would have an enclosing and overbearing effect on the Listed Building, and together with the proposed access would fail to preserve its setting. Subsequent applications for residential development on this site have been withdrawn prior to formal determination.

As with the previous applications the main considerations in the determination of this application relate to the ability of the site to accommodate residential development, its impact upon residential amenity and the character and appearance of the Grade II Listed Building at 8 Locks Hill, and traffic implications.

Planning Policy:

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. PPS3 states that such development 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.

Policy HO4 of the Brighton & Hove Local Plan states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan state that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.

Policy HO5 requires the provision of private useable amenity space in all new residential development whilst Policy QD27 states that planning permission for any development 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.

Design and Appearance:

The site as existing forms a Grade II Listed dwelling fronting Locks Hill. The rear garden is split into two sections, with the rearmost section set on lower ground level and partitioned off from the main dwelling and upper garden by a flint wall- the original boundary line of the property. A domestic storage shed sits to one side of the site, however, the remaining lower garden is largely derelict and overgrown. It is the remnants of a larger site to the rear now occupied by a block of flats but has been under the ownership of No.8 for a number of years. In this respect the non-original lower garden visibly forms part of the modern curtilage to No.8, and contributes significantly to its semi-rural and spacious verdant setting. A narrow driveway to the south of the site leads to the lower garden area, whilst timber fencing separates the site from residential gardens to the north and a garage compound to a modern block of flats to the rear.

The proposal seeks to build a three-bedroom detached dwelling within the rear garden area, accessed from Locks Hill via the existing driveway. The dwelling would measure 10m by 7.5m and would be set perpendicular to No.8 within the northern part of the lower garden. It would take the form of a chalet bungalow with windows in the east and west facing gables, a rear dormer, and a central entrance porch. The building would be constructed in red/brown brick with white painted boards to the gable ends and reclaimed red clay tiles to the roof. The windows would be of a 'Georgian' pattern with small panes to mirror those of No.8.

Previous applications for residential development on this site were refused or withdrawn over concerns with the relationship between the proposed dwellings and No.8, particularly in regard to proximity, height and design. To address these concerns the applicants are proposing to excavate sections of the lower garden level by between 0.5m and 1.5m to reduce the level of the building in relation to No.8, and to truncate the roof of the dwelling to an overall height of 5.2m. This would result in a building with a roofline set 1.6m higher than the existing flint boundary wall that separates the upper and lower gardens. Whilst these adaptations would result in the building having a low profile in relation to No.8, the design of the building has been severely compromised as a result. In particular, the truncation of the roof and the poor scale and position of the dormer window would create a poorly proportioned and incongruous roof form. From higher levels surrounding the site, the roof would as a result appear incomplete, stunted and ill-considered, and generally harmful to the setting of the Listed Building and wider area.

The applicants contend that the building is intended to take the form of an old mews dwelling with the scale and design of a single storey garden building so as not to compete with the main Listed Building. The building would though have a significantly greater footprint than that of No. 8 (75sqm compared to 52sqm) therefore it cannot reasonably be argued that it would be of a smaller more subservient scale to No.8. The location, orientation and detailing of the building in this setting would not be 'read' as being of a mews-style building and would certainly not be seen as being complimentary to the layout of No.8 or the adjacent properties. Indeed its close proximity (10-11.5m) to No.8 would cramp the setting of No.8, notwithstanding its reduced profile and the disguising presence of boundary vegetation. The building would instead be readily seen as being an alien and incongruous addition that would have an uncomfortable relationship with the Listed Building and would detract from its setting. The Council's Design and Conservation Officer has raised considerable concern at the general scale and design of the dwelling, and the general principle of residential development within this site. Specifically, the Design & Conservation officer concludes that new dwelling at the rear would detract from the informal, spacious and historically rural character and setting of the Listed Building, and would result in a loss of its remaining spacious verdant setting and rural character. This conclusion is consistent with previous similar schemes on the site, including an Appeal Inspector's decision. For these reasons the proposed dwelling represents a poor form of

development that is harmful to the setting of the Listed Building, contrary to policies QD1, QD2, QD3 & HE3 of the Brighton & Hove Local Plan.

Standard of Accommodation

The application proposes a three bedroom chalet bungalow with a gross floor area of approximately 93sqm. Each room would be of a good size with good natural light and outlook, with the remaining plot affording a good standard of private amenity space. In this regard the proposal accords fully with policies QD27 and HO5 of the Brighton & Hove Local Plan.

Local Plan policy HO13 states that planning permission will only be granted for new residential dwellings that are designed to meet all lifetimes homes standards. No information has been submitted to suggest that the development has been designed to meet all 16 standards, however, this matter can be suitably dealt with by condition in the event permission is granted.

Impact on Amenity:

The building is orientated perpendicular to 8 Locks Hill, with the main windows facing into the designated garden space. The west gable window would face towards a parking compound to a block of flats, whilst the east facing window would be high level to preserve the privacy of 8 Locks Hill. The rear dormer would face towards the garden to 10 Locks Hill however, owing to differing ground levels and the presence of a boundary fence, any overlooking potential would be minimal. The presence of this additional dwelling within 11.5m of 8 Locks Hill would not significantly harm their immediate amenity by way of noise disturbance etc from the intensification of activity within the site. For these reasons policy QD27 is not compromised.

Sustainable Transport

Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR7 states that planning permission will not be granted for developments that increase the danger to users of pavements, cycle routes and roads. Policy TR14 requires that new development must provide covered cycle parking facilities for residents. SPG04 'Parking Standards' requires new dwellings outside of controlled parking zones to provide one parking space and additional space for unloading/servicing.

Owing to previous concerns over the ability to form safe vehicular access to the site from Locks Hill, and the subsequent impact any such access would have on the character and setting of the listed building, the application proposes no onsite parking provision. The existing small driveway to the south of No.8 would remain in use by No.8 only, and would provide for pedestrian access to the proposed dwelling, with cycle parking held within the front garden area. Although there is a bus stop directly opposite the site it is not considered that the site falls within a sustainable location as the nearest train stations and local shopping and employment centres are beyond reasonable walking distance. Future occupants of the dwelling would be

therefore likely to require some form of parking provision in the local area.

The applicants contend that any future occupiers could rent garages to the rear (which are not directly accessible from the site) if required. This is not considered to be a reasonable solution, particularly as there is no supporting evidence to suggest that any such garages are indeed available, or could be tied into the scheme. It is noted that there is no street parking on this section of Locks Hill, whilst local street parking in the wider area appears over-subscribed. There is therefore reasonable risk that any future occupants of this family-sized dwelling may attempt to park in the existing driveway to No.8 where there is space for up to 4 vehicles in tandem, intensifying its use to the detriment of highway safety (visibility onto the classified road outside is poor, and is compounded by the location of a school opposite). Furthermore, the lack of off-street parking provision would result in any delivery or servicing vehicles likely parking on the main road outside the site, presenting a significant highway and pedestrian safety hazard. For these reasons it is not considered that the development proposed can reasonably cater for the traffic demand it would generate, and serves only to accentuate the inappropriateness of this site for residential development.

#### Sustainability

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Proposals for new build residential development of this size should include a completed sustainability checklist, should achieve level 5 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. The proposed dwelling is required to meet Code Level 5 following amendments to the definition of previously developed land within PPS3 guidance. The applicants detail that the site was historically used as a yard for a 'rag and bone dealer', and this is not disputed. However, this use was identified from a 1950 Ordinance sheet and any associated structures appear to have been removed many years prior to the applicant's purchase of the site in 2000. Indeed recent records only show a small domestic shed on the site. In this respect the site is considered to form part of the wider garden to 8 Locks Hill and is therefore not classified as previously developed land under PPS3 guidance. In accordance with SPD08 guidance, new dwellings on land not previously developed are required to meet Code Level 5 of the Code for Sustainable Homes and this is the requirement sought for this scheme.

The applicants have provided no information as to whether this level (or indeed any level) of sustainability can be achieved at the site. Although conditions could theoretically be imposed, for a building to achieve Code Level 5 it requires the integration of sustainability measures into the initial design stage, and a clear demonstration of how the building would meet the required standards at application stage. This has not been demonstrated therefore there is little confidence that the applicants will be able to achieve Code Level 5 without significant alterations to the structure at a later date. For



this reason the refusal of permission is recommended.

The completed sustainability checklist details that the proposal will achieve a 63 percent (good) rating however no justifications have been provided to support this rating and demonstrate that the development would be highly efficient in the use of water, energy and materials. This confirms the above concerns that a high standard of sustainability has not been satisfactorily factored into this proposal.

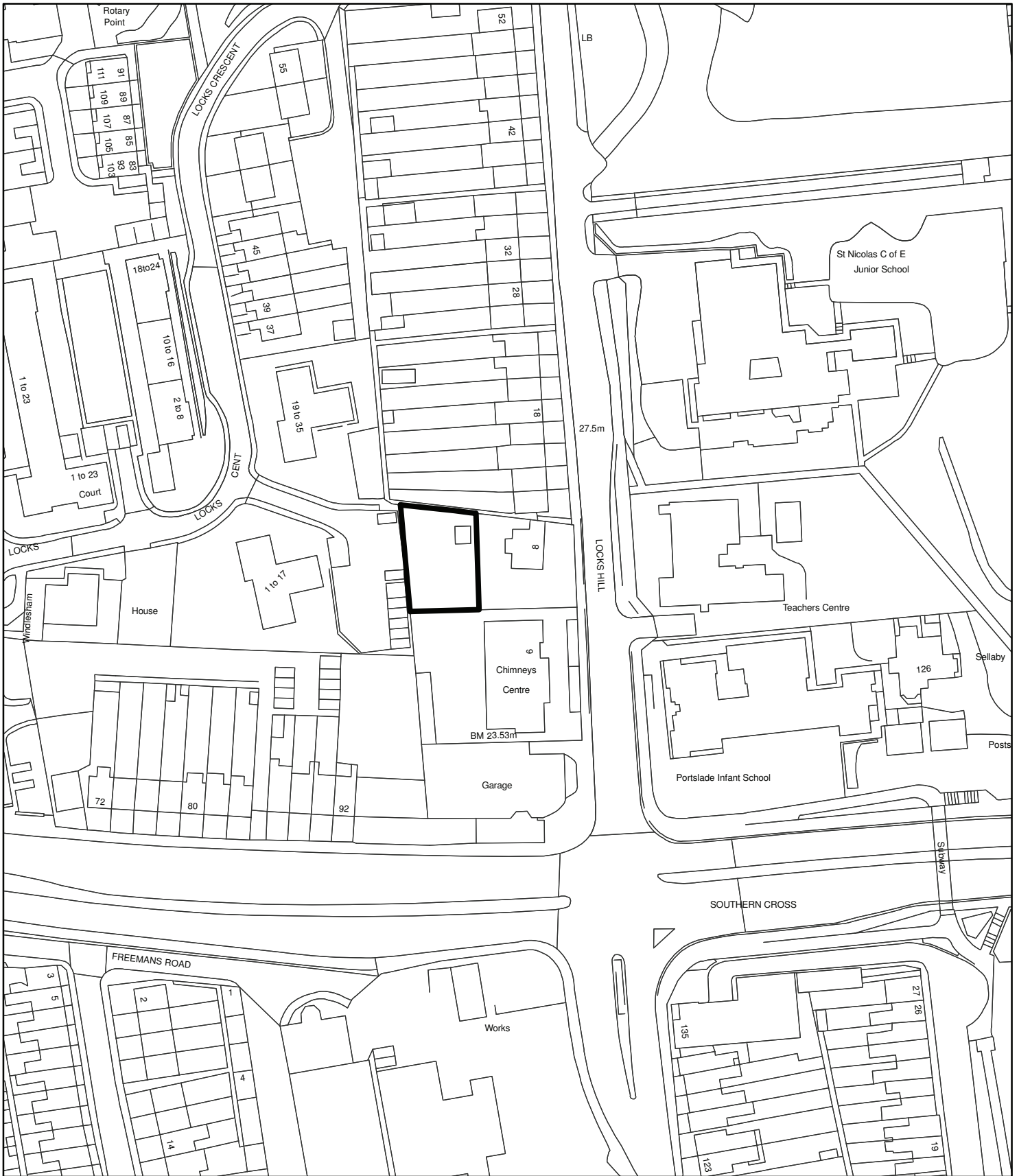
Conclusion

For the reasons detailed above, it is considered that the proposed dwelling represents a poor form of development by virtue of its poor design and relationship with the Grade II Listed Building at No.8 Locks Hill, and by virtue of its lack of off-street parking provision and lack of detail regarding its sustainability. The proposal is therefore considered contrary to policies TR1, TR7, QD1, QD2, QD3, HE1 and SU2 of the Brighton & Hove Local Plan.

**8 EQUALITIES IMPLICATIONS**

The proposed development would be required to meet all relevant Lifetime Homes Standards.

