

**BRIGHTON AND HOVE CITY COUNCIL**

<b><u>No:</u></b>	<b>BH2008/00688</b>	<b><u>Ward:</u></b>	<b>STANFORD</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>21 Benett Drive</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing two storey detached house to be replaced by a three and a half storey eco-house.</b>		
<b><u>Officer:</u></b>	Guy Everest, tel: 293334	<b><u>Received Date:</u></b>	28 February 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	16 July 2008
<b><u>Agent:</u></b>	Alan Phillips Architects, New England House, Studio 7, Level 5 North, New England Street, Brighton		
<b><u>Applicant:</u></b>	Mr & Mrs Jeremy Hove, 21 Benett Drive, Hove		

**1 RECOMMENDATION**

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

1. The dwelling would appear excessively obtrusive and unduly dominating by reason of its height, footprint, massing and use of materials in relation to adjoining properties. The resulting building would therefore appear an incongruous addition to the street out of keeping with the prevailing character and appearance of the area; contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

**Informatives:**

- 1) This decision is based on drawing nos. A.01, A.02, A.03 & A.04 submitted 28<sup>th</sup> February 2008; a Design & Access Statement, Waste Minimisation Statement and Sustainability Report submitted 5<sup>th</sup> March 2008; drawing nos. D.01A, D.02B, D.03C, D.04C, D.05B, D.06B, D.07B, D.08B, D.09C, D.10C, D.11B, D.12C & D.13C submitted 19<sup>th</sup> August 2008; Code for Sustainable Homes Pre-Assessment Estimate and drawing nos. D.14B, D.15B & D.16 submitted 9<sup>th</sup> September 2008.

**2 THE SITE**

The application site relates to a two-storey building in a prominent corner location on rising ground at the junction of Benett Drive and Tredcroft Road. The prevailing character of the surrounding area is created by detached houses of varying style and design set within relatively large plots.

**3 RELEVANT HISTORY**

Planning permission was refused in 1991 for ground floor extensions to the south-east and north-west elevations (ref: **3/91/0040**); a subsequent appeal against this refusal was dismissed. Planning permission was granted in 1996 for a first floor side extension to the rear of the garage (ref: **3/96/0580**).

The adjoining property to the east, 19 Benett Drive, was granted planning permission in February 2008 for conversion of the existing bungalow to a two-

storey house, including a rear conservatory (ref: **BH2007/04330**). This development has not been commenced.

#### **4 THE APPLICATION**

The application seeks consent for demolition of the existing building and erection of a three-storey dwelling plus basement.

Following discussions the scale, footprint and detailing of the proposed dwelling has been substantially amended as part of the application.

#### **5 CONSULTATIONS**

##### **External:**

**Neighbours:** letters have been received from **2, 6, 8 (x2), 10, 13, 14, 19 (x2), 23 (x2), 27, 37, 43 (x2) & 45 Benett Drive; 70 Shirley Drive** and **3, 16 (x2), 18 (x2), 21, 23 & 23A Tredcroft Road** objecting to the proposal for the following reasons:-

- the proposed building would appear overbearing and too dominant for this prominent site and the immediate location;
- loss of light and overshadowing;
- overlooking;
- increased noise and disturbance from the proposed terrace areas;
- demolishing a house to build a new one wastes a large amount of resources - a recent Observer article stated that it takes 78 years for a low emission house to recover the CO<sup>2</sup> spent building it;
- the submitted contextual drawings should show 19 Benett Drive as existing as there are no guarantees that the approved extensions will be completed.

**Cllr Bennett** – requested that the application be determined by Planning Committee if recommended for approval.

**Celia Barlow MP:** comments received on previous refusal.

Letters have also been received from **32 Benett Drive; 18 Bishops Road; 42 Brittany Road; 37 (Flat 1) Cambridge Road; 61 Hill Brow; 26 Holland Road; 6a Hove Villas; 14 Lawrence Road; 13b Montpelier Villas; 27 North Gardens; 31 Regent Street; 33 Ryde Road; 80 Sandown Road; 30 Tongdean Avenue; 13 Tongdean Road; 23 White Street; 42 Woodland Drive; 11 & 43 Woodruff Avenue;** and **1 letter of no address** supporting the proposal for the following reasons:-

- the proposed house will enhance the area;
- this part of Hove is not in a conservation area and a reasonable rate of change to modern designs should be allowed;
- the eco-house will have a low environmental impact;
- the proposal is in accordance with government planning guidelines.

**8 (Flat 8) Wilbury Road** comments that building works should not be carried out during unsociable hours.

**20 Tredcroft Road** has no objections to the proposal having been assured that the development will not go any higher than the existing ridge height.

**Internal:**

**Traffic:** No objections subject to the provision of the off-street parking and cycle parking in accordance with the submitted plans.

**Arboriculturalist:** The mixed hedging bordering the site is mature and provides superb screening. It is importance to protect all this vegetation and this should be conditioned.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR14 Cycle access and parking
- 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
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

**7 CONSIDERATIONS**

The main issues of consideration in the determination of this application relate to the impact of the proposed dwelling on the character and appearance of the street, and on residential amenity for occupiers of adjoining properties; transport and sustainability issues.

**Character and appearance**

The application proposes a dwelling of contemporary design across three-levels with underground parking off Benett Drive. There is no objection in principle to a contemporary design for the site provided the positive qualities of the local neighbourhood are emphasised and enhanced by taking into account local characteristics such as the height, scale, bulk and design of existing buildings.

The Design & Access Statement advises that the 'new house is modern in design but from its concept to detailing the design has been crafted to respect its context and visually benefit Benett Drive.' However, it is considered that the proposed building would appear obtrusive and unduly dominating by virtue of the corner rotunda's perceived three-storey height and overhanging roof form in relation to the proposed dwelling and those adjoining, the external materials (of render and copper), and the excessive proposed footprint and massing on a prominent corner site surrounded by dwellings of more modest

proportions.

Whilst it is appreciated any contemporary design on the site would contrast with the predominant style of surrounding development, the resulting excessive prominence created by the proposed dwelling, which would be particularly visible in views approaching from the east and west, is not warranted in this instance. The proposal is therefore considered to be contrary to local plan policies QD1 and QD2 which require development have appropriate regard to surroundings.

The site is enclosed along the west and northern boundaries by mature vegetation which creates an attractive appearance to the site. The development is a sufficient distance from the west and northern boundaries to allow the retention of the existing vegetation and an appropriate condition could ensure this.

### **Impact on neighbouring amenity**

The applicant has submitted sun path studies indicating that overshadowing and loss of light resulting from the proposed development would not be significant. There are no reasons to disagree with the findings of the study and having regard to the siting of the application site to the north-west of no. 19 it is accepted that no significant harm through overshadowing or loss of light will result for occupiers of this property.

The proposed dwelling, following amendments to its footprint and siting, will project approximately 3m beyond the rear elevation of 19 Benett Drive in close proximity to the shared boundary. It is considered this projection will not appear overbearing when viewed from no. 19 by virtue of the excavated ground levels to the rear of the application site which significantly reduces the massing of the dwelling when viewed from no. 19.

A first floor balcony to the rear elevation will not afford any intrusive views of adjoining properties due to screening along the eastern edge of the structure.

### **Lifetime Homes**

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards whereby they can be adapted to meet the needs of future occupiers without major structural alterations. The design incorporates wide corridors and door openings and the generous floor layouts means the accommodation is relatively flexible and could therefore accommodate adaptations where necessary.

### **Sustainability**

Policy SU2 requires development demonstrates a high standard of efficiency in the use of energy, water and materials. The development incorporates a number of sustainable measures such as photovoltaic and solar panels; rainwater harvesting facilities, low-flow taps and showers, and dual flush systems; a high degree of insulation throughout the property and natural light to all habitable rooms. These measures contribute toward the dwelling achieving a level 4 Code for Sustainable Homes rating, and a pre-assessment

by a licensed assessor has been submitted to this effect.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. The proposal entails demolition of the existing dwelling and excavations at the rear of the site and as such there is considerable potential for the generation of waste. A Waste Minimisation Statement has been submitted as part of the application outlining the proposed measures to reduce and recycle materials during demolition and construction. The statement is considered sufficient to demonstrate waste can be minimised in an effective manner and if necessary a suitable condition could require the submission of further details before works commenced.

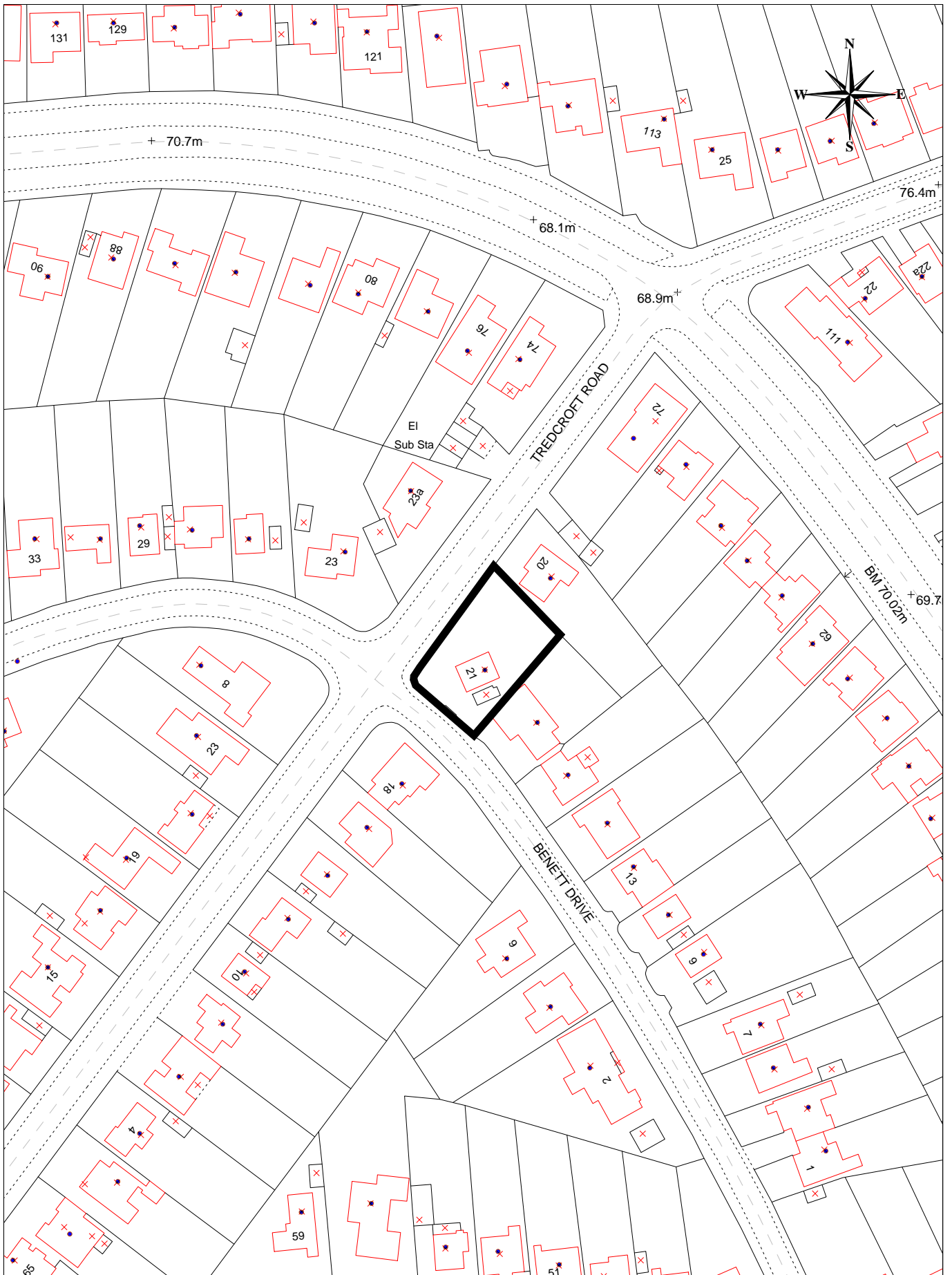
### **Transport**

The development incorporates an internal garage at lower ground floor level accessed over an existing crossover. There is adequate visibility either side of the crossover to ensure the development will not create a safety hazard for users of the adjoining highway; the Traffic Manager has not objected to the development on this basis. There is adequate room within the site for the provision of secure cycle parking.

## **8 EQUALITIES IMPLICATIONS**

The development should be built to a lifetime homes standard whereby they can be adapted to meet the needs of future occupiers without major structural alterations

# LOCATION PLAN



**BH2008/00688**

**SCALE 1:1250**

**21 Benett Drive**



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PLANS LIST – 22 OCTOBER 2008

<b><u>No:</u></b>	<b>BH2008/01036</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type</u></b>	<b>Conservation Area Consent</b>		
<b><u>Address:</u></b>	<b>Tudor Cottage, 263 London Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Conservation Area Consent for proposed demolition of existing dwelling and garage</b>		
<b><u>Officer:</u></b>	Chris Wright, tel: 292097	<b><u>Received Date:</u></b>	20 March 2008
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	02 June 2008
<b><u>Agent:</u></b>	Town & Country Planning Solutions, Sandhills Farmhouse, Bodle Street Green, East Sussex		
<b><u>Applicant:</u></b>	Lowrie Property Developments, 111 Kingsmere, London 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:

Conditions

1. 01.04AA Conservation Area Consent
2. 13.07A No demolition until contract signed

Informatives:

1. This decision is based on the Planning, Design and Access Statement, Heritage Statement, Biodiversity Checklist, Transport Statement and Arboricultural Tree Survey Report submitted on 16 July 2008 and drawing nos. TCPS 378/1, DL/EX/01, DL/EX/02, DL/EX/03, DL/EX/04, LLD186/02 and 01808\_TOPO, DL/20, DL/21, DL/22, DL/23, DL/24, DL/25, DL/26, DL/27, DL/28, DL29, DL30, DL/31, DL/32, DL/33, DL/34 and DL/35 also submitted on 16 July 2008.
2. This decision to grant Conservation Area Consent has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan

HE8 Demolition in conservation areas

- ii) for the following reasons:

The loss of the existing dwellinghouse and garage is considered acceptable in conjunction with the redevelopment of the site to form an apartment block of 7 flats which would preserve the character and appearance of the Preston Park Conservation Area.

**2 THE SITE**

The proposal relates to a c.1931 mock Tudor style family dwelling with garage set within a plot of some 0.16 hectares. Being set back 20m from London Road the property follows an established building line defined by Nos. 255 to



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261 London Road. The site lies south of Tower House, a Grade II Listed building dating from 1902.

### 3 RELEVANT HISTORY

**91/1449/FP** Erection of 3 detached two storey dwellings with integral garages to rear of existing dwelling. Demolition of existing detached garage and replacement to rear of existing dwelling – refused 7 April 1992.

**91/1450/CA** Erection of 3 detached two storey dwellings with integral garages to rear of existing dwelling. Demolition of existing detached garage and replacement to rear of existing dwelling – refused on 7 April 1992.

**BH1997/00623/FP** Erection of 2 detached dwellings and new access at rear of existing dwelling. Demolition of existing garage – approved on 5 November 1997.

**BH1998/00649/FP** Detached garage to side – refused on 27 May 1998.

**BH1998/01176/FP** Erection of garage to side – approved on 14 July 1998.

**BH2002/02118/FP** Single storey and first floor extension to rear – approved on 11 September 2002.

**BH2008/01035** Proposed demolition of existing dwelling and garage with erection of four-storey apartment building containing 8 flats – withdrawn on 18 July 2008.

**BH2008/02440** Concurrent planning application for the erection of a four storey apartment building containing 7 flats – awaiting determination.

### 4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the existing detached family house and single storey garage. The house dates from the 1930s and has timber detailing mimicking the Tudor style and is situated in the Preston Park Conservation Area adjacent to Tower House which is listed Grade II.

There is a concurrent full planning application which seeks consent for the construction of an apartment block comprising seven flats over 3 and 4 storeys including accommodation in the loft space (ref: BH2008/02440).

### 5 CONSULTATIONS

**External:**

**Neighbours:**

Seventeen letters of representation have been received from occupiers of **Flat 5 Sceptre; 1, 5, 8 and 12 Elms Lea Avenue; 9 Elms Lea Avenue (x2); 47 Old London Road; 1, 3, 7 and 14 The Mews; 1 and 10 Tower House; Cliveden Lodge; Round House; and 19 Withdean Crescent, objecting** to the application for the following reasons:-

- It is wrong to demolish family homes in Brighton in residential areas whilst there is still such a large amount of undeveloped and under developed brownfield sites in the city.
- The Preston Park area is an historic and varied area that should not be subjected to re-development in this manner.
- The proposed redevelopment is unsightly.
- The proposal will cause detriment to the character of the area and is contrary to policy HE6 of the Brighton & Hove Local Plan.

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- The design does not show enough imagination and should be more contemporary but at the same time sympathetic to the Victorian Tower House next door.
- The drawings show a flat roof. This does not fit in with the other buildings around it on this side of the road and would not enhance the conservation area.
- Existing 1960s and 1970s flat roofed blocks in the vicinity do little to enhance the area.
- The proposed development is too large for the area.
- The proposal constitutes over development.
- The size and degree of the development is not proportionate to the area and the size and bulk of the suggested building will impact on neighbours too much.
- The proposed development is obtrusive and not in keeping with the council's planning policies. There is no mixed use, eco homes, green ethos or re-usable materials. The development is not sustainable.
- The proposal does not have recycling, water re-use, provision of public and amenity space or adequate accommodation for the disabled. As such it is contrary to the council's aims and aspirations.
- There are enough flats in Brighton and there are no cheap flats – none are for poorer people. The scheme does not incorporate low cost housing and is put forward to make money.
- There are enough cars in the area and too many parking in neighbouring streets.
- The proposed development will create too much traffic.
- The planning application will increase the noise and disturbance from traffic coming and going.
- The proposal will increase pollution.
- The proposal will add to congestion.

**CAG:** No objection.

The existing dwelling is of no special merit but consent to demolish the existing house should not be approved in advance of planning permission.

**Internal:**

**Conservation & Design:** No objection.

The existing house appears to date from the 1930s and is a fairly standard example of suburban Tudorbethan of that period. It has some architectural merit but is not typical of the Preston Park Conservation Area and does not make a strong contribution to the appearance or character of the conservation area. There is therefore no objection in principle to its demolition and redevelopment, subject to achieving a satisfactory replacement building in respect of the accompanying full planning application. Standard condition 13.07 should be applied.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

HE8 Demolition in Conservation Areas

Planning Policy Guidance:

PPG15: Planning and the historic environment

**7 CONSIDERATIONS**

Ministerial advice in PPG15: Planning and the historic environment requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and this should be the prime consideration in determining an application for conservation area consent. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole. The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area but where a building makes little or no such contribution full information about what is proposed for the site after demolition is necessary. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment and it has been held that the determining authority is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

In instances where the existing building does not make a positive contribution to the conservation area Policy HE8 of the Brighton & Hove Local Plan will only sanction demolition provided the scheme for redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the loss of the building. As such demolition will not be entertained without acceptable detailed plans for the site's development and conditions will be imposed in order to ensure a contract exists for the construction of the replacement building prior to the commencement of demolition as per sections 17(3) and 74(3) of the 1990 Act. This precludes the opportunity for unsightly spaces to appear in conservation areas in advance of redevelopment.

The existing dwellinghouse is a standard 1930s property finished in brick and exhibiting timber details reminiscent of the Tudor and Elizabethan periods. It has little historic value and its architecture is incongruous with the predominant Victorian and early Edwardian villas and buildings in the vicinity of the site.

It is considered that the current full planning application ref: BH2008/02440 presents an acceptable redevelopment of the site that would preserve the character and appearance of the Preston Park Conservation Area and the application is therefore recommended for approval.

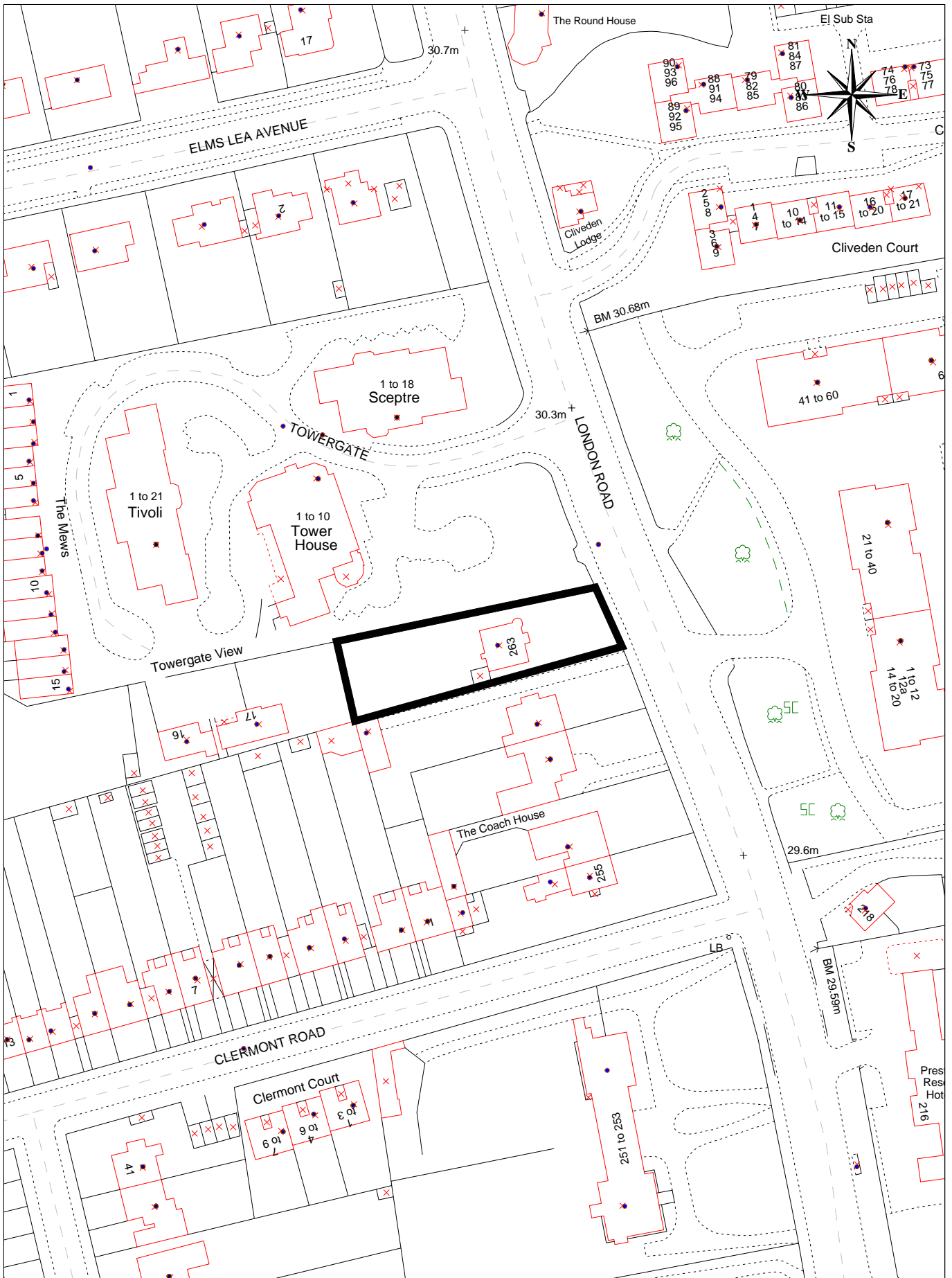
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The loss of the existing dwellinghouse and garage is considered acceptable in conjunction with the redevelopment of the site to form an apartment block of 7 flats which would preserve the character and appearance of the Preston Park Conservation Area.

**9 EQUALITIES IMPLICATIONS**

None identified.

# LOCATION PLAN



BH2008/01036

SCALE 1:1250

## Tudor Cottage 263 London Road



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<b><u>No:</u></b>	<b>BH2008/02440</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>Tudor Cottage 263 London Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and garage and erection of four-storey apartment building containing 7 flats</b>		
<b><u>Officer:</u></b>	Chris Wright. Tel: 292097	<b><u>Received Date:</u></b>	16 July 2008
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	10 September 2008
<b><u>Agent:</u></b>	Town & Country Planning Solutions Ltd., Sandhills Farmhouse, Bodle Street Green, Hailsham		
<b><u>Applicant:</u></b>	Lowrie Property Development, 111 Kingsmere, London 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 it is **Minded to Grant** planning permission following expiration of the neighbour notification period and the receipt of amended plans showing the minor revisions required by the Conservation and Design Team, there being no objection from the Council Accessibility Officer in terms of Lifetime Homes Standards, and to the following conditions and informatives:

Conditions

1. 01.01AA Full Planning Permission.
2. 04.02 Lifetime Homes.
3. 05.01A Code for Sustainable Homes (minimum Level 3).
4. 05.02A Site Waste Management Plan.
5. 05.04 General Sustainability Measures.
6. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and details to be submitted to and approved in writing by the local planning authority and the areas shall be retained for that use thereafter and shall not be used other than for the parking of cycles. **Reason:** In order that the development site is accessible by non-car modes, to ensure satisfactory facilities for the parking of cycles, to meet the objectives of sustainable development and policy TR14 of the Brighton & Hove Local Plan.
7. The vehicular crossover shall be re-constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to the commencement of any other development on the site. **Reason:** In the interests of highway safety, to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
8. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the local planning authority and the areas shall be retained for that use thereafter and shall not be used other than for the parking of motor vehicles belonging to the

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occupants of the development hereby approved and their visitors.

**Reason:** To ensure adequate provision for the parking of private vehicles belonging to the occupants of the development hereby approved and their visitors and to comply with policy TR19 of the Brighton & Hove Local Plan.

9. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies TR1, TR2 and SU15 of the Brighton & Hove Local Plan.
10. 13.01A Samples of Materials – Conservation Area.
11. 13.03A Sash windows – Conservation Area
12. 02.03A Obscured glass. Add “south flank elevation”.
13. Prior to the commencement of the development hereby approved Method Statements for the below shall be submitted to and approved in writing by the local planning authority:-
  - (i). The existing single storey garage to the north side of the dwellinghouse shall be demolished inward of its own footprint and the base shall be left in situ to protect the roots of the adjacent Sycamore tree during the course of the development and in accordance with APN1 and BS5837 (2005), and only lifted as one of the final operations.
  - (ii). Building operations within the vicinity of the two Elms within the curtilage of No. 261 London Road shall not commence until suitably qualified personnel (such as an Arboricultural Consultant) have checked for tree roots and protected them as appropriate and in accordance with BS5837 (2005).
  - (iii). Prior to the commencement of the development hereby approved exploration of the sub surface beneath the existing gravel/pebble driveway shall be carried out in order to inform the necessity of constructing a ramp or temporary roadway over the area during construction works.
  - (iv). All hard surfacing, including the parking, driveway and turning areas shall be no dig and semi-permeable to allow irrigation to tree roots and constructed in accordance with BS5837 (2005).
  - (v). All trees that are to be retained on site shall be protected to BS5837 (2005): Trees of Development Sites.

**Reason:** In order to safeguard the roots of existing trees which are important to the environment of the development, visual amenity and the character of the Preston Park Conservation Area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on the Planning, Design and Access Statement, Heritage Statement, Biodiversity Checklist, Transport Statement and Arboricultural Tree Survey Report submitted on 16 July 2008 and drawing nos. TCPS 378/1, DL/EX/01, DL/EX/02, DL/EX/03, DL/EX/04 and

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01808\_TOPO submitted on 16 July 2008 and DL/20A, DL/21A, DL/22A, DL/23A, DL/24A, DL/25A, DL/26A, DL/27A, DL/28A, DL29A, DL30A, DL/31A, DL/32A, DL/33A, DL/34A and DL/35A submitted on 15 September 2008

2. This decision to grant Planning Permission has been taken:  
iii) having regard to the policies and proposals in the Brighton & Hove Local Plan, East Sussex and Brighton & Hove Local Waste Plan and East Sussex and Brighton & Hove Structure plan 1992-1011 set out below, including Supplementary Planning Guidance:

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR7 Safe development
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU4 Surface water run-off and flood risk
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD20 Urban open space
- 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 development
- HO6 Provision of outdoor recreation space in housing schemes
- HO12 Sheltered and managed housing for older people
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HO21 Provision of community facilities in residential and mixed use schemes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

### East Sussex and Brighton & Hove Waste Plan

- WLP11 Reduction, re-use and recycling during demolition and design, and



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construction of new developments.

### East Sussex and Brighton & Hove Structure Plan 1991-2011:

S1	Twenty one criteria for the 21 <sup>st</sup> century
H1	Housing provision
H4	Affordable housing – general
H6	Other local housing requirements
TR1	Integrated transport and environmental strategy
TR3	Accessibility
TR4	Walking
TR5	Cycling – facilities
TR16	Parking standards for development
TR18	Cycle parking
EN26	Built environment ( <i>para. (d) in particular</i> )

### Supplementary Planning Guidance

SPGBH4: Parking Standards  
SPGBH9 (draft): A Guide for Residential Developers on the Provision of Outdoor Recreation Space  
SPGBH16: Energy Efficiency & Renewable Energy  
SPGBH21: Brighton & Hove Sustainability Checklist

### Supplementary Planning Documents

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

### Planning Advice Notes:

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

iv) for the following reasons:

The existing house is not a positive contributor to the conservation area and in principle the redevelopment of the site is acceptable. The number of units proposed is an appropriate density for the site and exceeds the minimum density of dwelling per hectare set out in PPS3. Subject to amended drawings being received, the design of the proposed apartment block is of satisfactory form, scale, appearance and proposed finishes, and would not be harmful to visual amenity or adversely affect the historic character of the conservation area. The development provides adequate amenity space and incorporates sustainable design features.

3. The applicant is advised that the requirements of condition 9 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £3,750 to fund improved sustainable transport infrastructure in the vicinity and to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development from being eligible for on-street residential parking permits.
4. IN.07 Ecohomes/Code for Sustainable Homes

5. IN.08 Site Waste Management Plans

**2 THE SITE**

The proposal relates to a c.1931 mock Tudor style family dwelling with garage set within a plot of some 0.16 hectares. Being set back 20m from London Road the property follows an established building line defined by Nos. 255 to 261 London Road. The site lies south of Tower House, a Grade II Listed building dating from 1902.

**3 RELEVANT HISTORY**

**91/1449/FP** Erection of 3 detached two storey dwellings with integral garages to rear of existing dwelling. Demolition of existing detached garage and replacement to rear of existing dwelling – refused 7 April 1992.

**91/1450/CA** Erection of 3 detached two storey dwellings with integral garages to rear of existing dwelling. Demolition of existing detached garage and replacement to rear of existing dwelling – refused on 7 April 1992.

**BH1997/00623/FP** Erection of 2 detached dwellings and new access at rear of existing dwelling. Demolition of existing garage – approved on 5 November 1997.

**BH1998/00649/FP** Detached garage to side – refused on 27 May 1998.

**BH1998/01176/FP** Erection of garage to side – approved on 14 July 1998.

**BH2002/02118/FP** Single storey and first floor extension to rear – approved on 11 September 2002.

**BH2008/01035** Proposed demolition of existing dwelling and garage with erection of four-storey apartment building containing 8 flats – withdrawn on 18 July 2008.

**BH2008/01036** Concurrent planning application for Conservation Area Consent for demolition of home – awaiting determination.

**4 THE APPLICATION**

The application seeks full permission for redevelopment of the site by way of seven flats, following demolition of the existing house. The use would comprise a single 1-bed flat on the ground floor, a total of four 2-bed flats, one on each floor, and a pair of 3-bed flats, one on each of the first and second floors. The building would be part three storey part four storey. The top floor flat will effectively occupy the loft space within the pitched roof of the building. Key design features include deep bracketed overhanging eaves, balconies to the northern elevation, decorative cornice mouldings and a tower to house the staircase and lift, effectively being five storeys in height with ridge 15.5m above ground level. Owing to the accommodation to be provided in the loft space a large proportion of the building's roof would be flat.

Cycle parking and bin storage would be situated beneath an under-croft which would also provide vehicular access to five off-street parking spaces at the back of the building. Another three parking spaces, including one disabled, are proposed on the frontage. The gardens would be landscaped with a pond in the back garden and the front boundary wall replaced with a taller rendered wall with piers, in a style more in keeping with neighbouring boundary walls, including the wall in front of No. 261 London Road.

The application follows the withdrawal of an earlier scheme for a four-storey block of eight flats (ref. BH2008/01035) in a relatively modern style with flat roof.

A concurrent application for Conservation Area Consent for the demolition of the existing house is also awaiting determination and is subject of a separate report (ref. BH2008/01036).

## 5 CONSULTATIONS

### External:

**Neighbours:** Letters of representation have been submitted by **Flat 2 Tower House; Flat 8 Tower House** (letter and email); **17 The Mews; 10 Elms Lea; 13 Elms Lea Avenue;** and **19 Withdean Crescent** (x2), objecting to the proposal for the following reasons:

### Design/Conservation

- The new application is the same height as the previous scheme and in terms of height and massing, notwithstanding the Heritage Statement submitted, the applicant has not taken full account of the earlier comments of the City Council's Conservation Officer.
- The proposal would adversely affect the character and appearance of the conservation area.
- The predominantly modern character of the proposed building is not in keeping with the existing buildings which characterise this length of Preston Road.
- Existing properties are mainly semi-detached villas and not modern purpose-built flats. The proposal is contrary to the Clermont Estate section of the Preston Park Conservation Area Character Statement and policy HE6 of the Local Plan.
- The purpose-built blocks in the immediate vicinity of the proposal site were presumably built as enabling development contributing to the restoration and conversion of Tower House and these blocks are not within the boundary of the Conservation Area.
- Though neither Victorian nor Edwardian, the existing building is not unattractive and does not detract from the appearance of the street. The planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance as described by the Preston Park Conservation Area Character Statement.
- The proposed building will not present an interesting and attractive frontage, particularly at street level for pedestrians and as such is contrary to policy QD5 of the Local Plan.
- The modern style, shape, scale, proportions and external materials of the proposed building will not achieve a successful transition between the Victorian/Edwardian style buildings along London Road to the south and the listed Tower House building to the north and would be more of an interruption.
- Tower House is a landmark building and the proposed development would not enhance its setting and is contrary to policy HE3 of the Local Plan.

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- The unsuitability of the existing building, which predates the designation of the conservation area, does not justify another, far larger, unsuitable building being constructed on the site.
- The proposed building cannot be too far away from Tower House so as to prevent overlooking whilst at the same time be close enough to frame views of it.
- Tower House is on the edge of the conservation area, not the proposal site as asserted by the applicant. The application frequently refers to the site being on the edge of the conservation area in a manner suggesting the rules and restrictions should be less rigorously applied.
- Completely surrounding Tower House with modern apartment blocks would be a betrayal of the purpose of including it within the conservation area.
- The bulk of the proposal is too much for the site.
- The development has too many storeys and therefore the size of the building is inappropriate.
- The development will result in the loss of a family house.
- The proposal is ad-hoc and not part of a properly planned strategy for a change to the character of the area.
- The proposal conflicts with PPG15 (Planning and the historic environment) and policy QD4 of the Local Plan in that it would hamper views and glimpses of the listed building Tower House and would adversely affect views in and out of the conservation area.
- The revised proposal does nothing to address the detailed comments of the City Council's Conservation Officer on the previous application.
- The proposal does not meet the objectives of policy HE6 in achieving a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of streets, development patterns, building lines and building forms; or use building materials and finishes which are sympathetic to the area.
- The annotations of the drawings submitted are ambiguous, particularly in relation to external finishes.

### **Amenity**

- Car parking spaces should not be located at the rear of the site because there will be an increase in noise, disturbance and pollution from the comings and goings of traffic in an area that is currently garden amenity and that is adjacent to garden amenity on two sides.
- The (mainly deciduous) trees along the northern boundary of the site, combined with the close proximity of the proposed building, will be insufficient to prevent Tower House residents from being overlooked. The proposal will conflict with policy QD27 of the Local Plan as a result.
- The number of units has been chosen, not to reduce the scale of the building or relate to residential density, but for the scheme to fall below the threshold for major development. This in turn means the applicant has not needed to submit contextual elevations therefore not allowing for the impacts to daylight and sunlight for the neighbouring buildings to be easily assessed.

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- Construction works must be carried out in a swift and considerate manner.
- Site works should be limited to week days during the daytime and measures should be put in place to control noise and dust. All windows in some Tower House flats face the proposal site and as such they will be reliant on being able to open them during the construction process.
- Any plant associated with the development, such as operation of the proposed lift, should be inaudible, i.e. at least 10dB below the background noise level at the existing residences.
- The applicant has not submitted a noise assessment. The suitability of the site for new flats should be assessed following guidance in PPG24: Planning and noise, and the relevant Brighton & Hove Local Plan policy.
- There will be increased noise and disturbance from additional traffic to the flats.
- There are no restaurants near to the site, only pubs which serve food.
- Insufficient care has been given to trees in adjoining properties. The building is too close to the boundaries where there are mature trees.
- Existing trees will overshadow some of the proposed flats and in time future residents will be seeking to cut them back.

### **Parking**

- In light of the good public transport connections close by and the number of units proposed, the development has too many car parking spaces.
- The proposed does not include visitor parking. It cannot be guaranteed visitors will not arrive in cars.
- Parking in surrounding streets is already at saturation levels with current residents, their visitors and commuters.
- Similar residential areas indicate occupants will likely have more than one car.
- The sustainability is not proven, the development will create more traffic with more cars and eight parking spaces is not enough. The proposal will result in more cars parking in Elms Lea Avenue.

### **Highway**

- The accesses will be unsafe for pedestrians and road users.
- To access London Road residents will have to cross the pavement and cycle track. Access is already difficult and dangerous.
- There is a primary school near the site and many children walk along the pavements and are constrained to walk away from oncoming traffic. Constructing a high wall at the front boundary of the property will mean small children are placed in danger as vehicles enter and exit the development due to reduced visibility.
- The Transport Statement does not refer to the stationary cars parked on the southbound side of London Road.
- The train schedule information given is not correct and fails to mention the more frequent services by First Capital Connect.
- The traffic figures have not been reduced to reflect the amendment

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from eight flats to seven flats.

- Contrary to the Transport Statement submitted, there is no Post Office in the parade of shops 350m south of the site. The nearest Post Office is now at the top of Preston Drove. Tesco is 1.2km up a steep hill that will present difficulties to many pedestrians.
- Parents with prams are being forced onto the roadway by a development presently being carried out in London Road because works are blocking the footpath, cycle lane and part of the narrow northbound carriageway.
- Any development at the proposal site must not be allowed to hinder the safe passage of pedestrians and road users along London Road.
- The report is incorrect, there is not a cycle lane on both side of London Road at the site, only on one side is there a cycle lane and it is a very badly constructed one which is not fully used and is actually dangerous with some people actually riding their bicycles on the pavement.
- The transport assessment is inadequate and should not have been accepted.

### Others issues

- The plans submitted do not show the green roof and green vertical wall described in the Environmental Statement submitted.
- Drawing DL/31 shows Tower House with an additional roof ridge almost to the height of the tower, which does not exist.
- The Biodiversity Checklist has been completed incorrectly because there is a pond in the existing garden.
- St. Bernadette's primary school is heavily oversubscribed as are other schools in walking distance.

Letters of representation have been received from **262 London Road** and **11 Varndean Drive** in support of the proposal for the following reasons:

- The proposed demolition and redevelopment of 263 London Road is an excellent idea and the new building will not only fit well amongst the adjacent buildings but will also be an asset to London Road.
- The proposals will not only enhance the present use of the site but will create a much needed increase in the number of dwellings without over development or having any detrimental effect on the surrounding area.

The owner of **Tudor Cottage** has submitted a letter in support of the proposal saying, "Mr. Lowrie has worked hard to design a new building that will compliment the grounds of 263 London Road. The new building will tie in nicely with next door. Once completed it will be an asset to London Road and Brighton".

**CAG:** Object to the application.

The Conservation Advisory Group does not believe that the proposal greatly improves on the previous scheme. It remains a poor imitation of other villas in the vicinity, is out of scale and an overdevelopment of the site. The CAG stands by its previous recommendation that this application should be refused and determined by the planning committee.

**Internal:**

**Conservation & Design:** Seek amendments.

The revised plans and drawings generally address the concerns previously expressed by the Conservation and Design Team. The overall ridge height has been raised 1.5m (including an increase of 1 metre in the ground to eaves height) and by increasing the height of the tower in relation to the ridge so that it reads more clearly as a tower from the north and east. The northern wing over the driveway is now to be rendered instead of being in brick, which better unifies the building. Overall the proportions of the building are much improved by the amendments and the architectural detailing makes better reference to its Victorian context.

The proposed building remains somewhat mean in terms of window sizes compared to its Victorian counterparts, as a result of having an additional storey within a similar eaves height and because there are so many bathrooms, whilst the roof pitch is a little steeper than the original villas. However, the wider architectural context is very mixed and buildings are set well back and screened by trees and boundary walls.

There are two outstanding concerns:-

- One of the front (east) dormers and the south dormer are shown with a cut-away roof section. This is a non-traditional approach which greatly detracts from the design of the building. This has not been discussed previously or shown on preliminary drawings.
- The four bedroom windows on the projecting wing to the north elevation should be significantly wider, to give this key elevation better proportions and less blank wall surface.

Subject to the above the proposal is considered acceptable though a number of conditions will be needed to cover materials and architectural details.

**Traffic Manager:** No objection.

The Traffic Manager would not wish to restrict the grant of consent subject to the inclusion of conditions controlling the construction of the crossover; provision of cycle parking details and their delivery on site prior to the occupation of the flats; details and provision of parking areas prior to occupation; and a requirement for the applicant to enter into a legal agreement with the Council for a contribution towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site. Such a contribution would address the deficiencies in the local transport infrastructure brought about by the development. Alternatively a financial contribution towards delivery of larger Local Transport Plan projects would be acceptable and based on the person-trip generation of the proposed housing less that of the existing house and in consideration of the current predicted shortfall in LTP funding, a contribution of £3750 would be acceptable in this instance.

**Arboricultural Section:** No objection.

The Arboricultural Consultant's report attached to the application is

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comprehensive and the fact that at least in the vicinity of the trees the existing footprint will be utilised works in favour of the trees. No objection is raised to the proposed development subject to conditions setting out Root Protection Areas; method of demolition existing garage and safeguarding the adjacent Sycamore; checking for tree roots and protecting as appropriate; method of protection tree roots beneath existing hard surfaced areas during construction; and the surfacing of all parking and driveways to be no dig, semi permeable to allow irrigation to tree roots and to accord with BS 5837.

### **Accessibility Officer:**

Comments are awaited.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR7 Safe development
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU4 Surface water run-off and flood risk
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD20 Urban open space
- 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 development
- HO6 Provision of outdoor recreation space in housing schemes
- HO12 Sheltered and managed housing for older people
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HO21 Provision of community facilities in residential and mixed use schemes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas



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### East Sussex and Brighton & Hove Waste Plan

WLP11 Reduction, re-use and recycling during demolition and design, and construction of new developments.

### East Sussex and Brighton & Hove Structure Plan 1991-2011:

S1 Twenty one criteria for the 21<sup>st</sup> century  
H1 Housing provision  
H4 Affordable housing – general  
H6 Other local housing requirements  
TR1 Integrated transport and environmental strategy  
TR3 Accessibility  
TR4 Walking  
TR5 Cycling – facilities  
TR16 Parking standards for development  
TR18 Cycle parking  
EN26 Built environment (*para. (d) in particular*)

### Supplementary Planning Guidance

SPGBH4: Parking Standards  
SPGBH9 (draft): A Guide for Residential Developers on the Provision of Outdoor Recreation Space  
SPGBH16: Energy Efficiency & Renewable Energy  
SPGBH21: Brighton & Hove Sustainability Checklist

### Supplementary Planning Documents

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

### Planning Advice Notes:

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

## **7 CONSIDERATIONS**

The determining issues in this application relate firstly to whether the loss of the existing building within the conservation area and redevelopment of the site is acceptable in principle; whether the design, form, scale, external finishes and appearance of the building are acceptable and worthy of the historic character and setting; the impact of the proposal on highway and parking matters; landscaping and tree protection; and the impact on neighbouring occupiers' residential amenity.

### **Principle of development**

The site qualifies as previously developed land and the density of dwelling units proposed would be just under 44 dwellings per hectare. In principle the scheme accords with the requirements of PPS3: Housing, and policy HO4 of the Brighton & Hove Local Plan which requires new development to make full and effective use of the land available, although schemes must also be of a high standard of design and include a mix of dwelling types which reflect local needs. These conditions of policy HO4 are discussed in greater detail in the

next section.

The replacement of the existing house with a flatted developed would not be out of character with adjoining uses, such as Towergate and its surrounds, which are also in use as flats, as well as purpose built blocks opposite, including Kingsmere and Cliveden Court.

The Conservation and Design Team has not identified the existing house as a positive contributor to the character and appearance of the conservation area and would not lament its removal as long as any replacement building exhibits a high standard of architectural design and has appropriate scale and siting. This is also necessary to comply with policy HE6 of the Local Plan and policy HE3, which seeks to ensure the setting of listed buildings such as the adjacent Tower House (Grade II listed) is not compromised by new development.

**Design, form, scale, appearance, impact on conservation area/setting of Listed Building**

Policies QD1, QD2 and QD5 of the Brighton & Hove Local Plan require new development to be of high quality and of appropriate height and scale which takes into consideration local characteristics, whilst providing visual interest at street level and an attractive façade and which respects the layout and spaces between existing buildings. Policies QD3, QD4 and HE3 require new development to make the most efficient and effective use of sites without compromising the prevailing qualities and features of the townscape and to ensure that the setting of listed and landmark buildings, such as Tower House, is not adversely affected by new development. Finally, policy HE6 of the local plan seeks to ensure development in conservation areas either preserves or enhances the character of appearance of the conservation area through design and detailing, respecting development patterns, utilising sympathetic materials and finishes and retaining and protecting trees.

There is no objection to the demolition of the existing house, which is incongruous with the neighbouring historic buildings, subject to the new development complying with the above policies, particularly HE6.

Properties in this part of London Road are set back between 18m and 20m from the road, behind well established trees and boundary walls and following an established building line. The buildings south of the application site comprise a Victorian villa at the corner with Clermont Road and semi-detached villas between. The buildings are regularly spaced and vary between three storeys height at the corner with Clermont Road, and two storeys plus basement. To the north of the proposal site is a well landscaped garden operating in conjunction with Tower House, a Grade II listed building in council use as a type of nursing home. Tower House sits well back from London Road and is considerably taller than its neighbours. The building line up to that point is only re-established by the flank elevation of Sceptre, a more modern flatted building opposite Cliveden Court.

In terms of height the proposed building seeks to equal the villa two doors

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away at the corner with Clermont Road – Nos. 255 to 257 Preston Road. The form and footprint is similarly reminiscent of this corner building, with the exception of there being an additional storey – created by employing modern low ceiling heights between floors and raising the roof pitches to enable the loft space to provide accommodation. The existing house is 8.4m in height to the ridge whilst the bulk of the proposed buildings, excluding the 15.5m tower which will house the lift plant, would measure 11.6m in height to the ridge, a modest increase of 3.2m and 500mm taller than the villa to the south at the corner of Clermont Road.

In terms of footprint and site coverage, whilst larger than the existing house, the proposed building will be separated from neighbouring buildings by spaces that correspond with the existing pattern of development.

The external finishes and architectural detailing aspire to add a contemporary feel to a modern interpretation of the Victorian villas in the neighbourhood. These include gallows bracketed eaves, stone window sills, black painted rainwater goods and white painted softwood vertically sliding timber sash windows.

Additionally the scheme proposes to remove the low brick front boundary wall and replace with a rendered wall with piers to match and continue the existing boundary walls in front of 259 and 261 London Road. This change is considered to be acceptable and will improve the street scene whilst at the same time forming an attractive boundary commensurate with the scale and nature of the proposed development. This aspect of the proposal would enhance the character and appearance of the conservation area.

The drawings have been amended to reflect the requirements of the Conservation and Design Team although there are outstanding concerns over the large expanses of flat roof, the steep angles of the pitched roofs and uneven eaves heights. In addition there are reservations over the flat roofs to the dormers being proposed and their alignment. Particularly the left dormer on the front roof slope is tight against the hip of the roof and together with the right dormer does not give a symmetrical appearance. The building's roofs do not appear to have been designed to be aesthetically congruent with neighbouring historic villas or attractive but rather designed to be able to accommodate a flat within the loft space. Minor revision to the drawings have been requested to address these concerns.

### **Dwelling type and mix**

The proposal comprises a 1-bed flat, four 2-bed flats and two 3-bed flats representing a mix of 15%/57%/28%. Although the weighting is clearly in favour of 2-bed flats the scheme provides a significant proportion of 3-bed units for which increasing pressure in demand has been identified in the Housing Needs Survey of 2005 (updated Strategic Housing Market Assessment in April 2008). Therefore the proposal broadly complies with Local Plan policy HO3 which requires development to reflect and respond to Brighton & Hove's housing needs.

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Representing a net increase of six dwelling units the proposal is below the threshold for requiring affordable housing in accordance with policy HO2.

In terms of policy HO13 which requires new flats to accord with Lifetime Homes Standards all of the units have adequate space for manoeuvring wheelchairs in the living rooms, bedrooms and kitchens and doorway widths meet the minimum standards. The 3-bed units would have 1.1m clear space in front of toilet bowls and 1.5m diameter turning circles for wheelchair users in the main bathrooms (not the en-suites) but the 2-bed units would not have sufficient room for manoeuvre in the family bathrooms and the 1.1m clear space in front of toilet bowls would be obstructed by the position of sinks. As such the development would not be fully compliant with policy HO13 and the accompanying Planning Advice Note 3. The views of the Accessibility Officer are awaited and will be available at the time of the committee meeting.

### **Landscaping and tree preservation**

Policies QD15 and QD16 of the Brighton & Hove Local Plan seek to ensure development proposal give adequate consideration to landscape design; include suitable open space provision; and make effective use of existing landscape features and seek to retain existing trees.

The Arboricultural Tree Survey Report accompanying the application states the proposed development seeks to retain all of the existing mature trees set within the development site.

The northeast corner of the building would be 3m from the trunk of Holly and Maple trees which are of moderate quality and desirable to be retained.

The northwest corner of the development would marginally impinge on the Root Protection Area (RPA) of the Sycamore T22, but within the 20% threshold set out by the relevant British Standard. Excavation in this area will be carried out by hand and the foundations of the new building not to go lower than the existing hardstanding area.

The proposed 'no dig' permeable construction of all hard surfacing and parking areas would ensure where the development overlaps the RPAs of trees within the site, they would not be unduly damaged. Hard surfacing along the northern part of the site will be constructed over existing hardstanding or otherwise will not be allowed to disturb the existing sub-base over the RPAs and laid by hand using a permeable 'no dig' paving construction. This method of construction is detailed in the Tree Survey Report submitted.

The southwest corner of the building would come to 2m from moderate quality Maples which are within the curtilage of the neighbour building. The drawings submitted indicate the southern elevation of the building would overlap with the crowns of these two Maples. The building would marginally exceed the 20% threshold for overlaying these trees' Root Protection Zones but the Tree Survey Report states these trees should not suffer undue damage if foundations do not exceed the depth of those of the existing house and hardstanding areas. However, the final paragraph of the report concedes that

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branches in confined spaces, such as those of the two Maples, will be removed. This would be to make way for the southern elevation of the new building.

The proposal incorporates a landscaping scheme predominantly based around existing trees and shrubs and proposing a pond area. Areas of hard surfacing for turning and parking are kept to a minimum and the no dig construction methods will ensure trees adjacent to proposed hard surfaced areas are not harmed.

In view of the above, the proposed development accords with SPD06: Tree and Development Sites and policies QD15 and QD16 of the Local Plan. Moreover the Council's Arboricultural Section has not raised an objection to the scheme subject to conditions seeking to protect the roots of existing trees and ensure existing hard surfacing is retained as much as possible during construction to protect tree roots beneath, and only removed for replacement with a permeable no dig surface at the last opportunity.