# BH2011/00849 Land at the rear of 8, Locks Hill, Portslade



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2011/00872</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Greek Orthodox Church, Carlton Hill, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey building to form community hall and priest accommodation and formation of new door in the main church building.</b>		
<b><u>Officer:</u></b>	Sue Dubberley, tel: 293817	<b><u>Valid Date:</u></b>	31/03/2011
<b><u>Con Area:</u></b>	Carlton Hill	<b><u>Expiry Date:</u></b>	26 May 2011
<b><u>Agent:</u></b>	Felce & Guy Partnership, 73 Holland Road, Hove		
<b><u>Applicant:</u></b>	Chairman for the Greek Orthodox Church, Mr Stephen Papadopoulos 36 The Cliff, Roedean		

## 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. 2566/10, 11 received on 23 March 2011 and approved drawings no. 2566/12E, 13D, 14E and 15C received on 14 June 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. BH04.01A Lifetime homes
4. The residential flat hereby approved shall only be occupied by the priest employed in connection with the adjacent main church building.  
**Reason:** In order to ensure that the residential flat remains connected to the church use and is not used independently.

### Pre-Commencement Conditions:

5. BH12.01 Samples of materials – Cons Area.
6. BH06.02 Cycle parking details to be submitted.
7. BH02.08 Satisfactory refuse and recycling storage
8. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build Residential) Code Level 3.
9. BH05.09A General Sustainability Measures
10. 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.

11. No development shall take place until full details of the proposed rear door and internal steps to the church have been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building to comply with policy HE1 and of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

12. 05.02B Code for Sustainable Homes – Pre-Occupation (New Build Residential) Code Level 3.

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
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 - full and effective use of sites
QD27	Protection of amenity
HE1	Listed Buildings
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of a conservation areas
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO19	Provision of new community facilities

Supplementary Planning Guidance Notes

SPGBH1	Roof Alterations and Extensions
SPGBH 4:	Parking Standards
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste; and

(ii) for the following reasons:-

The development will make efficient and effective use of land within the built up area, it is well designed, sited and detailed in relation to the existing Listed Building on the site and would not cause detriment to the character of the Clifton Hill Conservation Area. The development will not have a significant impact on amenity for occupiers of adjoining properties or create significant travel demand.

## 2 THE SITE

The application relates to a site located on the North side of Carlton Hill. The site contains a detached church building in use as a Greek Orthodox Church. The building is grade II listed and falls within the Carlton Hill conservation area.

It was the third church in a 1830s campaign of church building to the north and east of the city by the Rev. H. M. Wagner. Unlike the products of his son Father Arthur Wagner's prolific gothic church building campaign in Brighton of the mid-Victorian years, St John's is neo-classical and is a relative rarity as such in the city. St John's was built from 1839-40 by the younger George Cheesman, one of a family of Brighton builders. Externally its special architectural interest lies chiefly in its south front to Carlton Hill, which has four stone-faced Doric pilasters and a large metope frieze in a Greek revival style. By contrast the side and rear elevations are very austere, with yellow-brown brick in Flemish bond punctuated by tall windows in rectangular leaded panes. To the rear is a small plain yard now used for car parking. The austere north elevation of the church is largely visible from the public open space of Turner Park.

## 3 RELEVANT HISTORY

**BH2011/00873:** Erection of two storey rear extension including community hall and priest accommodation. Current application.

**BH2011/00766:** Erection of two storey rear/side extension and associated external alterations. Withdrawn 12/05/2011.

**BH2011/00617:** Erection of two storey rear/side extension and internal alterations including the creation of teaching areas to first floor and new stairwell and alterations to WC to create additional office space. Withdrawn 12/05/2011.

**BH2001/01726:** Construction of community hall at the rear of church.

Approved 28/02/2002.

**BH2001/01725:** Erection of flat for resident priest to Greek Orthodox church. Refused 28/02/2002.

**BH2011/01649/OA:** Construction of community hall at the rear of church. Approved 28/02/2002.

**BH2001/01639/OA:** Erection of flat for resident priest to Greek Orthodox church. Refused 28/02/2002.

**95/0904/OA:** Outline application for a community hall and Greek school at the rear of the existing church building. Approve 12/03/1996.

#### **4 THE APPLICATION**

Planning permission is sought for the erection of two storey building to form a community hall and priest accommodation. The community hall would be located on the ground floor with footprint of 165sqm of which 90sqm would form the community hall and the remaining space occupied by a kitchenette, storage area, toilets including disabled toilet. The priest accommodation would be located on the first floor within the roof space with a separate entrance at ground floor.

#### **5 CONSULTATIONS**

##### **External**

**Neighbours:** Letters of support have been received from **82 Cook Road, 104 Tamworth Road, 25 Locks Crescent, 32 Penstone Park, Lancing, 52 Belgrave Street, 6 The Martlet, Hove, 84 Westfield Crescent, 110 The Hornet Chichester, 64, Holmes Avenue, 78a St Pancras Chichester, 31, 109, 173 Nevill Avenue, 36 The Cliff Roedean, (x 6), St Aubyns Gardens, 23 Wilbury Crescent, 44, 44A (x2 )Compton Avenue, 188 Tivoli Crescent North, 30 Little Preston Street, 159 North Street, 82 Harmsworth Crescent, 5 Marine Avenue, 1A Rosehill, 12, 17 Tongdean Road (x 5), 1Yorklands (x2), 2 Dyke Road Avenue, Flat 22 Cavendish House, 70, 78 Overhill Drive, 19 Hove Park Way, 38 Southdown Road, Newhaven, 98, 169 New Church Road (x2), 6 Warren Way, 16 Brangwyn Way, 66 The Priory, London Road, Bevendean Avenue (no number given), 132 Kings Road, 21 Poplar Avenue, 25 Windlesham Gardens, 26A Richmond Place, 188 Tivoli Crescent North, Store House, Cherry Tree, Bolney (x2), 7 Pevensey Road, The Strand, Brighton Marina, 121 Western Road, 19 Ashdown Avenue, 19 Mill Drive, 48 Pevensey Road, 22 Framrose Court, Brentwood Road, 62 Littlehampton Road, Worthing, Ham Road ( no number given), Worthing, Top flat 137, 141, 137 Old Shoreham road, 53 Holmes Avenue, 64 Preston Road, flat 1, Codrington Mansion (x2), 139 Western Road (x2) 218 Eastern Avenue, Ilford Essex (x2), 8 St Margaret Street (x2), 21 Overmead, Shoreham by Sea (x2), for the following reasons:**

- Church is a massive facility for thousands of Greeks and local residents and has been a Brighton institution for more than 45 years.
- Many members of the church have been married and christened in the church.
- Important that the already substantial and growing community of Greek

speaking people in Brighton have adequate facilities to educate our children and practice the orthodox faith.

- Due to objections from English Heritage we cannot do any new building work in the church and it is therefore imperative that a new church hall on the plot is successful.
- Without the hall the church will be abandoned and fall into a worse state than it is now and become another derelict eyesore.
- The new building will help fund the expensive upkeep and maintenance repairs to the church.
- Building would provide evening clubs, medical drop in clinics, classes and much more for local residents.
- At the moment there are no facilities for the school of youngsters of the community to gather and socialise.
- Since the arson attack the church has been closed and we have been struggling to keep our community together, hiring various churches and various halls for teaching the children of the Greek community.

**Archbishop of Thyateria and Great Britain, 5 Craven Hill London;**  
Supports the application for the following reasons:

- The additions will facilitate the religious life of the Community as the congregation is growing with Greek Orthodox people moving to the area along with Greek and Greek-Cypriot students.
- The hall will provide a meeting place other than that in which worship is conducted and provide accommodation for the priest– in-charge.
- The proposed site is exposed and there have been complaints about rubbish being deposited there from outside the church property and use by drug-addicts. The arsonist attack also took place here. The building will protect the church property and neighbouring buildings.
- The development will improve the ability of the Community to deliver “worship services and other religious activities in accordance with the rites and customs of the Greek Orthodox Church and for purposes ancillary thereto” in accordance with the stipulations of the Conveyance under which the church was purchased from the Church Commissioners in 1985.
- Wishes to stress the Orthodox Church’s commitment to and involvement in the ecological movement. The spiritual head of the church the Oecumenical Patriarch is known as ‘The Green Patriarch’ as a result of his dedication to the environment.

**Neighbours: 30 St John’s Place** objects for the following reasons:

- Loss of privacy and overlooking.
- The extension will come above the boundary wall and make it easy for anyone to climb onto the roof of the extension and access properties in St Johns Place.
- Previous approval in 2002 was for a single storey building which was set 2.3m away from the residents’ back wall with railings around the rear and side perimeter wall and conditions regarding retention of trees, soundproofing and a restriction on lessons for Greek Children between

5pm and 7pm with a maximum of 40 children.

- Request a site visit and trees to be replaced at the rear.

**Cllr Fryer (former Green Councillor Queens Park Ward):** Objects to the application (email attached).

**Cllr Powell:** Entirely upholds all the comments in Rachel Fryer's email (email attached).

**Cllr Bowden:** Comments made by former councillor for the ward Rachel Fryer, on behalf of residents affected by the application still stand (email attached).

**Georgian Group:** No objection to the proposed rear extension in principle; moreover would prefer that further investigation be carried out to achieve all of the needs of the church within this extension intensifying its use if necessary. Without the extension being given over to part residential use it could be used to accommodate a majority of the church's educational and community needs and those currently included within the proposed east extension.

**CAG:** Recommend refusal. The group request that the drawings be amended to exclude all internal alterations, which they found unacceptable and which have previously been considered inappropriate. With regard to the rear extension, they welcomed use being made of this land, but for community rather than residential use, and recommended a lowering of the building's ground level. In its present form the group recommended refusal of the application.

### **Internal**

**Environmental Health:** There are some premises surrounding the church that were once garages, engineers, laundries etc. Additionally, there has been a significant amount of development around the church since 1875 (the first historical map available). Therefore, it is reasonable to have a discovery condition for contaminated land, just in case any material was deposited to the side of the church.

### **Conservation and Design:**

#### Original comments:

There are two main concerns with the proposals as submitted. The first is the physical abutment of the new building to the church at the eastern end, for the toilet block. It would be preferable for the new building to be free-standing rather than a physical extension of the church, as this would ensure that the historic fabric and the symmetry of the north elevation are unharmed.

The second main concern is the appearance of the proposed north elevation as seen from Turner Park. This would be a long blank elevation which would rise well above the boundary wall of the park and would therefore be clearly



visible. The plans do not specify a material for this elevation but a brick facing would be the most appropriate solution, with the brick a similar colour to the church, as this would provide some texture and relief to the elevation and would also relate it to the north elevation of the church. It is noted that three skylights would run along the northern edge of the roof and it is assumed that these are likely to project above the roof surface so they should be shown on the north elevation drawing. They should be as low level as possible.

At ground floor level the windows to the hall would be best aligned so that they are directly opposite the solid wall areas of the church and not partially opposite the church windows.

Amended Plans; no objections to the amendments.

**Sustainable Transport:** The Highway Authority has considered this Planning Application from the perspective highway capacity and public safety and has no concerns or comments to make. We would not wish to restrict grant of consent.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
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 - full and effective use of sites
QD27	Protection of amenity
HE1	Listed Buildings
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of a conservation areas
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO19	Provision of new community facilities

### Supplementary Planning Guidance Notes

SPGBH1	Roof Alterations and Extensions
SPGBH 4:	Parking Standards
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste

**7 CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of a community hall and priests accommodation on the site, the impact on traffic and amenity of adjoining properties and the impact on the character of the listed church and the Carlton Hill conservation area.

Principle of Development

The principle of development at the rear of the church was established by a previous consent in 2002 under planning application BH2001/01726 for single storey community hall, the footprint of which covered most of the rear of the site. That consent has now lapsed, however, and the proposal must be assessed under current policies.

It is recognised that the church wishes to make better use of their land and at a time of potential church redundancies elsewhere in the city, a continued and vibrant use of this church is welcomed in principle. It is also noted that the church was subject to an arson attack in early 2010 and the residential accommodation for the priest on site should provide some natural surveillance and help to keep the building safer and more secure. The church itself has limited external land and the rear yard of the church is an unprepossessing space that is not generally publicly visible and makes no great contribution to the setting of the church. A condition forms part of the recommendation which restrict the occupancy of the residential flat to accommodation for the priest only in order to ensure that the residential flat remains connected to the church use and is not used independently.

Policy HO19 is also relevant as this seeks to encourage the provision of new community facilities. The applicants had hoped to use the upper floor of the church to provide a teaching area within the church building and submitted an application (BH2011/00617). However the application was withdrawn as it received strong objections from English Heritage, particularly as it involved the removal of some of the original pews. The use of the land at the rear is seen as a way forward in that the church can improve its onsite facilities without compromising the interior of the listed church.

Design

The proposed building has a simple modest appearance and is designed to appear as single storey with accommodation in the roofspace. A flat roof is

proposed with a monopitch on the front (south) elevation with dormers. At the far eastern end of the building there is a flat roof over the toilet block for the community hall.

The Conservation Officer had two initial concerns regarding the submitted plans. The first was the physical abutment of the new building to the church at the eastern end, for the toilet block. It was considered preferable for the new building to be free-standing rather than a physical extension of the church, as this would ensure that the historic fabric and the symmetry of the north elevation are unharmed.

The second main concern was the appearance of the proposed north elevation as seen from Tarner Park as the plans showed a long blank elevation which would rise well above the boundary wall of the park and would therefore be clearly visible. The plans did not specify a material for this elevation but it was considered that a brick facing would be the most appropriate solution, with the brick a similar colour to the church, as this would provide some texture and relief to the elevation and would also relate it to the north elevation of the church.

Following negotiation the submitted plans have been amended in line with the concerns of the Conservation Officer with the new building now separated from the church building, and the applicant has confirmed that the north elevation will have a brick facing. The exact brick will be covered by the standard condition requiring samples of materials. It is considered the proposals are now acceptable in terms of their impact on the setting of the listed church and also the Clifton Hill conservation Area. Other amendments have been made to address concerns regarding lighting to the community hall which are discussed below.

The comments of CAG are noted. However the location of the building means that it is screened from general views, and in particular views from the front of the site, and the amendments should ensure the views from Tarner Park are satisfactory. The impact on the conservation area is therefore considered to be acceptable.

Impact on Amenity:

*Neighbours*

In terms of impact on neighbours, to the north is Tarner Park and to the south is the church building, to the west are the grounds of 1-2 Tilbury Place. The nearest residential properties are to the east in St John's Place whose gardens back onto the side boundary wall of the church. These properties are set on higher ground. A letter of objection has been received from 30 St John's Place concerning overlooking and loss of privacy and concern that the new building will make it easy for anyone to climb onto the roof and then access properties in St John's Place.

In terms of overlooking the side boundary wall is approximately 5.2m high.

The new building would project approximately 0.5m above the boundary wall. The first floor set back 4.7m from the side boundary and the only window on the east elevation at first floor level is to a kitchen. While this would look out on to the boundary wall, in light of the objection from St John's Place, the applicant has amended the drawings to show this kitchen window as obscure glazed.

The concern regarding people gaining access into the rear gardens of St John's Place by climbing onto the roof of the new building is noted. However the building drops down in height to a single storey with flat roof where it adjoins the boundary wall and there would still be a wall of 2.5m to scale to gain access into the rear gardens. In addition as stated previously the presence of the priest on site would provide some natural surveillance and help to keep the building and surrounding area safer and more secure. The applicants have also stated that it is their intention to further increase security on the site by installing an alarm system and CCTV on the site in view of the arson attack they suffered; where access into the church was gained from the rear of the site.

The letter of objection also refers to the previous planning approval for a community centre on the site and states there were conditions restricting hours of use and numbers of children. There were no such conditions on the planning approval.

#### *Future occupants*

The residential flat would provide satisfactory accommodation. While there is no outdoor amenity space the site is adjacent to the Turner Park and within walking distance of the seafront. A condition is recommended to ensure that the flat remains connected to the use of the church and is not used independently.

Concerns regarding the amount of natural light the community hall would receive have been addressed by amendments to the development. The south wall of the hall is now to be fully glazed. Three roof lights have been added on the flat roof at the east end and two roof lights in the pitched roof to each side of the dormer windows which will be flush and have narrow frames providing maximum sky views. Three light tubes are now included in the lower part of the pitched roof beneath the dormers. The Conservation Officer has no objection to these additions to the application.

A daylight statement has been submitted which shows that the daylight factor achieved by these additional measures gives a daylight factor of 3% which exceeds the minimum target daylight factor for assembly halls, which is 1%. In addition the artificial lighting will be sensor controlled to provide energy savings.

#### Sustainable Transport:

The church, when open, is used for normal church activities, regular services

funerals and weddings along with a Greek school. The community hall will provide suitable accommodation for these activities for the Greek community.

Therefore it is not anticipate that the community hall will result in significant additional use as the applicant has confirmed that the aim is to improve on site facilities for the uses already carried out in the church building. The Traffic Engineer has not raised any objections. A condition is recommended requiring details of secure cycle parking.

Sustainability:

A sustainability checklist was submitted with the application which was initially considered to be lacking in information and subsequently further information has been submitted and the applicant has confirmed that the residential element of the scheme will meet Level 3 of the Code for Sustainable Homes as a minimum. In regard to the community hall SPD08 required applicants to demonstrate how saving in water and energy will be made again it is unclear from the submitted checklist how saving will be made. Therefore conditions requiring details of sustainability measures and a requirement for CSH level 3 are include in the recommendation.

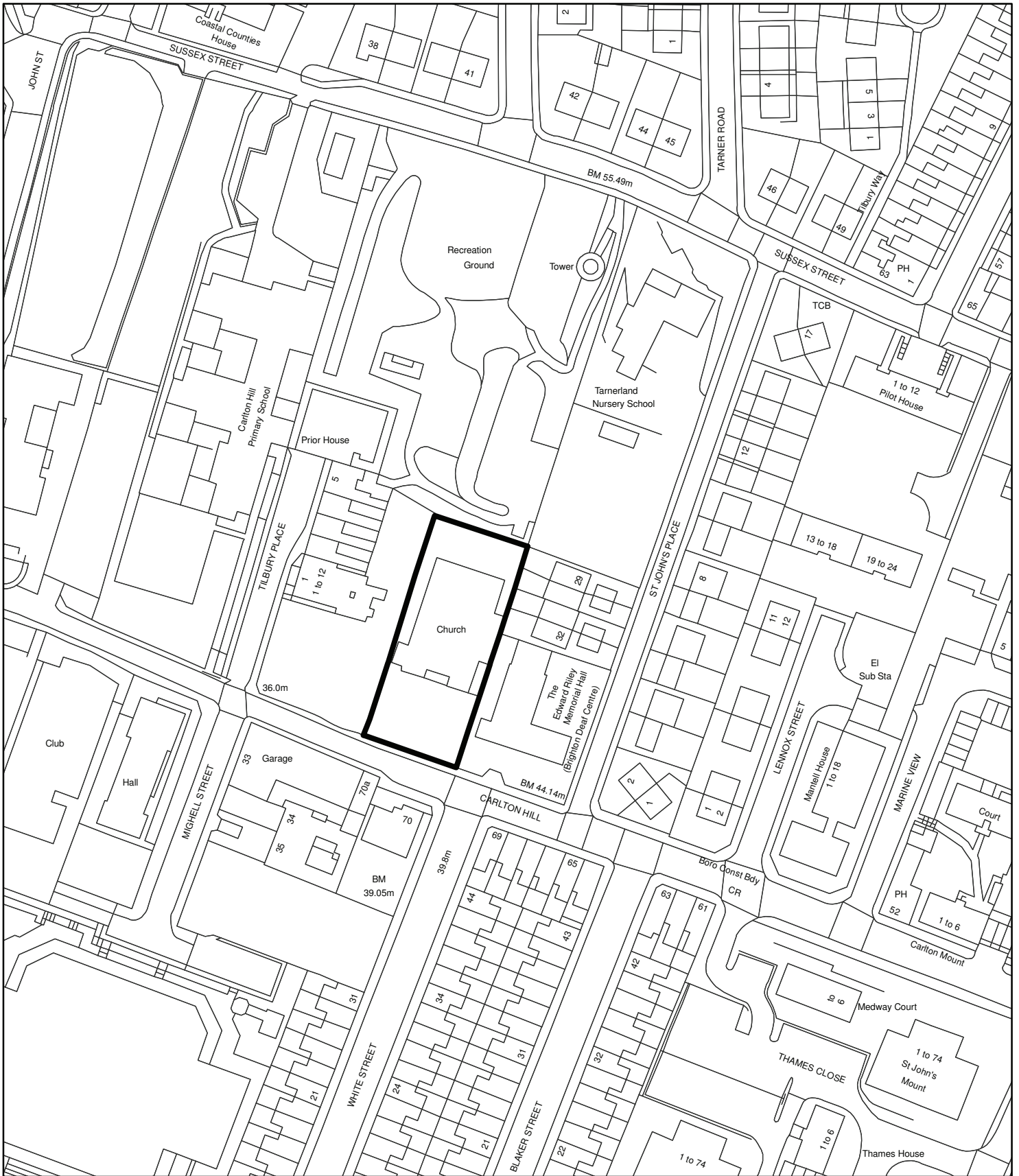
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development will make efficient and effective use of land within the built up area, it is well designed, sited and detailed in relation to the existing Listed Building on the site and would not cause detriment to the character of the Clifton Hill Conservation Area. The development will not have a significant impact on amenity for occupiers of adjoining properties or create significant travel demand.

**9 EQUALITIES IMPLICATIONS**

The priests flat would comply with Lifetime Homes requirements and the entrance to the flat has been amended at ground floor so that a lift could be installed if required in the future.

# BH2011/00872 Greek Orthodox Church, Carlton Hill



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

**From:** Rachel Fryer  
**Sent:** 13 April 2011 23:05  
**To:** Sue Dubberley  
**Cc:** Rachel Fryer; Tony Baker; Paul Steedman  
**Subject:** Planning Applications BH2011/00872 and BH2011/00873 and other applications  
Hi Sue

I'm writing regarding the above applications (there are also two earlier applications – all 4 applications appear to be for the same thing but please count this as a comment / objection on all relevant applications.

Having spoken with a resident from 30 St. John's Place I understand there are significant concerns about the height of this application which the residents believe will overlook their back gardens.

The previous application which was approved in 2002 was for a single storey building. This also included conditions such as that the building would only be used between 5-7pm, that it would be at least 2.3m away from the residents' back wall, that trees wouldn't be removed and there would be soundproofing.

None of these conditions appear in this application and as well as being one storey the proposal is for it to be built against the back wall, not 2.3m away from it.

I would therefore like to request that if you are minded to grant this application(s) that it be heard before a planning committee.

Best wishes

Councillor Rachel Fryer

**From:** Stephanie Powell  
**Sent:** 20 May 2011 17:03  
**To:** Sue Dubberley; Geoffrey Bowden; Ben Duncan  
**Cc:** Phelim MacCafferty  
**Subject:** RE: Planning Applications BH2011/00872 and BH2011/00873

Dear Sue,

Thank you for your email.

I entirely uphold all comments in the email sent to you by Rachel Fryer, dated 13 April 2011.

Regards,

**ClIr Stephanie Powell**

**From:** Geoffrey Bowden  
**Sent:** 30 May 2011 15:14  
**To:** Sue Dubberley  
**Cc:** Ben Duncan; Stephanie Powell  
**Subject:** Re: Planning Applications BH2011/00872 and BH2011/00873

Many thanks for alerting me and my colleagues to this application. The comments made by the former councillor for the ward, Rachel Fryer, on behalf of residents affected by the application still stand.

Kind regards

ClIr Geoffrey Bowden

<b><u>No:</u></b>	<b>BH2011/00873</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Greek Orthodox Church, Carlton Hill, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey building to form community hall and priest accommodation and formation of new door in the main church building.</b>		
<b><u>Officer:</u></b>	Sue Dubberley, tel: 293817	<b><u>Valid Date:</u></b>	23/03/2011
<b><u>Con Area:</u></b>	Clifton Hill	<b><u>Expiry Date:</u></b>	18 May 2011
<b><u>Agent:</u></b>	Felce & Guy Partnership, 73 Holland Road, Hove		
<b><u>Applicant:</u></b>	Chairman for the Greek Orthodox Church, Mr Stephen Papadopoulos 36 The Cliff, Roedean		

## 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** listed building consent subject to the following Conditions and Informatives.

### Regulatory Conditions:

1. BH01.05 Listed building consent.
2. No development shall take place until full details of the proposed rear door and internal steps to the church have been submitted to and approved by the Local Planning Authority.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with HE1 of the Brighton & Hove Local Plan.
3. BH31.01 Samples of materials – Listed Buildings.

### Informatives:

1. This decision is based on approved drawings no. 2566/10, 11 received on 23 March 2011 and approved drawings no. 2566/12E, 13D, 14E and 15C received on 14 June 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:  
Planning Policy Statement  
PPS 5 Planning for the Historic Environment

### Brighton & Hove Local Plan:

- |     |  |
|-----|--|
| HE1 | Listed Building Consent                                |
| HE4 | Reinstatement of original features on Listed Buildings |



Supplementary Planning Guidance:  
SPGBH13 Listed Building – General Advice; and

(ii) for the following reasons:-

The development preserves the historic character and appearance of this grade II listed building. The proposal is considered to be in accordance with development plan policies.

## 2 THE SITE

The application relates to a site located on the North side of Carlton Hill. The site contains a detached church building in use as a Greek Orthodox Church. The building is grade II listed and falls within the Carlton Hill conservation area.