### **Neighbour amenity**

Policy QD27 of the Brighton & Hove Local Plan will not sanction proposals which would cause material nuisance and loss of amenity to proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook.

The scheme has been designed so that all primary windows onto habitable rooms are front and rear facing in the east and west elevations looking towards the road and over the back garden area respectively. The nearest neighbouring property behind the site is 17 Towergate View and this property is also situated on higher ground level. A separation distance of some 30m would be kept between this house and the proposed building and as such, despite the height of the proposal, it is not considered undue overlooking would occur should permission be granted.

The windows proposed in the southern flank elevation of the apartment block would serve bathrooms, en-suites and communal landing areas on the stairwell. It is quite reasonable to require these windows to be obscure glazed and non opening above 1.7m to prevent overlooking of the neighbouring building and coach house to the south of the site.

The north side of the building includes secondary living room windows and kitchen windows whilst the north wing incorporates secondary bedroom windows to the 3-bed units. These windows would be some 40m from Tower House and would have an outlook across the car park of Towergate. Flats in The Sceptre would be situated at least 40m from the proposed development and this is considered sufficient separation to preclude harmful overlooking and loss of privacy.

Representations have been received raising concerns over the parking areas,

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particularly the five spaces proposed at the rear of the new building and close to the boundary with 261 London Road. Utilising this space for parking is not out of character with the adjoining Towergate flat and housing development and a buffer zone of established shrubs including Leyland Cypress hedges and Mahonia japonica shrub beds of between 2m and 5m in height has been identified for retention in the Arboriculturalist Tree Survey Report accompanying the application. This level of screening is considered adequate to mitigate against the harmful effects of noise and disturbance which might otherwise prevail as a result and a condition can be imposed to ensure this planting is retained for the life of the development.

The three parking spaces in front of the apartment block would be screened by various shrubs some 0.8m in height and in any case would be adjacent to the existing parking area in front of 261 London Road.

Neighbours' comments in relation to noise and PPG24: Planning and noise, have been taken into consideration. However, the proposal site is not near industry or situated in a noise sensitive area notwithstanding traffic noise in London Road. In addition, being a residential scheme the proposal is unlikely to generate undue noise disturbance once occupied. As such the proposal complies with policy SU10 of the Brighton & Hove Local Plan and guidance in PPG24. Any noise nuisance arising from construction works or in future would be matters for Environmental Health and/or the Police to investigate.

In view of the above the proposal does not conflict with the requirements of policy QD27.

Policy HO5 of the Brighton & Hove Local Plan requires provision of private outdoor amenity space commensurate with the character and scale of development. The proposed apartment block and parking areas would allow for a significant sized communal garden at the rear which is adequate for the number of residents which could be accommodated in the development. The site is also within walking distance of Preston Park.

### **Parking and highway matters**

Policies TR1 and TR19 of the Brighton & Hove Local Plan require new development to cater for the travel demand it generates and provide off-street parking in accordance with the maximum levels set out in SPGBH4: Parking Standards, whilst policies TR13 and TR14 require development to be safe and pedestrian friendly and provide for alternative methods of transport such as cycling.

The proposal site is not within a controlled parking zone and as such a maximum level of one parking space per unit along with one visitor parking space for every two units could be permitted. The application proposes eight parking spaces, two below the maximum threshold. The applicant states that one parking space would be suitable for disabled drivers in the Design and Access Statement accompanying the application.

However the applicant is proposing secure and covered cycle storage for 12

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bicycles and there are cycle and bus lanes in London Road giving quick and easy access to the city centre. The cycle storage would be situated in the undercroft of the underpass leading to the rear parking area and the precise details of the cycle storage spaces can be secured by condition.

Neighbouring residents have raised issues surrounding safe access onto London Road with particular concern over pedestrian safety, notably that of school children attending the nearby St. Bernadette's Primary School. Residents of Elms Lea Avenue have raised issues of overspill parking in their street. Notwithstanding these comments the proposal does comply with parking standards policy and the Traffic Manager is satisfied the proposal would not adversely affect highway safety subject to visibility splays and the setting out of the access point in accordance with highway standards. These provisions can be secured by imposing appropriate conditions.

In addition local residents have criticised alleged inaccuracies in the Transport Statement accompanying the application. However, whilst not in the immediate vicinity it is clear that whilst not immediately adjacent to the proposal site, there are shops and other services within a short cycling distance or bus ride, or within a reasonable walking distance for the more active household.

### **Sustainability and waste minimisation**

Notwithstanding the recent introduction of SPD08: Sustainable Building Design, at the time the application was submitted SPGBH16: Energy Efficiency & Renewable Energy and SPGBH21: Brighton & Hove Sustainability Checklist form the relevant supplementary planning guidance notes complimenting policies SU2 and SU13 of the Local Plan which set out requirements in relation to efficiency of development in the use of energy, water and materials and minimisation and re-use of construction industry waste respectively.

The proposal is for a net increase of more than five dwelling units and in accordance with the requirements of SPD03: Construction and Demolition Waste, the applicant has submitted a Site Waste Management Plan.

The proposal would be built to achieve an Eco Homes rating of at least Very Good, which transposes to Level 3 of the Code for Sustainable Homes 2008 (an improvement of 25% over current Building Regulations).

The applicant's Environmental Statement accompanying the application commits to the following measures:-

- A green roof over the top floor and a green wall on part of the south elevation;
- Level 3 of the Code for Sustainable Homes;
- 75% low energy lighting;
- Rotary dryers;
- Secure cycle storage;
- Water butts;
- Dedicated recycling bins;

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- Secured by Design;
- Considerate Contractor Scheme;
- Internal water-saving sanitary ware – with the objective of reducing water consumption by 15% relative to the 2002 Environment Agency national average of 165 litres per day; and
- Class A rated white goods where provided.

The applicant commits to reducing metered energy in total energy consumption (including heating, hot water and lighting) by 10% below Building Regulations Part 'L' compliance (2002).

However, the applicant has not incorporated renewable energy technologies in the scheme, for example CHP, solar panels or maximisation of passive solar gain and natural ventilation.

The Site Waste Management Plan commits the applicant to using construction materials from sustainable sources with low embodied energy and low carbon input. However, insufficient details have been submitted in relation to the re-use and recycling of construction materials. The applicant has not estimated quantities or identified specific contractors for the recycling of the existing house following demolition. Despite the inadequacy of the Site Waste Management Plan the deficiencies identified can be addressed by condition and as such it would be unreasonable to withhold planning permission on this basis.

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

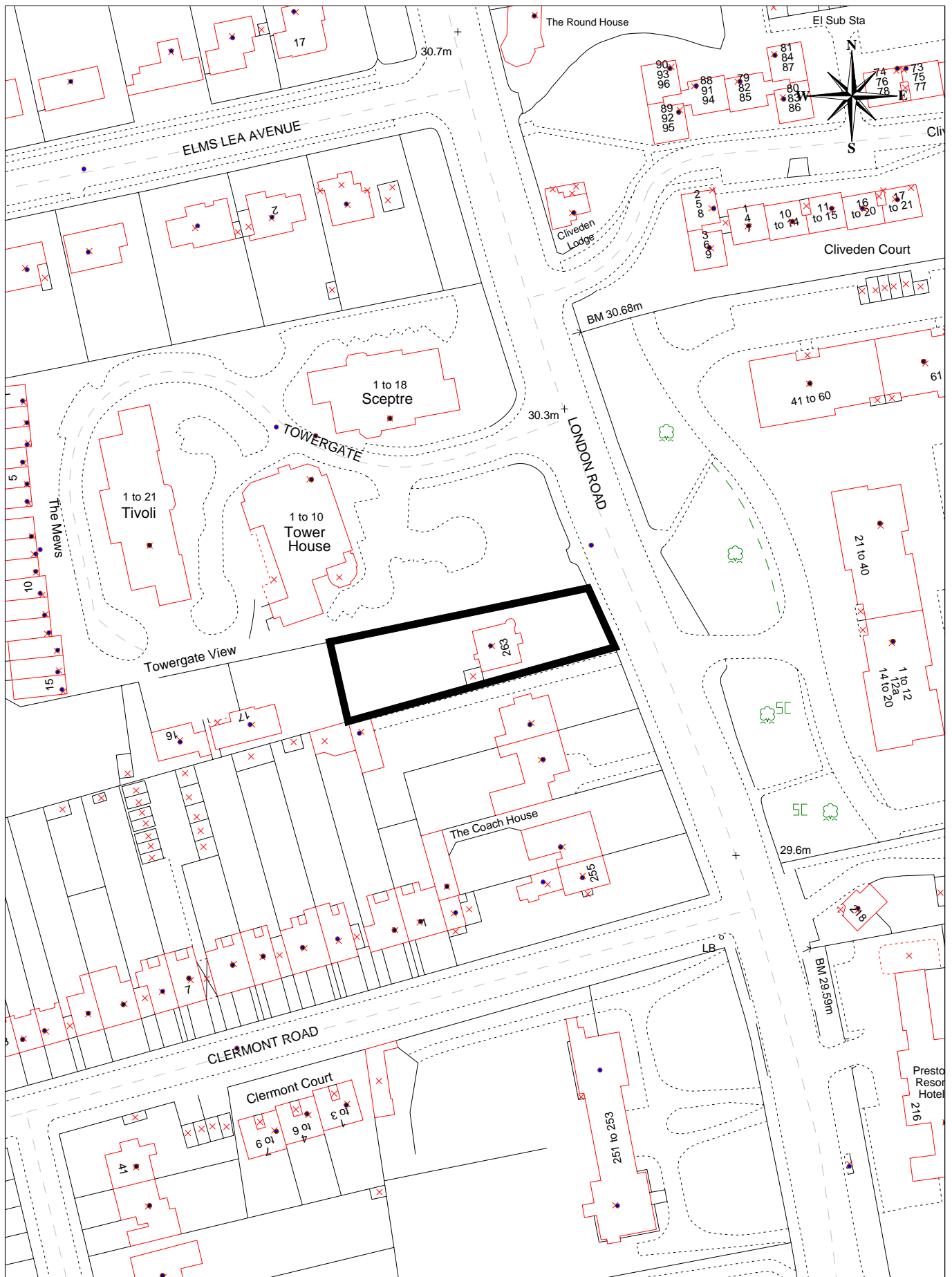
The existing house is not a positive contributor to the historic character and appearance of the conservation area and in principle the redevelopment of the site is acceptable. The number of units proposed is an appropriate density for the site and exceeds the minimum density of dwelling per hectare set out in PPS3. Subject to amended drawings being received, the design of the proposed apartment block is of satisfactory form, scale, appearance and proposed finishes, and would not be harmful to visual amenity or adversely affect the character of the conservation area. The development provides adequate amenity space and incorporates sustainable design features.

### **9 EQUALITIES IMPLICATIONS**

The proposed development should be built to Lifetime Homes Standards.



# LOCATION PLAN



**BH2008/02440**

**SCALE 1:1250**

## **Tudor Cottage 263 London Road**



**Brighton & Hove**

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

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PLANS LIST – 22 OCTOBER 2008

<b><u>No:</u></b>	<b>BH2007/04167</b>	<b><u>Ward:</u></b>	<b>MOULSECOOMB &amp; BEVENDEAN</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rear of 20-36 Baden Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 9 terraced dwelling (2 x 2 bed houses &amp; 7 x 3 beds) with vehicular parking for 9 cars.</b>		
<b><u>Officer:</u></b>	Kathryn Boggiano, tel: 292138	<b><u>Received Date:</u></b>	9 November 2007
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	4 January 2008
<b><u>Agent:</u></b>	Lewis & Co. Planning South East Limited, Paxton Business Centre Portland Road, Hove		
<b><u>Applicant:</u></b>	Pinnervale Ltd, Co Lewis and Co Planning, Paxton Business Centre Portland Road, Hove		

**1 RECOMMENDATION**

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

Conditions

1. 01.01AA Full planning
2. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with policies SU15, TR1, TR19 and QD28 of the Brighton & Hove Local Plan.
3. 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.
4. 02.01A No permitted development (extensions) (BandH)
5. 02.02A No permitted development (windows) (BandH)
6. 02.03A Obscured glass (BandH) Amend to refer to bathrooms windows being obscure glazed.
7. 02.05A Refuse and recycling storage (facilities) (BandH)
8. 03.01A Samples of materials – Non Cons Area (BandH)
9. 04.02 Lifetime homes
- 10.05.01A EcoHomes/Code for Sustainable Homes
- 11.06.01A Retention of parking area (BandH)

## PLANS LIST – 22 OCTOBER 2008

- 12.06.02A Cycle parking details to be submitted (BandH)
13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
15. The measures set out in the submitted Site Waste Management Plan shall be implemented in the development hereby approved. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

### Informatives:

1. This decision is based on the planning statement, design and access statement and waste management statement submitted on 9<sup>th</sup> November 2007, drawing nos. 847.01a, 847.02a, 847.03a, submitted on 16<sup>th</sup> June 2008, and 847.09.b, 847.12.d, 847.13.d, 847.10c, 847.11.b, and 847.14b submitted on 31 July 2008.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- QD1 Design – quality of development and design statements

## PLANS LIST – 22 OCTOBER 2008

QD2 Design – key principles for neighbourhoods  
QD3 Design – full and effective use of sites  
QD4 Design – strategic impact  
QD5 Design – street frontages  
QD15 Landscape design  
QD16 Trees and landscape  
QD27 Protection of amenity  
QD28 Planning obligations  
HO3 Dwelling type and size  
HO4 Dwelling densities  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

### Supplementary Planning Guidance and Documents

SPGBH4 – Parking standards  
SPD03 – Construction and demolition waste

### East Sussex and Brighton & Hove Waste Local Plan

WLP11 Reduction re-use and recycling during demolition and design, and construction of new developments.

ii) for the following reasons:

The proposed development will make an efficient and effective use of the site by providing the city with nine family sized dwellings. The proposal would have no adverse impact upon the character and appearance of this site or the surrounding area. The proposal can be adequately accommodated on site without detriment to the amenity of future or neighbouring occupiers. Subject to conditions to control the development in detail the proposal accords with development plan policies.

3. IN07- EcoHomes/Code for Sustainable Homes

4. The applicant has advised that the requirements of condition 2, may be satisfied by the completion of a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990, to provide £13 500 to fund improved sustainable transport infrastructure in the vicinity of the site.

5. The applicant is advised that the crossovers should be re-constructed in accordance with the Manual for Estates Roads and under license from the Highways Operations Manager prior to commencement of any other development on site.

## **2 THE SITE**

The proposal site is formed from the rear gardens of numbers 20 - 36 Baden Road, a number of which have vehicular access and detached garages which front onto Bevendean Road. The western side of Bevendean Road is undeveloped garden land albeit with a number of detached domestic garages. The eastern side along this stretch of Bevendean Road is largely contained behind flint walling and fencing. The site was originally the site of Bevendean Hospital which has since been redeveloped and is characterised predominantly by two storey terraced properties formed around a number of small cul-de-sacs.

## PLANS LIST – 22 OCTOBER 2008

Baden Road is characterised by two storey terraced properties of similar design with double height bay windows and pitched roofs. The materials are a mix of render, brickwork and tile hanging and each has a small front garden enclosed by either low walling/fencing or hedging. The predominant character of the area as a whole is of smaller family style properties.

### 3 RELEVANT HISTORY

**BN88/2457/AO** – Outline application for erection of 5 houses. Formation of vehicular access from Bevendean Road to service 14 parking spaces in the gardens of existing properties. Refused 15/08/1989. Appeal dismissed 23/10/1990.

**BH2006/000357/FP** – Erection of 4 dwellinghouses on land to the back of Nos. 30, 32, 34 and 36 Baden Road. Withdrawn 11/01/2007.

**BH2008/01049/FP** - Erection of 9 two-storey houses with rooms in roof space on land rear of Nos. 58-74 Baden Road Brighton. Approved 12/06/2008.

### 4 THE APPLICATION

The proposal seeks planning permission for the erection of nine terraced houses (2 x two bedrooms 7 x three bedrooms). The accommodation is laid out over three levels, including the roof space. Each property has an off street parking space, cycle and bin store and private rear garden.

### 5 CONSULTATIONS

#### External

**Neighbours: Occupiers 38 Baden Road, 7 Jevington Drive, 3 Fitzherbert Court Fitzherbert Drive, 36 Tenantry Road** object to the scheme for the following reasons:-

- Development on this site would increase parking problems;
- This will set a precedent for building on this side of the road;
- Is this part of a wider development proposal?
- The public were told that the hospital site would be the last major housing site to be developed in the area;
- The development would obstruct a bus route;
- The development will overshadow neighbouring properties;
- The gardens in Baden Road will be overlooked;
- There will be a loss of privacy;
- This area is already over populated;
- There will be noise and disturbance during construction.

**Neighbours: Occupiers 20, 24, 32, 34, 36 Baden Road, 98 Fallowfield Crescent Hove, 3 Princes Square Hove, 3 Mary's Place Emerald Quay Shoreham, 14 Golfside Twickenham** support the scheme for the following reasons:-

- The houses are well designed and in keeping with the local environment;
- The development would improve the area;
- This area was not previously built up due to the isolation hospital which is no longer there;
- This application will mean more housing in an area of shortage, within

## PLANS LIST – 22 OCTOBER 2008

- the built up area;
- The site has become overgrown and semi-derelict.

**University of Sussex Residential Services:** support the scheme on the basis that there have been problems with vandalism to some of the university owned garages on this road and also problems with fly tipping. If this area were developed for housing it would benefit the area.

**Councillor Mo Marsh:** objects to the application (letter attached to this report).

### Internal

**Environmental Health:** The proposed development is located in the vicinity of a former Sanatorium & Infectious Diseases Hospital (approx 30m North east of the proposed development). There is a low risk of potential contamination for items such as buried medical waste and therefore it is recommended that a Discovery Strategy is undertaken rather than a land contamination study. A condition is recommended.

**Traffic Manager:** No objection subject to conditions to control cycle parking and detailed construction, pedestrian visibility splays and an s106 contribution of £18,000 towards sustainable transport improvements.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – full and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD15 Landscape design
- QD16 Trees and landscape
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

### Supplementary Planning Guidance and Documents

- SPGBH4 – Parking standards
- SPD03 – Construction and demolition waste

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Reduction re-use and recycling during demolition and design, and construction of new developments.

**7 CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of the proposal development, the suitability of the site to accommodate the proposed dwellings having regard to the amenity requirements for the dwellings, the affect upon the character of the area and neighbouring residential amenity. An assessment will also be made of the issues relating to transport and sustainability.

**Principle**

This site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle, although development must still adequately accord to relevant development plan policies. PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. PPS3 identifies residential gardens as previously developed land. Whilst not all residential gardens will be suitable for infill development Local Planning Authorities are advised to take account of the positive contribution that intensification can make, for example, in terms of minimising the pressure on Greenfield sites. With this in mind it is considered that the application site constitutes previously-developed land and in principle the construction of additional dwellings could make a more efficient use of this site in accordance with PPS3.

PPS3 and policies QD3 and HO4 seek to maximise the supply of housing within the built up area and to secure the efficient and effective use of a site, whilst ensuring developments incorporate good quality architectural design, an intensity of development appropriate to the locality and/or the prevailing townscape, the needs of the community, the nature of development and proposed uses.

The surrounding area is characterised by two storey terraced properties, the plot sizes and shapes are very regular particularly along Baden Road and beyond in a westerly direction. The properties to the east of the site vary a little more in design, layout and scale.

In 1988 an outline scheme was submitted (BN88/2457/AO) which sought planning permission for the erection of 5 terraced houses with a single vehicular access provided in the middle of the terrace which led to a parking area for 14 cars. The application was refused for two reasons; the first was due to loss of amenity for neighbouring dwellings by loss of outlook, overlooking and loss of privacy. The second relates to the proposal representing a piecemeal development which would adversely affect the character of this residential area and be likely to prejudice the proper development of the area.

The application was later dismissed at appeal where the Inspector referenced

## PLANS LIST – 22 OCTOBER 2008

similar concerns with respect to character and affect on the residential amenity of the neighbouring dwellings on Baden Road. The Inspector also noted that no evidence was supplied to suggest that there was a shortfall in the five year supply of housing land to outweigh the planning objections to the scheme.

Since BN88/2457/AO was determined a number of policy changes, both locally and nationally have occurred, the current scheme will therefore be assessed under current legislation with the planning history as a material consideration.

The most significant difference between the proposed scheme and the appeal scheme is that of the parking provision. The appeal scheme proposed 14 car parking spaces to the rear of the proposed dwellings which abutted the rear boundaries of the existing dwellings on Baden Road. Such a level of car parking in such a location is considered likely to give rise to significant noise disturbance from vehicular activity which would adversely affect the residential amenity of the surrounding dwellings. The current scheme would maintain a considerable distance between the existing dwellings in Baden Road and those proposed with generous gardens separating the dwellings (25-28m). No vehicular accesses are proposed to the rear of the properties.

### **Design**

The site is situated within an area which has a very distinct character with similar sized plots, dwellings styles and scale and property sizes, that being smaller family dwellings with private amenity space. The proposed development seeks to subdivide the existing plots of the properties which front Baden Road. The resultant plot size and shape for both the proposed and existing dwellings would be generous and comparable to other plots in the area (existing dwellings would have plot depths of approx 32m and proposed dwellings would have plot depths of approx 22m). The resultant plots are considered to be characteristic of the area and the prevailing urban grain.

The proposed design is simple . However, the proposed dwellings, by virtue of set back from the road, traditional form, roof pitch, window arrangement and style and materials, seek to draw upon the traditional nature of properties within this locality and in particular the development at Borrow King Close. With this in mind the proposal is considered to be acceptable from a design perspective.

Owing to the number of units being provided is not considered that the proposal will appear as a piecemeal form of development. Whist it is acknowledged that the design of the proposed dwellings is substantially different to the development recently approved at the rear of Nos. 58-74 Baden Road it is considered that sufficient distance exists between this site and those dwellings to allow a different design approach. The proposal is not considered likely to cause significant harm to the character of the surrounding area and is on balance considered acceptable.



### **Residential amenity proposed dwellings**

The proposed internal layout of the dwellings is considered to be acceptable.

Policy HO13 requires all of the residential units to be lifetime home compliant. The dwellings are capable of complying with lifetime homes standards. A condition is recommended to control this.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. This application proposes that each dwelling would have a generous rear garden which is comparable to other rear gardens within the vicinity as well as space for refuse, recycling and cycle storage at the front of the dwelling.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. The plans submitted show cycle storage to be located at the front of the property. A condition is recommended to ensure that the storage is secure and undercover.

### **Neighbouring amenity**

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. It is not considered that the proposed dwellings would result in any unacceptable harm to neighbouring properties.

Sufficient distance would be retained between the proposed dwellings and those in Baden Road (25-28m) to prevent any unacceptable overshadowing, loss of light or outlook.

The Building Research Establishment Report 'Site layout planning for daylight and sunlight: A guide to good practice' states *"privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m"*. Whilst the Brighton & Hove Local Plan does not set out a minimum distances between new buildings the distances recommended by BRE are considered to be appropriate.

In this respect the proposed scheme is considered to maintain sufficient distances to the neighbouring properties to provide adequate privacy for the future occupants of the properties and to protect the existing dwellings from adverse overlooking. A distance of 25-28m would be retained between the rear elevations of the proposed dwellings and those in Baden Road. This is sufficient to prevent any unacceptable overlooking between habitable rooms. It is acknowledged that there will be views of neighbour's gardens from the proposed dwellings. However, this is to be anticipated in a residential area. It is not considered that a refusal based on overlooking of neighbours gardens could be justified bearing in mind the existing relationship between dwellings in the surrounding area.

## PLANS LIST – 22 OCTOBER 2008

Concerns raised regarding the impact of the proposal upon Fitzherbert Court which is located on the opposite side of Bevdendean Road are noted. However, taking account of the fact a distance of 22m will be retained between the front elevation of the proposed dwellings and the side elevation of Fitzherbert Court it is not considered that there will be an unacceptable impact by way of overshadowing, loss of light or outlook. Furthermore, the proposed dwellings and Fitzherbert Court will be separated by a busy road and as such the future occupation of the proposed dwellings will not result in unnecessary noise or disturbance.

Loss of views and noise from construction are not material planning considerations and cannot be taken into account when determining this application.

It should be noted that the site levels do vary and these variations have been taken into consideration when assessing the impact of this development. The applicant has provided a full land level survey (related to OS Datum) which has formed part of the consideration of the above issues.

### **Transport issues**

Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. The site is not situated within a controlled parking zone (CPZ); the proposal makes a provision for off street parking, at a ratio of one per dwelling which is in accordance with the Council's adopted parking standards. As previously mentioned the scheme also makes provision for secure cycle parking at a ratio of one per dwelling in line with the Council's adopted standards contained with SPGBH Note 4.

Initially the Traffic Manager raised concerns regarding the pedestrian visibility splays and the location of the refuse/recycling stores. The refuse/recycling stores and gates have now been repositioned further back from the pavement edge to ensure that pedestrian visibility splays are achieved and that there are no walls or other structures higher than 0.6 metres within 2 metres of the pavement edge. It is therefore considered that the scheme would not represent a highway safety risk to pedestrians.

The Traffic Manager's comments are noted and a condition is recommended requiring the applicant to enter into a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990. However, the recently approved scheme at 58-74 Baden Road sought a contribution of £13 500. For consistency, an identical figure is recommended for the current proposal to fund improved sustainable transport infrastructure in the vicinity of the site. This will address the traffic demand that will be generated from the additional dwellings in accordance with policies TR1, TR19 and QD28 of the Brighton & Hove Local Plan.

### **Sustainability**

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to

## PLANS LIST – 22 OCTOBER 2008

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 proposal is for new build development and as such it is required to meet a minimum of a 'very good' Ecohome rating or level 3 of the Code for Sustainable Homes. The application is accompanied by a sustainability checklist. The application includes sustainability features such as solar panels, rainwater harvesting for irrigation of the gardens and landscaping, water efficient fixtures and fittings and energy efficient appliances. The applicant has stated that the proposed development will be designed to meet a minimum 'very good' EcoHome rating. A condition is recommended to control this. Therefore the proposal is considered to be acceptable in this respect.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature; the application was accompanied by an acceptable statement.

### **Conclusion**

For the reasons discussed, the proposal is considered to be acceptable and therefore approval is recommended.

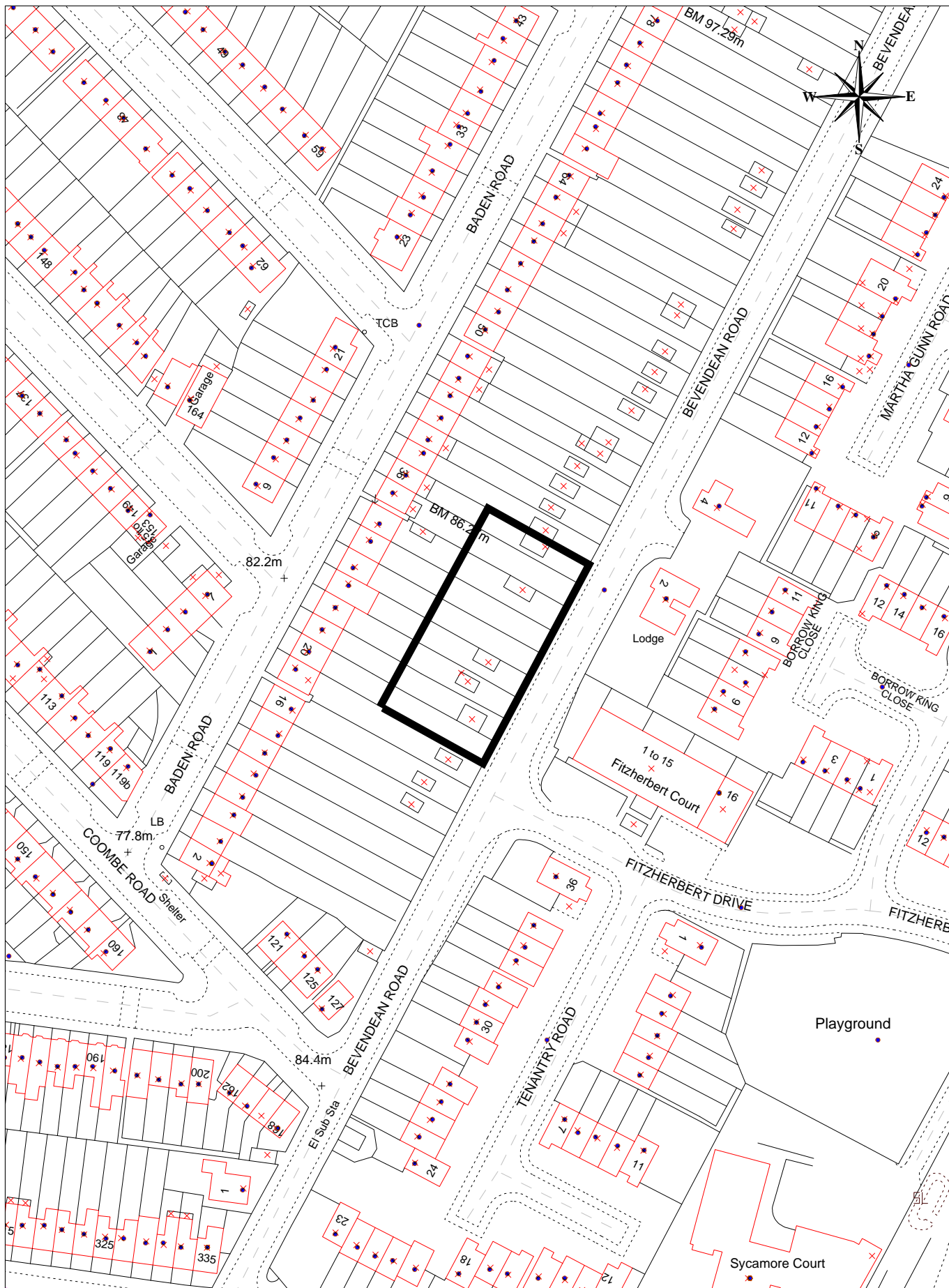
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development will make an efficient and effective use of the site by providing the city with nine family sized dwellings. The proposal would have no adverse impact upon the character and appearance of this site or the surrounding area. The proposal can be adequately accommodated on site without detriment to the amenity of future or neighbouring occupiers. Subject to conditions to control the development in detail the proposal accords with development plan policies.

### **9 EQUALITIES IMPLICATIONS**

The development will be required to comply with Part M of the Building Regulations, Lifetime Home Standards.

# LOCATION PLAN



BH2007/04167

SCALE 1:1250

Rear of 20-36 Baden Road



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**Brighton & Hove  
City Council**

COUNCILLOR MO MARSH

126 Queen's Park Road  
Brighton  
BN2 0GG

GB

Ms. Gemma Barnes  
Senior Planner  
Development Control (East Brighton Area)  
First Floor  
Hove Town Hall  
Norton Road  
HOVE

**Date:** 5 February 2008

**Our Ref:** MM/EB

**Your Ref:**

COPE 23  
AM

Dear Ms. Barnes

**RE: PLANNING APPLICATION BH2007/04167**

I am writing on behalf of my constituent Mr. R. J. Everett of Flat 3, Fitzherbert Court, Fitzherbert Drive, Brighton and indeed his neighbours who live in Flats 1 and 7 of the same block to object most strongly to this planning application. This is for nine houses, two 2-beds and seven 3-beds plus parking for nine cars, occupying the space between 20 to 36 Baden Road. Construction of these houses, if allowed, as planned would considerably reduced the light and view that Mr. Everett and his neighbours enjoy currently. They all consider that this is a gross over-development and are extremely worried and concerned about the disturbance that would be created during its construction with regards to noise, dust and vehicles accessing the construction site.

These issues are particularly concerning for my constituent who is suffering from a terminal illness and by necessity has to spend a great deal of time in his home, and takes great pleasure in enjoying the outlook and views that he presently has.

I hope that you will take these objections very seriously when consideration of the application is put before Committee.

Please let me know if there is any further information you require and I do hope that a sensible decision is made on behalf of, not only, Mr. Everett but his neighbours in 6 Fitzherbert Court.

Yours sincerely

Councillor Mo Marsh

Tel/Fax: (01273) 296446 Mobile: 07711 186 953  
Blackberry: 07825 387383

Email: [mo.marsh@brighton-hove.gov.uk](mailto:mo.marsh@brighton-hove.gov.uk)



PLANS LIST – 22 OCTOBER 2008

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

This application was deferred at the last Committee meeting on 1 October 2008 in order for members to visit the site.

**1 RECOMMENDATION**

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

Conditions:

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

## PLANS LIST – 22 OCTOBER 2008

The works shall be carried out in strict accordance with the approved details and maintained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

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

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Local Plan.

### 14.05.02A Site Waste Management Plan

#### Informatives:

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

#### Brighton & Hove Local Plan:

TR1 Development and the demand for travel  
TR7 Safe development  
TR14 Cycle access and parking  
TR19 Parking standards  
SU2 Efficiency of development in the use of energy, water and materials  
SU13 Minimisation and re-use of construction industry waste  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD3 Design – efficient and effective use of sites  
QD4 Design – Strategic impact  
QD5 Design – street frontages  
QD27 Protection of amenity  
HO3 Dwelling type and size  
HO4 Dwelling density  
HO5 Provision of private amenity space in residential development  
HO7 Car free housing  
HO13 Accessible housing and lifetime homes  
HE6 Development within or affecting the setting of conservation areas  
SR8 Individual shops

#### Supplementary planning guidance

SPGBH4 Parking Standards  
SPGBH16 Energy efficiency and renewable energy

#### Supplementary planning document

SPD 03 Construction and Demolition Waste

#### East Sussex and Brighton & Hove Structure Plan 1991 – 2011

W10 Construction industry waste

#### East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

#### RPG9

W5 Diversion from landfill



(ii) for the following reasons:-

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

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

## **2 THE SITE**

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

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

## **3 RELEVANT HISTORY**

**BH2008/02612** - Conservation Area consent for demolition of 1-2 Regent Street. Concurrent application under consideration.

## **4 THE APPLICATION**

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

## 5 CONSULTATIONS

### External:

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

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

**Brighton & Hove Federation of Disabled People:** object for the following reason:

- The Traffic Regulation Order (TRO) which will be required for maintaining the car-free status fails to consider the needs of disabled residents in this development.
- If the TRO were to allow for blue badge holders to have residents' permits, then the objection would be withdrawn.

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

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

### Internal:

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

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**Planning Policy:** It is considered that the proposal does not raise any issues in terms of retail policy; however the layout of the units proposed are questioned for this new build development in terms of its compliance with the Lifetimes Homes Standard and general standards of amenity for the occupiers. The proposal does not appear to have met policy HO5 in terms of the provision of amenity space for occupiers.

### Ground Floor Retail

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

### Proposed Housing Units

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

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

### SU2, SU13

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

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

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

White render for the first and second floors and brick for the ground floor north and east elevations is appropriate to the character of the area and relates to the Jubilee Street development. The bricks will need to be carefully selected though. However the use of coloured ceramic tiles to clad the ground floor

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

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

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

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

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

### Amendments

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

## **6 PLANNING 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
- QD4 Design – Strategic impact
- QD5 Design – street frontages
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling density
- HO5 Provision of private amenity space in residential development

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HO7 Car free housing  
HO13 Accessible housing and lifetime homes  
HE6 Development within or affecting the setting of conservation areas  
SR8 Individual shops

### Supplementary planning guidance

SPGBH4 Parking Standards  
SPGBH16 Energy efficiency and renewable energy

### Supplementary planning documents

SPD 03 Construction and Demolition Waste

### East Sussex and Brighton & Hove Structure Plan 1991 – 2011

W10 Construction industry waste

### East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

### RPG9

W5 Diversion from landfill

## 7 **CONSIDERATIONS**

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

### **Principle of development**

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

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

### **Design and scale**

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

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As stated by the Conservation Officer the existing building is a 1920s - 1930s flat roofed two-storey structure, which appears to have had its Church Street façade cut back during road widening in Church Street. The Church Street frontage is very unattractive and has two large buttresses. Whilst its Regent Street façade is not without architectural interest, it is not considered that the building makes an important contribution to the conservation area and as previously stated it is considered that its demolition is acceptable in principle, subject to a satisfactory replacement building being approved.

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

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

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

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

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

**Amenity for future and existing occupiers**

Policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health. The proposed development appears to have an acceptable layout; the applicant has sought to amend the floor plans so that the dividing wall between the one bedroom flats has a bedroom either side where previously the living space was adjacent to the neighbouring bedroom. The amended layout relieves concerns relating to potential noise transference from the adjoining neighbours living room to the bedroom, with the addition of sound proofing required by Building Regulations the proposed layout of the development is considered acceptable in this respect.

Concerns raised by neighbouring occupants relating to access via the shared alleyway is a private legal matter this and issues relating to demolition/construction disturbance and potential impact on rodent nests are not material planning considerations.

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

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

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

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

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

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

### **Traffic issues**

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

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

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

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

### **Sustainability**

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate



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that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

Some initial concerns were raised to the scheme with respect to the proposed layout. Each of the units contained internal bathrooms and as such would be reliant upon mechanical ventilation and electric lighting and this therefore raised concerns regarding how sustainable each property would be. The applicant subsequently amended the internal layout of the flats to provide each kitchen with a window and internal windows to each bathroom to provide a degree of natural light.

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

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

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

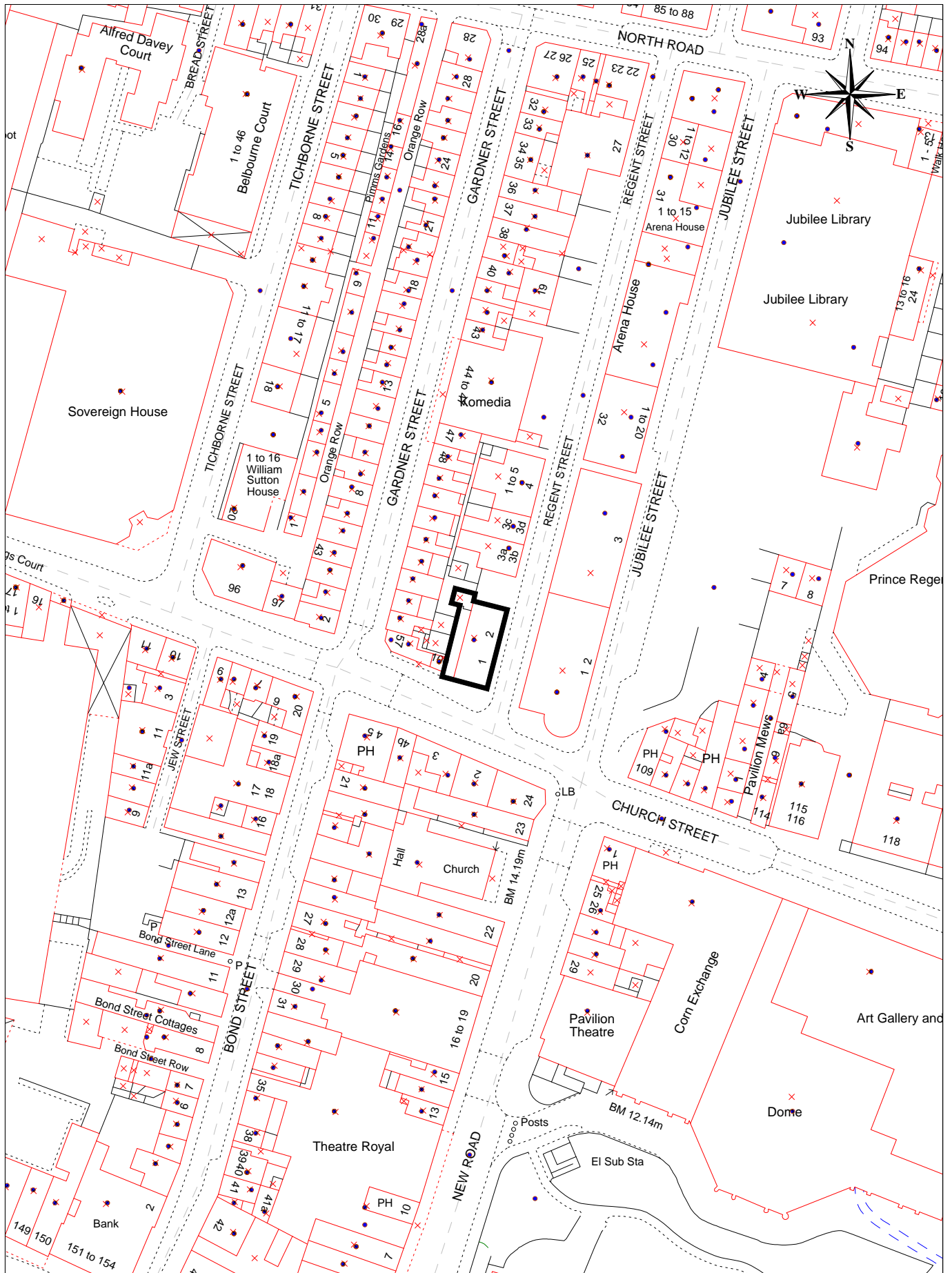
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

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

### **9 EQUALITIES IMPLICATIONS**

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

# LOCATION PLAN



BH2008/01953

SCALE 1:1250

1-2 Regent Street



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

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<b><u>No:</u></b>	<b>BH2008/02702</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>The Tin Drum 41-45 St James's Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Variation of condition 6 attached to BH1997/00792/FP to allow opening hours in accordance with the premises license and operating schedule.</b>		
<b><u>Officer:</u></b>	Liz Holt, tel: 291709	<b><u>Received Date:</u></b>	13 August 2008
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	08 October 2008
<b><u>Agent:</u></b>	,		
<b><u>Applicant:</u></b>	Mr David Radtke, The Tin Drum, 10 Victoria Grove, Hove		

## 1 RECOMMENDATION

### A. Refuse planning permission for the following reasons:

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

### Informatives:

1. This decision is based on site plan no. SK01, an unnumbered site plan, Premises License and a Statement submitted on the 13<sup>th</sup> August 2008, an e-mail received on the 18<sup>th</sup> August 2008, an e-mail received on the 8<sup>th</sup> September 2008 and a letter received on the 12<sup>th</sup> September 2008.

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

## 2 THE SITE

The application relates to a large four-storey property situated on the northern side of St. James's Street, on the corner of Chapel Street. The building comprises a restaurant/bar on the ground floor with residential accommodation above. The site is located within the East Cliff Conservation Area and the St. James's Street District Shopping Centre.

Although the wider context of this site lies in an area of mixed character the immediate area is predominantly residential. There are a number of commercial properties fronting St. James's Street at ground floor level with residential accommodation above. There is a public house opposite the site and residential dwellings to the rear.

## 3 RELEVANT HISTORY

**BH1997/00792/FP** - Change of use of part of ground floor from retail (class A1) to restaurant (class A3) and change of use of first floor to gymnasium (class D2) together with external alterations. Approved 18/08/1997.

**BH1997/00381/FP** – Installation of new shopfront to retail unit on part of the

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ground floor. Approved 18/08/1997.

**BH1998/01074/FP** - Construction of second floor to provide 6 no. flats and roof garden together with alterations to provide access stairs, extension to provide bin store, cycle parking and removal of existing ground floor canopy. Approved 27/08/1998.

**BH1998/02429/FP** – Use of first floor as 3 self contained flats. External alterations including creation of a greater window area. Approved 28/01/1999.

**BH2001/002303/FP** - Revised elevations including new fourth floor (amended scheme to BH1998/02429/FP & BH1998/01074/FP permitting one additional storey and 9 flats). Approved 22/11/2001.

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

### 4 THE APPLICATION

Planning permission is sought for the variation of condition 6 of application no. BH1997/00792/FP to extend hours of opening. The proposed hours of opening are as follows; 09:00-01:30 Monday to Saturday and 09:00-23:30 on Sundays.

### 5 CONSULTATIONS

**External:**

**Neighbours:**

5 letters of objection received from **Flats 2, 5, and the Company Secretary of the Residential Properties , 41-45 St. James's Street, 5 Charles Street, and Flats 8 and 9 St. James's Street (4 letters received)**, which is from the same individual who owns both properties, on the grounds that;

- the extension of hours would have a grave negative impact on the amenity of surrounding residential properties,
- it is stated in the background information submitted as part of the application that residential accommodation is located some 25m to the rear of the site however the premises is located immediately beneath flats 1-9, 41-45 St. James's Street,
- complaints involving the Tin Drum and other premises in the immediate vicinity have been dealt with by members of the Freehold speaking to staff rather than involving Environmental Services, especially as there are no 24 hour noise control officers of the Council available to deal with disturbances as and when they occur with the result that it is difficult to substantiate reports of noise nuisance,
- few complaints have been made as the existence of condition 6 preserves the amenity of the residential apartments directly above the licensed premises,
- the policies of the Brighton & Hove Local Plan rightly seek to protect residents amenities from noise and disturbance and to assist in the "right balance" in a thriving town centre between commercial activities and residential.
- should the application be granted the significant extension of hours would relate to the premises, not personally to the current owner. Ownership could change in the future with less responsible persons taking over,

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- disturbance has occurred on numerous occasions, especially as a result of live and recorded music at the premise,
- the premise may allow extensive street drinking, especially as a result of the smoking ban, and the need to enter and exit the premise will exacerbate the escape of noise,
- fears of increased anti-social behaviour,
- a recent application was refused as it was considered that the increase in opening hours would result in a significant increase in the level of noise and disturbance, contrary to policies of the Brighton & Hove Local Plan,
- the various premises mentioned in the applicants statement, with the exception of Gin Gin, are public houses which have never had any planning restrictions, furthermore the accommodation above the stated premises, in the majority, are occupied by the operators of the premises or as staff accommodation,
- the residents above the Tin Drum have to endure severe problems of noise from the adjacent Royal Oak and associated beer garden so the fact that the Tin Drum is immediately below the 9 residential premises it should be viewed with greater caution than those premises that are mentioned as comparables by the applicant,
- the applicant statement seems not to recognise or acknowledge the fact that the St. James's Street area is overwhelmingly residential and increasing so all the time with infill housing and accommodation over shops coming into residential use. In this way the area differs markedly from much of the real 'town centre' and the amenity of the ever-increasing number of residents should be protected,
- licensing hours and planning are two separate processes and the options open to licensing panels are more limited than those pertaining to the consideration of planning applications, including the concept if residential amenity is not a licensing consideration,
- condition 6 was attached to the original approval for a reason, to protect and preserve the amenities of residents,
- a variation of condition 6 could undermine the quality of the 'residential offer' and mixed neighbourhood generally which if this deterred residents from living here could result in lowering of quality even degenerate the town centre,
- some of the comparable premises provided have accommodation above which is used by the operators of as staff accommodation so are not as sensitive to the activities of the licensed premises below,
- Government Planning Guidance PPS1, PPS6 and PPG24 strongly support the protection of residential quality of life and amenities,

27 Letters of support received from **57 Gordon Road, 33 St. Johns Road, 36 Clarendon Villas, 80 Rugby Road, 27 East Drive, 20 Park Crescent, 20 Crown Street, Flat 7, 78 Marine Parade, Lower Rock Gardens, 19 Charlotte Street, 47/47a St. James Street, 42 Harrington Road, 6-7 New Steine, 1 Paston Place, 28 Foundry Street, 4a Preston Park Avenue, 79a Beaconsfield Villas (2 e-mails received), a letter on behalf of a Devonshire Mansions resident, 3 e-mails from unknown address, a letter from a Dr from the Royal Sussex County Hospital, a letter from the**

**managing director of Leather World and letters from 19 Thurlow Road, Worthing, 27 Madeira Avenue, Worthing and 49 Gildredge Road, Eastbourne,** on the grounds that

- the Tin Drum is a positive addition to St. James's Street,
- the premises has been operating to the Licensed hours for 3 years without a problem,
- the applicant has proved to be a responsible licensee,
- there is a lack of objection,
- will retain a status quo that everyone is happy with,
- due to the other type of licenses held by other premises in the street, which allow opening beyond 11pm
- anyone buying or renting a flat in the area is aware that the street is lined with bars and bistros,
- the Tin Drum has made a considerable contribution to St. James's Street and a friendly, safe environment and has helped to revitalised the street,
- St. James's Street is one of Brighton's most vibrant and part of Brighton's 24 hour culture and the Tin Drum is very much part of this,
- fail to comprehend why the venue seems to have been singled out for attention since there are certainly more noisy, aggressive venues in the street,
- it is a busy road in the centre of town and there are means for people to disperse quickly,
- if there were noise problems people would of complained more frequently, which does not appear to be the case,
- concerns that other shops may suffer a loss of business if the Tin Drum shuts as a result of not being allowed to trade at later times,
- the existing management take care to ensure that controls are in place to avoid disturbance or noise problems to local residents,
- if the application is refused it is likely that the Tin Drum would have to close which will mean the patrons will lose a favourite place, there will be less choice for local people, staff will lose their jobs and there will be another empty commercial property.

**Des Turner MP** – Supports the application as the Tin Drum have shown themselves to be a business that greatly supports the community in St. James's Street and who have shown great responsibility as licensees. The variation would bring the planning situation in line with the license that was granted to them and on the basis by which they have been operating for some time. Normally is greatly concerned at any extensions to licensing hours in this area but this business has operated successfully to these hours and would be deeply concerned if this planning condition was not varied in such an important business was lost to the street.

**Internal:**

**Environmental Health:** Occupied residential premises in the vicinity of the site are likely to be affected by the proposal. The Council's Environmental Health department has recently received complaints from two residents living close to the Tin Drum about noise from live music. As a result of these

## PLANS LIST – 22 OCTOBER 2008

complaints the applicant has been contacted and the Council has been assured that the Tin Drum will not have any more live music or DJs until a noise limiting device is installed and set to the satisfaction of the Licensing Authority in consultation with Environmental Health. Until this happens, they are only permitted to have background music playing in the bar. On this basis it is believed that there is little likelihood of further noise nuisance arising from music being played. It is noted that under condition 12 of planning permission BH1997/00792/FP 'Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residential premises'.

One of the complaints also expressed concern about noise from customers seated or standing outside the premises. It is noted that on the premises licence there is a condition stating that 'staff will continually monitor noise levels both from within and outside the premises'. However the Environmental Health department is of the opinion that the outdoor terrace area should be closed to customers after 22.30 hours to discourage customers from sitting outside and adding to the noise in the area. This is consistent with an existing condition on the premises licence stating that 'the sliding doors and windows opening on to the street shall be closed at 22.30, save as necessary for access and egress'.

Should complaints arise in the future about noise, either from music or from customers sitting or standing outside the premises the Council would be able to deal with these using powers under the Environmental Protection Act 1990 and Licensing Act 2003. On this basis recommend that the application is granted, subject to the following conditions;

- The premises shall not be open or in use except between the hours of 10.00 and 01.30 on Monday to Saturday and 10.00 and 23.00 on Sunday.
- The outside terrace area at the front of the premises shall be closed to customers between the hours of 22.30 and 10.00 every day.

**Traffic:** No highway comments. There will not be a material change in traffic so no objection to this proposal to vary the condition.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

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

### Planning Policy Statements and Guidance

PPS1: Delivering Sustainable Development  
PPS6: Town Centres  
PPG24: Planning and Noise

## 7 CONSIDERATIONS

Condition 6 of approved application BH1997/00792/FP states that “The restaurant premises shall not be open or in use expect between the hours of 09:00 and 23:00. Reason: To safeguard the amenities of the locality”.

Under application BH2008/01403 the applicant sought planning permission to remove condition 6 set out above in order to extend the hours of operating of the premises to 01:30am Mondays to Saturdays and until 11:30pm on Sundays. This application was refused as “This premise is located in close proximity to residential dwellings. The increase in opening hours would result in a significant increase in the level of noise and disturbance to adjacent residential properties to the detriment of their amenity, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan”.

Within the current application the applicant now seeks planning permission to vary the condition 6 set out above in order to allow the premises to open until 01:30am Mondays to Saturdays and until 11:30pm on Sundays. Clearly the August 2008 refusal of identical opening hours to those now proposed carries great weight in assessing this application.

The premises does currently benefit from a Premises Licence which allows the premises to open until 01:30 Monday to Saturday, however no planning permission for the extended hours of operation has yet been granted. It is stated within the information submitted as part of the application that the premises has been operating for the past 3 years within the opening hours for which permission is sought.