It was the third church in a 1830s campaign of church building to the north and east of the city by the Rev. H. M. Wagner. Unlike the products of his son Father Arthur Wagner's prolific gothic church building campaign in Brighton of the mid-Victorian years, St John's is neo-classical and is a relative rarity as such in the city. St John's was built from 1839-40 by the younger George Cheesman, one of a family of Brighton builders. Externally its special architectural interest lies chiefly in its south front to Carlton Hill, which has four stone-faced Doric pilasters and a large metope frieze in a Greek revival style. By contrast the side and rear elevations are very austere, with yellow-brown brick in Flemish bond punctuated by tall windows in rectangular leaded panes. To the rear is a small plain yard now used for car parking. The austere north elevation of the church is largely visible from the public open space of Turner Park.

## 3 RELEVANT HISTORY

**BH2011/00872:** Erection of two storey rear extension including community hall and priest accommodation. Current application.

**BH2011/00766:** Erection of two storey rear/side extension and associated external alterations. Withdrawn 12/05/2011.

**BH2011/00617:** Erection of two storey rear/side extension and internal alterations including the creation of teaching areas to first floor and new stairwell and alterations to WC to create additional office space. Withdrawn 12/05/2011.

**BH2001/01726:** Construction of community hall at the rear of church. Approved 28/02/2002.

**BH2001/01725:** Erection of flat for resident priest to Greek Orthodox church. Refused 28/02/2002.

**BH2011/01649/OA:** Construction of community hall at the rear of church. Approved 28/02/2002.

**BH2001/01639/OA:** Erection of flat for resident priest to Greek Orthodox church. Refused 28/02/2002.

**95/0904/OA** Outline application for a community hall and Greek school at the rear of the existing church building. Approve 12/03/1996.

#### 4 THE APPLICATION

Listed Building consent is sought for the erection of a two storey rear extension including community hall and priest accommodation. The community hall would be located on the ground floor with footprint of 165sqm of which 90sqm would form the community hall and the remaining space occupied by a kitchenette, storage area, toilets including disabled toilet. The accommodation would be located on the first floor within the roof space with a separate entrance at ground floor.

#### 5 CONSULTATIONS

##### External

**Neighbours:** Letters of support have been received from **82 Cook Road, 104 Tamworth Road, 25 Locks Crescent, 32 Penstone Park, Lancing, 52 Belgrave Street, 6 The Martlet, Hove, 84 Westfield Crescent, 110 The Hornet Chichester, 64, Holmes Avenue, 78a St Pancras Chichester, 31, 109, 173 Nevill Avenue, 36 The Cliff Roedean, (x 6), St Aubyns Gardens, 23 Wilbury Crescent, 44, 44A (x2) Compton Avenue, 188 Tivoli Crescent North, 30 Little Preston Street, 159 North Street, 82 Harmsworth Crescent, 5 Marine Avenue, 1A Rosehill, 12, 17 Tongdean Road (x 5), 1 Yorklands (x2), 2 Dyke Road Avenue, Flat 22 Cavendish House, 70, 78 Overhill Drive, 19 Hove Park Way, 38 Southdown Road, Newhaven, 98, 169 New Church Road (x2), 6 Warren Way, 16 Brangwyn Way, 66 The Priory, London Road, Bevendean Avenue (no number given), 132 Kings Road, 21 Poplar Avenue, 25 Windlesham Gardens, 26A Richmond Place, 188 Tivoli Crescent North, Store House, Cherry Tree, Bolney (x2), 7 Pevensey Road, The Strand, Brighton Marina, 121 Western Road, 19 Ashdown Avenue, 19 Mill Drive, 48 Pevensey Road, 22 Framrose Court, Brentwood Road, 62 Littlehampton Road, Worthing, Ham Road (no number given), Worthing, Top flat 137, 141, 137 Old Shoreham road, 53 Holmes Avenue, 64 Preston Road, flat 1, Codrington Mansion (x2), 139 Western Road (x2) 218 Eastern Avenue, Ilford Essex (x2), 8 St Margaret Street (x2), 21 Overmead, Shoreham by Sea (x2), for the following reasons:**

- Church is a massive facility for thousands of Greeks and local residents and has been a Brighton institution for more than 45 years.
- Many members of the church have been married and christened in the church.
- Important that the already substantial and growing community of Greek speaking people in Brighton have adequate facilities to educate our children and practice the orthodox faith.
- Due to objections from English Heritage we cannot do any new building work in the church and it is therefore imperative that a new church hall on the plot is successful.
- Without the hall the church will be abandoned and fall into a worse state than it is now and become another derelict eyesore.
- The new building will help fund the expensive upkeep and maintenance repairs to the church.
- Building would provide evening clubs, medical drop in clinics, classes and

much more for local residents.

- At the moment here are no facilities for the school of youngsters of the community to gather and socialise.
- Since the arson attack the church has been closed and we have been struggling to keep our community together, hiring various churches and various halls for teaching the children of the Greek community.

**Archbishop of Thyateria and Great Britain, 5 Craven Hill London;**  
Supports the application for the following reasons:

- The additions will facilitate the religious life of the Community as the congregation is growing with Greek Orthodox people moving to the area along with Greek and Greek-Cypriot students.
- The hall will provide a meeting place other than that in which worship is conducted and provide accommodation for the priest– in-charge.
- The proposed site is exposed and there have been complaints about rubbish being deposited there from outside the church property and use by drug-addicts. The arsonist attack also took place here. The building will protect the church property and neighbouring buildings.
- The development will improve the ability of the Community to deliver “worship services and other religious activities in accordance with the rites and customs of the Greek Orthodox Church and for purposes ancillary thereto” in accordance with the stipulations of the Conveyance under which the church was purchased from the Church Commissioners in 1985.
- Wishes to stress the Orthodox Church’s commitment to and involvement in the ecological movement. The spiritual head of the church the Oecumenical Patriarch is known as ‘The Green Patriarch’ as a result of his dedication to the environment.

**Neighbours: 30 St John’s Place** objects for the following reasons:

- The extension will come above the boundary wall and make it easy for anyone to climb onto the roof of the extension and access properties in St Johns Place.
- Previous approval in 2002 was for a single storey building which was set 2.3m away from the residents’ back wall with railings around the rear and side perimeter wall and conditions regarding retention of trees, soundproofing and a restriction on lessons for Greek Children between 5pm and 7pm with a maximum of 40 children.
- Request a site visit and trees to be replaced at the rear.

**Cllr Fryer (former Green Councillor Queens Park Ward):** Objects to the application (email attached).

**Cllr Powell:** Entirely upholds all the comments in Rachel Fryer’s email (email attached).

**Cllr Bowden:** Comments made by former councillor for the ward Rachel Fryer, on behalf of residents affected by the application still stand (email attached).

**Georgian Group:** No objection to the proposed rear extension in principle; moreover would prefer that further investigation be carried out to achieve all of the needs of the church within this extension intensifying its use if necessary. Without the extension being given over to part residential use it could be used to accommodate a majority of the church's educational and community needs and those currently included within the proposed east extension.

**CAG:** Recommend refusal. The group request that the drawings be amended to exclude all internal alterations, which they found unacceptable and which have previously been considered inappropriate. With regard to the rear extension, they welcomed use being made of this land, but for community rather than residential use, and recommended a lowering of the building's ground level. In its present form the group recommended refusal of the application.

### **Internal**

**Environmental Health:** There are some premises surrounding the church that were once garages, engineers, laundries etc. Additionally, there has been a significant amount of development around the church since 1875 (the first historical map available). Therefore, it is reasonable to have a discovery condition for contaminated land, just in case any material was deposited to the side of the church.

### **Conservation and Design:**

(Original comments). There are two main concerns with the proposals as submitted. The first is the physical abutment of the new building to the church at the eastern end, for the toilet block. It would be preferable for the new building to be free-standing rather than a physical extension of the church, as this would ensure that the historic fabric and the symmetry of the north elevation are unharmed.

The second main concern is the appearance of the proposed north elevation as seen from Turner Park. This would be a long blank elevation which would rise well above the boundary wall of the park and would therefore be clearly visible. The plans do not specify a material for this elevation but a brick facing would be the most appropriate solution, with the brick a similar colour to the church, as this would provide some texture and relief to the elevation and would also relate it to the north elevation of the church. It is noted that three skylights would run along the northern edge of the roof and it is assumed that these are likely to project above the roof surface so they should be shown on the north elevation drawing. They should be as low level as possible.

At ground floor level the windows to the hall would be best aligned so that they are directly opposite the solid wall areas of the church and not partially opposite the church windows.

Amended plans. No objections to the amendments.

## 6 PLANNING POLICIES

### Planning Policy Statement

PPS 5 Planning for the Historic Environment

### Brighton & Hove Local Plan:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

### Supplementary Planning Guidance:

SPGBH13 Listed Building – General Advice

## 7 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact of the alterations upon the character, architectural setting and significance of the Grade II Listed Building.

### Planning Policy:

Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

### Principle of Development

The principle of development at the rear of the church was established by a previous consent in 2002 under Listed Building Consent BH2001/01726/LB for single storey community hall, the footprint of which covered most of the rear of the site. That consent has now lapsed, however, and the proposal must be assessed under current policies.

It is recognised that the church wishes to make better use of their land and at a time of potential church redundancies elsewhere in the city, a continued and vibrant use of this church is welcomed in principle and will help secure the long term future of this listed building. It is also noted that the church was subject to an arson attack in early 2010 and the residential accommodation for the priest on site should provide some natural surveillance and help to keep the building safer and more secure. The church itself has limited external land and the rear yard of the church is an unprepossessing space that is not generally publicly visible and makes no great contribution to the setting of the church.

### Design

The proposed building has a simple modest appearance and is designed to appear as single storey with accommodation in the roofspace. A flat roof is proposed with a monopitch on the front (south) elevation with dormers. At the far eastern end of the building there is a flat roof over the toilet block for the

community hall.

The Conservation Officer had two initial concerns regarding the submitted plans. The first was the physical abutment of the new building to the church at the eastern end, for the toilet block. It was considered preferable for the new building to be free-standing rather than a physical extension of the church, as this would ensure that the historic fabric and the symmetry of the north elevation are unharmed.

The second main concern was the appearance of the proposed north elevation as seen from Tarnier Park as the plans showed a long blank elevation which would rise well above the boundary wall of the park and would therefore be clearly visible. The plans did not specify a material for this elevation but it was considered that a brick facing would be the most appropriate solution, with the brick a similar colour to the church, as this would provide some texture and relief to the elevation and would also relate it to the north elevation of the church.

Following negotiation the submitted plans have been amended in line with the concerns of the Conservation Officer with the new building now separated from the church building, the windows realigned and the applicant has confirmed that the north elevation will have a brick facing. The exact brick will be covered by the standard condition requiring samples of materials. It is considered the proposals are now acceptable in terms of their impact on the setting of the listed church.

Concerns regarding the amount of natural light the community hall would receive have been addressed by further amendments to the development. The south wall of the hall is now to be fully glazed. Three roof lights have been added on the flat roof at the east end and two roof lights in the pitched roof to each side of the dormer windows which would be flush and have narrow frames providing maximum sky views. Three light tubes are now included in the lower part of the pitched roof beneath the dormers. The Conservation Officer has no objection to these additions to the application.