Whilst the site is located in an area of mixed character, adjacent to commercial properties to the south, east and west it is noted that there are a large number of residential dwellings located in close proximity to the site. These include those located directly above the existing restaurant/bar and above other commercial properties fronting onto St. James Street. The streets located to the north/rear of the site address are comprised almost entirely of residential dwellings. Whilst residents living in an area of mixed character, in close proximity to a town centre, should expect a degree of evening activity it is considered that residents living above and adjacent to this site already experience noise and disturbance during the evening, by virtue of the approved opening hours (23:00, 7 days per week). The proposed opening hours would lead to further noise and disturbance which would be beyond what residents in this area should reasonably expect.

Policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan seek to reduce or minimise the impact of noise and nuisance to neighbouring properties. Whilst the Council’s Environmental Health Department has not raised an objection to the proposal on the grounds of noise pollution they have declared that complaints about noise have been received from residential units located above the premises. In addition a number of objections from third parties have been received in response to the proposal on grounds of increased noise nuisance and harm to neighbouring properties. The third party objections and the complaints to the Council’s Environmental



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Health department demonstrates that noise is a strong concern for local residents and as such, as with the previously refused application, should be afforded weight in the determination of this application.

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

PPG24 deals with noise issues associated with new development, this includes an extension of opening hours. PPG24 recognises that bars and restaurants can pose noise difficulties particularly in the evening and late at night. Noise generated by patrons arriving and leaving such premises is recognised as an important consideration. PPG24 also identifies residential dwellings as noise sensitive buildings. Paragraph 12 of PPG24 indicates that between the hours of 23:00 and 7:00 is the time when people are normally asleep. It is considered that the additional opening hours sought by the variation of condition 6 as would significantly intrude into these hours and cause harm to the amenities of occupiers of surrounding residential properties.

It is acknowledged that, following the refusal of application BH2008/01403, the Local Planning Authority recommended to the applicant that within any subsequent submission of an application for the proposed extended hours that confirmation of existing noise limiting devices and measures to control noise, especially live music, should be included. Information submitted by the applicant as part of the application states that the installation of such a device has not yet occurred and that live music will not occur at the premises until such a device has been installed. A further discussion with the applicant has revealed that no live music now occurs at the premises and therefore the applicant believes that there is no longer a need for the originally intended noise limiters.

A small covered external terrace area is located at the front of the licensed premise in addition to the provision of an retractable awning on the front elevation. Following the introduction of the new smoking legislation, which came into force in the summer of 2007, it is considered that the use by patrons of both the external seating area and the area under the awning when open will have intensified. Within the statement submitted as part of the application the applicant has stated that they would be willing to prevent the use of the terrace after 10:30pm. However it is considered that in the evening, once the use of this terrace is prohibited, patrons will congregate outside the

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premise either on St. James Street or on Chapel Street. The proposal to extend the opening hours of the premise would therefore result in the extended time by patrons using the adjacent streets to smoke which would generate a level of noise and disturbance to the local residential properties, especially those located directly above.

Details of the opening hours of other licensed premises have also been submitted as part of the application. Site visits by the case officer have been undertaken in order to assess the character of the surrounding areas related to the premises provided by the applicant. It is considered that the Bulldog, The Ranelagh and Brighton Rocks are located in more commercial areas and therefore do not provide an exact comparison to support the proposal. Also a majority of the stated premises do not appear to have separate private residential units above the licensed premises. Instead it would appear that the accommodation above is used by the operator of the premise or for staff accommodation. In addition, other than with regards to no. 74 St. James's Street no planning history in relation to the opening hours of the stated premises have been identified, although the hours stated by the applicant in relation to this premise differs significantly to those conditioned within the approval (ref: BH2003/00602/FP). The applicant states that the premises is open Monday to Thursday 11:00am to 12:30pm, Friday to Saturday 11:00am to 01:30am and Sundays 11:00am to 11:30pm however condition 3 of BH2003/00602 states "The premises shall not be open or in use except between the hours of 11am and 11pm".

As stated within PPG24 noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. It is not considered that the existing license for the premises or the lack of objection raised by the Council's Environmental Health team outweighs the harm identified above. Under the Licensing Act 2003, the licensing authority has to have regard to promoting the 'licensing objectives' which include the prevention of public nuisance. Within recent case history Planning Inspectors have considered that the prevention of public nuisance under the Licensing Act 2003 is not the same as the protection of public nuisance which is a material planning consideration. What might harm residential amenity may well fall short of constituting a public nuisance, and Inspectors have taken the view that the two systems of control are substantially different.

Overall it is considered that a variation to condition 6 of application BH1997/00792/FP to increase in opening hours from 23:00 to 01:30 has the potential to generate a level of noise and disturbance which would be of detriment to the amenities of the occupiers of adjacent and nearby residential properties. Increased noise and disturbance would result from customers leaving the premise at a time when neighbouring residents expect to enjoy a generally quiet environment. Planning permission has not been granted for other licensed premises within the immediate vicinity of the site address to open until 01:30. Consequently the refusal of the request to extend the hours of opening of the premise to reflect those hours within the premises licenses considered justified.

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No objections to the variation of condition 6 are raised by the Council's Traffic Manager. The premise is located within a centrally located district shopping centre and is well served by public transport.

Finally, no proposed external works to the property are proposed as part of this application and therefore it is considered that there would be no harm to the character or appearance of the surrounding Conservation Area.

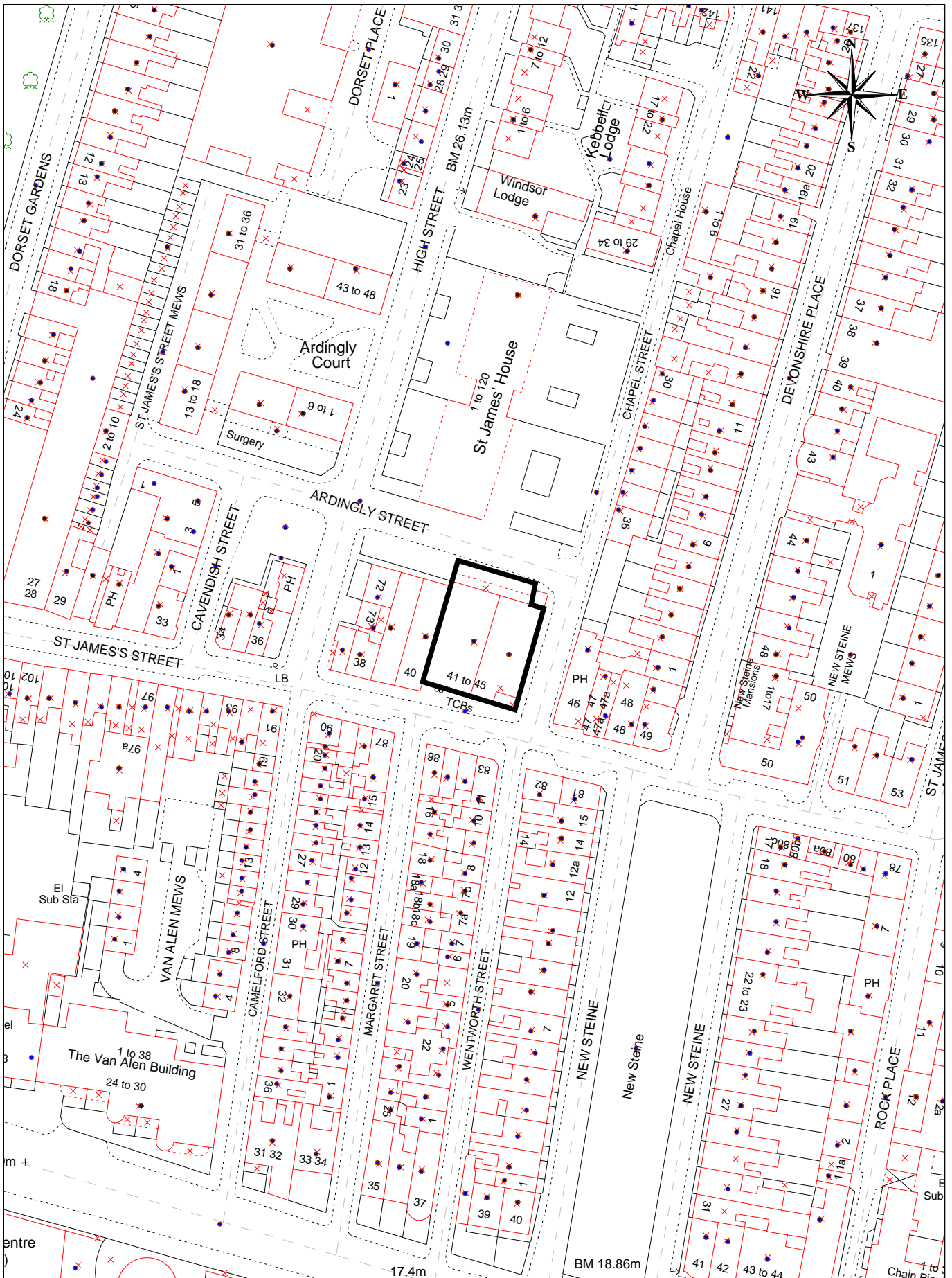
### **Conclusion**

For the reasons set out in this report refusal is recommended.

### **8 EQUALITIES IMPLICATIONS**

None identified.

# LOCATION PLAN



BH2008/02702

SCALE 1:1250

41-45 St James's Street



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<b><u>No:</u></b>	<b>BH2008/02181</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Lustrells Close, Saltdean.</b>		
<b><u>Proposal:</u></b>	<b>Demolition of garage and side porch and construction of extension to side. Formation of rooms in new and existing roof space with dormer windows to front and rear. Alterations to existing fenestration to front and rear. Works to form a pair of semi-detached single family dwellings.</b>		
<b><u>Officer:</u></b>	Steve Lewis, tel: 292321	<b><u>Received Date:</u></b>	25 June 2008
<b><u>Con Area:</u></b>	n/a	<b><u>Expiry Date:</u></b>	17 September 2008
<b><u>Agent:</u></b>	Building Technical Services, 4 Dales Cross, Windmill Hill, Herstmonceux.		
<b><u>Applicant:</u></b>	Mr M Wilson, 1 Lustrells Close, Saltdean, Brighton, East Sussex.		

- 1 RECOMMENDATION** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Refuse** planning permission for the following reasons:
1. The sub-division of the plot and the formation of a pair of semi detached houses fail to emphasise or enhance the key neighbourhood principles of the local neighbourhood. The scheme fails to take into account the bulk and design of existing buildings and the layout and character of the background street scene and spaces and, as such, would have a harmful impact upon the local urban character. This is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
  2. The proposed extensions are considered poorly designed by reason of their scale, bulk, massing and detail; harming the character and appearance of the property and street scene. This is contrary to policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Guidance note 1 (SPGBH1 - Roof Extensions and Alterations)
  3. The proposed extension by reason of its bulk and massing in close proximity to the joint boundary is considered to harm the residential amenity of adjoining occupiers. It will result in a dominant and overbearing addition which will overshadow resulting in a loss of light to and harm the outlook of number 25 Lustrells Crescent. This is contrary to policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.
  4. The development fails to demonstrate that the development will meet an acceptable standard of sustainability, will be efficient in the use of energy, water and materials or will incorporate appropriate sustainability measures into the development. This is contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Guidance note 16 (Energy Efficiency & Renewable Energy).
  5. The proposal fails to meet for the travel demands that it creates and does not provide the necessary contribution towards and enhancement of sustainable methods of transport. This is contrary to planning policies TR1 and QD28 of the Brighton & Hove Local Plan.

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6. The proposal fails to demonstrate a satisfactory construction waste minimisation strategy, confirming how demolition and construction waste will be recovered and reused on site or at other sites, therefore reducing the need to dispose of waste at landfill. This is contrary to policies SU13 of the Brighton & Hove Local Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and Supplementary Planning Guidance Document 03 (Construction and Demolition Waste).

### Informatives:

1. This decision is based on Design and Access Statement, Waste Minimisation statement, Block Plan and unnamed drawing nos. 05/0608, 05/0608a, 05/0608b, 05/0608c & 05/0608d submitted on 25/06/2008 and Planning Statement 10/09/2008.

## 2 THE SITE

The application relates to a detached bungalow upon the south west side of Lustrells Close in Saltdean. The bungalow benefits from a garage which is sited to the side of the dwelling and forward of the front building line of the main section of the building.

Lustrells Close is predominantly characterised by bungalows to the north east side of the road and split level dwellings to the south west. The dwellings are mostly set within a defined building line and have similar plot sizes. The topography is steep upon the south west side of the road; accordingly the roof line steps up with the slope of the area.

## 3 RELEVANT HISTORY

**59/0490** – Erection of bungalow and garage- **Granted** – 17/03/59

## 4 THE APPLICATION

The application seeks extension of the existing dwelling and the conversion/subdivision of the property into a pair of semi detached dwellings. The extensions comprise a side extension which includes a full addition of an extra floor of residential accommodation within a hipped roof and dormers.

## 5 CONSULTATIONS

**External:**

**Neighbours:**

**25 Lustrells Crescent, 3, 8 ,10 and 12 Lustrells Close** object on the grounds:

- The design of the proposal is not in keeping with the neighbourhood and will set an uncomfortable precedent.
- The additional dwelling will create further traffic and place additional demand upon on-street parking
- The proposal will result in a loss of privacy and increased overlooking.

**6 Lustrells Close**, no objection to the proposal and support the application.

**Wyatt & Son, 2 Chorley Avenue, 36 Arlington Gardens, 2 Juniper Close, 53 Lustrell's Vale, The Barns (Woodmancote)**, support the application on

the grounds:

- Semi detached houses would provide a good opportunity to downsize properties and would supply additional family sized dwellings in the area.
- The development would provide affordable housing in the area.
- The outward appearance of the development will not harm the character of an already mixed street scene where there are bungalows and houses of varying type and design.
- The houses provide sufficient on-site parking

**Internal:**

**Traffic Manager:**

No objection upon traffic grounds subject to the crossover being constructed in accordance with the council Approved Estates Road and under licence from the Highway Operations Manager. Subject to the cycle parking, parking areas being laid out and being available to use prior to the first occupation of the premises and the applicant entering into a section 106 obligation for the sum of £2000 towards bus stops, pedestrian facilities and cycling infrastructure in the local area.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- 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
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance

- SPGBH1 roof extensions and alterations
- SPGBH4 parking standards
- SPGBH16 energy efficiency and renewable energy
- SPD03 Construction and demolition waste

**7 CONSIDERATIONS**

The main considerations in this case are the impact of the extensions and alterations upon the character and appearance of the street scene; and the impact upon the amenity of adjacent residential occupiers. The subdivision of

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the plot including the formation of a pair of semi detached dwellings and its related impacts including traffic, living accommodation standards, amenity space, waste minimisation and sustainability must also be considered.

The application seeks planning permission for the extension of the existing dwelling and the conversion/subdivision of the property into a pair of semi detached dwellings. The extensions comprise a side extension which includes a full addition of an extra floor of residential accommodation within a hipped roof and dormers.

### **Principle of the development and design.**

The proposal seeks to make an additional residential unit upon the site by extending the size of the existing house and sub-dividing the property into a pair of semi detached dwellings. National and local planning policies seek to make the efficient use of land and proposals such as the proposal must be given serious consideration. However the impact of such development upon the quality upon the background environment and amenity must also be considered.

In this case, it is considered that the background environmental quality and the residential amenity of adjacent occupiers will be harmed by the development and these factors outweigh the benefit of further housing upon the site. The additional bulk of the extension, the dominance of the development to the plot and the design of the proposal are damaging to the street scene and amenity of neighbouring occupiers. The development fails to meet the key neighbourhood characteristics of the area as the design fails to emphasise or enhance the scale, bulk and design of the existing buildings in the immediate vicinity.

The immediate street scene, like most of Saltdean, is almost exclusively bungalows or split level detached dwellings. Semi detached houses, the bulky roof structure and the appearance of the proposed semi-detached building is considered alien to the street scene. The use of semi-detached housing within this plot will subdivide the land into an uncharacteristic size which does not emphasise or enhance the layout of streets and spaces.

Given the topography of the Lustrells Close, it is likely that the dwelling was designed as a bungalow to maintain the stepping ridgeline effect which is accentuated by the slope. Furthermore, the site is also closely related in design terms to and sited near to 25 Lustrells Crescent. The design of the bungalow offers visual relief to the corner and views into the road from Lustrells Crescent.

The half hipping of the roof and extension to the width of the building is considered poor design. These roof additions serve to dominate the building and the plot; and are not characteristic of Saltdean or the immediate area. The plot is wider than most others within the street scene, but cannot sustain a building of such dominance without harming the appearance of the street given its near corner location and rising topography. The proposed dormers are not considered attractively designed. They are wide and bulky and



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dominate the roof space. They are sited correctly in order to give a symmetrical appearance and follow the fenestration of the ground floor. However the flat roof construction and width are considered poor design, a dormer with pitched roofs is considered a more suitable design in this instance.

The subdivision of the plot will bring about a division in visual terms. It is likely that parking, boundary treatment and paraphernalia will clutter the plot and break down the space into two visibly small plots than the prevailing street scene. This will harm one of the key neighbourhood visual characteristics by failing to emphasise or enhance the layout of the street and space of the area.

### **Residential Amenity.**

The additional massing and bulk of the proposed extensions including the increased footprint, the expansion of the dwelling into the area covered by the present garage and the hipping of the roof is considered to have a detrimental impact upon the occupiers of number 25 Lustrells Crescent.

The proposal will have an overbearing and dominant impact upon the rear elevation of 25 Lustrells Crescent and will overshadow and harm the outlook from the neighbouring property.

Number 25 Lustrells Crescent is a bungalow which due to the topography of the area is set at a level below the application site and existing building. It is accepted that the present garage building already results in some minimal impact upon the neighbouring property. However the extensions are considered of a much greater level of harm given that they have a greater mass and height. The massing of full width extension including a ridge projection and half hipped roof formation is considered to have dominant and overbearing impact upon the rear facing windows of 25 Lustrells Crescent, which are sited in close proximity to the joint boundary. The additional height of the extensions above the present garage flat garage roof are oppressive to the amenities (light and outlook) currently enjoyed by the occupiers of 25 Lustrells Crescent.

The side elevation of the proposed extensions does not include any openings and, if permission were granted, a condition would be considered necessary to withdraw permitted development rights for further extensions and new openings to maintain the privacy of neighbours.

The proposed dormers will have a forward and rear facing aspect and are not considered to result in a sufficiently harmful loss of privacy to justify a refusal in this case.

### **Transport Issues**

It is clear that the proposal by creating an additional unit of residential accommodation would result in an additional demand for travel and would create additional journeys. The site is located outside of the city's Controlled Parking Zones (CPZ) and is therefore not a candidate for car free development as no complimentary on street parking controls exist.

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The applicant contends that the development will provide car parking in accordance with Supplementary Planning Document 4 (SPGBH4 - Parking), although the plans do not show the access in detail or the impact this will have upon the appearance of the site. Furthermore the development will place additional pressure upon existing transport infrastructure in the area. The Traffic Manager advises that in order to make up for the shortfall the applicant should make a contribution of £2,000 towards bus stops, pedestrian facilities and cycling infrastructure in the local area. This could be secured by a planning condition requesting that applicant enter into a scheme of mitigation with the Council, which potentially includes a one off payment of monies towards local facilities. However, as the application is recommended for refusal upon other grounds, it is considered that the scheme fails to meet the travel demands for which it creates and a further reason for refusal should be imposed.

Whilst the plans do not show cycle parking provision it is considered that there is sufficient opportunity within the amenity space of each unit to provide enough to meet the requirements of the Council's cycle parking policies. If the application were recommended for approval it is considered that a planning condition would be placed to ensure appropriate facilities are provided prior to the occupation of the dwelling.

### **Standard of living accommodation.**

It is considered that the development is likely to provide a satisfactory standard of living accommodation for the occupiers of either semi-detached dwelling. Each will provide sufficient living space for a family and ample amenity space located to the front and rear.

Given the major alteration of the existing property it is considered that the applicant should address all 16 criteria of Lifetime Homes and should seek to provide living accommodation which meets where possible all the standards. The application does not include any information of how the development will meet the required standards. In this case it is considered that a planning condition could require the proposal to meet Lifetime Homes standards prior to the occupation of the dwelling.

### **Sustainability**

The development comprises the extension and conversion of an existing building to form an additional residential dwelling. It is considered reasonable to expect that the applicant will undertake sustainable measures to improve the efficiency of the development in the use of energy, water and materials.

The applicant has not supplemented the application with any further information of how the development will aim to improve the efficiency of the development's use of water, materials and energy. It is considered that the use of on-site energy production, rain water harvesting equipment, insulation that performs beyond building regulation requirements, low energy consumption lighting, white goods and boilers etc. could be within considered for use within the scheme.

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The applicant has failed to address sustainability as a serious issue and as such it is considered that the application should be refused.

### **Waste minimisation.**

The application has been accompanied by an unsatisfactory waste minimisation strategy. The development will create a clear definable waste stream and the planning policy framework advises that a waste minimisation statement is required in this case.

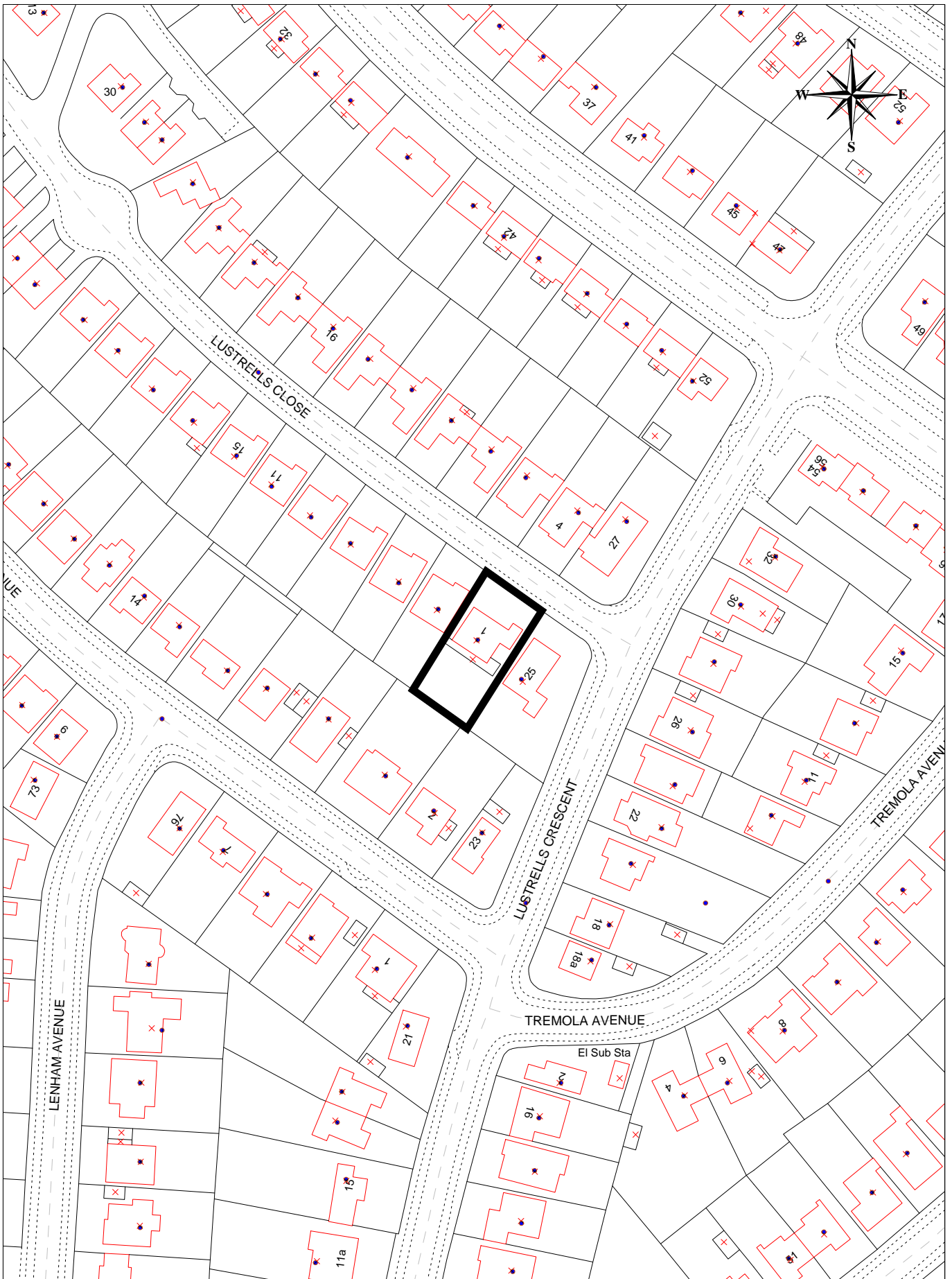
The submitted waste minimisation statement fails to address many of the fundamental issues associated with construction and waste minimisation. It fails to quantify or identify accurately all waste streams including any hazardous waste, strategy for dealing with any hazardous waste (unexpected or not); it does not set areas for storage of recyclable waste and construction materials; it fails to supply waste and recycling contractor details; confirmation of an Environment Agency Licensed contractor and the final destination of the land fill waste.

Given the poor standard of submission is considered that an additional reason for refusal should be added in this case.

### **8 EQUALITIES IMPLICATIONS**

The new dwellings would require to be built to meet Part M of the Building Regulations. Policy HO13 requires that new housing meets Lifetime Homes Standards.

# LOCATION PLAN



BH2008/02181

SCALE 1:1250

1 Lustrells Close



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<b>No:</b>	<b>BH2008/01460</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Saltdean Barn Arundel Drive West Saltdean</b>		
<b>Proposal:</b>	<b>Extension to the existing child care centre comprising the ground floor and an upper hall within the roof space, including the formation of one door opening and minor alterations to the listed building.</b>		
<b>Officer:</b>	Kate Brocklebank, tel: 292175	<b>Received Date:</b>	23 April 2008
<b>Con Area:</b>	Grade II Listed Building	<b>Expiry Date:</b>	25 August 2008
<b>Agent:</b>	David Thomas RIBA, Sutton House, Sutton Place, Seaford, East Sussex		
<b>Applicant:</b>	Boomerang Kids, c/o Agent, Mr David Thomas, David Thomas RIBA, Sutton House, Sutton Place, Seaford, East Sussex		

## 1 RECOMMENDATION

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

### Conditions:

1. 01.01AA Full Planning Permission
2. The following details shall be submitted to and approved in writing by the local planning authority before development commence:-
  - i) 1:20 sample elevations of windows, doors, shutters, the Juliet balcony, quoining, posts, etc. ,1:5 scale elevations of the brick quoining, cills and lintels, and 1:1 sectional details of windows and door frames and their thresholds and other external joinery;
  - ii) details and samples of the bricks, tiles, any new external paving and exterior finishes and colours;
  - iii) details of the window and door materials;
  - iv) details of the rooflights;
  - v) details of external light fittings;

and the works shall be fully carried out and completed in accordance with these approved details and maintained as such thereafter. **Reason:** To ensure the development is carried out in its entirety and to secure the preservation and enhancement of the Listed Building in accordance with policies HE1 & HE4 of the Brighton & Hove Local Plan.
3. The new extension's windows, doors, shutters, thresholds, eaves, guttering and tiling shall match those of the existing building, except where otherwise approved in writing by the local planning authority. **Reason:** To secure the preservation and enhancement of the Listed Building in accordance with policies HE1 & HE4 of the Brighton & Hove Local Plan.
4. Before the development commences, a sample panel of flintwork shall be constructed on the site and shall be approved by the local planning authority in writing and the works shall be carried out and completed to match the approved sample flint panel. **Reason:** To ensure the development is carried out in its entirety and to secure the preservation and enhancement of the Listed Building in accordance with policies HE1 & HE4 of the Brighton & Hove Local Plan.

## PLANS LIST – 22 OCTOBER 2008

5. 06.02A Cycle parking details to be submitted. Prior to the commencement of the use agreed cycle parking, refuse and buggy storage facilities shall be made available for staff and users.
6. 02.06A Satisfactory refuse storage
7. No development shall take place until details for the storage of buggies and push chairs has been submitted to and approved by the Local Planning Authority. The works shall then be carried out in full as approved prior to occupation and the facilities shall thereafter be retained for use at all times. **Reason:** To ensure a comprehensive range of on-site facilities are made available in accordance with policies HO25, SU2 and TR12 in the Brighton & Hove Local Plan.
8. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and any amendments there to, the premises shall be used only as a childcare centre and for no other use within D1 use class. **Reason:** The Local Planning Authority would wish to retain control over any subsequent changes of use in order to protect the amenities of the area in accord with policies TR1 and QD27 in the Brighton & Hove Local Plan.
9. The premises shall not be open or in use at any time other than between 0800 hours and 2000 hours Monday - Friday (except Bank Holidays) and between 1000 hours and 1600 hours on Saturday, Sunday or Bank Holidays. **Reason:** To protect the amenities of the locality in accordance with policies QD27 in the Brighton & Hove Local Plan.
- 10.05.03 Waste Minimisation Statement

### Informatives:

1. This decision is based on drawing nos. HH/02/01 and HH/02/02 submitted on 23<sup>rd</sup> June 2008 and HH/01.B(a)(i) submitted on 21<sup>st</sup> August 2008.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- 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 of neighbourhoods
- QD3 Design – efficient use of sites
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO26 Day nurseries and child care facilities
- HE1 Listed Buildings
- HE3 Development affecting the setting of a listed building
- HE4 Reinstatement of original features on listed buildings

### Supplementary planning guidance and documents (SPD & SPG's)

- SPGBH13 Listed Building – general advice

Planning Advice Note (PAN)

PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

(ii) for the following reasons:-

The proposed development would make a more efficient and effective use of this site by providing the city with additional childcare facilities. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail, there would be no adverse impact upon the character or appearance of the listed building or the wider street scene. And there would be no significant harm to neighbouring amenity. The proposal accords with development plan policies.

3. The applicant is advised that the nursery should be able to accommodate children with disabilities on the first floor and that a strategy for accessing garden play from that floor should be developed. The applicant is advised to contact the City Early Years and Childcare Team on 01273 294243.
4. IN.08 Waste Minimisation Statement

## 2 THE SITE

The site is situated within Saltdean Park, to the south of Arundel Drive West. To the east of the site is a playground, to the south east of the main building is a portacabin which houses a children's nursery and to the south of the site is the bowling green. Beyond the parameters of the park to the north is a predominantly residential area which is largely characterised by a mix of detached two storey, chalet properties and bungalows of varying design.

The early/mid nineteenth Century traditional Sussex Downland flint barn underwent renovation around 2003. The exterior has flint wall with red brick dressings and quoins, a half hipped tiled roof and large glazed openings on the north and south elevations. The east elevation has a hayloft door with decorative surround and a ground floor door. The barn has recently been extended by the construction of a timber framed small extension on its east side.

## 3 RELEVANT HISTORY

**BN76.2306** Alterations/additions for change of use of existing barn to form arts centre – Granted 4/1/77

**BN83/1507** Change of use of part of ground floor from storage to cafeteria – Granted 7/2/84

**BH1998/02542/FP** Change of use from storage to dance studio for 6-20 pupils during the hours of 9.00hrs to 22.00hrs, 6 days each week and 10.00 – 16.00 on Sundays and Bank Holidays. (Reconsideration of previously refused application BH1997/01002/FP) – Approved 24/03/99

**BH2003/000418/FP** Renovation of barn and change of use to a childcare centre – Approved 20/8/03

**BH2003/00419/LB** as above – Approved 15/4/03

**BH2004/01231/FP** Renovation of barn and change of use to a childcare centre. Variation to works previously approved under BH2003/00418/FP –

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Approved 10/6/04

**BH2004/01232/LB** as above – Approved 10/6/04

**BH2005/05286** – Addition of oak framed porch to entrance of building – Approved 08/11/05.

Concurrent Listed Building Consent application **BH2008/01459** under consideration.

### 4 THE APPLICATION

The application seeks planning permission for an extension to the existing childcare facility with the provision of accommodation on the ground floor and within the roofspace. The ground floor will provide an activity hall and separate smaller activity area and changing room and toilets. On the first floor a kitchen, two toilets (one of which will be for staff use) and a larger open hall area will be provided. The stairway will be contained within the proposed extension. Rooflights are proposed on the front and rear roof slopes.

### 5 CONSULTATIONS

#### External:

**Neighbours:** Five letters of objection were received from **13 Cranleigh Avenue, Oaklands Avenue, 43 Greenbank Avenue, 29 Chichester Drive West** and **Revell's Terrapin Nursery** their comments are summarised as follows:

- The development will put an unnecessary strain on traffic and parking arrangements which will lead to safety issues
- Additional illegal parking
- There is no need to provide extra facility for baby and toddler sections, there are adequate facilities in the area and it will ruin a beautiful building
- No planning notice was erected and many people in Arundel Drive West did not know about the plans
- The development will put other nurseries out of business
- English Heritage have been informed
- The existing extension was built on the fragile listed wall and has already ruined the listed building
- The proposed development is pure greed and is not required
- The Terrapin Nursery is incorrectly located on one of the plans
- The listed wall will be damaged
- The development would completely alter the appearance of the listed site and would not preserve the historic fabric or character of the barn
- Reference to conservation management plan and local consultation should be disregarded without evidence submitted with the application
- The development is large and will alter the setting and obscure the view of the barn – the character will be lost
- The development will impact on strategic views of the barn
- The proposal will completely spoil the listed building
- The building was originally renovated using lottery money.
- There are plenty of childcare options in Saltdean.
- The new nursery will not provide jobs it will take money and children



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away from other nurseries in the area.

- Another nursery is already proposed within Saltdean
- The claim of a two year waiting list is not a reflection of the quality of childcare it is due to the way the 'Surestart' scheme operates.
- Those using the facility park illegally on double yellow lines which is a hazard particularly on the sharp bend.

Twenty two letters of support were received from **38 and 45 Rodmell Avenue, 46, 65** (2 letters), **119 and 163 Bannings Vale, 96 and 97 Oaklands Avenue, 28 Hawthorn Close, 53 and 57** (2 letters) **Brambletyne Avenue, 8 Curzon House, Chichester Drive East** (2 letters), **14 Lenham Avenue, 10 Lenham Road East, 9 Stanmer Avenue, 19 Little Crescent, 33 Shepham Avenue, 2 Lewes Close and 59 Westbrook**. Their comments were summarised as follows:

- The barn is an amazing child care facility,
- The benefits of the proposal are extensive to both the current children and all the new possibilities for more local children,
- The extension to the barn is in keeping with the building,
- Will be an asset to the community by providing additional suitable childcare,
- A nursery section for 0-2 is desperately needed in Saltdean,
- The extension will provide additional jobs and will allow the future security of jobs as a result of the possible closure at St. Martins Church Hall,
- The play group offers so many services that others don't,
- The services provided are a vital service to working parents,
- The barn is the only option for people value their child's education, safety and the option to be able to seek work,
- The building used to be run down and derelict but is now beautiful, working, restored barn with a stunning 'Bear Hut' garden,
- There is currently a huge waiting list for spaces in the nursery,
- The extension will provide a training place for the local community to gain experience, such as parents and students,
- With the projected influx of new residents from the flats within Longridge Avenue feel that it is imperative to continue to increase and improve services to the public is essential,
- Cannot see how it would impact the surrounding area or residents significantly,

The occupant of number **55 Arundel Drive West** has provided the following comments:

- Whilst it is appreciated that there is a need for an increasing number of childcare places, reservations are held regarding the barn development.
- Concern is raised over the potential continuation of these gradual extensions which will continue resulting in overdevelopment or the original Grade II Listed barn, resulting in the loss of its original form and character.
- If approved the use should be restricted to that of a childcare centre.

## PLANS LIST – 22 OCTOBER 2008

- Objection would be raised to the use of the site for functions such as adult parties, dances etc out of childcare hours.

**Saltdean Residents Association** wrote in support of the application, their comments are summarised as follows:

- The manager is committed to catering for children under two and she is besieged by parents begging for places for their children, some with special needs who will benefit enormously from nursery provision.
- Parents are putting the names of their children down as soon as they are born.
- Please look favourably on this application.

Officer comment: Two site notices were erected and the application was advertised in accordance with the Council's adopted procedures.

The position of the Terrapin Nursery is shown in the correct location on the plans, it relates to the ground floor plan not the first floor plan as indicated in the extract submitted with the objection letter.

### **Internal:**

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

The proposal would result in a range of buildings laid out in a traditional farmstead manner. The similar style and roof form is sympathetic to the original barn and helps unit the buildings in a coherent group, whilst the predominantly timber cladding differentiates the old from the new.

The west elevation has timber post supporting the eaves and full height glazed doors and windows, vertical boarded sliding security shutters and vertical board cladding at ground floor level, so the building reflects an open sided cartlodge with a granary above.

It is considered that the building respects and does not harm the setting of the listed building.

There are some minor concerns about the detailing of the building. The south gable wall stops short of the eaves on the west side so that the arcade of posts seems to project beyond the building. This should be remedied by extending the south gable end flint wall westwards to the eaves and cladding the short western return in vertical boarding instead of flint.

The applicant has amended the plans to accord to the requirements of the Council's Conservation Officer and the scheme is now acceptable. Conditions relating to window design, samples of materials and panel of flintwork, and details of external light fittings are recommended.

**Traffic Manager:** No objection

**Early Years Development & Childcare:** Comments are based on the most recently submitted plans received September 2008.

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It is recommended that the nursery is approved for 79 children from birth to five years, with up to 9 babies under 2 years subject to the following condition:

Condition recommended requiring the applicant to devise an agreed plan to show how the nursery would accommodate children with disabilities on the first floor, and strategies for accessing garden play from that floor.

**Environmental Health:** No objection - this application has been assessed with regards to any environmental issues impacting upon the locality and nearby properties. The property is located to the North end of the Oval park in Saltdean. A playground is located opposite. The nearest residential property is across Arundel Drive West, at least 30 metres away. The main concern with regards to child care centres from a noise standpoint is that generated from children playing outside.

With increased numbers proposed at the centre, it is possible that more children will be playing outside, therefore generating more noise. However, it is considered that the residential properties are far enough away to not be disturbed by any intrusive impact of noise caused by larger numbers of children playing outside. There are no complaints on record with regard to the current operation at the Centre. With Nurseries in close proximity to residential premises an Outdoor Management/Action plan could be requested as prescribed by Early Years Childcare (CEYC) is submitted before commencement. In this instance however, it is not recommended that this measure is necessary as it is not foreseen that any problems of an environmental nature affecting local residents.

Conditions relating to refuse storage is recommended.

### 6 PLANNING POLICIES

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- 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 of neighbourhoods
- QD3 Design – efficient use of sites
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO26 Day nurseries and child care facilities
- HE1 Listed Buildings
- HE3 Development affecting the setting of a listed building
- HE4 Reinstatement of original features on listed buildings

#### Supplementary planning guidance and documents (SPD & SPG's)

- SPGBH13 Listed Building – general advice

Planning Advice Note (PAN)

PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

**7 CONSIDERATIONS**

The main considerations relating to the determination of this application are the acceptability of the proposed development in relation to the scale and design of the extension and its impact on the character and appearance of the listed building and surrounding area, impact on neighbouring occupiers, acceptability of the proposed facilities for child care, traffic impacts and sustainability related issues.

**Scale and Design**

As stated by the Council's Conservation Officer Saltdean Barn is a traditional Sussex Downland flint barn, which has been restored and converted to a nursery school. It has recently been extended by the construction of a timber framed small extension on its east side that serves as an entrance foyer, pram store and refuse store (BH2005/05286).

The proposal is to extend it with a similar style barn but mostly clad in timber, on the east side of the barnyard. This would abut a historic flint wall against which the smaller extension has already been built. A door would be formed through this wall to connect to the new extension. The result would be a range of buildings laid out in a traditional farmstead manner. The similar style and roof form is sympathetic to the original barn and helps unit the buildings in a coherent group, whilst the predominantly timber cladding differentiates the old from the new.

The west elevation has timber posts supporting the eaves and full height glazed doors and windows, vertical boarded sliding security shutters and vertical board cladding at ground floor level, so the building reflects an open sided cartlodge with a granary above.

Some concerns about the detailing of the building were raised by the Conservation Officer relating to the south gable wall which stopped short of the eaves on the west side so that the arcade of posts seemed to project beyond the building. The plans were subsequently altered and the south gable end flint wall extended westwards to the eaves and the short western return amended to be clad in vertical boarding instead of flint. The amended drawings adequately addressed the Conservation Officers concerns and with the imposition of conditions to control the development in detail it is considered that the proposed extension respects the character and appearance and does not harm the setting of the listed building in accordance with policies HE1 and HE3 of the Brighton & Hove Local Plan.

The property is sited some distance from the roadway, however it can be viewed at relatively long distances. As stated above the proposed development is considered to be of an acceptable design and scale in relation to the existing listed building and is not considered likely to appear adversely obtrusive in the street scene, nor is it considered likely to have an adverse

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impact on the character of the area. It is therefore considered to be in accordance with Local Plan policies QD1, QD2 and QD3.

### **Neighbouring amenity**

As stated above the site is located within a park, as such the closest residential dwelling is over 35m away with a roadway in between. To the east of the site, situated close to the eastern boundary is a neighbouring nursery which is run from a single storey temporary style building.

Under the previous permission, the hours of operation are restricted to between 08:00 and 20:00 Monday to Friday, except bank holidays and between 10:00 and 16:00 on Saturday, Sunday or Bank Holidays [BH2004/01231/FP], and the use has also been restricted to only operate as a childcare centre.

Environmental Health have been consulted on the application owing to the property's location within a park sited some way from residential dwellings, no objection has been raised. Furthermore, owing to the distance separating the proposed extension from neighbouring dwellings it is not considered that the scheme would have an adverse impact by way of overshadowing or overbearing affect.

The closest use is that of the adjacent childcare facility to the east which abuts the eastern boundary of the site. The proposed extension would have a maximum height of approximately 7.6m to the ridge and a minimum distance of approximately 1.5m will be retained between the two structures. The Terrapin Nursery does not have any primary windows on the west elevation and owing to the extension's orientation with respect to the adjacent nursery and the relatively low eaves height of approximately 3.2m is not considered that the extension will cause demonstrable harm by way of overshadowing, loss of light or causing an overbearing affect.

With the imposition of conditions relating to hours of operation and the type of operation (i.e. childcare only), the development is not considered likely to cause demonstrable harm to the amenity of neighbouring occupiers, both residential and commercial.

### **Acceptability of child care facilities**

Local Plan policy HO26 relates to day nurseries and child care facilities and sets out a list of criterion a – e which such a facilities must adhere to. In this respect the Council's Early Years Development and Childcare team has been consulted. It should be noted that from September 2008 there are new legal requirements which affect all childcare regulations. The National Daycare Standards are no longer in force and have been replaced by the Early Years Foundation Stage (EYFS) and the main part of this document relevant to planning applications is Section 3, Welfare Requirements with Specific Legal Requirements and Statutory Guidance. It is this document and its principles that is referred to by the Early Years Officer when assessing the scheme.

This existing property meets the requirements of the EYFS, and the applicant

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has worked with City Early Years and Childcare and made minor changes to the room layouts in order to give children better experiences. The EYFS states that 'Outdoors .... must be safe and suitable for their purpose' and 'that so far is reasonable the facilities and access to the premises are suitable for children with disabilities'.

Within Brighton & Hove there are few properties which would give clear access to all facilities, however, in spite of this childcare facilities should reasonably meet the needs of those with physical disabilities. Access to the front of the building meets DDA legislation. The existing exits to the garden and the proposed ones also meet DDA legislation and the plans show young children will be able to use the garden independently. In this respect although the outside area for young children will be reduced if this extension goes ahead, there are gardens to three sides of the building and so the experiences for young children will not be significantly affected.

One of the commitments from the EYFS states that 'the learning environment should support children's learning and development. (Giving) them confidence to explore and learn in secure and safe, yet challenging, indoor and outdoor spaces. By reducing the time children are able to spend outside will not meet one of the main elements of the EYFS.' The Early Years team has stated that they will be working with the nursery to ensure children continue to have a quality experience outside.

The scheme is supported by the Early Years team and based on floor area and the unit as a whole it is recommended that 79 children from birth to five years, with up to 9 babies under 2 years could be accommodated subject a condition requiring the applicant to devise an agreed plan to show how the nursery would accommodate children with disabilities on the first floor, and strategies for accessing garden play from that floor. It is not appropriate for these restrictions to be subject to a planning condition and an informative is recommended to bring these matters to the applicant's attention.

With reference to policy HO26, the impact on amenity has been assessed within the neighbouring amenity section above, the location is considered to be readily accessible by walking, cycling and public transport and adequate storage of buggies and pushchairs is provided within the entrance hall. Issues relating to highways will be assessed within the traffic impact section of the report below and notwithstanding this the scheme is considered to accord to the requirements on HO26.

### **Traffic impact**

As stated by the Council's Traffic Manager, this development is not likely to result in a material increase in traffic. With respect to concerns regarding illegal parking, it is worth noting that the public highway is just that. If there are concerns about illegal parking they should be referred to the Police if it occurs, illegal parking is not grounds on which the Local Highway Authority can recommend a refusal.

A condition is recommended requiring the submission of a travel plan, as was

attached to the previous approval.

The proposal is considered to adequately accord to policies TR1 and TR7.

**Sustainability**

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into layout and design. Part of this consideration is with respect to natural light and ventilation. The proposed extension appears to be largely acceptable with respect both however the proposed toilets and smaller activity area on the ground floor do not appear to have the benefit of either. As such details of general sustainability measures will be requested of the applicant by condition to ensure that the development adequately accords to the policy requirement.

Policy SU13 requires developments to reduce the amount of construction waste, with the particular aim of reducing the amount which is diverted to landfill sites. A way of addressing the policy in this instance is through the submission of a waste minimisation statement. A very limited statement was submitted with the application as such the submission of a full statement will be requested by condition.

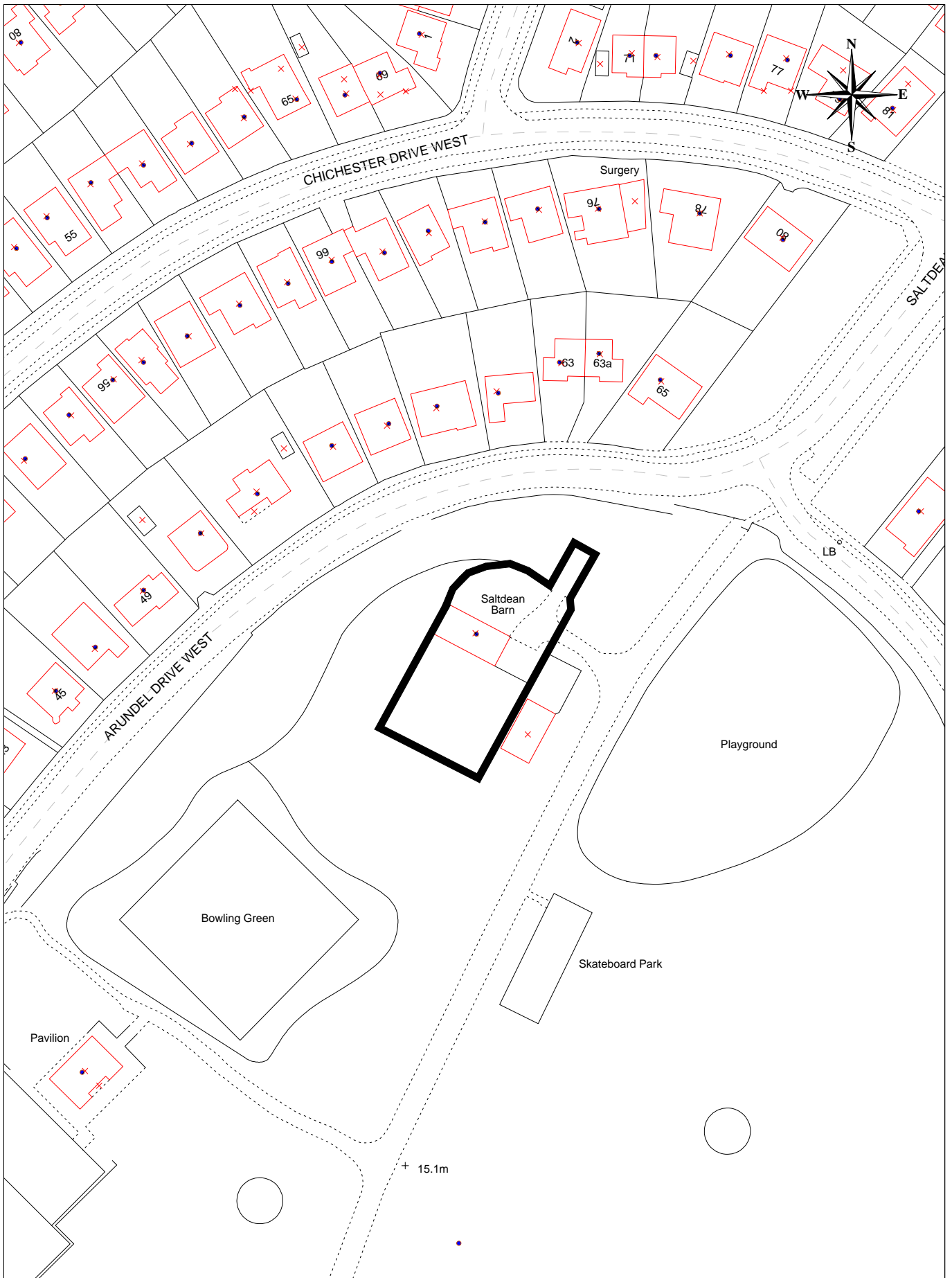
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would make a more efficient and effective use of this site by providing the city with additional childcare facilities. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail, there would be no adverse impact upon the character or appearance of the listed building or the wider street scene and there would be no significant harm to neighbouring amenity. The proposal accords with development plan policies.

**9 EQUALITIES IMPLICATIONS**

The applicant is required to demonstrate how the first floor accommodation will adequately cater for children with disabilities. The scheme must be constructed in accordance with Part M of the Building Regulations.

# LOCATION PLAN



BH2008/01460

SCALE 1:1250

Saltdean Barn



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

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<b>No:</b>	<b>BH2008/00958</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>App Type:</b>	<b>Listed Building Consent</b>		
<b>Address:</b>	<b>20b Bristol Mansions 19-20 Sussex Square Brighton</b>		
<b>Proposal:</b>	<b>Refurbishment and modernisation of existing accommodation.</b>		
<b>Officer:</b>	Louise Kent, tel: 292198	<b>Received Date:</b>	11 March 2008
<b>Con Area:</b>	Kemp Town	<b>Expiry Date:</b>	01 July 2008
<b>Agent:</b>	Robert K Muir, Parndon Mill, Parndon Mill Lane, Harlow		
<b>Applicant:</b>	Mr David Hounsell, Abbeywillow Properties Ltd, Haskell House, 152 West End Lane, London		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and is **Minded to Grant** Listed Building Consent, subject to the receipt of satisfactory amended drawings relating to the design of the rear window and approval from GOSE and the following conditions:

### Conditions:

- 16.01.05AA Listed Building Consent
- 17.14.02A Materials to match – Listed Buildings
- 18.14.12A Approval limited to drawings
- 19.14.13a New doors
- 20.14.15a Fireproofing

### Informatives:

1. This decision is based on drawing nos. 20BM-5-A submitted on 11 March 2008, S2-1, 20BM-3-A Rev. A, 20bBM-1-A & 20bBM-2-B and the Sika 1 Technical Data Sheet and associated documents submitted on 26 August 2008, and 20BM-5 Rev. A submitted on 1 October 2008 by Robert K Muir, a Design and Access statement submitted on 6 May 2008 2. The applicant is advised that full planning permission will be required for the new window.
2. This decision to grant Listed Building Consent has been taken:
  - (i) having regard to the policies and proposals in the Brighton and Hove Local Plan set out below:

#### Brighton and Hove Local Plan:

HE1 Listed buildings

#### Supplementary Planning Guidance Note

SPG11 – Listed Building Interiors.

and

- (ii) for the following reasons:-

The internal and external alterations would not cause any adverse impact on the architectural and historic character of the building, or its external appearance, and would respect the scale, design and materials of the listed building.