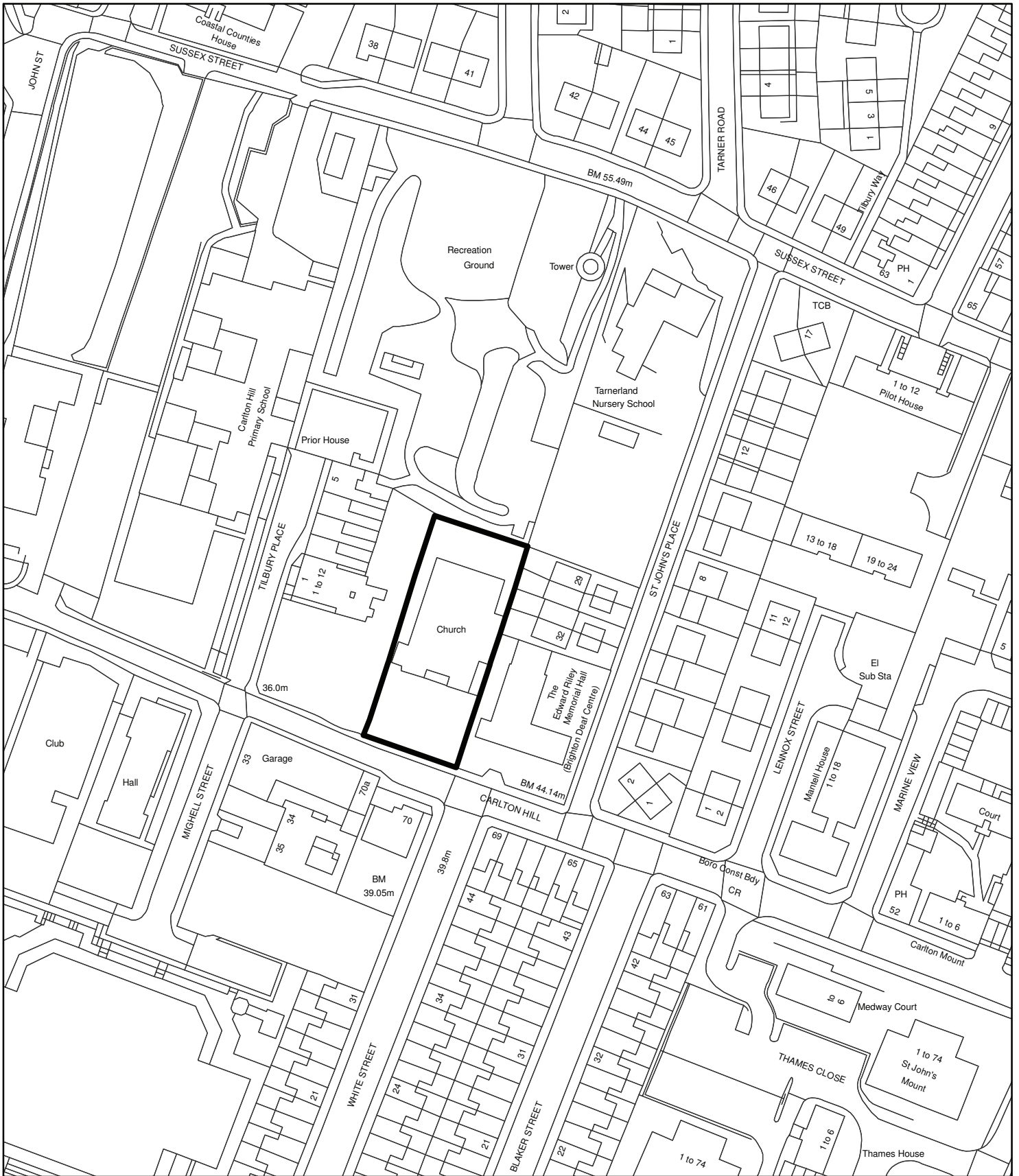
#### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development preserves the historic character and appearance of this grade II listed building. The proposal is considered to be in accordance with development plan policies.

#### **9 EQUALITIES IMPLICATIONS**

The new dwelling would comply with Lifetime Homes requirements.

# BH2011/00873 Greek Orthodox Church, Carlton Hill



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

**From:** Rachel Fryer  
**Sent:** 13 April 2011 23:05  
**To:** Sue Dubberley  
**Cc:** Rachel Fryer; Tony Baker; Paul Steedman  
**Subject:** Planning Applications BH2011/00872 and BH2011/00873 and other applications  
Hi Sue

I'm writing regarding the above applications (there are also two earlier applications – all 4 applications appear to be for the same thing but please count this as a comment / objection on all relevant applications.

Having spoken with a resident from 30 St. John's Place I understand there are significant concerns about the height of this application which the residents believe will overlook their back gardens.

The previous application which was approved in 2002 was for a single storey building. This also included conditions such as that the building would only be used between 5-7pm, that it would be at least 2.3m away from the residents' back wall, that trees wouldn't be removed and there would be soundproofing.

None of these conditions appear in this application and as well as being one storey the proposal is for it to be built against the back wall, not 2.3m away from it.

I would therefore like to request that if you are minded to grant this application(s) that it be heard before a planning committee.

Best wishes

Councillor Rachel Fryer

**From:** Stephanie Powell  
**Sent:** 20 May 2011 17:03  
**To:** Sue Dubberley; Geoffrey Bowden; Ben Duncan  
**Cc:** Phelim MacCafferty  
**Subject:** RE: Planning Applications BH2011/00872 and BH2011/00873

Dear Sue,

Thank you for your email.

I entirely uphold all comments in the email sent to you by Rachel Fryer, dated 13 April 2011.

Regards,

**ClIr Stephanie Powell**

**From:** Geoffrey Bowden  
**Sent:** 30 May 2011 15:14  
**To:** Sue Dubberley  
**Cc:** Ben Duncan; Stephanie Powell  
**Subject:** Re: Planning Applications BH2011/00872 and BH2011/00873

Many thanks for alerting me and my colleagues to this application. The comments made by the former councillor for the ward, Rachel Fryer, on behalf of residents affected by the application still stand.

Kind regards

ClIr Geoffrey Bowden



<b><u>No:</u></b>	<b>BH2011/01021</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>85 Upper North Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension.</b>		
<b><u>Officer:</u></b>	Charlotte Hughes tel: 292321	<b><u>Valid Date:</u></b>	28/04/2011
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	23 June 2011
<b><u>Agent:</u></b>	Naomi Design Limited, 60 Wayland Avenue, Brighton		
<b><u>Applicant:</u></b>	Mr P & Mrs J Morrison, 85 Upper North 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.

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.214/01B and 214/03B received on 10<sup>th</sup> June 2011.

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

3. No works shall take place until the following details have been submitted to and approved in writing by the local planning authority:
  - 1:20 scale sample elevations and 1:1 scale joinery details of all joinery on the extension;
  - 1:20 scale sample elevations and 1:1 scale joinery details of all new doors, windows, architraves;
  - 1:20 scale sample elevations and 1:1 scale joinery details of the roof light;
  - Details of the opening method of the hinged panels to the roof;
  - A Method Statement (as proposed) prior to any structural work commencing;
  - Details of the proposals for re-using the red brick pavers within the rear garden.
  - Details of the layout and bonding pattern proposed for the new stone floor.
  - Samples of the obscure glass for the roof.

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 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:

Brighton & Hove Local Plan:

HE1	Listed Buildings
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents: Planning Policy Statement

PPS 5	Planning for the Historic Environment; and
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- (ii) for the following reasons:-

The proposed extension is considered to be acceptable in terms of its design and it would not cause harm to the setting of the Listed Building or the character and appearance of the Conservation Area. Furthermore it would not have a significant detrimental impact on the amenity of the neighbouring occupiers. The proposal is therefore considered to be in accordance with the relevant development plan policies.

**2 THE SITE**

The application relates to three storey terraced, Grade II listed building located on the northern side of Upper North Street. The property lies within the Montpelier & Clifton Hill Conservation Area.

**3 RELEVANT HISTORY**

No relevant planning history.

**4 THE APPLICATION**

Planning permission is sought for a single storey rear extension to infill the side return.

The extension would measure 2.2m to the eaves, 4.2m in depth, 3.1m to the top of the mono-pitched roof and 2.3m in width.

Materials: Timber frame, single glazing and a Stone Flag floor.

## 5 CONSULTATIONS

### External

Three (3) letters of objection from **44, 84 Upper North Street, 14 Hampton Place** for the following reasons:

- A glass extension is not a sympathetic addition to the terrace of listed buildings.
- Loss of privacy to no.84 due to direct sightlines being created from the upper terrace of the garden looking directly into the proposed living space of the extension, and from the 1<sup>st</sup> floor bedroom.
- Negative impact of light spill through the glazed roof on the rear gardens and setting of the Listed Building/Conservation Area.
- Maintenance issues.

**Councillor Jason Kitcat** objects – correspondence attached.

### Internal

#### **Design & Conservation:**

The proposal is for the erection of a one storey extension to the rear. This encloses the majority of a small patio area, currently bounded by the main house to the south, the existing extension to the east and a flint/rendered boundary wall to the west. The proposed location for the glazed extension is acceptable, as this elevation is of relatively low significance, and has been subject to alteration already. The extension also does not extend as far as the existing outshot extension, and therefore remains subordinate to it.

The extension is designed with glass as the main material, in order to distinguish the extension from the existing house and to maintain the character of this area as an outside space. The plan form of the host house therefore remains clearly evident. This is an appropriate approach.

Incorporating features to allow for the future maintenance of the flint boundary wall and rear elevations is appropriate and repair of the flint wall is welcomed. It should be clarified how the hinged panels to the roof open. If the use of translucent glass is required for overlooking reasons, this would be acceptable dependent on the design, and details/samples of the glass would be required.

The proposals will introduce a greater level of illumination into what is currently a dark rear space. This will impact the character of this space. However, it is not deemed a sufficiently harmful impact to refuse the application on these conservation grounds, and it should be noted that some types of lighting can be introduced into garden spaces without the need for permission/consent anyway. The lighting, however, should be carefully designed in order to minimize the amount of light pollution. Detail of the lighting should be shown on the plans, and should comprise downlighters. The uplighters proposed to illuminate the wall should be angled towards the wall and be kept at a low level. They are proposed for the area beneath the box gutter which should minimize their impact.

The design of the rear elevation incorporates a glazed panel, French doors and vertical insect mesh panels. The logic for incorporating a mesh panel between the flint wall and the extension is understood, and it is proposed to be partly obscured by the downpipe. However, details of its appearance will be required. Clarification is required as to the need for the second mesh panel. This would more appropriately be solid.

The glazing to the panel and doors should be divided by additional horizontal glazing bars, so to be in keeping with the remainder of the property. The number of vertical glazing bars above the doors should be reduced in order to simplify the design. The timber frame/eaves to the extension should be kept as slim as possible.

The proposed imitation Regency cornice box gutter would more appropriately be a simple box gutter.

Red brick pavers survive to the patio area, and their replacement with concrete flagstones would be inappropriate. The brick pavers should be retained in situ, or the area (and existing kitchen) should be paved with York Stone flags. These should be laid in a traditional staggered linear pattern, rather than the random pattern currently proposed. If the red brick pavers are removed they should be reused within the garden space.

The proposed drainage channel would more appropriately be located immediately below the steps, so that it does not divide the surface.

To the interior, the proposed openings are acceptable in terms of their size, and retain a downstand to the ceiling which is appropriate. All timberwork should be painted white.

These works could be an opportunity for the rear window (a top hung casement) to be altered to a more traditional design (with small panes and no top hung opening).

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

HE1	Listed Buildings
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas
QD14	Extensions and alteration
QD27	Protection of Amenity

### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors  
SPGBH13 Listed Building – General Advice

Supplementary Planning Documents: Planning Policy Statement  
PPS 5 Planning for the Historic Environment

**7 CONSIDERATIONS**

The main considerations in the determination of this application relate to whether the extension is acceptable in terms of its design, its impact on the Grade II Listed Building and the Montpelier & Clifton Hill Conservation Area and whether it would have a detrimental impact on the amenity of the neighbouring occupiers.

During the course of the application amended plans were received to address the Conservation Officers comments and the following alterations were made:

- The box gutter was amended to a simpler design;
- The lighting is now shown on the plans
- Amendments to the design of the glazing on the doors and roof
- Position of drain amended
- Alterations to the proposed floor materials
- Obscure glass to the roof.

Planning Policy:

Policy QD14 of the Local Plan states that extensions to existing buildings will only be granted where they are well designed, sited and details in relation to the property to be extended and the surrounding area.

Policy HE6 states that proposal within a conservation area should preserve or enhance the character or appearance of the area showing consistently high standards of design and sympathetic building materials.

Policy HE1 states that proposals involving the extension of listed buildings will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building and its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building and preserves its historic character.

Policies QD14 and QD27 seek to ensure that new developments does not result in significant noise disturbance, loss of privacy, outlook, daylight or sunlight to neighbouring properties.

Design/Visual impact

The proposal is for a single storey timber framed rear extension, which would infill the side return that is currently used as a patio area. The shared boundary is marked by a 2.3m high boundary wall constructed from flint and faced with render in some parts. The eaves of the extension would sit in line with the top of the boundary wall and the roof would hip back to reach the side wall of the property, just below the first floor window.

The extension would have a set of French doors facing into the garden and French doors facing the side wall, which are openable. The roof is to be obscure glazed, with a lightly dimpled glass, and two of the panels are hinged to enable access to the roof for maintenance and cleaning purposes.

The existing red brick pavers are to be removed and re-used in the garden and floor of the extension and the existing kitchen, are to be re-laid in York Stone.

Concern has been expressed over the design of the extension, in particular the materials chosen, and its impact on the listed building. The extension has been designed with glass as the main material in order to clearly distinguish it from the existing house and to maintain the character of this outside space. This is a standard design approach for extensions to listed buildings and it would clearly retain the planform of the original dwelling.

During the course of the application amendments to the design were made, to address the comments made by the Conservation Officer. Subject to further details being submitted for approval, the design and visual impact of the extension on the Listed Building is considered to be acceptable.

The impact of the extension on the character of the Conservation Area has also been raised as an issue. These buildings are terraced and it is their front elevations that are the most visible within the conservation area/street scene. To the rear the gardens are enclosed by high flint walls and there is a steep change in floor levels between the gardens and Clifton Gardens, which backs onto the site from the north. From Clifton Gardens only glimpses of the rooftops are visible through the trees and hedges. The extension would therefore only be visible from views within the neighbouring property's rear garden and from the rear 1<sup>st</sup> floor windows and as a result it is considered that the proposal would not have a detrimental impact on the character and appearance of the Montpelier & Clifton Hill Conservation Area.