## 2 THE SITE

The site is a lower ground floor flat in a Grade I Listed Building, part of a terrace forming the western and northern side of Sussex Square. It is situated in the north-western corner of the upper part of Sussex Square, 70m from Eastern Road. It is in a residential area of large terraced houses, which is within the Kemp Town Conservation Area.

The two bedroom windows face the front semi-basement area, and the rear bathroom window faces a patio. There is an interior storage area behind the bathroom, where the new bathroom will be relocated. The existing bathroom will become a bedroom. The property is the subject of a housing enforcement notice for the eradication of damp in the existing bathroom. A section 11 improvement notice was served in February 2008.

## 3 RELEVANT HISTORY

None for this particular flat, although other flats in Bristol Mansions have had recent alterations approved, such as:

**Flat 10 Bristol Mansions**, Listed Building Consent approved for the creation of an additional bathroom (**BH2000/01966/LB**).

**Flat 10/11 Bristol Mansions**, Listed Building Consent approved for the conversion of a 4 bedroom flat to 1 two bedroom flat and 1 one bedroom flat. Conversion of a bathroom into a kitchen (partially retrospective) (**BH2003/03163/LB**).

**Flat 9 Bristol Mansions**, Listed Building Consent approved for the removal of an internal door and wall (**BH2004/03187/LB**).

## 4 THE APPLICATION

The application is to relocate the bathroom to an interior storage area at the rear of the existing bathroom, and to alter the existing bathroom to use as a bedroom, with a new window.

## 5 CONSULTATIONS

### External:

**Neighbours:** The five occupants of **Flat 1 Bristol Mansions**, **Flat 2 Bristol Mansions**, **Flat 8 Bristol Mansions** and **Flat 20 Bristol Mansions** have written to object to the application to convert the existing two bedroom flat to a three bedroom flat. The flat accesses only through the common parts of the building, and has a strong impact in terms of the number of tenants using the common parts, amount of rubbish generated and potential parking needs.

**English Heritage:** Does not wish to offer any comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### Internal:

**Conservation and Design:** No objections. The basement bathroom/bedroom area has previously been divided by stud walls, and the proposed divisions, although in slightly different locations, are of no more detriment to the shape of the space, than the existing. The damp proofing works are to be ventilated effectively through proposed external vents, above

the window, with a top opening louvre – the proposed sliding sash [window] will enhance the character of the building, as well as provide more ventilation. Recommend amendments to the glazing pattern and detailing of the new rear window.

## 6 **PLANNING POLICIES**

Brighton and Hove Local Plan:  
HE1 Listed Buildings

Supplementary Planning Guidance  
SPG11 – Listed Building Interiors

## 7 **CONSIDERATIONS**

The main consideration is whether the proposal would have an adverse impact on the architectural and historical character and appearance of the interior of the listed building.

Listed Building Consent is sought for internal alterations to relocate the bathroom, which is the subject of a housing enforcement notice as it suffers from damp, to a new interior location behind it in the existing storage room. A new window is proposed in the existing bathroom, which will be used as a bedroom. The original vaulted ceiling will remain in the new bathroom and bedroom, and a waterproof tanking system and ventilation ducts will be installed.

### **Enlarged bedroom formed from existing bathroom**

A stud wall partitioning the bathroom will be removed to enlarge the new bedroom, and a new timber sash window installed to replace the modern casement window. A new suspended ceiling is proposed, with the original vaulted ceiling remaining above it. The original entrance from the hall will remain, so the alterations will not cause any detrimental effect on the original floor plan.

### **New bathroom**

The new bathroom will be formed from the interior storage room behind the existing bathroom. The original vaulted ceiling will remain under an insulated suspended ceiling, with a ventilation duct running through the cavity to exit by the side of the new window. A waterproofing and tanking system is proposed to address the damp in the bathroom.

### **New window**

A new window is proposed to replace the existing bathroom window as the applicant seeks consent to use this room as a bedroom. A double hung sash timber window will replace a modern casement window, and this will enhance the appearance of the rear elevation of the flat and the building as a whole. The Conservation Officer has raised concerns about the glazing pattern and detailing of the window.

### **Impact on character and appearance**

The existing entrance to the storage room will be relocated 0.5m to the north

## PLANS LIST – 22 OCTOBER 2008

to give access to a new lobby with two doors, one to the bathroom and one to the storage room. The original floor plan of the basement has already been subdivided with stud walls, and the Conservation Officer has commented that the proposed new divisions will cause no more harm to the shape of the space than what exists at present.

The existing features of the rest of the basement, such as the fireplaces, joinery, and skirting boards will not be altered, which is in accord with policy HE1. This seeks to preserve the historic fabric of the building, and any addition should not prevent the original layout being “read”. Finally, the replacement of the casement window with a new timber sash window will improve the appearance of the rear elevation, and the whole building as a result.

### **Conclusion**

Policy HE1 advises that a proposal involving the alteration of a listed building will only be permitted where it 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.

There are no objections from the Conservation Officer, and it is considered that the proposal respects the scale, design, materials and finishes of the existing building. The internal alterations will not significantly detract from the historical or architectural character of the listed building, and the new window will improve the appearance of the rear elevation. Approval is therefore recommended.

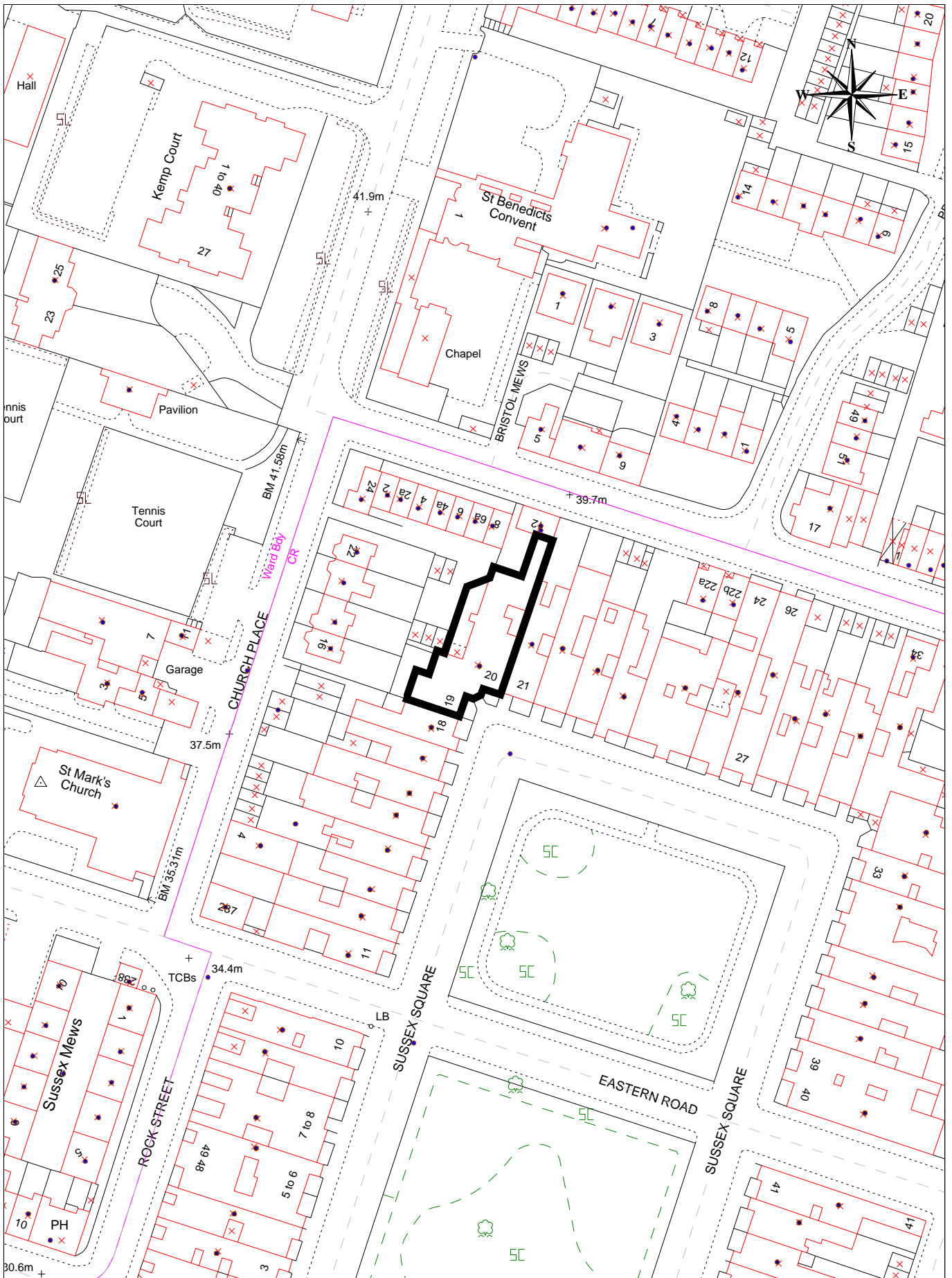
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The internal alterations and new window would not cause any adverse impact on the architectural and historic character of the interior of the building, or its external appearance, and would respect the scale, design and materials of this listed building.

### **9 EQUALITIES IMPLICATIONS**

None identified.

# LOCATION PLAN



BH2008/00958

SCALE 1:1250

20b Bristol Mansions 19-20 Sussex Square



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

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PLANS LIST – 22 OCTOBER 2008

<b>No:</b>	<b>BH2008/00319</b>	<b>Ward:</b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b>App Type</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>1 to 19 Buckingham Lodge, Buckingham Place, Brighton.</b>		
<b>Proposal:</b>	<b>Construction of one additional storey to form 6 no.1 bedroom flats and conversion 2 no. existing garages into a bin/cycle storage area.</b>		
<b>Officer:</b>	Steve Lewis, tel: 292321	<b>Received Date:</b>	29 January 2008
<b>Con Area:</b>	West Hill	<b>Expiry Date:</b>	15 April 2008
<b>Agent:</b>	R H Partnership Architects, 15 Bond Street, Brighton.		
<b>Applicant:</b>	Mr Colin Brace, Westfield Investments, The Paddock, London Road, Hassocks.		

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

Conditions

- 01.01AA Full planning
- 13.02A Materials to match Cons Area
- The external architectural detailing of the development; including windows, doors, balustrades, Juliet balconies, down pipes, brick patterns, copings, canopies and fascias, shall match the existing building in all respects, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure a satisfactory finish to the development and to enhance the character and appearance of the area, in accordance with policies QD1, QD2 and HE6 of the Brighton and Hove Local Plan.
- Prior to the commencement of the development, a scheme for suitable tree planting shall be submitted to and approved in writing by the Local Planning Authority. The tree planting shall be carried out in strict accordance with the approved details prior to the first occupation of the residential units and shall thereafter be retained to the satisfaction of the Local Planning Authority. **Reason:** To preserve and enhance the setting of the adjacent listed buildings and the development and to accord with policies QD15, HE3 and QD27 of the Brighton & Hove Local Plan.
- No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to make the development 'Car Free' has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with Brighton and Hove Local Plan policies SU15, TR1, TR19 and QD28.
- 02.05 Refuse and recycling storage (facilities)
- 04.02 Lifetime Homes
- 05.02A Site Waste Management Plan
- 06.03A Cycle parking facilities to be implemented

## PLANS LIST – 22 OCTOBER 2008

10.05.01 BREEAM/EcoHomes

11. Prior to first occupation of the development the sustainability measures set out in the Supporting Statement submitted with this application including the proposed solar powered water heating panels, low flow aerated taps, water efficient toilets, condensing gas fire boilers and AA rated white goods shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To ensure that development is sustainable and makes efficient use of energy, water and materials and in accordance with policies SU2 and SU16 of the Brighton and Hove Local Plan and Supplementary Planning Guidance Note 16 - Energy efficiency and renewable energy.

### Informatives:

1. This decision is based on RH Partnership Architects design statements & drawing nos. BRG 100/Rev0, BRG101/Rev 0, BRG102/Rev0, BRG103/Rev0, BRG105/Rev0, BRG106/Rev0, BRG108/Rev0, BRG109/Rev0, BRG110/Rev0, BRG111/Rev0, BRG112/Rev0, BRG113/Rev0 and BRG114/Rev0 submitted on 29/01/2008, BRG104 Rev 02 and BRG107 Rev 01 submitted on 09/07/2008.
2. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
3. the applicant is advised that the requirements of condition 5 may be satisfied by the completion of a Unilateral Undertaking or an agreement under S106 of the Town & Country Planning Act 1990, to provide £5,000 to fund improved sustainable transport infrastructure in the vicinity of the site and to fund the necessary amendments to the Traffic Order and Parking office records to make the development Car Free
4. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Waste Local Plan, Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

### Brighton and 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  
SU16 Production of renewable energy  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD3 Design – efficient and effective use of sites  
QD4 Design – Strategic impact  
QD5 Design – Street frontages  
QD14 Extensions and alterations

## PLANS LIST – 22 OCTOBER 2008

QD15 Landscape design  
QD27 Protection of amenity  
QD28 Planning obligations  
HO3 Housing type and design  
HO4 Dwelling densities  
HO5 Provision of private amenity space in residential development  
HO7 Car free housing  
HO13 Accessible housing and lifetime homes  
HE3 Development affecting the setting of a listed building  
HE6 Development within of affecting the setting of conservation areas

### East Sussex and Brighton & Hove Waste Local Plan

WLP11 - Construction industry waste

### Supplementary Planning Guidance and documents:

SPGBH1 – Roof alterations and extensions  
SPGBH4 – Parking standards  
SPGBH13 – listed buildings – general advice  
SPGBH16 – Energy efficiency & renewable energy  
SPGBH21 – Brighton & Hove Sustainability Checklist  
SPD03 – Construction and demolition waste

### Conservation area character statements

West Hill – CACS

### Planning Policy Guidance and Statements (PPG and PPS)

PPS1 – Delivering sustainable development  
PPS3 – Housing  
PPG13 - Transport  
PPG15 – Historic Environment; and

ii) for the following reasons:

The development will provide an additional 6 units of residential accommodation and is considered satisfactorily designed and will preserve the character and appearance of the West Hill conservation area and preserve the setting of the adjacent Grade II listed buildings. The development will attain acceptable standards of access and living accommodation for the new occupiers and will attain an acceptable standard of sustainability. The development will not adversely affect the amenities of nearby occupiers.

## **2 THE SITE**

The application site relates to a three storey block of flats on the south side of Buckingham Place; close to the junction with Compton Avenue. The block comprises 19 flats, which have front facing balcony inlets upon the front elevation at ground and first floor level, with inlet balconies upon the second floor at the rear. The front of the building is accessed via a central curved glazed atrium entrance, whilst the front elevation is broken up via a set of consistently spaced brick piers and down pipes.



## PLANS LIST – 22 OCTOBER 2008

Buckingham Lodge is a wide block of flats with an emphasis upon horizontality, which runs contrary to the verticality of the West Hill area. The block was built in the 1960's and is located upon the site of the former All Saints Church which was demolished sometime before. There remains a flint wall around parts of the boundary and is still in evidence upon the front of the property.

The site is located within the West Hill Conservation area, which is subject to an Article IV direction; which removes permitted development rights for alterations to the front of dwelling houses, means of enclosure and other works at the fronts of all sites. Adjacent to the eastern part of the site are two grade II listed buildings, forming a pair of semi detached early Victorian villas. The buildings date from circa 1845 and are two storeys over basement with a traditional roof formation.

### 3 RELEVANT HISTORY

#### **Buckingham Lodge**

**BH2003/03112/FP** - Construction of three additional storeys to form 4 two-bedroom flats, 4 four-bedroom flats and one three-bedroom penthouse. –

**Refused** 01/12/2003

**BH2004/00713/FP** - Construction of two additional storeys to form 8 two-bedroom flats and 1 three- bedroom flat. (Re-submission following refusal of BH2003/03112/FP – **Withdrawn** 07/04/2004

**BH2004/02972/FP** - Construction of one additional storey to form 4 no. two bedroom flats and 2 no. three bedroom flats. (Resubmission of previously withdrawn application BH2004/00713/FP). – **Withdrawn** 19/11/2004.

**BH2005/05694** - Construction of one additional storey to form 4No. 2-bedroom flats and 2No. 1-bedroom flats. (Resubmission of withdrawn application BH2004/02972) – **Refused – Appeal dismissed** 10/01/2006.

#### **Rear of Buckingham Lodge**

**BH2005/02367/FP** - Construction of 3 no. two bed houses, 1 no. two bed flat and 1 no. level access ground floor flat (special needs) – **Refused** 26/09/2005

**BH2005/05961** - Construction of 3 two-bedroom houses, 1 two-bedroom flat and 1 one-bedroom special needs ground floor flat (Resubmission of refused planning application BH2005/02367/FP). – **Refused** 13/01/2006.

**BH2005/05963** - Demolition of 10 derelict garage units. – **Approved** 13/01/2006.

**BH2006/00360** - Construction of a terrace of 3 two-bedroom two-storey mews houses. – **Approved** 25/04/2006.

**BH2007/00078** - Construction of a terrace of 3 three-bedroom, three-storey mews houses – **Approved** 22/05/2007..

### 4 THE APPLICATION

The proposal seeks planning permission to erect an additional storey to form an additional 6 flats and the conversion of 2 garages into bin/cycle storage areas.

### 5 CONSULTATIONS

**External:**

**Neighbours:**

**West Hill Community Association, 33, 41A Lower Ground Floor Flat (x2), 4 Buckingham Place, object on the grounds:**

- The additional height of the development is out of context with the surrounding buildings and setting back the top elevation is contrary to the inspector's findings of the previous appeal (BH2005/05694).
- The proposal will harm the character and appearance of the West Hill conservation area; including failing to relate to the innate quality and human scale of the area. The additional storey is unsuitable for a building of this type and is of grotesque proportions and will blight the conservation area.
- The access is under joint ownership with the adjacent community hall and the use of the access for additional and construction traffic will place considerable harm upon the activities of the hall and its users.
- The proposed development will result in the loss of residential amenity of adjacent and surround occupiers from a loss of daylight, over shadowing and quality of air.
- Concerns that the development will result in the loss of a disabled parking bay.
- The development coupled with the adjacent building site will result in a greater level of noise and disturbance to residents.

**66 Buckingham Road (x2), The School House, 40, Flat 6 42 Upper Gardner Street, 13/50 Rochester Gardens and 146 Holmes Avenue**

support the application on the grounds:

- The present appearance of Buckingham Lodge is unattractive and the proposed modernisation would improve the character and appearance of the area.
- The introduction of a set back and additional floor of accommodation will respect neighbouring properties.
- The development will provide some much need housing in Brighton and Hove.

**CAG:**

The group recommends refusal on grounds of the sheer mass of the building, which was out of character of the conservation area.

**Internal:**

**Conservation & Design:**

These comments are on revised floor and roof plans BRG 104 / 02 AND elevational drawings BRG 107 / 01 and should be read in conjunction with my earlier comments on the scheme. The width of the upper storey has been reduced by 1.5 metres at either end.

The angle of the set back at each end of the new extension and the angle of the set back of the front and rear elevations are still not as shallow as the angle of the roof pitches of the buildings on either side. Therefore the proposed new top storey will not appear as recessive as the roofs of those buildings. Nevertheless, this is a significant reduction, which will help reduce its visual bulk in the street scene and in relation to the houses on either side

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of it. Revised photomontages have not been submitted and so it is difficult to get a precise idea of the reduction in visual impact of the revised proposal.

Should permission be granted conditions requiring that the detailing and materials of the building match the originals and also to secure some additional tree planting to soften the appearance of the building should be imposed.

### **Traffic Manager:**

No objection upon traffic grounds subject to the following:

- Satisfactory secure, covered cycle parking to serve the development
- The applicant entering into a legal agreement with the council to contribute towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure within the vicinity of the development.

The Traffic Manager has requested the sum should be £3,000, this is based upon a calculation of the number of units, the numbers of trips created and a reduction factor based upon the level of floor space. This is based upon figures from PPG13 (Transport) and the shortfall in funding of the Local Transport Plan (LTP).

## **6 PLANNING POLICIES**

### Brighton and 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
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – Strategic impact
- QD5 Design – Street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Housing type and design
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HE3 Development affecting the setting of a listed building
- HE6 Development within of affecting the setting of conservation areas

East Sussex and Brighton & Hove Waste Local Plan

WLP11 - Construction industry waste

Supplementary Planning Guidance and documents:

SPGBH1 – Roof alterations and extensions

SPGBH4 – Parking standards

SPGBH13 – Listed buildings – general advice

SPGBH16 – Energy efficiency & renewable energy

SPGBH21 – Brighton & Hove Sustainability Checklist

SPD03 – Construction and demolition waste

Conservation area character statements

West Hill – CACS

Planning Policy Guidance and Statements (PPG and PPS)

PPS1 – Delivering sustainable development

PPS3 – Housing

PPG13 - Transport

PPG15 – Historic Environment

## **7 CONSIDERATIONS**

The main considerations in this case are the impact of the development upon the character and appearance of the West Hill conservation area and surrounding area, the impact upon the setting of the adjacent pair of grade II listed early Victorian villas and the residential amenity of adjacent occupiers. Other issues to be considered include traffic and travel demand created by the additional flats, housing strategy, living accommodation and access standards, sustainability and waste minimisation.

### **Planning history**

The site has been subject to a number of planning applications in recent years, seeking extensions of the building by placing additional storeys upon the present flat roof. Schemes for three and two additional storeys were refused upon grounds of harm to the character of the conservation area and the setting of the adjacent listed buildings.

Most recently a planning application for the erection of one additional floor (BH2005/05694) was refused. The scheme sought an additional storey which had a high degree of glazing, which covered the depth of the host building and was set back from the side building line and introduced roof terraces.

It was refused upon the grounds that the design by reason of its height, bulk, design, and inclusion of roof terraces, prominent location and its visually intrusive form would poorly relate to the roof scape and street scene. This would result in a development which poorly relates to the host building and harm the character and appearance of the West Hill conservation area. Furthermore the application was refused upon the grounds that the development would have a harmful impact upon the setting of the adjacent listed buildings and other planning reasons including failure to meet lifetime home standards, failure to meet an acceptable sustainability standard, lack of

## PLANS LIST – 22 OCTOBER 2008

recycling and refuse storage facilities and failure to meet the travel demands created by the additional units.

The application was the subject of an informal appeal hearing which was dismissed; however the Inspector's comments were instructive with regards to the design and impact upon the adjacent grade II listed building; as well as other raised planning issues.

### **Design, conservation and listed building considerations.**

The design, appearance and character of the Buckingham Lodge are at odds to the immediate and wider West Hill conservation area character. The present building does not contribute positively to the conservation area and is referred to within the West Hill conservation area character statement. The character statement points out that the building is a 1960's block has strong horizontal emphasis and seems completely out-of-character with the verticality of the 19<sup>th</sup> century houses.

The outcome of the recent appeal for this site considered that some of the design details, inappropriate design, lack of a set back on the front and rear elevations would make the proposed extension prominent and result in a form of extension which visually competed with the building below. The Inspector also concluded that a scheme which included an additional storey of the right proportions, with a set back and appropriate design could improve the appearance and proportions of the building.

The height of the proposed extension above the main roof remains at 2.8 metres; although excluding the height of the reformed plant room. The scheme introduced a setback of approximately 1.5m from the front and side building lines. An amendment to increase the set back was requested and received. The scheme now includes a set back from the side building line of 3m, an increase of 1.5m upon either side.

The scheme introduces balconies and balustrades upon the rear elevation but sets the main facing elevation back by two metres. The fenestration and brick panel patterns have been amended upon the front elevation to more closely relate to that of the host building; including the introduction of a curved glazed section which picks up the present front curved bay atrium detailing.

The results of the amendments are positive in design terms. The introduction of complementary proportions of brick panels, windows and door designs, detailing, the continuation of the vertical elements of the elevation; including a rounded bay glazed section and plant room, have resulted in an improved appearance and better proportional ordering of design elements within the building. The overall width of the physical structure has been widened from that refused last time and the roof terrace areas to the side removed. Despite the additional width it is considered that the visual impact has been reduced.

Some concern still exists with regards to raising the height of an already prominently located building, the design of which runs contrary to the appearance of the area. As such the additional impact upon the character and

## PLANS LIST – 22 OCTOBER 2008

appearance of the conservation area and the setting of the adjacent Grade II listed buildings must be considered in detail.

The additional storey of accommodation with the set back from the front and side elevations will give the building a better sense of proportion and an increased vertical presence. The extended building would not be significantly taller than the adjacent buildings, although it is accepted that the adjacent buildings make use of hipped roofs and therefore have a reduced bulk as a result. However the additional set back does reduce the bulk of the original proposal. The set back from the front elevation with the use of a curved bay section adds depth to the appearance of the building and reduces the visual impact of the building. It is considered that the additional height will have a minimal impact from important views within the immediate section of the conservation area.

The applicant has included a number of photomontage pictures taken from various points within the vicinity which are considered important vistas. Perspective A & B (Buckingham Place and Compton Avenue) are perhaps the two views which would have the greatest potential impact upon the appearance of the conservation area. Within these views the importance of good detailing and the set back become apparent. The set back allows space between the additional bulk and the adjacent Compton Avenue buildings and means that the development does not dominate the adjacent character buildings. The set back also layers the proposal and gives extra depth away from the present dominant nature of the building. The detailing within the set back extension reads legibly and is more in-character with the original building which with the side set back has the effect of introducing more of a vertical element within the building

The Design and Conservation team advised that they would like to see some amendments to the width of the building. The width of the proposal was reduced to comply with this request and the final appearance benefits as a result by reducing the bulk and increasing the space between the adjacent listed additional storey. It is considered that the new extension should match the original in terms of materials and detailing; as well as additional tree planting. These can be secured by planning conditions.

### **Transport issues**

It is clear that the development will result in an additional travel demand. The proposal seeks to add 6 self contained one bedroom flats and will remove two existing garages from the rear of the site. There is no additional scope for providing parking upon the site. It is therefore considered that the proposal will result in additional pressure upon existing transport infrastructure within the local area, including on-street parking spaces and public transport facilities.