Impact on Amenity:

The eaves height of the extension is to be no higher than the existing boundary wall and the proposed roof structure is glazed and hipped from the shared boundary, away from the neighbouring property. It is therefore considered that the extension would not result in loss of light or overshadow the neighbouring property in any way.

The main area of concern for the neighbouring residents relates to light pollution spilling out from the glazed extension and loss of privacy.

The rear gardens of these properties are well screened and as a result the only source of light pollution at night is likely to be from the rear windows or external garden lighting.

However, the proposed lighting has been depicted on the plans and it

consists of 4 down-lighters (which are to be installed along the inside of the existing kitchen wall) and 5 up-lighters, which are to be installed along the boundary wall and which will be blocked by the box gutter above them. Obscure glass is also proposed for the roof.

While the proposal will bring additional light into this courtyard area, steps have been taken to minimise its impact and it is considered that the proposal would not have an unacceptably detrimental impact on the amenity of the neighbouring occupiers, which would warrant the application being refused on these grounds.

It is also considered that the proposed extension would not cause loss of privacy to the neighbouring property as, when standing within the courtyard it is not possible to look into any of the neighbouring windows as they are all located at first floor level and above. The neighbouring property would however be able to look down into the proposed extension from their rear windows and the raised garden terrace. The design of the roof has therefore been amended from clear glazing to obscure glass, which would provide privacy for the occupiers of the extension, while also addressing the concerns of the neighbouring property.

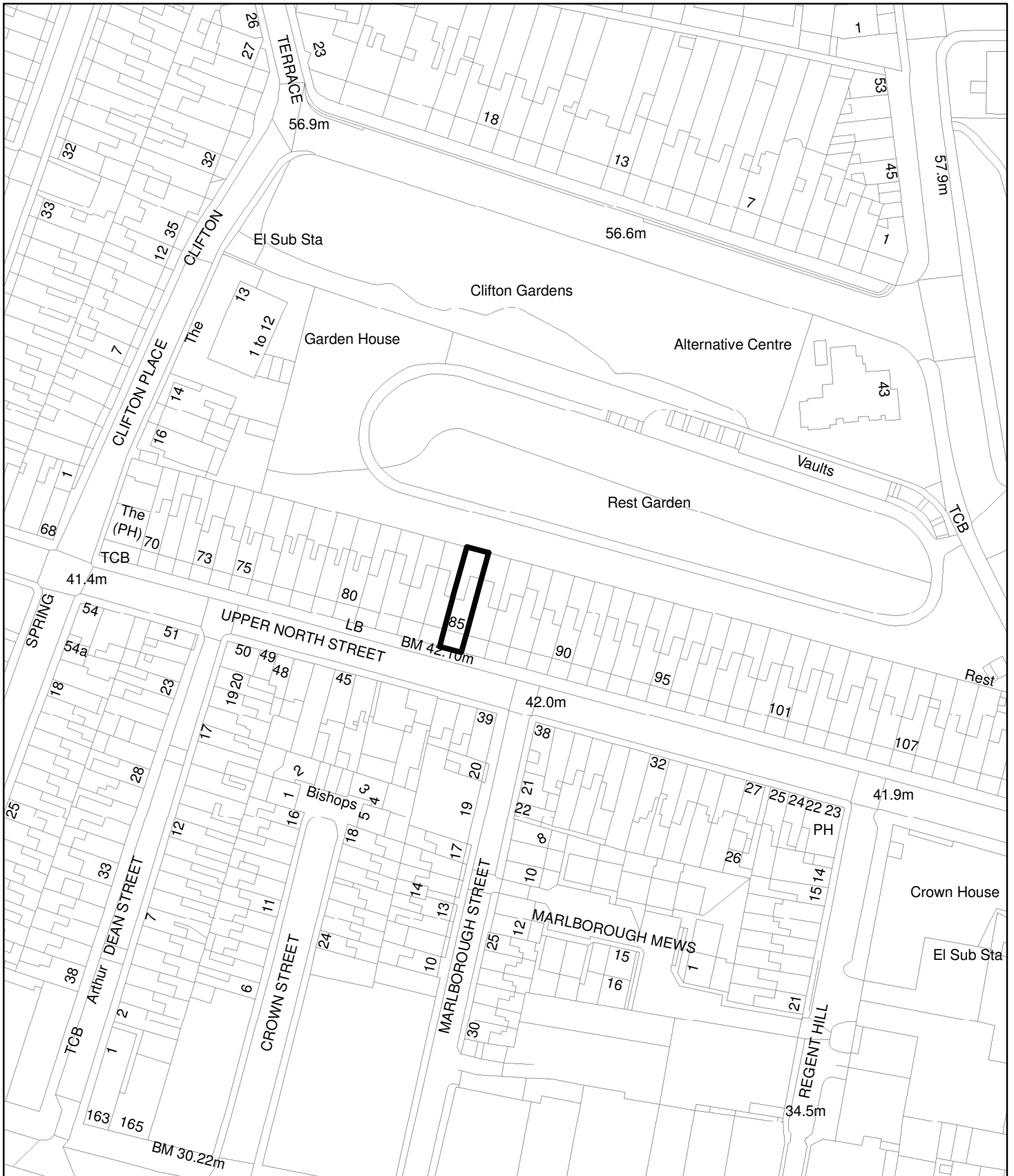
#### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed extension is considered to be acceptable in terms of its design and it would not cause harm to the setting of the Listed Building or the character and appearance of the Conservation Area. Furthermore it would not have a significant detrimental impact on the amenity of the neighbouring occupiers. The proposal is therefore considered to be in accordance with the relevant development plan policies.

#### **9 EQUALITIES IMPLICATIONS**

None.

# BH2011/01021 85, Upper North Street



Scale: 1:1,250





**Brighton & Hove  
City Council**

PLANS LIST – 29 JUNE 2011

COUNCILLOR REPRESENTATION

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

From: Jason Kitcat

Sent: 28 May 2011 11:25

To: Nicola Hurley

Subject: Re: 85 Upper North Street

Dear Nicola

Further to our phone conversation please accept this email as an objection to the applications BH2011/01021 & BH2011/01066

I am objecting as I believe these applications raise questions and concerns over the application of planning policies in relations to extensions in conservation areas and for listed buildings. As I understand it extensions should be sympathetic to the existing built environment, and while that is to an extent a matter of taste, these applications should be considered by the committee to examine these issues in greater detail.

Many thanks,  
Jason

<b><u>No:</u></b>	<b>BH2011/01066</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>85 Upper North Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension.</b>		
<b><u>Officer:</u></b>	Charlotte Hughes tel: 292321	<b><u>Valid Date:</u></b>	28/04/2011
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	23 June 2011
<b><u>Agent:</u></b>	Naomi Design Limited, 60 Wayland Avenue, Brighton		
<b><u>Applicant:</u></b>	Mr P & Mrs J Morrison, 85 Upper North 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** Listed Building Consent subject to the following Conditions and Informatives.

1. BH01.05 Listed Building Consent
2. No works shall take place until the following details have been submitted to and approved in writing by the local planning authority:
  - 1:20 scale sample elevations and 1:1 scale joinery details of all joinery on the extension;
  - 1:20 scale sample elevations and 1:1 scale joinery details of all new doors, windows, architraves;
  - 1:20 scale sample elevations and 1:1 scale joinery details of the roof light;
  - Details of the opening method of the hinged panels to the roof;
  - A Method Statement (as proposed) prior to any structural work commencing;
  - Details of the proposals for re-using the red brick pavers within the rear garden.
  - Details of the layout and bonding pattern proposed for the new stone floor.
  - Samples of the obscure glass for the roof.

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3. Other than the lighting shown on the approved plan no 214/01/B received on 10<sup>th</sup> June 2011, no other lighting shall be installed within the extension hereby approved, unless agreed in writing by the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision relates to drawing numbers 214/01/B and 214/03/B received on 10<sup>th</sup> June 2011.
2. This decision to grant Listed Building 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 and Supplementary Planning Documents:  
Planning Policy Statement  
PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Buildings

HE3 Development affecting the setting of a Listed Building

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice; and

- (ii) for the following reasons:-

The proposed development would preserve the architectural and historic character and appearance of the exterior of the building and its setting, in accordance with the relevant development plan policies and the advice in PPS5 'Planning for the Historic Environment.'

**2 THE SITE**

The application relates to three storey terraced, Grade II listed building located on the northern side of Upper North Street. The property lies within the Montpelier & Clifton Hill Conservation Area.

**3 RELEVANT HISTORY**

No relevant planning history.

**4 THE APPLICATION**

Listed Building Consent is sought for a single storey rear extension to infill the side return.

The extension would measure 2.2m to the eaves, 4.2m in depth, 3.1m to the top of the mono-pitched roof and 2.3m in width.

Materials: Timber frame, single glazing and Stone Flag floor.

**5 CONSULTATIONS**

**External**

**Three (3)** letters of objection from **44, 84 Upper North Street, 14 Hampton Place** for the following reasons:

- A glass extension is not a sympathetic addition to the terrace of listed buildings.
- Negative impact of light spill through the glazed roof on the rear gardens and setting of the Listed Building/Conservation Area.
- Maintenance issues.

**Councillor Jason Kitcat** objects – correspondence attached:

**Internal**

**Design & Conservation:**

The proposal is for the erection of a one storey extension to the rear. This encloses the majority of a small patio area, currently bounded by the main house to the south, the existing extension to the east and a flint/rendered boundary wall to the west. The proposed location for the glazed extension is acceptable, as this elevation is of relatively low significance, and has been subject to alteration in the past. The extension also does not extend as far as the existing outshot extension, and therefore remains subordinate to it.

The extension is designed with glass as the main material, in order to distinguish the extension from the existing house and to maintain the character of this area as an outside space. The plan form of the host house therefore remains clearly evident. This is an appropriate approach.

Incorporating features to allow for the future maintenance of the flint boundary wall and rear elevations is appropriate and repair of the flint wall is welcomed. It should be clarified how the hinged panels to the roof open. If the use of translucent glass is required for overlooking reasons, this would be acceptable dependent on the design, and details/samples of the glass would be required.

The proposals will introduce a greater level of illumination into what is currently a dark rear space. This will impact the character of this space. However, it is not deemed a sufficiently harmful impact to refuse the application on these conservation grounds, and it should be noted that some types of lighting can be introduced into garden spaces without the need for permission/consent anyway. The lighting, however, should be carefully designed in order to minimize the amount of light pollution. Detail of the lighting should be shown on the plans, and should comprise downlighters. The uplighters proposed to illuminate the wall should be angled towards the wall and be kept at a low level. They are proposed for the area beneath the box gutter which should minimize their impact.

The design of the rear elevation incorporates a glazed panel, French doors and vertical insect mesh panels. The logic for incorporating a mesh panel between the flint wall and the extension is understood, and it is proposed to be partly obscured by the downpipe. However, details of its appearance will be required. Clarification is required as to the need for the second mesh panel. This would more appropriately be solid.

The glazing to the panel and doors should be divided by additional horizontal glazing bars, so to be in keeping with the remainder of the property. The number of vertical glazing bars above the doors should be reduced in order to simplify the design. The timber frame/eaves to the extension should be kept as slim as possible.

The proposed imitation Regency cornice box gutter would more appropriately be a simple box gutter.

Red brick pavers survive to the patio area, and their replacement with concrete flagstones would be inappropriate. The brick pavers should be retained in situ, or the area (and existing kitchen) should be paved with York Stone flags. These should be laid in a traditional staggered linear pattern, rather than the random pattern currently proposed. If the red brick pavers are removed they should be reused within the garden space.

The proposed drainage channel would more appropriately be located immediately below the steps, so that it does not divide the surface.

To the interior, the proposed openings are acceptable in terms of their size, and retain a downstand to the ceiling which is appropriate. All timberwork should be painted white.

These works could be an opportunity for the rear window (a top hung casement) to be altered to a more traditional design (with small panes and no top hung opening).

## **6 PLANNING POLICIES**

### Planning Policy Statement

PPS 5 Planning for the Historic Environment

### Brighton & Hove Local Plan:

HE1 Listed Buildings

HE3 Development affecting the setting of a Listed Building

HE4 Reinstatement of original features on Listed Buildings

### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

## **7 CONSIDERATIONS**

The main issues are considered to be whether the proposed extensions/alterations would have an adverse impact on the architectural and historic character and appearance of the interior or exterior of the building and its setting.

During the course of the application amended plans were received to address the Conservation Officers comments and the following alterations were made:

- The box gutter was amended to a simpler design.
- The lighting is now shown on the plans.
- Amendments to the design of the glazing on the doors and roof.
- Position of drain amended.
- Alterations to the proposed floor materials.
- Obscure glass to the roof.

Planning Policy:

Policy HE1 states that proposals involving the extension of listed buildings will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building and its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building and preserves its historic character.

Design:

The proposal is for a single storey timber framed rear extension, which would infill the side return that is currently used as a patio area. The shared boundary is marked by a 2.3m high boundary wall constructed from flint and faced with render in some parts. The eaves of the extension would sit in line with the top of the boundary wall and the roof would hip back to reach the side wall of the property, just below the first floor window.

The extension would have a set of French doors facing into the garden and French doors facing the side wall, which are openable. The roof is to be obscure glazed, with a lightly dimpled glass, and two of the panels are hinged to enable access to the roof for maintenance and cleaning purposes.

The existing red brick pavers are to be removed and re-used in the garden and floor of the extension and the existing kitchen, are to be re-laid in York Stone.

Concern has been expressed over the design of the extension, in particular the materials chosen, and its impact on the listed building. The extension has been designed with glass as the main material in order to clearly distinguish it from the existing house and to maintain the character of this outside space. This is a standard design approach for extensions to listed buildings and it would clearly retain the planform of the original dwelling.

The buildings are terraced and it is their front elevations that are the most visible within the conservation area/street scene. To the rear the gardens are enclosed by high flint walls and there is a steep change in floor levels between the gardens and Clifton Gardens, which backs onto the site from the north. From Clifton Gardens only glimpses of the rooftops are visible through the trees and hedges.

During the course of the application amendments to the design were made, to

address the comments made by the Conservation Officer. Subject to further details being submitted for approval, the design and visual impact of the extension on the Listed Building is considered to be acceptable.

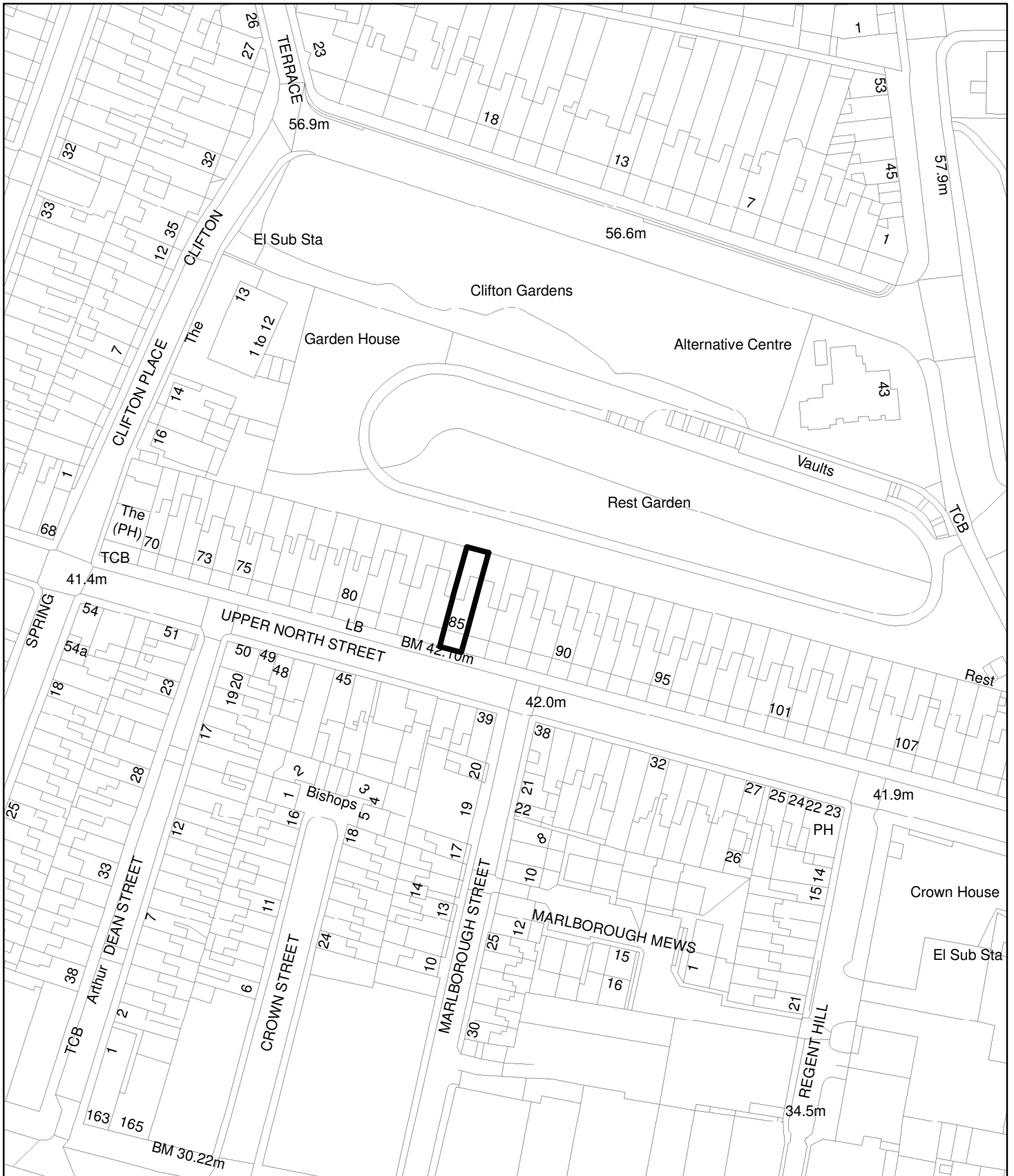
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would preserve the architectural and historic character and appearance of the exterior of the building and its setting, in accordance with the relevant development plan policies and the advice in PPS5 'Planning for the Historic Environment.'

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2011/01066 85, Upper North Street



Scale: 1:1,250





**Brighton & Hove  
City Council**

PLANS LIST – 29 JUNE 2011

COUNCILLOR REPRESENTATION

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

From: Jason Kitcat

Sent: 28 May 2011 11:25

To: Nicola Hurley

Subject: Re: 85 Upper North Street

Dear Nicola

Further to our phone conversation please accept this email as an objection to the applications BH2011/01021 & BH2011/01066

I am objecting as I believe these applications raise questions and concerns over the application of planning policies in relations to extensions in conservation areas and for listed buildings. As I understand it extensions should be sympathetic to the existing built environment, and while that is to an extent a matter of taste, these applications should be considered by the committee to examine these issues in greater detail.

Many thanks,  
Jason

<b><u>No:</u></b>	<b>BH2011/01101</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Blocks A &amp; B Kingsmere, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Additional storey to form 4no three bedroom flats with private roof gardens over Blocks A &amp; B.</b>		
<b><u>Officer:</u></b>	Steven Lewis, Tel: 290480	<b><u>Valid Date:</u></b>	20/04/2011
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	15 June 2011
<b><u>Agent:</u></b>	Strutt and Parker, 31 North Street , Chichester, West Sussex		
<b><u>Applicant:</u></b>	Anstone Properties Ltd, C/O Strutt & Parker, 31 North 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 **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of materials – non cons area (new buildings).
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH04.01A Lifetime Homes.
5. BH05.03A Eco homes refurbishment – Pre-commencement.
6. BH05.04A Eco Homes refurbishment – Pre-occupation.
7. BH05.09 General sustainability measures.
8. BH06.02 Cycle parking details.
9. The development hereby permitted shall be carried out in accordance with the approved site plan, block plan and Andrew Borley drawings no. A811/03, A811/04, A811/05, A811/06, A811/07 & A811/08 received on 12/04/2011.

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

### Informatives:

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

#### 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
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
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
SPD06	Trees and development sites
SPD08	Sustainable Building Design; and

(ii) for the following reasons:-

The proposed development would have a satisfactory appearance and would have an acceptable visual impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level 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 SITE**

The application site relates to a site on the eastern side of London Road known as Kingsmere: a residential development of four purpose built four-storey blocks comprising 120 flats.

Blocks A & B are sited to the northern side of the Kingsmere estate set back from the boundary with the adjacent Cliveden Court estate and set back from the edge of London Road by the spacious formal front landscaping and are partially screened by mature trees. Blocks A & B are a joint building of four storeys comprising flats of a modern appearance, with set back sections, forward projecting bays and tile hanging clad top floor.

The surrounding area is predominantly flatted residential development within large sites with off-street surface parking. London Road is partly characterised by the presence of adjoining green space and established trees / vegetation.

The site is surrounded to the south east and west by, but is not specifically located within, the Preston Park conservation area.

### 3 RELEVANT HISTORY

There have been numerous applications on the site for the original Kingsmere development, alterations to the buildings and works to trees which are subject to a preservation order. The following applications are most relevant to this application.

**BH2010/02056:** Additional storey of living accommodation to create 4no. three bedroom penthouse flats with private gardens over blocks E & F. Granted.

**BH2007/02691:** For 'roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store'. Refused. An appeal against this decision was dismissed (see Considerations in Section 7 below).

**BH2007/00709:** Planning permission was refused in April 2007 for 'roof extensions to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store'.

**3/93/0501/OA:** Planning permission was refused in 1993 for an additional storey on the roof of each of the existing 6 blocks in the form of a mansard roof to provide an additional 16 flats and an increase in parking to provide an additional 24 spaces. Refused.

**73/325:** Permission was granted in 1973 for the erection of 115 s/c flats in 3/4 storey blocks with service roads and car parking space for 120 cars. Granted.

### 4 THE APPLICATION

Planning permission is sought for the construction of an additional storey to block A & B to create a total of additional four flats, all of which will have three bedrooms. The additional storey incorporates extensive full-height glazing and roof gardens enclosed by balustrades.

### 5 CONSULTATIONS

#### External

**Neighbours: 10, 12, 13, 17, 38 Cliveden Court, 35 (x2) Grand Crescent, 8, 18, 40, 41, 42, 43, 46, 52, 53, 54/59, 55, 60, 72, 73, 74, 77, 78, 79, 100, 103, 106 (x2), 110 (x3), 112, 117, 119, Kingsmere, Kingsmere Residents Association, 27 (flat 1) Selborne Road, object on the following grounds:**

- The development does not overcome previous reasons for refusal of an earlier application (BH2007/02691). The flats are poorly designed in relation to the Kingsmere estate, an increase in height is poor design approach and would harm the character and appearance of the area.
- The development will result in overlooking, further noise and disturbance, a loss of light and privacy to residents in Cliveden Court.
- The proposed development will place further pressure upon parking on site with no provision has been made for additional parking.
- Additional car parking spaces would cause harm to the tree protected by Tree Preservation order 1972/5a
- There is insufficient provision of disabled access and the he lifts will not be

available for use during construction to the detriment of elderly residents.

- The existing access and pedestrian footways are inadequate to serve additional traffic and the development will add to the congestion of the adjacent A23.
- There is no further refuse and recycling services and present facilities are at capacity.
- The development will cause noise, disturbance and dust during construction.
- The original planning permission was granted on the basis that the blocks of flats would not exceed the current four storeys.
- The new flats may have an impact upon the value of existing flats, their council tax bands, the availability of insurance and increase cost of renovation.
- If granted the extension would breach article 8 of European Human Rights Legislation of right to enjoyment of a private life.
- There is no evidence that an additional storey would not cause subsidence, is structurally capable of accommodating an additional and no method of construction has been detailed.
- The development will set a precedent for additional storeys across the Kingsmere estate.
- There are other sites, some derelict along London road which could be developed if more housing is required.

**Cllrs Ann Norman & Ken Norman:** Object to the application (comments attached).

**Internal**

**Environmental Health:** No objection.

**Sustainable Transport:** The Highway Authority has considered this Planning Application from the perspective highway capacity and public safety and has no concerns or comments to make. We would not wish to restrict grant of consent. To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17<sup>th</sup> February 2011 the Applicant is expected to make a financial contribution of £3000 to help finance off-site highway improvement schemes. Such as upgrading pedestrian and cycling facilities on London Road.

The site provides 119 car parking spaces; this number is inline with the Council's adopted car parking standards, including this new development. The Highway Authority are not aware that there are any safety of capacity concerns relating to overspill on to the public highway, which locally is all covered by parking restrictions.

Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves wish, unless in exceptional

circumstances, which might include significant implications for highway safety. There are no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon the reduced level of car parking.

## 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
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HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance

SPGBH4	Parking Standards
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 design of the proposal upon the character and appearance of the area, the planning history of the site, amenity issues, transport and highways issues, sustainability and living accommodation standards.

### Planning history and principle of development

The Kingsmere estate was granted planning permission in January 1973 (ref 72/4136 & 73/325). Contrary to representations received, neither planning permission imposed a planning condition to restrict further floors of accommodation on the Kingsmere estate.

Planning permission was refused in December 2007 for roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. This application was refused upon design grounds, harm to residential amenity and the unknown impact of the new parking facilities upon protected trees located on the site. The decision was subsequently appealed and was dismissed by the Planning Inspector, who upheld the Council's reasons for refusal on design and arboricultural grounds.

The current planning application differs significantly in design and scope to that of the 2007 proposal. The current scheme seeks an additional storey upon A & B located to the northern boundary of the site adjacent to Cliveden Court. The design has been amended to present a predominantly glazed upper storey and would now be set back from the existing front, side and rear elevations rather than flush. Additionally, the proposal does not seek to provide any further parking spaces, therefore not having any adverse impact on trees around the car park.