The area is located within one of the city's Controlled Parking Zone and can therefore be considered for car free status. The Traffic Order and parking office records would require amendments to prevent occupiers of the new flats from obtaining parking permits for the immediate zone into the future.

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Whilst the Traffic Manager does not specifically request this, it is considered that, given Policy HO7 of the Local Plan, to consider the development for car free status. It is considered practicable in this case as a legal agreement could specify that car free status relates to the new properties and because the complementary on street controls will for the foreseeable future provide a mechanism to prevent private vehicle use within the area.

The Traffic Manager also requests that a sum of £3,000 be paid towards access to sustainable transport infrastructure within the local area. It is suggested that the sum be paid towards improving access to bus stops for the disabled, pedestrian and cycling infrastructure. If granted this could be collected via a legal agreement which can be imposed by a planning condition.

The conversion of the garages will include the provision of 13 cycle parking spaces; this is assumed to be for the use of the new flats and also for the existing premises within Buckingham Lodge. There is no requirement to provide cycle parking spaces for the existing residences and the provision of 13 cycle parking spaces is well above the suggested parking standard of one space per unit. However the additional parking provided to serve the existing flats is welcomed and will help alleviate the travel demand within the block. A planning condition can be used to ensure that the cycle parking is implemented and retained.

On this basis it is considered that the proposed development will meet for the travel demands that it creates and will provide satisfactory measures to replace on-site parking.

### **Housing strategy and living accommodation standards.**

The proposed development seeks to create 6 one bedroom flats. The failure to provide a mix of units is an important consideration. However it is shown within the Housing Needs survey that there still exists a great demand for 1 bedroom units and given the extension nature of the project, the building constraints of the site and central location of the building; that such a mix is acceptable in this case. The existing building already comprises 19 two bedroom flats.

The height and design of the building means that access to private amenity space within such a development is limited. Each property will have a front facing balcony and the rear is served by an open balcony area. The building is within a central location of the city where there is less expectation to be served by private amenity space, furthermore the one bedroom flats are less likely to serve families and the need for private amenity space is reduced further. The rear balcony area will be primarily used as access and can not serve as private amenity space. It is considered that the scheme makes adequate provision of private amenity space in this case given the constraints and location of the site.

It is clear that the development will not meet full Lifetime Homes standards; it would however be considered unreasonable in this case to impose all 16

## PLANS LIST – 22 OCTOBER 2008

standards upon the development due to the existing constraints of the site and the extension nature of the project. Policy HO13 of the adopted local plan makes it clear that all practicable steps should be taken to implement Lifetime Homes criteria into the development.

The applicant has submitted a statement which discounts meeting a number of lifetime standards including entrance, car parking and lift access on the grounds that the proposal is a flatted development and present access arrangements, parking constraints and some of the criteria relate solely to dwelling houses. However it is considered that where practicable the applicant has stated a willingness to incorporate Lifetime Homes criteria into the development. Accordingly if granted planning permission a condition could be imposed to incorporate all practicable Lifetime Homes criteria into the development.

Upon this basis it is considered that the given the site constraints the development will provide a housing type that is within demand and that will provide a good quality of living for their occupiers.

### **Residential amenity**

The proposed additional storey in this case is not considered to result in a loss of residential amenity which would be harmful to the occupiers of adjacent properties.

A previous application which made use of roof terraces at both ends of the building was refused upon the grounds that the development would have by reason of the inclusion of the roof terraces result in a loss of privacy, further noise disturbance and greater overlooking. The Inspector commented that the roof terraces were not likely to result in any of these negative residential amenity impacts if sufficient screening were employed.

The scheme subject of the application has a setback from the front elevation, a range of forward and rear facing balconies, reduced glazing and has omitted the large side roof terraces. It is considered that the forward and rear facing elevations and balconies will not result in a significant loss of privacy or overlooking. The additional storey due to the location of flats is not considered to result in a loss of light or overshadowing. The flats are well spaced from the adjacent residential properties and the additional storey is not considered interfere significantly with adjacent residences.

The development is adjacent to the West Hill Community Hall and objections have been received with regards to a loss of light and impact upon natural ventilation. It is not considered that the development would have a significant long term impact upon the quality of ventilation and air quality of the users of the Hall. There is expect to be a period of construction which may cause some deterioration of air quality but this is anticipated as a temporary change and not considered to warrant a refusal of planning permission.

### **Sustainability**

The application is accompanied by a sustainability statement which states



from the outset that the intention is to meet the equivalency of BREEAM EcoHomes very good rating, within the new Code for Sustainable Homes. This would translate as level three and is also the Council's minimum standard for new building residential properties.

The scheme seeks to include high levels of building insulation, double glazing, good natural ventilation, low energy light fittings, AA rated white goods within each unit and condensed gas boiler for primary heating and hot water. Furthermore the scheme will seek to incorporate solar thermal heating panels, low flow aerated taps to bathrooms and kitchen areas and water efficient toilets.

The outline specification for sustainability in this case is considered acceptable and will reduce the development's use of water, energy and materials. It is considered that a planning condition requiring that the scheme meet at least the Council's minimum sustainability standards for new residential development should be imposed and a further planning condition to secure the use of solar thermal water heating panels is necessary to implement a sustainable scheme.

#### **Waste minimisation**

It is clear that the development will result in a significant waste stream from the construction of the additional storey of accommodation. There is a clear planning policy framework for requiring a full waste minimisation strategy and the relevant Supplementary Planning Document (SPD03 – Construction and demolition waste) advises that developments of five or more residential units should be accompanied by a waste minimisation plan.

The application has been accompanied by an outline strategy within the sustainability statement. This statement states that the chosen waste contractor will be required to have a comprehensive waste management plan. Furthermore the statement details the types of waste expected and lists possible salvage and recycling contractors for metal, timber, glass and cement. The statement also includes measures set out for the construction phase including minimised ordering of new materials, separate on-site storage to prevent damage and recycle palettes.

Whilst many of these measures are considered welcome and encouraging; it is considered that there are still vital areas of detail not covered by the waste strategy, such as confirmation of an Environment Agency licensed contractor, location of on-site materials storage, final destination of waste etc. Therefore if granted it would be considered necessary to impose a planning condition requiring a full waste minimisation plan as per the advice of SPD03.

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

The development will provide an additional 6 units of residential accommodation and is considered satisfactorily designed and will preserve the character and appearance of the West Hill conservation area and preserve the setting of the adjacent Grade II listed buildings. The development will attain acceptable standards of access and living

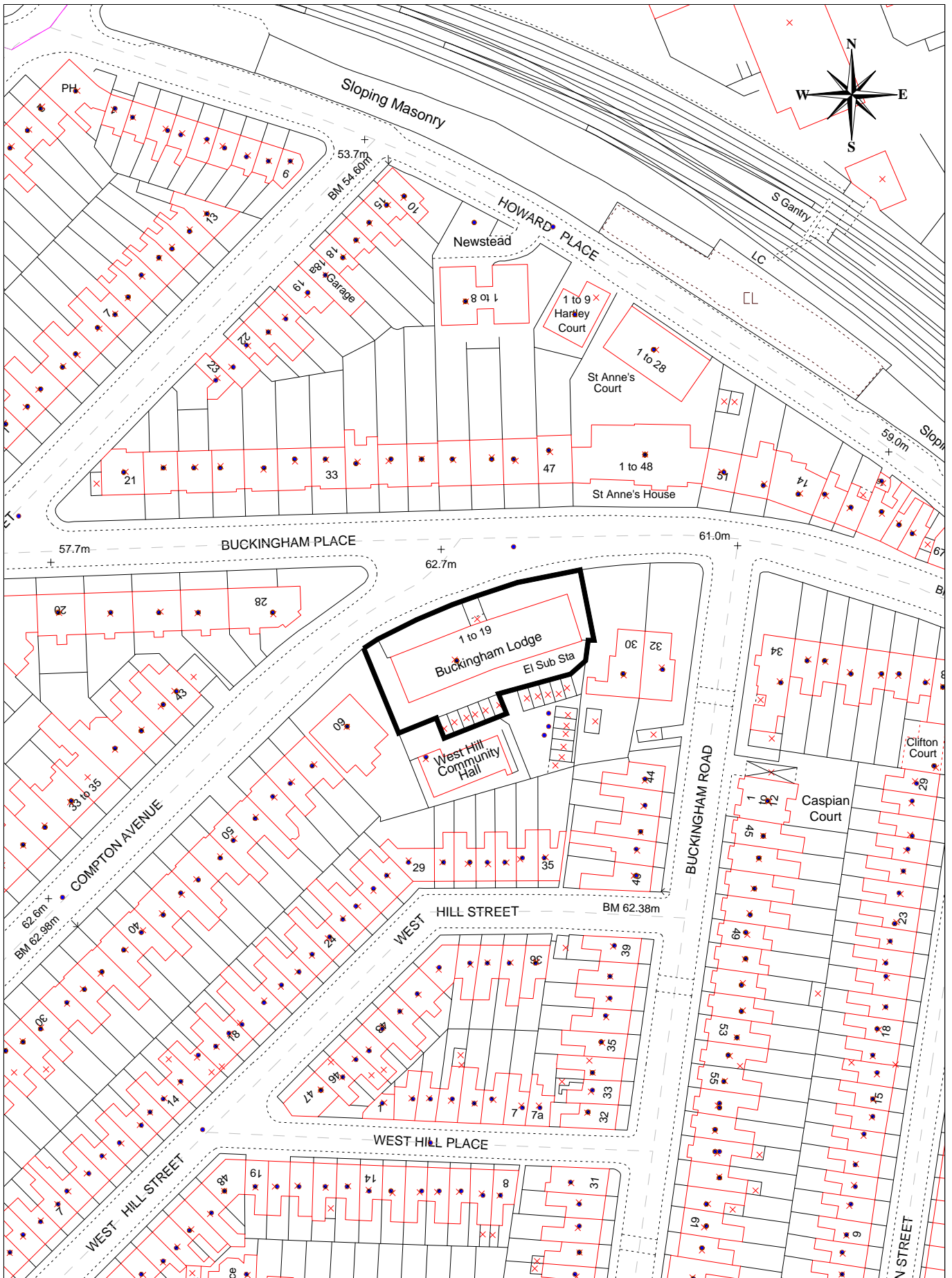
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accommodation for the new occupiers and will attain an acceptable standard of sustainability. The development will not adversely affect the amenity of nearby occupiers.

### **9 EQUALITIES IMPLICATIONS**

The development will be required to meet Part M of the Building Regulations and a condition is imposed to ensure that the development where reasonable meets Lifetime Homes standards.

# LOCATION PLAN



**BH2008/00319**

**SCALE 1:1250**

## 1-19 Buckingham Lodge



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<b><u>No:</u></b>	<b>BH2008/01952</b>	<b><u>Ward:</u></b>	<b>WOODINGDEAN</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>13 Broad Green Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of four bedroom detached chalet bungalow.</b>		
<b><u>Officer:</u></b>	Aidan Thatcher, tel: 292265	<b><u>Received Date:</u></b>	02 June 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	02 September 2008
<b><u>Agent:</u></b>	Jon Andrews Ltd., Chilcote, Threals Lane, West Chiltington, West Sussex		
<b><u>Applicant:</u></b>	Ocean Property Development Ltd, 17 Northbrook Business Park, Northbrook Road, Worthing, West Sussex		

**1 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to be **Minded to Grant** planning permission subject to the receipt of full details of site levels and ridge heights of the proposed house and adjoining properties and subject to the following Conditions and Informatives :

Conditions

1. 01.01AA Full Planning.
2. 02.01A No permitted development (extensions) (BandH).
3. 02.02A No permitted (windows) (BandH).
4. 02.03A Obscured glass (BandH) **Amend to read**...The two windows in the rear dormer and the ground floor bathroom window in the east elevation shall be obscure glazed....
5. 02.05A Refuse and recycling storage (facilities) (BandH).
6. 03.01A Samples of materials Non-Cons Area (BandH).
7. 04.02 Lifetime homes.
8. 05.01A EcoHomes/Code for Sustainable Homes.
9. 06.01A Retention of parking area (BandH).
- 10.06.03A Cycle parking facilities to be implemented (BandH).
11. Before the dwelling hereby approved is occupied the driveway as shown on the submitted plans must provide pedestrian sightlines 2 metres by 2 metres on either side of the access and be maintained clear of obstruction for viewing ingress and egress above a level of 0.6 metres in height.  
**Reason:** To ensure safe and unhindered access to the public highway and in the interests of public highway user safety and to accord with policies TR1 and TR7 of the Brighton & Hove Local Plan.
12. The building hereby approved shall not be occupied until the turning space as shown on the submitted plans has been laid out within the site and such space shall not thereafter be used other than as a turning area.  
**Reason:** In the interest of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
13. The waste minimisation measures set out in the waste minimisation statement submitted with this application shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

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

### Informatives:

1. This decision is based on drawing nos. 491/01, 491/02 and the design and access and waste minimisation statements submitted on 02.06.08.
2. This decision to grant Planning Permission has been taken:

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

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Supplementary planning guidance and documents (SPD & SPG's)

SPGBH4 Parking Standards

SPD03 Construction and demolition waste

#### East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste; and

- ii) for the following reasons:  
The proposed development will make a more efficient use of this site and would provide the city with an additional dwelling. The proposed dwelling could be adequately accommodated without detriment to the character and appearance of this site or the surrounding area. The property would not appear cramped and the amenity space provided is considered appropriate to the scale of the development proposed. Furthermore, subject to conditions to control the development in detail there would be no significant harm to neighbouring amenity.
- iii) IN07 – EcoHomes/Code for Sustainable Homes.

## 2 THE SITE

The application site comprises the former rear garden and landscaped area to the side of this end of terrace property, which lies at the junction of Broad Green and Brownleaf Road. The application site itself fronts onto Brownleaf Road. There is an existing crossover to the site, which has been levelled. The site area prior to being levelled was sloping ground, rising from the pavement to a point where the finished floor level of no.65 adjacent is approximately 1.5 metres above pavement level.

The surroundings are residential comprising a mix of dwelling types and styles. Brownleaf Road is typified by bungalows and chalet style bungalows. No. 13 Broad Green is part of a terrace group of two storey houses. However, the wider area displays a variety of housing types, and the adjoining properties on Brownleaf Road are chalet bungalows.

## 3 RELEVANT HISTORY

### No. 13 Broad Green

**BH2006/01003** – Outline application for a detached dwelling fronting Brownleaf Road – Refused 18.05.06.

**BH2006/03864** – Erection of a detached three bedroom chalet bungalow fronting Brownleaf Road – Approved 02.02.07.

**BH2008/00138** – Erection of a pair of semi-detached bungalows on land to rear of 13 Broad Green and associated new vehicular crossover – Refused 10.03.08.

### No. 11 Broad Green

**BH2001/00436/FP** – Construction of new chalet bungalow to rear garden fronting Brownleaf Road. Approved 28/03/01.

**BH2001/02949/FP** – Amendments to approved plan no. BH2001/00436/FP for the creation of a new dwelling. Approved 17/01/02.

## 4 THE APPLICATION

This application seeks permission for the subdivision of the rear garden of no. 13 Broad Green to create a separate plot fronting Brownleaf Road for the erection of a chalet style detached dwelling with off street parking for one vehicle.

The plot for this site would have a depth of 14.8m (at its shortest point on the southern boundary) and a width of 20.5m (at its shortest point on the western boundary). The proposed dwelling would be set back 5.5m from the front boundary, 3.3m from the east boundary and 1.0m from the rear boundary. The proposed dwelling would be constructed with two dormers in the front slope and one in the rear.

The remaining plot for no. 13 Broad Green would measure 17.6m in width and 14.2m in depth.

## 5 CONSULTATIONS

**External:**

**Neighbours: Occupiers of 15 Broad Green, 48, 50, 63 Brownleaf Road**

**and 1 Broad Green Mews** object to the application on the following grounds:

- The close proximity to no. 15 Broad Green;
- Overshadowing to neighbouring properties;
- Loss of views;
- A 4 bed home is likely to have more than one vehicle, which would be on street where there is already limited parking;
- The proposal would be too large for the site and out of keeping with existing properties;
- If rendered, it would not integrate with the existing brick properties in Brownleaf Road;
- Overlooking to neighbouring properties;
- The proposal would move the building forward some 2m compared to the previous approval resulting in loss of privacy;
- Concern regarding a proposed new sewer to be dug into Brownleaf Road causing noise and nuisance to neighbours;
- The site was not, as stated by the applicant, cleared in line with permission BH2006/03864 instead the developer modified the site clearance for the failed application BH2008/00138;
- The previous approval (BH2006/03864) for a 3 bedroom property was more appropriate for the space available;
- Concern is raised regarding the existing building line of Brownleaf Road, which must be respected (as per the condition on the previous approval);
- A wall has been built of 2m high (from pavement level) close to the original 13 Broad Green property;
- Overdevelopment of the site;
- The motives of the applicant are only financially driven;
- The lawned area is significantly reduced compared to the approved application; and
- The street scene drawing is misleading to actual building and plot levels and needs expanding on in more detail prior to any possible approval.

**Internal:**

**Traffic Manager:** We would not wish to restrict grant of consent of this planning application, subject to conditions relating to the provision of cycle parking and vehicle parking and a contribution towards sustainable transport.

**Environmental Health:** No objection raised.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

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

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

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QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD3 Design – efficient and effective use of sites  
QD5 Design – street frontages  
QD27 Protection of amenity  
HO3 Dwelling type and size  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

### Supplementary planning guidance and documents (SPD & SPG's)

SPGBH4 Parking Standards  
SPD03 Construction and demolition waste

### East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste; and

## 7 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the differences from the previously approved application, the principle of the subdivision of the plot, the suitability of the site to accommodate the proposed dwelling having regard to the amenity requirements for the dwelling, the affect upon the character of the area, neighbouring residential amenity and transport issues.

Planning history for this site reveals that planning permission has been granted in 2007 under reference BH2006/03864 for the erection of a detached three bedroom chalet bungalow. This application seeks to alter the permission to allow for a 4 bedroom unit.

### **The principle of a new dwelling on the site**

Permission already exists for a chalet bungalow on this site.

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously developed land for housing. PPS3 identifies residential gardens as previously developed land. Whilst not all residential gardens will be suitable for infill development local planning authorities are advised to take account of the positive contribution that intensification can make, for example, in terms of minimising the pressure on Greenfield sites. With this in mind it is considered that the application site where the dwelling is proposed constitutes previously developed land and in principle the construction of an additional dwelling could make a more efficient use of this site in accordance with PPS3.

It is noted that the proposed subdivision will result in a built form which is comparable to the adjacent plot no. 50 Brownleaf Road and therefore in principle the proposed subdivision is not considered to be harmful to the existing character of the area.

### **Differences from previously approved application**

The previous permission (BH2006/03864) permits a three bedroom, chalet



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style bungalow. This allows for a building 7.5m wide x 8.1m deep x 6.65m high. This represents a footprint of approximately 61sq.m.

The dwelling was sited 1m from the northern boundary, 3m from the eastern boundary, 6m from the southern boundary and 9.7m (min) – 11.3m (max) from the western boundary.

Internally, the approval allows for kitchen, living room, bedroom and wet room on the ground floor with two bedrooms and bathrooms on the first floor. Outside includes off street parking for one vehicle, private amenity space and provision of cycle parking and refuse storage.

This application seeks permission for a four bedroom, chalet style bungalow. The dwelling is proposed to be 9.3m wide x 8.0m deep x 6.8m high. This represents a foot print of approximately 74sq.m.

The dwelling is proposed to site 1m from the northern boundary, 3.3m from the eastern boundary, 5.5m from the southern boundary and 8.1m (min) – 10.5m (max) from the western boundary.

Internally, approval is sought for a kitchen, living room, 2 bedrooms and a shower room on the ground floor with two bedrooms and bathrooms on the first floor. Externally, the proposal includes off street parking for one vehicle, private amenity space and provision of cycle parking and refuse storage.

The current proposal seeks to increase the footprint of the building by approximately 13sq.m, which represents increase of 17%. The dwelling would be 1.8m wider and 0.15m higher (to ridge height), but would be 0.1m less deep than the previous proposal.

### **Design**

Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design, whilst providing an interesting and attractive street frontage. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

It is proposed to erect a chalet style detached dwelling towards the northeast corner of the plot. The property would front Brownleaf Road and should therefore be considered in that context. The application site was previously sloping ground, falling north to south and west to east with the result that the proposed dwelling will be above street level, albeit below the properties to the west (63/65 Brownleaf Road). The site has now been levelled in preparation for construction (under the previous approval). Concerns have been raised regarding the accuracies of the contextual street elevations that have been submitted with the application. However, the plans submitted show that the proposed dwelling will be excavated into the site so that its ridge height is no higher than existing properties to the east or west. There is no evidence to

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suggest that the plans submitted are incorrect or that the dwelling could not be constructed as proposed. However, it is felt that further details are required before a permission could be issued in order to ensure that the dwelling when constructed achieves the required relationship to the neighbouring properties, in that the ridge height will not exceed the height of existing neighbouring dwellings. Furthermore, comments regarding the positioning of the proposed dwelling within the plot appear inaccurate when viewed against the submitted plans.

The proposed dwelling has been designed to integrate with the existing dwellings in Brownleaf Road. The footprint of the dwelling would be similar to neighbouring properties to the west and the chalet design with front and rear dormers reflects the design of other properties in this street. The dwelling would have rendered elevations and a tile clad roof.

The relationship of the property to the front boundary has moved forward some 0.5m compared to the previously approved property. This still ensures that the building line set by 65 Brownleaf Road is maintained, where the property is 5.0m from the pavement at its closest point. Consequently, the established building line of the properties on this side of the road would be maintained and in this respect is acceptable.

Whilst it is recognised that many of the properties in this area are set within relatively deep plots, particularly the terraced properties on the western side of Broad Green, it is considered that the proposed plot is of adequate size to accommodate the dwelling without appearing cramped or overdeveloped. Whilst the subdivision may not mirror the traditional character and built form of the properties immediately adjacent it is comparable to the subdivision of the plot opposite which was granted in 2001 (no. 50). The proposed subdivision would result in an efficient and effective use of the site representing a sustainable form of development which is not considered to be significantly detrimental to the character of the area.

### **Amenity of future occupiers**

The proposed internal layout of the dwelling is considered to be acceptable. The applicant has confirmed that the dwelling will be fully lifetime home compliant and therefore a condition is recommended to this effect.

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. The proposal incorporates a private garden in the northwest corner and an open garden to the front. There is adequate provision for refuse, recycling and cycle storage facilities.

### **Sustainability**

Policy SU2 requires all development to be energy efficient. The proposed dwelling has been designed so that all rooms have natural light and ventilation. In addition the dwelling will be constructed to meet a minimum of 'very good' EcoHome rating (level 3 of the Code for Sustainable Homes) and therefore the proposal is considered to be acceptable in this respect.

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Policy SU13 required applications of this nature to be accompanied by a Waste Minimisation Statement demonstrating how the elements of sustainable waste management have been incorporated into the scheme. A Waste Minimisation Statement has been submitted and is considered to be sufficient. A condition is recommended to ensure that the measures detailed in the statement are complied with.

### **Transport Issues**

The site benefits from an existing vehicular crossover onto Brownleaf Road and it is proposed to create a parking space (with turning area) in the front garden. This is considered to be acceptable in accordance with policy TR19 and SPGBH4.

The Councils Highway Manager has no objection subject to conditions regarding the cycle and vehicle parking spaces to be in place prior to occupation and that they remain in such use. They also recommend that a contribution to local transport services in the area of £2,000.00. Given that there has been no change in adopted planning policy in respect of the sustainable transport strategy since the approval on this site last year, when a contribution was not sought, it is not considered appropriate to seek a contribution in this case.

In the previous application the Councils Highway Manager required the provision of necessary sightlines, and a condition to this effect is also recommended.

The existing property, no. 13 Broad Green, has a crossover and vehicle hard standing providing off-street parking for one car which is accessed from Broad Green This would remain. The level of parking is considered to be sufficient in accordance with policy TR19 and SPGBH4.

### **Neighbouring amenity**

Taking account of the positioning of the proposed dwelling in relation to properties to the north east and west and the distances that would be retained it is not considered that the proposal will have any significant adverse impact upon these properties by reason of overshadowing or loss of light.

Significantly, the proposal will have no greater impact than the previously approved application.

The proposed dwelling has been designed to minimise any adverse impact by way of overlooking and it is not considered that significant harm would occur in this respect. The property has been designed so that the first floor bedroom windows overlook the street frontage. There are no first floor windows proposed in the east or west elevations and the two windows in the rear dormer are proposed to serve bathrooms only. Conditions are recommended to ensure that the bathroom windows are obscured glass thus negating any harm and permitted development rights are to be removed so that additional windows cannot be inserted in the future without consent being obtained from the local planning authority.

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It is recognised that some mutual overlooking between gardens may occur. However, this would not be any worse than the existing situation and in any event some overlooking of neighbouring gardens is to be anticipated in a residential area.

Finally, the distance between the front boundary of this property and the front boundary of the nearest properties (no.s 48 & 50) on the opposite side of the road would be 11m with a greater distance between front elevations (22m at the closest point). With this in mind and taking account of the fact that there is a vehicular highway separating properties on the north and south side of Brownleaf Road it is not considered that the proposal would result in any unacceptable level of overlooking or loss of privacy for properties on the opposite side of the road. The situation would certainly be no worse than the existing relationship between properties on either side of the road.

### **Conclusion**

On balance, for the reasons set out above, the proposal is considered to be acceptable and therefore approval is recommended.

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

The proposed development will make a more efficient use of this site and would provide the city with an additional dwelling. The proposed dwelling could be adequately accommodated without detriment to the character and appearance of this site or the surrounding area. The property would not appear cramped and the amenity space provided is considered appropriate to the scale of the development proposed. Furthermore, subject to conditions to control the development in detail there would be no significant harm to neighbouring amenity.

### **9 EQUALITIES IMPLICATIONS**

The dwelling is required to comply with the Council's Lifetime Homes policy.

# LOCATION PLAN



BH2008/01952

SCALE 1:1250

13 Broad Green



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

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