In principle subject to meeting the applicable policies of the Local Plan and other material considerations, an additional storey in this location would be acceptable.

Within the Planning Statement accompanying the application the agent has referred to a recent application at The Priory located on London Road to the north of the application site, on the western side of the road opposite the junction with Carden Avenue (BH2009/00058). This application was similar to the scheme now under consideration in respect that it sought an additional storey of accommodation to provide 4 x 3 bedroom flats with a comparable design. The case was refused in September 2009 and subsequently allowed on appeal in April 2010. The design of the original building, the appearance of the immediate locality and provision of parking differs between the two cases. However, the applications are sufficiently similar with respect to a number of issues raised that weight should be afforded to the Inspector's decision as a material consideration in determining this application.

Furthermore, planning permission was granted in September 2010 for a similarly design development upon blocks E & F which fronts the site. In that case a development of a very similar design approach was accepted.

#### 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 of the area.

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.

HE6 relates to development within or affecting the setting of conservation area. The policy seeks that new development preserve or enhances the character and appearance of conservation areas.

It is noted that the design differs in some respect to that approved recently in blocks E & F. In this case the blocks subject of the application whilst attached and of very similar appearance, do have a stepped level due to the rising topography of the site from west to east. The effect of this upon the design is that the additional storey has been designed to step up in height with the existing levels of the site

The additional storey by reason of its scale, height, materials, form, detailing and siting would provide a quality design in contrast to the existing building and would provide visual interest to the building. Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the intensity of development appropriate to the surrounding area. The additional height would not affect the setting of the Preston Park conservation area given it lies outside of the designated area, would be seen in the context of the modern Kingsmere estate and is satisfactorily designed in relation to its surroundings.

The additional height of the extensions would be approximately 3m taking the building to an approximate total height of 14.6m, with an additional 0.4m protrusion to accommodate the lift motor rooms.

However, the new front and rear elevation of the extension would be set back approximately 2m with some variation from the existing elevations and approximately 4m from the side elevation. This approach, combined with the use of glazing and set back sections for the rendered parts, would significantly reduce the visual impact of the additional height and articulate an acceptable form. In this respect it would be similar to the proposal at The Priory granted on appeal and accepted upon the neighbouring Block E & F of Kingsmere.

The large exposure of glazing and simple pattern would provide a clean modern contrast to the existing building and provides a visual relief to the main building and would preserve the positive characteristics of the area. Samples of materials should be secured by planning conditions to ensure that a satisfactory finish to the development.

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

The site provides 119 car parking spaces and this is in line with the council's adopted parking standards. The Highway Authority is not aware of any safety capacity concerns relating to overspill on to the public highway. Furthermore they comment there are no significant adverse circumstances in the surrounding area that would be exacerbated by the proposal.

The comments from the Sustainable Transport Team are noted, in that the scheme would be acceptable subject to a sustainable transport contribution of £3,000. Under a scheme of temporary measures to assist the development industry published in May 2010 and subsequently extended till at least July 2011, the Local Planning Authority has currently suspended seeking transport contributions for schemes involving 5 or less new residential units. As such, no contribution is sought in this case.

#### Living Accommodation Standards and Housing Issues.

The proposal would provide four three-bedroom flats and in principle it is considered to meet a strategic housing need in the city. The quality of the accommodation would be acceptable in respect of the standards of living space, private amenity space and access.

Each of the proposed units would have access to its own private amenity space in the form of roof gardens. Each of the gardens would be separated by obscure glazed screen and provide an appropriate amount of private space.

Each of the flats would have separate kitchens and living rooms and three bedrooms and two bathrooms. The size of each unit is appropriate and would provide a comfortable standard of living for the occupiers.

Policy HO13 requires that applications demonstrate that wherever practicable, Lifetime Homes criteria should be incorporated into the scheme.

Whilst the Design and Access statement contends that the flats will meet Lifetime Homes Standards, it is considered in this case that it would be unlikely that all standards could be met in a building with existing access and other physical constraints. Given the layout and the design of the additional storey it is considered that a number of Lifetime Homes criteria could be incorporated into the scheme and a planning condition is therefore recommended to secure appropriate measures.

#### Amenity

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 Kingsmere estate is characterised by modest sized block of flats set within a spacious communal formal grounds with attractive landscaping. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension will maintain an acceptable relationship with its surroundings. The blocks within Kingsmere estate are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

It is noted that a previous planning application for another of the residential blocks on the site was refused upon the grounds that an additional storey would result in additional downward overlooking and loss of privacy for occupants of Cliveden Court. An appeal Inspector concluded that, notwithstanding the dense vegetation upon the boundary which would offer dense screening; the view available from the accommodation would be comparable and no more intrusive than those which already exist at lower levels in the blocks. He further noted that had it been otherwise a system of screening could have been imposed by planning condition in any event. On the basis of the similar relationship between the proposal and Cliveden Court, the additional set back, marginally increase distance and the same screening, it is considered that the proposed flats would not have a harmful impact upon the amenities of adjacent residents in Cliveden Court.

Neighbouring residents have primarily objected upon noise and disturbance grounds, both during construction and occupation. These are matters which can be mitigated by the use of conditions or are not considered to be significant.

#### Sustainability

Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions.

These require the submission of a Sustainability Checklist and the achievement of EcoHomes for refurbishment.

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.

The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme. These include the use of solar hot water system, a reduction in CO2 emissions, smart metering, joining the Considerate Constructor's scheme, solar panels, refuse and recycling

facilities and attaining BREEAM Very Good, or Code level 3 for sustainable homes.

Planning conditions are recommended to secure this standard of sustainability. The planning statement also sets out a number of other criteria which can be met which goes beyond EcoHomes for refurbishment standards and a general sustainability measures condition may be added.

Policy SU13 seeks to minimise construction industry waste. SPD03 supports the objectives on this policy. However new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plan Regulations 2008. This legislation sits within Section 54 of the Clean Neighbourhoods and Environment Act 2005.

In regard to securing the Site Waste Management Plans, the Planning Enforcement Team with assistance from the South East Centre of Built Environment (SECBE), and the Environment Agency have a programme of planned site inspections across the city which will monitor compliance with the Site Waste Management Plans Regulations.

On that basis a condition to secure waste minimisation management is not necessary.

#### Other issues

A number of grounds for objection have been raised by local residents in relation to potential construction methods, subsidence, insurance, sewer capacity, utilities, value of existing flats and their rateable value. However, these are not material planning considerations in this case.

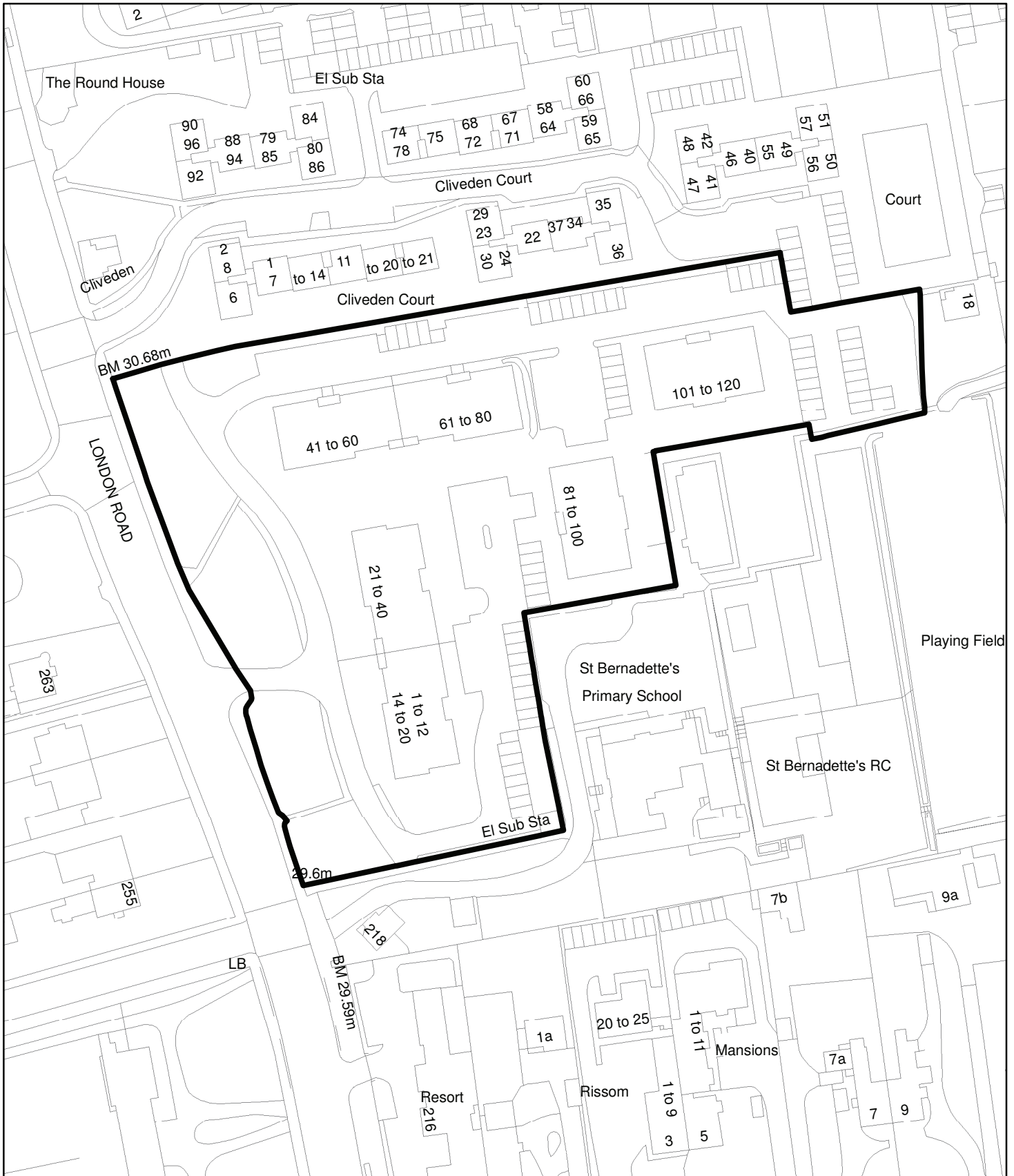
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would have a satisfactory appearance and would have an acceptable visual impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level 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 incorporate Lifetime Home standards wherever practicable into the design.

# BH2011/01101 Blocks A & B, Kingsmere, London Road



**Scale: 1:1,250**



PLANS LIST – 29 JUNE 2011

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

Steven Lewis.  
Environmental Services.  
Brighton and Hove City Council.  
Norton Road.  
HOVE BN3 3BQ  
cc Jane Clarke

Date: June 1<sup>st</sup> 2011

Dear Mr. Lewis,

Address: Kingsmere, London Road  
Application number: Planning Application BH2011/01101  
Description: Additional storey to form 4no three bedroom flats with private roof gardens over blocks A and B.  
Application type: Full planning

We are writing as Withdean Ward Councillors to oppose the application detailed above, the principle reasons for opposition are listed below.

Planning applications to develop Kingsmere with penthouse flats were previously unsuccessfully submitted in 1993, 2001 and twice in 2007

In consideration of this application, the development would increase the scale, prominence and visual impact of the buildings which are situated close to the A23 sustainable transport corridor and also appear dominant and out of keeping with the surrounding development. We therefore believe this application is contrary to policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan.

The response from the developer to question 7 Waste Storage and Collection, any additional waste generated by the development would be stored within the existing refuse store, but we are aware that the stores currently situated on Kingsmere are already inadequate for currently generated refuse and recycling.

Refuse and recycling vehicles have indicated that movement within the Kingsmere estate is frequently very difficult and on some occasions can only be achieved by arranging for parked vehicles to be removed from the estate and we are frequently contacted by residents of Kingsmere about missed collections because refuse vehicles are unable to get access to all parts of Kingsmere. In addition, access for emergency vehicles gives some cause for concern because of the situation with existing parked vehicles.

Although the application suggests that the new three bedroom penthouse flats will be designated "car free", which we do not believe is enforceable, it is inevitable that visitors and trades vehicles to Kingsmere will increase as a result of the new dwellings. Residents of the proposed new dwellings will be able to own cars and just try to park them elsewhere. Parking in the surrounding roads and area is already at capacity and any further residential development in Kingsmere will result in even more vehicles driving around this area seeking somewhere to park as no further parking spaces are to be included with this application as there is no further possibility of on road parking in Kingsmere itself.

Cont/



PLANS LIST – 29 JUNE 2011

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

Cont2.

We also have concerns about the wellbeing of trees presently covered by Tree Preservation Order 1972/5a. Work associated with the application could result in long term damage to trees currently protected by TPO's.

Should it be decided that this application be approved by powers delegated to officers, we request that the application be referred to the Planning Committee, and ask that this letter be included in full in the Agenda for the appropriate meeting of the Committee and our reasons for objection be noted.

Yours sincerely,

*Ann Norman*